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The Development Of Federal Indian Policy In Canada, 1840-1890

James Douglas Leighton

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PREFACE

The land had been there longest of all. Formed from the most ancient rock in the world, it brooded over the northeastern entrance to North America, barring the way of those who sought what lay beyond it. At its best, its thick forests created an almost-impenetrable wall; at its worst, it became the awesome barrenness known as "the land God gave to Cain." For a century and a half its vastness prevented the first European arrivals from realizing their quest for the riches of the Orient. By that time, however, the land had impressed itself on them, for it was rich, not with the easy glitter of Oriental dreams, but with wealth of a different sort. Breton, Basque and Portuguese early discovered the teeming waters of the Grand Banks. Their knowledge laid the foundation for others who wanted to push beyond the eastern limits of the new lands. English, Dutch and French soon became familiar with the wealth of the forests in the form of the highly prized castor gras. The lure of such commerce drew Europeans steadily westwards, into the interior of the vast new continent.

Yet they were not the first to inhabit the new lands, for men had been living there for thousands of years.

PHR Pacific Historical Review
PNWQ Pacific Northwest Quarterly
RG10 Records of the Indian Department
RHAF Revue Historique de l'Amérique Française
SH Histoire Sociale / Social History
SP Canada, Sessional Papers
WCJA Western Canadian Journal of Anthropology
WHC Wisconsin Historical Collections
WOHN Western Ontario Historical Notes

Both Indian policy and administrative machinery were severely tested between 1841 and 1867. Assimilation was to be accomplished through the creation of Indian agricultural communities. Funding for them and for the Indian Department was to originate from the sale of Indian lands surrendered to the government by treaty. Difficulties arose when some Indian bands refused to take up agriculture, and when the Indian Department's bureaucracy proved incapable of properly administering the system. Improvements were made: by 1867, the new federal government had enough confidence in the older provincial system to adopt it as a model for Indian relations across the country.

Applying a system based upon mixed agriculture among semi-agricultural eastern Indian bands posed difficulties in other regions joined to Canada after 1867. Plains Indians and the tribes of the Pacific slope preserved traditions and beliefs that were antithetic to the Indian Department's proposed pattern for them. Moreover, the Department itself faced organizational difficulties caused by rapid expansion from 1870 to 1890. Finally, the implementation of a uniform, nation-wide set of Indian policies was hampered by provinces like British Columbia, which had developed (before Confederation) policies towards Indians which contravened those of Ottawa. All these factors led to a painful series of adjustments for the Indian Department, and to some lively episodes in dominion-provincial

relations.

The aim of assimilation remained constant through the period of this study, though the proposed means of achieving it sometimes varied. This has inspired much modern criticism of nineteenth-century Indian policy and administrative practice. Despite these criticisms--and many of them ring true--the policies and practices of the period 1840-1890 have had a great impact on modern Indian-White relations. The quality of the Indian Department's senior personnel improved during the half century after 1840. Corrupt incompetents like S. P. Jarvis and Joseph Clench were replaced by men of ability like William Spragge and Lawrence Vankoughnet. Whatever the failures of the nineteenth-century Canadian Indian Department, it established the context of much current debate. It is a measure of its success that much contemporary discussion centres around the enforcement of treaties and commitments which it inaugurated and for which it was responsible.

PREFACE

The land had been there longest of all. Formed from the most ancient rock in the world, it brooded over the northeastern entrance to North America, barring the way of those who sought what lay beyond it. At its best, its thick forests created an almost-impenetrable wall; at its worst, it became the awesome barrenness known as "the land God gave to Cain." For a century and a half its vastness prevented the first European arrivals from realizing their quest for the riches of the Orient. By that time, however, the land had impressed itself on them, for it was rich, not with the easy glitter of Oriental dreams, but with wealth of a different sort. Breton, Basque and Portuguese early discovered the teeming waters of the Grand Banks. Their knowledge laid the foundation for others who wanted to push beyond the eastern limits of the new lands. English, Dutch and French soon became familiar with the wealth of the forests in the form of the highly prized castor gras. The lure of such commerce drew Europeans steadily westwards, into the interior of the vast new continent.

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From the fishing-stations of Newfoundland to the far-distant shores of the long-sought Western Sea, men already lived and worked in communities that were culturally as diverse as the society from which the first European arrivals sprang. Many European nations contributed to the discovery of what became known as America: many other peoples had long made it their home..

European explorers optimistically believed themselves to be off the coast of Asia when they first encountered the Americas. They named the people they found there 'Indians,' assuming them to be inhabitants of the East Indies. The name has persisted, especially among English-speakers, causing two types of confusion. The simpler sort is the geographical one known to every schoolboy: East Indians must be distinguished from North American Indians. The more complex problem has crept into countless books and is still the cause of much misunderstanding. Labelling the diverse and complex aboriginal cultures of the continent with a single name has caused many to regard its first inhabitants collectively as a historical monolith, something which White settlement had to overcome, like the land itself. 'Indian' is a label which can be used intelligently only if the user is aware of the difficulties it poses, difficulties which are the legacies of sixteenth-century geography and prejudice. Even more symptomatic was the French term for the native inhabitants

of North America, "les sauvages," for that implied not only cultural, but moral inferiority: Indians were barbarians who stood outside the conventions of Christian civilization. They could thus be callously disregarded as White settlement progressed. In the French view, Indians possessed no rights except those bestowed on them through the grace and favour of the Crown.

Various alternatives to the term 'Indian' have been suggested such as 'Amerind,' 'first people' and 'aboriginal people.' This thesis uses the term 'Indian' throughout, because that was the term commonly used in the period 1840-1890 (the alternatives are mostly products of the late 1960's) and because it was the title given to the department that supervised White relations with the aboriginal population. While some of the more militant present-day 'red power' spokesmen find the term offensive and while it does pose certain difficulties, as outlined above, it nonetheless remains the most widely used label, even among native peoples themselves.

Several basic questions quickly confront the would-be student of Indian-White relations in Canada. The first area of difficulty is the gathering of factual material. Very little secondary material exists apart from older works like D. C. Scott's essays or more recent writings

like those of Harold Cardinal and E. P. Ratterson. Outdated scholarship and political bias render such books and articles less than satisfactory. Original sources are rich but at times frustratingly uneven. The great body of material in Record Group Ten at the Public Archives of Canada, Ottawa, suffers from the inadequate record-keeping of various Indian agents and from the ravages of time, fire and carelessness. Simply tracing the sequence of events in the formation and execution of nineteenth-century Indian policy is a major undertaking.

The second area of difficulty is that of intellectual history. In seeking to understand why certain policies were thought desirable, the historian is forced into the thought-world of the nineteenth century. Fortunately, the Victorian era has long been the subject of specialized studies: a wealth of secondary material exists to help the researcher in his understanding of British and American societies in the period. But nagging questions still remain. How far did Canadian society reflect British norms and values? Were official imperial pronouncements on aboriginal policies really followed? Did the Canadian Indian Department, in effect, set its own policies? Here again the scholar is in a quandary, for Canadian historiography has not yet duplicated the richness of British or American studies. Original documents must again be used extensively.

Finally, the historian--as always--is faced with the task of passing value judgements, in this case on Indian policies and those who made and enforced them. What ought to form the basis of such judgements? How does one determine the beneficence or the harmfulness of various policies and attitudes? These questions are further complicated in the case of Indian history by problems of cultural interaction: using White standards to judge Indian political leadership, for example, would be considered an invalid procedure by some authorities. Then too, since this thesis was begun, Indian matters have become very au courant: the resulting number of articles, books and projects, as well as the attention of journalists and politicians, has created much helpful material but has also introduced an atmosphere of confrontation which makes objective scholarship all the more difficult.

This study had its remote beginnings in the summer of 1968, when Dr. Morris Zaslow of the University of Western Ontario suggested that the evolution of Canadian Indian policy was worthy of historical investigation. Preliminary reading and a study of printed government sources were the first stages undertaken while other doctoral requirements were being met. From the fall of 1970 to the summer of 1972, original research was undertaken at the

Public Archives of Canada, Ottawa, where the chief source was the vast collection of documents housed in Record Group Ten, Indian Affairs. This research was generously supported by a Canada Council doctoral fellowship.

The thesis attempts to explore the Indian policies of the Canadian government during the period of the united province and the early dominion. Emphasis is placed on the changes that occurred in the Indian Department itself, and on the varying attitudes of its more important officials, as the sphere of Canadian involvement steadily widened between 1840 and 1890. Regional differences are very visible as may be seen in those chapters dealing with the North-West and with British Columbia. This study describes and analyzes historically the development of the Canadian Indian Department and the growth of its policies 1840-1890.

The first four chapters of the thesis will outline the condition of the eastern woodland Indians--the Indian Department's first clients--and the operational nature of the Indian Department itself down to the mid-1840's. Chapters five to seven will describe the transition to the authority of the Province of Canada, and attempt to examine the assumptions underlying the Indian Department's operations. The remaining chapters will be concerned with the geographical spread of departmental operations after Confederation to conform to the shape of the new dominion.

The maritime provinces and British Columbia exemplify regions that developed Indian policies of their own before entering Confederation, while Manitoba and the North-West Territories illustrate policies developed from the outset by the federal government and modelled on those of the former Province of Canada. The final chapter before the conclusion will analyze the strengths and weaknesses of the Indian Department at the close of the Macdonald era, qualities which foreshadow its present-day concerns and difficulties.

It is always difficult to establish a conceptual framework for a major project. This thesis attempts to approach administrative decision-making first of all from a human perspective. Who were the men who made and enforced Indian policy during the period of this study? In what values did they believe? This leads to an examination of the social and intellectual background of the time. How did Canadians regard Indians in the mid-nineteenth century? What did they conceive a just Indian policy to be? The third area of concern is imperial and national politics. What does Canadian Indian policy of the confederation period tell us about the nature of colonial relationships in the Victorian empire? What light does it throw on the careers of Canadian politicians? What can it tell us of the inner workings of government in nineteenth-century Canada? Finally, how did

Canadian Indian policy in the period under examination compare with that of other nations? Can a study of Indian policy in the last century increase our understanding of contemporary Indian unrest? This thesis hopefully will come to grips with these questions.

Beginning scholars owe much to many people. I am no exception and herewith offer my thanks to those who have supported my endeavours. The scholarly standards and personal interest of my undergraduate teachers at McMaster University first awakened notions of becoming a professional historian. I was fortunate to study under such instructors as E. T. Salmon, William Kilbourn, Charles Johnston, and G. S. French. Dr. John Trueman provided important advice and encouragement regarding a return to graduate studies.

Studies at the University of Western Ontario have been helped by equally pleasant associations in London. Dr. F. H. Armstrong and Dr. James J. Talman have given helpful advice on many occasions. The friendship of Dr. Neville Thompson, now the Chairman of Western's Department of History, has meant much. In the latter stages of thesis preparation the wit and geniality of academic colleagues at Huron College have been of great help.

Various friends in Ottawa and London rendered thesis

research a pleasant task by offering accommodation, advice and companionship: I thank especially Mr. and Mrs. S. C. Somerville, Mr. G. E. Miller and Mr. and Mrs. Eric Manning for their gracious hospitality.

This thesis owes its existence primarily to three people. Dr. Morris Zaslow of the University of Western Ontario first suggested the topic and has acted as my advisor throughout. His counsel, understanding and patience have been the sine qua non of this project. Mrs. G. B. McCall has typed the manuscript, cheerfully bearing the twin burdens of crabbed handwriting and many delays. Finally, my wife Elizabeth has shared the pressures and anxieties of thesis research and writing, managed many home responsibilities and kept two small and active children from interrupting their father on many occasions.

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ABBREVIATIONS

<u>AHR</u>	<u>American Historical Review</u>
<u>CBHMD</u>	<u>Canadian Baptist Home Missions Digest</u>
<u>CD</u>	<u>Cahiers des Dix</u>
<u>CDM</u>	<u>Canadian Dimension</u>
<u>CHAR</u>	<u>Canadian Historical Association, Annual Report</u>
<u>CHR</u>	<u>Canadian Historical Review</u>
<u>CJEPS</u>	<u>Canadian Journal of Economics and Political Science</u>
<u>CJISA</u>	<u>The Canadian Journal of Industry, Science and Art</u>
<u>CNSHS</u>	<u>Collections of the Nova Scotia Historical Society</u>
<u>EH</u>	<u>Ethnohistory</u>
<u>EHR</u>	<u>English Historical Review</u>
<u>JCCHS</u>	<u>Journal of the Canadian Church Historical Society</u>
<u>JCLIL</u>	<u>Journal of Comparative Legislation and Inter- national Law</u>
<u>JCS</u>	<u>Journal of Canadian Studies</u>
<u>LV</u>	<u>The Link and Visitor</u>
<u>MVHR</u>	<u>Mississippi Valley Historical Review</u>
<u>OH</u>	<u>Ontario History</u>
<u>OHLJ</u>	<u>Osgoode Hall Law Journal</u>
<u>OHSPR</u>	<u>Ontario Historical Society, Papers and Records</u>
<u>PAC</u>	<u>Public Archives of Canada</u>
<u>PAO</u>	<u>Provincial Archives of Ontario</u>

PHR Pacific Historical Review
PNWQ Pacific Northwest Quarterly
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RHAF Revue Historique de l'Amérique Française
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SP Canada, Sessional Papers
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WHC Wisconsin Historical Collections
WOHN Western Ontario Historical Notes

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CHAPTER I

INDIANS AND INDIAN-WHITE RELATIONS
IN EASTERN CANADA TO 1840-1841

I. Introduction

Geographical mobility was a hallmark of North American Indian Communities. In a sense, the ancient migration from Asia had never ceased, as bands continued to move about frequently. There were many reasons for this constant movement. Nomadic bands followed the animal populations upon which they depended for a living. Expansion and decline caused changes in territorial claims. Sedentary agricultural bands had to move their village sites every decade or so for sanitary reasons. Geographical movement was a constant presence among North American Indians before the advent of European settlement.

Cultural diversity and territorial changes were clearly evident among the tribes of the eastern forests with whom Europeans first made contact. Newfoundland was occupied by the Beothuks, a tribe that was culturally and linguistically distinct from its distant kinsmen on the mainland. The west coast of the island was occupied by Eskimos who had crossed the Strait of Belle Isle from Labrador, where their territory extended northwards along the coast and then swung in a great arc east and south until it covered the entire eastern coasts of James and Hudson Bays. To the south of the Eskimos lived the tribes of Algonkian family, whose territories surrounded the Gulf of St. Lawrence and stretched across the forbidding expanse of the Canadian Shield to the prairies, reaching to

the foothills of the Rocky Mountains. The upper St. Lawrence and Great Lakes regions were occupied by Iroquoian tribes.¹

These groups possessed diverse cultural and economic patterns.² The Beothuks and the Algonkian tribes were nomadic hunters dependent upon the wildlife resources of their harsh environment. Contact with White fishermen in the fifteenth and sixteenth centuries had created in them an appetite for European goods which might ameliorate their subsistence living. Europeans regarded the Beothuks as nuisances who interfered with the process of drying fish and began the tragic pattern of hunting and killing them that led to the tribe's extinction by 1829. The Algonkian tribes eventually found themselves in an enviable trading position as European attention was increasingly focussed on the fur trade. The Montaignais, living north and east of the great routes to the west, were probably least affected by this economic change, but even they found traditional materials being replaced by those of the Whites.³ Tribes like those of La Petite Nation and

¹ A map illustrating linguistic families and tribal locations was published by the Department of Mines in 1932 (Map 270A) and is included in D. Jenness, The Indians of Canada (Ottawa: King's Printer, 1932).

² M. Trudel, The Beginnings of New France 1534-1663 (Toronto: McClelland and Stewart, 1973), pp. 156-57.

³ A. G. Bailey, The Conflict of European and Eastern Algonkian Cultures, 1504-1700 (St. John: New Brunswick Museum, 1937), pp: 5-7.

Allumette Island along the Ottawa River became jealous guardians of French contact, trying to keep the men of the infant colony at Quebec from making direct contact with other northern and western peoples.⁴

The more agricultural Iroquoian tribes were no more immune to the lure of European clothes, food and trade goods than were the Algonkian bands. As early as 1626, the Hurons moved to prevent the development of a Lake Ontario trade route which would have given the Neutrals economic power at their expense.⁵ In the area south of the Great Lakes, the Mohawks forced the Mohicans out of the Hudson Valley in order to control trade with the Dutch, and later the English, at Albany.⁶ The Iroquois Confederacy, consisting at first of five, and after 1715, of six member-nations, was formed in part to maintain control of the fur trade by preventing immediate contact between the coastal European settlements and the interior tribes.

Coupled with this scramble for economic control among the Indians was the political struggle between the great European powers for control of North America. Swedes, Dutch, Spanish, French, and English all tried to establish a permanent presence on the continent. The English colonies had become dominant by the middle of the eighteenth

⁴ Trudel, op. cit., p. 104.

⁵ Ibid., pp. 145-46.

⁶ Ibid., p. 147.

century, but this meant no victory for the mother country: Americans chose to pursue their own destiny free of any European control. The eastern woodlands tribes were caught up in this struggle. The Hurons paid a hard price for their support of the French, for in 1648-49 their Iroquois kinsmen, linked to the Dutch and the English, destroyed them. Other French allies, like the Montaignais and the members of the Abenaki Confederacy,⁷ remained a powerful threat to English interests until 1763.

While these bands were enmeshed in the North American consequences of European politics, they were not simply the dupes of White soldiers and politicians. Historians, however, have tended, mistakenly, to see Indians as hapless pawns in the power struggles of the eighteenth century, neutralized or mobilized at the behest of European agents. American writings on the Revolutionary War have especially emphasized this attitude, viewing Indians as a dastardly weapon unleashed by the British against unsuspecting American settlements. This scholarly assumption, itself rooted in the colonists' view of Indians, is too simple to be accurate. Indian leadership in the period from 1763 to 1815 was outstanding--one need only think of Pontiac, Joseph Brant and Tecumseh--and Indian policies

⁷ A coalition of tribes located in the central and lower St. Lawrence Valley and in northern New England. The coalition included the Malicites (Etchemins) of the St. John Valley as well as some Montaignais bands.

towards the white participants were by no means uniform. Throughout the seventeenth and eighteenth centuries, the Indians had consistently attempted to benefit politically by playing the Europeans against one another. The Six Nations and Ohio Indians maintained this tradition during the American Revolution, as S. F. Wise has significantly demonstrated, in order to keep Whites out of their territory.⁸

The end of the struggles for domination of eastern North America profoundly affected its Indian societies. After 1815, the old policy of trying to take advantage of White conflicts for their own benefit was no longer tenable: the difficulties surrounding Indian-White relations were no longer political, but social. A long-term Indian-White social accommodation would have to be reached. This, rather than an immediate military arrangement, would be the difficult goal of nineteenth-century Indian policy. But where the Indians once had a diplomatic lever which they used with considerable skill, their military strength was no longer required and their strong bargaining position with White authorities had been undermined. The treaties of the nineteenth century were not ones of military alliance: they were concerned with land title and ownership. No longer allies whose favour had to be sought

⁸ S. F. Wise, "The American Revolution and Indian History," in J. S. Moir, ed., Character and Circumstance (Toronto: Macmillan, 1970), pp. 199-200.

and kept, Indians were a difficulty in the way of orderly settlement and 'progress.'

II. The Indians of Lower Canada

The Indians of Lower Canada had been governed by French custom and law throughout a good part of their contact with European society. In the eyes of the French Crown, the Indian had no special rights, either as a landholder or as an individual. All land belonged to the crown, to be given out at its pleasure. Only Frenchmen enjoyed individual liberties and responsibilities under French law.⁹ Obviously, neither case applied to the Indian; he became, in the official view, a sort of "non-person."

This harsh legal concept of Indian status was modified in actual practice. Almost all segments of French colonial society were concerned about him and actively sought his favour for various reasons.¹⁰ The Church looked upon the Indian as a soul to be saved, sending Recollet, Jesuit and Sulpicien missionaries into the field to learn the Indian languages and social customs, so that "les sauvages" might be more readily brought to accept

⁹ D. C. Scott, "Indian Affairs 1763-1841," in A. Shortt and A. Doughty, eds., Canada and Its Provinces (Toronto: Edinburgh University Press, 1913), IV, 696.

¹⁰ G. F. G. Stanley, "The Indian Background of Canadian History," CHAR, 1952, p. 17.

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Christian beliefs. The fur trade was the lifeblood of the colony and needed the goodwill of Indian tribes to the north and west if it was to succeed. The commercial interests in the colony consequently lavished more attention upon the Indians than they did upon the few settlers they brought out as token attempts to fulfil the terms of their respective charters. The political authorities courted Indian Military aid as a counter to the threat from the Dutch and English colonies to the south.

Out of these French attitudes came the idea that the Indian should be "Frenchified" or civilized so that he might become acceptable as the social equal of the European settler. The Church was the chief instrument used for this task and consequently received land grants from the colonial government or from individuals eager to earn divine merit by establishing residential training schools for Indians. This task became especially important after the Iroquois Confederacy crushed the Hurons in 1649 and many of the latter fled to the St. Lawrence Valley. One of the first such establishments was that set up at Sillery in 1651.

The French relationship with the Indians in the early period of settlement had established important precedents. Because the Indians had no legal rights except the favours conferred upon them out of the crown's charity, no land treaties were ever signed. French custom rejected

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the idea of a compact which implied the equality of the signatories when it was obvious to them that Christian, European civilization was, in fact, far superior. But this attitude was not simply one of racial superiority. Indians were regarded as untutored human beings who had not been able to realize their full potential because of the primitiveness of their social structure and technology. The greatest thing the new arrivals thought they could bring their neighbours was the gift of French civilization. Once the Indians had adopted the trappings of Europeanization, the Christian religion, the French language, and a skilled trade (the French had noted the native mechanical abilities of many Indians and felt them to be best trained as artisans), they would be accepted as equals and become part of colonial French society.

This concept of a "mission civilisatrice," first articulated in New France, was to become an important factor in the thinking of nineteenth-century Canadian authorities. The transferral, however, was not complete; while later officials enthusiastically adopted the philosophy, they neglected some of the problems which French missionaries faced in its implementation. The key to the whole program was Indian education, and it was precisely on this point that failure had occurred. The Jesuits and Ursulines had plunged into the formation of Indian residential schools only to find their efforts unrewarded.

Father Lejeune found that both Indian parents and children objected to his early attempt at a boarding school because of the long family separations involved. Attendance was sporadic because of the Indians' nomadic habits. The classical French curriculum did not prove very conducive to the Indians' adoption of French ways, and was useless to them when they returned to their traditional type of existence.

At best, a few would remain one or two years, and then return home with a smattering of useless knowledge to revert all too soon to the ways which were familiar to them.¹¹

So unworkable was assimilation, that both religious and civil authorities had given it up by the 1690's.¹² It was replaced by a de facto policy of separation administered by the Church.¹³

This failure to form an effective link between the Indian and French elements of the colonial population was tragic, but almost inevitable. Missionaries attempted to learn the Indian languages and dialects only as a means of more effectively bringing to their charges the "glad tidings" of Christian teaching: they seldom attempted to obtain any real understanding of Indian society on its own

¹¹ Ibid., p. 15.

¹² G. F. Stanley, "The Policy of 'Francisation' as Applied to the Indians during the Ancien Régime," RHAF, III (1949), 347.

¹³ Ibid., pp. 347-48.

terms. In their own eyes, they represented a superior way of life which could truly benefit the Indian population and one which Indians would undoubtedly accept once they became aware of the great contrast between civilized conduct and their own traditional ways. This genuine concern contrasted with the attitudes of commercial and political authorities whose interest in the Indian was limited to the extent of his usefulness in colonial defence or the fur trade.

The Indians reacted to these French overtures by clinging tenaciously to traditional ways, even when some of these were no longer viable. They retained their tribal and band identities long after the foci of exploration and the fur trade moved westward. By the end of the French regime the Indians of Lower Canada had begun the long slide to the dim recesses of the popular mind which became so noticeable after 1815. Their identity was retained in settings remote from the mainstream of French Canadian life.

By the early 1840's, the Indians of Canada East numbered 3,727, excluding some bands along the section of the Saguenay River where the Hudson's Bay Company had leased the King's Posts.¹⁴ Seven Indian settlements had grown up on what remained of the old missionary grants.

¹⁴ For this description of the Indians of Canada East, see Province of Canada, Journals of the Legislative Assembly (JLA), 1844-45, Appendix EEE.

Iroquois tribesmen had settled at Caughnawaga on Lake St. Louis, at St. Régis near the head of Lake St. Francis, and at the Lake of Two Mountains along the Ottawa River, thirty-six miles northwest of Montreal. This last settlement also contained members of the Algonquin and Nipissing tribes. Some Abenakis were located along the St. Francis River, and at Bécancour nearly opposite Three Rivers. The descendants of the Hurons who had elected to settle near their French protectors in 1649-50 were located at La Jeune Lorette, nine miles north of Quebec City. Near Chaleur Bay in the eastern portion of the province, some Micmacs had also settled along the Restigouche River. None of these Indians had signed treaties, but had remained in the areas where they were located when the Proclamation of 1763 was issued, primarily because that document had recognized their usufructuary rights to lands which they had traditionally occupied during the French regime.¹⁵

Many of these bands faced severe social handicaps. Their health was only average; of the six or seven children usually born to an Indian couple, four or five normally reached maturity. A royal commission inquiring into the Indian Department between 1842 and 1844¹⁶ found

¹⁵ For the Proclamation of 1763, see JLA, ibid.

¹⁶ The 1842-44 Commission's report was issued in two sections: JLA, 1844-45, Appendix EEE and ibid., 1847, Appendix T.

that living conditions among these Indians were generally poor, although some prosperous bands, such as the Iroquois of Caughnawaga, enjoyed virtual equality with the surrounding rural White population in this respect. The great epidemic diseases of earlier centuries, such as smallpox, had given way to respiratory infections and a host of common lesser complaints. Treatment in such cases depended upon the band's proximity to White settlement and medical aid. The bands of the St. Lawrence Valley received medical care more readily than the semi-nomadic tribes of the north shore and its forbidding hinterland.

Education seems to have made little headway among Lower Canada's Indian population. Many bands, like the Micmacs of Mission Point and New Richmond, near the Bay of Chaleur, had no schools. Some, like the Abenakis of Bécancour, even had no church. Where schools did exist, they were poorly attended. The missionaries among the Abenakis of St. Francis found that they had to fetch their reluctant pupils from their homes in order to obtain any kind of regular attendance.¹⁷ Consequently, most Indians remained illiterate and without the skills which might have enabled them to find a place in nineteenth-century Lower Canadian society.

Relations with Whites varied between two extremes. Some bands were so remote from White settlement that they

¹⁷ JLA, 1844-45, Appendix EEE.

constantly suffered from lack of essential services, such as medical treatment. The Micmacs of New Richmond were so isolated that the Commission of 1842 which examined the state of the Indians could obtain no information on them. The Malecites of the River Verte had not been visited by any Indian Department officials after 1829. The Commission concluded in 1844 that their settlement was "presumably abandoned."¹⁸ Other Indian villages suffered because they were too close to major population centres. The community at La Jeune Lorette, nine miles from Quebec City, was "the constant resort of the dissipated youth of Quebec" and suffered as well the loss of some of its land to White squatters.¹⁹ It is not surprising that most bands regarded the White world with a sullen neutrality and kept their contact with White society to a minimum.

Legal problems often complicated life for Indian bands in Lower Canada. The Lake of Two Mountains Indians claimed that the Mississaugas of Alnwick Township, Upper Canada, had wrongfully been given compensation for lands that properly belonged to themselves.²⁰ They wanted this land surrendered straightened out and in 1839 claimed the £642 10s. annuity that had been paid to the Mississaugas

¹⁸ JLA, 1847, Appendix T.

¹⁹ JLA, 1844-45, Appendix EEE.

²⁰ PAC, RG10, Macaulay Report, 1839, p. 274.

since 1819.²¹ The Executive Council of Lower Canada urged the Indian Department to rectify the surrender situation and suggested that the Oka bands be moved to a new location farther up the Ottawa River.²² The Mohawks of St. Regis were also confronted with a complex legal situation because their settlement limits crossed both the international and intercolonial boundaries. The latter problem was overcome temporarily by the provincial union of 1841, but disputes between Canadian and American officials over the St. Regis situation persisted for many years. The Webster-Ashburton Treaty of 1842 delineated the precise location of the boundary through the community,²³ but the St. Regis band continued to pose complex legal problems for international lawyers.

All these factors contributed to the complex situation in which the Lower Canadian Indians found themselves by 1841. Usufructuary rights and compensation for tribal hunting grounds became cloudy issues because of the transition from French to British authority. Constant Indian warfare over the control of trade routes had caused wholesale tribal migrations and subsequent disagreements among

²¹ The agreement was signed on May 31, 1819, and may be found in Canada: Indian Treaties and Surrenders 1680-1890 (Ottawa: Queen's Printer, 1891), I, 62-63. Hereafter cited as Treaties.

²² PAC, RG10, Macaulay Report, 1839, p. 274.

²³ JLA, 1847, Appendix T.

the Indians themselves over traditional hunting grounds, as in the dispute between the Lake of Two Mountains bands and the Mississaugas of Alnwick. Attempts to educate and convert the Indian population by well-meaning Christian missionaries had been marred by denominational strife and by the Indians' own fierce determination to maintain their identity. Finally, the government had not established a consistent approach to Indian relations. Conditions varied widely from one band to the next, although Indians in the western part of Lower Canada tended to be more prosperous than those in the east, the establishment at the Lake of Two Mountains being an exception. Moreover, no attempt had been made to reach the primitive, nomadic bands north of the St. Lawrence Valley--the subject of current missionary endeavours.

If such confusion was to be overcome, the government had to develop a set of viable policies which would meet the Indians' real needs as their once-proud traditions steadily atrophied in the face of the White man's superior technology.

III. The Indians of Upper Canada

Upper Canada's 14,000 Indians possessed a complex history.²⁴ The southern part of the colony, adjacent to

²⁴ In 1842 some 14,670 Indians received annual presents. Government of Canada, Indians of Ontario (An

the Great Lakes, had originally been inhabited by member tribes of the Iroquoian-speaking Huron Confederacy. Algonkian tribes, like the Mississauga and Ojibway, lived farther north along the shores of Lakes Huron and Superior. Other tribes of the same stock, the Ottawa, Chippewa and Potawotami, had traditional associations with the territory on both sides of the upper lakes. Tribal legends indicated that the last three tribes shared a common origin and they often operated together in a loose type of confederacy.²⁵ The terms Ojibway and Chippewa were interchangeable, though the former generally applied to bands in the central and northern parts of Upper Canada while the latter indicated western bands and those located across the American border.²⁶

The fur trade wars of the seventeenth and eighteenth centuries had altered this pattern of tribal occupation. The Huron Confederacy had been extinguished by the Iroquois campaign of 1648-49. For a time, the conquerors controlled the territory of their defeated kinsmen, but they were forced to withdraw during the early eighteenth century as the northern tribes pressed down from the

Historical Review) (Ottawa: Indian Affairs Branch, 1966), p. 39.

²⁵ Canada, Geographic Board, Handbook of Indians of Canada (Ottawa: Queen's Printer, 1913), p. 375.

²⁶ Ibid., pp. 96ff.

Canadian Shield. By the time of the final French defeat, the Mississaugas occupied the central portion of the province-to-be from Lake Ontario to Lake Simcoe and east to the Ottawa Valley. Their territory stretched west to include the Grand River Valley, later sold to the Six Nations. In the west, various Chippewa bands occupied land from the Bruce Peninsula down the eastern shore of Lake Huron to the flat, fertile lands of the southern peninsula.

Finally, the American Revolution, two generations before 1841, had greatly affected the Upper Canadian Indian population. The Mohawks and other loyal tribes of the Six Nations had a legitimate claim upon the British government for new lands to compensate for their traditional home in upstate New York which had been sacrificed to the Americans. To satisfy these claims, the British government purchased two areas from the Mississaugas for the use of the Six Nations. The first grant was the Grand River Tract, purchased by Sir Frederick Haldimand for £1187 7s. 4d. on May 22, 1784.²⁷ This sale included most of the area between Niagara and the Forks of the Thames. Five months later, on October 25, 1784, the crown granted the Six Nations a tract of some 674,910 acres, consisting of all the land for six miles on either side of the Grand

²⁷ Treaties, I, 5.

River from its source to its mouth.²⁸ The second grant involved some 58,000 acres fronting on the Bay of Quinte which was given to Chief John Deseronto and his Mohawks.²⁹ These communities of Loyalist Indians eventually prospered, though not without difficulty.

The Oneidas of the Thames were the last group of Six Nations Indians to enter Upper Canada. They had stubbornly clung to their ancestral New York lands until 1841-42, when, angered at the Americans' treatment, they sold their holdings in the United States and purchased some 5,200 acres fronting on the south bank of the Thames River, about eighteen miles west of London.³⁰ While nearly a thousand Oneidas came to Upper Canada, an even larger group moved to the area about Green Bay, Wisconsin, in 1846, while still others joined the Six Nations community on the Grand River.³¹ The Oneidas of the Thames made land arrangements that differed from either those of local bands or those of their kinsmen on the Grand River. In the autumn of 1840, three purchases of adjoining lots were made totalling 900 acres. The process continued for the next several years and on an irregular basis for some

²⁸ Ibid., pp. 9-10; PAC, RG10, Macaulay Report, 1839, pp. 187-89.

²⁹ Treaties, I, 7-8; PAC, RG10, Macaulay Report, 1839, pp. 269-70.

³⁰ Handbook, p. 365.

³¹ Ibid., p. 364.

decades, the Oneida reserve not reaching its full extent until 1887.³² The Oneidas' own money was used for these purchases, but the land was not their private property; it was first conveyed in trust to the crown and then given to the band.³³ The Oneidas were the only band in the province to acquire land through direct purchase.

Unfortunately, the financial part of this transaction ran into difficulties. The Oneidas despatched some £2,250 to Chief Superintendent of Indian Affairs Samuel Peters Jarvis in 1840, followed the next year by another £1,505. As late as 1844, the Indians had heard nothing of the balance of this money. The commission which enquired into the Indian Department's operations from 1842 to 1844 found that Jarvis held some £3,428 16s. in his private bank account and furthermore that he ignored requests for information about these funds. This situation became a main reason for a chief superintendent's dismissal in 1845 before it was eventually cleared up to the Oneidas' satisfaction.³⁴ They had not left behind all their problems when they moved to Canada. Such fiscal carelessness was too often the norm in departmental operations and it caused great misunderstanding and resentment.

³² For a list of these purchases, see Treaties, I, xli-xlii.

³³ See, for example, the initial conveyance of Oct. 7, 1840, in Treaties, II, 111.

³⁴ JLA, 1847, Appendix T.

For administrative purposes, the Indian Department divided all these Upper Canadian bands into three groups. "Resident Indians" were those who had settled in the province during, or before the period of British control, and were established in relatively well-defined communities. In practice, most of these Indians were located in the southern area between Lakes Erie, Simcoe, and Ontario, for the definition implied an agricultural way of life or at least an attempt to abandon nomadic habits. "Wandering Indians" were those who dwelt in British territory but who had retained the hunting economy of their forebears. Most of these people lived in the Canadian Shield between the Upper Great Lakes and James Bay. Because of their remoteness, little contact had been established with them aside from the customary one of the fur trade. The final group consisted of "Visiting Indians," those who had embraced the British cause at some earlier time but who had elected to stay in the United States, crossing the border only to claim their shares of the annual presents meted out by the Indian Department.

"Visiting Indians" increased in numbers until more annual presents were being given to visitors than to residents.³⁵ What caused these people to travel long distances to receive presents each year? The presents themselves would not be significant, for their value was small

³⁵ JLA, 1844, Appendix EEE.

and far outweighed by the costs of the trip to receive them. Two other motives might have been significant. The annual gatherings provided an opportunity for social and tribal contact, important things for people who placed great emphasis on kinship. Secondly, contact with British authorities could still become useful if it were necessary to escape the flood-tide of western settlement in the United States or the sometimes brutally repressive policies of the American government. The Jacksonian policy of removal, especially as seen in the Cherokee case in the early 1830's, must have sent a warning tremor to all tribesmen living in areas where white settlement was rapidly enlarging.³⁶ The Oneidas of the Thames provided one example of a group which had already successfully made the transition from one set of authorities to another. Nor would this be the first time that Indian bands successfully conducted relations with two sets of white authorities simultaneously.³⁷

By 1841, the Indian Department was no longer prepared to tolerate large numbers of "visiting Indians." It announced that presents to visiting Indians would be terminated after 1843 unless these tribesmen definitely moved

³⁶ For early American policy, see F. P. Frucha, American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts 1790-1834 (Cambridge: Harvard University Press, 1962), pp. 212-77.

³⁷ Wise, op. cit., pp. 199-200.

to British territory by the latter date.³⁸ A few did so, thereby changing their status to that of resident Indians. Government policy was becoming more definite.

IV. Conclusion

Great changes had occurred among the Indian population of the new Province of Canada by the time of its creation in 1840-41. Constant migration rendered the precise delineation of tribal areas difficult. The legalities of Indian land-holding were extremely intricate, especially in Canada East, where no treaties of surrender had ever been signed. But the most important change of all was connected with the onset of international peace in North America and the nineteenth-century spurt of westward settlement. In the eighteenth century the Indians had been honoured as military allies of vital significance. After 1814, that role was obsolete. With the large influx of settlement into Upper Canada during the 1820's, the Indians became an obstacle in the way of orderly settlement. The governments of the colonies and of Great Britain were faced with a dilemma. What was to be done with the Indian population? Were there alternatives to the American policy of forcible removal? As the 1820's ended, answers to these questions began to emerge.

³⁸ JLA, 1844, Appendix EEE.

CHAPTER II

THE SEARCH FOR A POLICY 1829-1841

Conditions varied a great deal among the settled Indian bands in the Province of Canada during the 1840's. The relative affluence of the Six Nations on the Grand River contrasted sharply with the penury of some of the smaller groups like the Coldwater Ojibways or the Missis-sauga bands northwest of Rice Lake. But generally speaking, the bands in the southwestern parts of the province were more prosperous than the groups in its central and eastern sections. Yet this economic disparity, serious as it was for the poorer settled bands, was not the most fundamental problem which faced Canada's Indian population in 1841.

For the Indians of the Province of Canada, as did all the Indian peoples of North America sometime in the nineteenth century, faced the most profound crisis in their history. This was not of their own making, for it was the question of their relationship to the flood of White settlement which was flowing westwards (and northwards) at an ever-quickenning speed. What course could the future relationship between Indians and Europeans follow in Canada? What would the Indian role be in a society dominated by the technology, the culture, and the morality of these same Europeans?

These questions had been obvious for more than two centuries, yet little had been done to answer them. White society had been occupied in establishing itself and had

for long been limited to the eastern half of the continent. By the 1840's, the situation had changed. Settlers were moving west while newcomers came from Europe in unprecedented numbers. Indians could no longer avoid Whites by simply moving out of the line of settlement; Whites could no longer simply put the Indians and their problems out of their minds. If violent confrontations were to be avoided, some sort of modus vivendi between the two groups was an urgent necessity.

In the Canadas, this new sense of urgency had been realized as early as 1829. On the sixteenth of May that year, the administrator of Canada, Sir James Kempt, put forward what he considered to be a reasonable set of policies towards the Indians.¹ The bands were to be placed in small villages with lands adequate for their support, and provision should be made for their education and instruction in matters of religion. Agricultural training was also to be made available, while governmental assistance in meeting the costs of constructing houses and purchasing necessary supplies would be provided. Provision was also to be made for the presence in each community of "active and zealous missionaries." In brief, this was a policy of economic and cultural assimilation, designed to bring Indian people gradually into the mainstream of Upper Canadian life in a manner not unlike that.

¹ JLA, 1844-45, Appendix EEE.

attempted by the French religious orders a century and a half earlier.

Kempt's ideas would have increased the costs incurred by the Indian Department, and in this respect they were not timely, for the Lords of the Treasury placed a ceiling of £20,000 on annual departmental spending on December 1, 1829.² Thus the new attempt to bring the benefits of civilized life to Canada's aboriginal peoples would have to take place within the framework of restricted financial support.

A second set of opinions on the best method of dealing with Indians prevailed at the same time that Kempt was publicizing his ideas. While admitting the benefits of settled existence inherent in the Kempt system, the supporters of the alternative felt that Indian settlements should be kept as far away as possible from contact with White society. One of the earliest adherents of this idea was Sir John Colborne who sent Colonel Mackay in July, 1829, to the annual present-giving at the island of St. Joseph with an invitation to the Indians gathered there to settle in the vicinity of Penetanguishene.³ This location possessed a double advantage: it was remote from any large concentration of Europeans, and the Indian Department found it a convenient point from which to operate in the

² Scott, op. cit., V, 333.

³ Ibid., p. 334.

area. Colborne's real ambition was apparently to settle as many of Upper Canada's Indians as possible to the north of the Great Lakes.⁴ Colonel Mackay's persuasions, including one of the last issues of rum at a distribution of presents, however, proved unavailing, and nothing came of the Colborne scheme.

With the arrival of Sir Francis Bond Head in Upper Canada, the idea of isolating the Indians from Whites again became current. In the summer of 1836, he determined to examine at first hand the results of Kempt's policy of settlement and civilization:

I visited with one or two trifling exceptions the whole of the Indian settlement in Upper Canada, and in doing so made it my duty to enter every Shanty or Cottage, being desirous to judge with my own eyes the actual Situation of that portion of the Indian Population which is undergoing the Operation of being civilized.⁵

This investigation had a great effect on the new lieutenant-governor's views of Indian policy. He returned to Toronto convinced that Europeans had used "open violence" to obtain possession of Indian land, that "the fate of the Red inhabitants of America, the real proprietors of its soil, is without any exception the worst sinful story recorded in the history of the human race." ". . . why the simple virtues of the Red Aborigines of America should . . . fade before the vices and cruelty of the Old World" Bond Head felt to be a problem beyond human understanding,

⁴ Idem.

⁵ Ibid., p. 336.

but he remained obdurate that "whenever, and wherever the two races come into contact with each other, it is sure to prove fatal to the Red man."⁶ The attempt to make Indians farmers, he concluded, had been a complete failure, and congregating them for purposes of civilization had implanted more vices than virtues.⁷ Their life span had been shortened, their women seduced, their former activity, replaced by a general lassitude and a great propensity for alcoholic beverages.⁸ Since the Indian population would disappear eventually because of contact with civilization, Bond Head felt that the government was best advised to isolate the tribesmen and let them diminish in conditions where they could lead the old way of life as closely as possible.⁹

In the late summer and early fall of 1836, Bond Head began to put his idea of separation into effect. From the Ottawas and Chippewas, he obtained Manitoulin Island and 23,000 small islands in the Georgian Bay area. The Chippewas of Saugeen ceded one and a half million acres next to the Canada Company's grant in return for an annual grant of a mere £2'10s. per capita. The Wyandottes of

⁶ Bond Head's views may be seen at length in JLA, 1838, Appendix, p. 182.

⁷ Idem.

⁸ PAC, RG10, Macaulay Report, 1839, pp. 28ff.

⁹ Idem.

Anderdon surrendered two-thirds of their domain but received only the benefits of the sale of one-third for themselves. The Moravians of the Thames surrendered a tract six miles square along the Thames River for a settlement of £150 plus an annuity of \$600.¹⁰ The governor felt these surrenders would be doubly useful: their sale would more than cover the costs of operating the Indian Department, and the clash of Indians and Whites would be avoided for the foreseeable future.

Bond Head's ideas were not unanimously accepted by all those concerned with Indian administration. Lord Glenelg, the colonial secretary, and the English missionary societies refused to concede either that the policy of settlement had failed or that the Indian population would eventually disappear.¹¹ Bond Head's survey of the Indians had been all-too-hasty and his analysis of their problems had been superficial. Even the sincerity of his concern for their welfare was questionable in the light of the parsimonious treaty terms he had extorted from them. Finally, his solution--mass migration to unsettled districts--was at once too simple and too convenient for White society to be accepted as the best one for the Indians themselves.

¹⁰ These surrenders are detailed in JLA, 1838, Appendix, p. 182. Cf. Treaties, I, 113-17.

¹¹ PAC, RG10, Macaulay Report, 1839, pp. 28ff.

Bond Head's bias began to show clearly in August, 1836, when he proposed that as many Indians as possible should be sent to live on Manitoulin Island, which he had recently acquired for the crown by the treaty with the Ottawas and Chippewas. He maintained that the Indians would be happy only in an environment of woods, swamps and rock, pointing to the indolence of many of the Moravian families despite their occupation of rich agricultural land.¹² Here again, Bond Head displayed his ignorance of Indian culture by claiming that the "red aborigines" were not suited for farming, but only for hunting and fishing.¹³

The lieutenant-governor was not without his persuasive powers, and he proceeded to win over Lord Glenelg in a series of dispatches.¹⁴ On August 20, Bond Head pointed out that Sir John Colborne had caused the erection of buildings on the island and had distributed annual presents there. Manitoulin was "a place possessing the double advantage of being admirably adapted to them . . . and yet in no way adapted to the white population" and its transfer would be of "vast benefit" both to the Indians and to the province. The Indians would be protected against white intrusions and "the acquisition of this vast

¹² JLA, 1838, Appendix, p. 182.

¹³ Idem.

¹⁴ This correspondence is appended to the Report of 1844. JLA, 1847, Appendix T.

and fertile territory will be hailed with joy by the whole province." At first the cautious Glenelg was somewhat taken aback by the news of Bond Head's activities. He had wanted the lieutenant-governor to cease the issue of presents at Manitoulin, but the dispatch containing this instruction had arrived too late for it to be carried out. The colonial secretary decided to accept with some reservations what had been done, rather than cause further confusions in policy by ordering yet another change. This qualified approval was dispatched to Upper Canada on October 5, 1836:

. . . no measure should be contemplated which may not afford a reasonable prospect of rescuing this remnant of the aboriginal race from the calamitous fate which has so often befallen uncivilized man, when brought into immediate contact with the natives of Europe or their descendants. Whatever intelligence or suggestions . . . respecting the condition of these people and the prospect of their being reclaimed from the habits of savage life, and being enabled to share in the blessings of Christian knowledge and social improvement, will at all times be received by His Majesty with the highest interest.¹⁵

Glenelg's cautious endorsement of Bond Head's "apartheid" policy drew some criticism. One authority has claimed that "influenced by showy rhetoric alone, he approved a scheme which was contrary to his convictions."¹⁶

Some of the English missionary societies, notably the Wesleyan Methodists, tried to influence the colonial

¹⁵ Idem.

¹⁶ Scott, op. cit., V, 339.

secretary to change his mind.¹⁷ In a letter to Glenely on December 14, 1837, the Methodists pointed out that the future of the Indians depended directly on the course followed by the government. Unlike Bond Head, they were optimistic about the future of the Indians; given the right policies, these "victims of the white man's vicious treatment" would develop into self-sustaining members of the community. Not surprisingly, the letter praised the efforts of Christian missionaries, referring to the progress made by the Wyandottes of Anderdon under such beneficent leadership. Opposing Bond Head's idea of removal, the Methodists went on to make several recommendations. The Indians should be secured on their present reservations since these were already settled and since settlement was an important factor in Indian improvement. More protection from the activities of unscrupulous Whites should be provided, and full civil rights should be extended to the Indians as soon as possible. Education should be provided through two or more central schools established for Indian pupils, and agricultural instruction should be made available, every second village being assigned a farm instructor. Finally, temperance should be strictly enforced. Glenely, however, remained convinced that separation of the Indian population in compact

¹⁷ PAC, RG10, Macaulay Report, 1839, pp. 52ff.

settlements was the best possible policy.¹⁸

Several Indian bands migrated to Manitoulin Island in the fall of 1836, making the proposed policy a reality. A settlement was established at Manitowaning that year. Religious differences among the Christianized Indians soon became evident, as they had in other Indian communities, and the Roman Catholic segment of the population withdrew to form its own village at Wikwemikong under the leadership of the resident priest, Father Jean-Baptiste Proulx. T. G. Anderson was appointed superintendent, although he did not take up actual residence on the island until 1838.¹⁹

Conditions on the island were far from the arcadian paradise Bond Head had envisioned. The experiences of the Reverend Charles Brough, who travelled to Manitoulin in 1838 to become its resident Anglican missionary, provided some insight into life on the island.²⁰ It took Brough's party twenty-one days to reach Manitoulin from Coldwater in mid-winter, only three nights being spent in houses, the rest in tents. One six-month-old baby died during the ordeal. On their arrival at Manitowaning, they found the mission-house in flames, which meant that twenty-seven

¹⁸ Ibid., pp. 68-69.

¹⁹ Scott, op. cit., v, 335.

²⁰ See R. M. Lewis, "The Manitoulin Letters of the Reverend Charles Crosbie Brough," OH, 1956, pp. 63-80.

people slept in Superintendent Anderson's house until accommodation could be re-established. When the scheduled schooner failed to arrive with his belongings, Brough had to hire an Indian to bring them to Manitowaning, a situation which provided ironic comment on the benefits of European civilization.²¹ Brough was beset by other trials as well. His interpreter, Jean-Baptiste Assickinack, a Roman Catholic Ottawa chief, even attempted to proselytize the Anglican cleric, much to his discomfort.²² Most missionary journeys had to be made during the winter, with all the attendant miseries, because the Indian population was then at its most sedentary.²³ Brough disapproved of the method of distributing the annual presents because of the immoral behaviour which prevailed at these large gatherings. Unscrupulous white traders, like a certain McGregor, used these occasions to ply the Indians with rum and cheat them out of their presents almost the moment they received them. Brough was genuinely shocked by some Indian Department officials, notably F. W. Keating, who allowed this activity to continue unchecked.²⁴ The missionary carried on despite these difficulties and when he left for the town of London in 1840, he could number 134 Indians whom he had converted on Manitoulin. Brough seems to have been greatly concerned for the welfare of his

²¹ Ibid., pp. 64-67.

²³ Ibid., p. 70.

²² Ibid., p. 67.

²⁴ Ibid., p. 72.

establish the government's presence on the frontier, and to provide a legal foundation for future relations between the Indians and the government. Judged on this basis, Indian treaties were remarkably successful in British North America. Whether they were just is another matter, one which is at the basis of much current controversy.

The Indians gained several advantages by having their reserve titles held in trust for them by the crown. Only the crown could alienate Indian land, which meant that unscrupulous real-estate promoters were severely checked in their attempts to procure it. White settlers were excluded from it as well, thus avoiding property disputes, except in cases of encroachment by squatters. Indians, too, were exempt from statutory labour, and their lands from taxation and seizure for debt because of their special relationship to the crown.³⁸

A number of disadvantages were also present because of this relationship. Indians, not being property owners in the full legal sense, did not usually possess the franchise. They were entitled to full civil rights, but these often tended to be overlooked because of their unusual status.³⁹ Indian farmers did not enjoy the same security of tenure as did their European neighbours. The band council exercised a loose form of collective control over

³⁸ JLA, 1847, Appendix T.

³⁹ JLA, 1844-45, Appendix EEE.

tion of a viable Indian lands policy. The issuance of presents had a long history in both parts of the Canadas. The Indians of Lower Canada claimed this practice had been started by the French: "They are a sacred debt . . . under the promise made by the Kings of France to our forefathers, to indemnify them for the lands they had given up. . . ." ²⁷ British authorities, for their part, had been accustomed to making such gifts an integral part of most treaties. Gifts usually included twine, ammunition, rifles, fishing equipment, and triennially for chiefs and head men, a suit of clothes. ²⁸ The economy-minded governments of the 1820's and 1830's were anxious to cut expenses by abolishing this annual custom if possible. Lord Dalhousie emphatically opposed such a move in 1827, and Sir James Kempt registered similar objections two years later. ²⁹ Nevertheless, the government announced it would continue to study such a move, emphasizing that termination of presents would be carried out only with the consent of the Indians involved in each case. ³⁰ Sir Francis Bond Head, who listed the average annual costs of the

²⁷ Petition of the Seven Nations to the Governor of Canada, 1837, in JLA, 1844-45, Appendix EEE.

²⁸ See, for example, any of the treaties appended in A. Morris, Treaties of Canada with the Indians of Manitoba (Toronto: Briggs, 1880).

²⁹ PAC, RG10, Macaulay Report, 1839, p/ 15.

³⁰ Idem.

presents in Upper Canada as £8,500 during his term of office, felt that expenses could be reduced by stopping the presents to visiting Indians from the United States.³¹ Lord Glenelg, somewhat surprisingly, did not agree, merely stating that the giving of rifles to American Indians should stop only if the United States government complained of this practice.³² The Lords of the Treasury, whose concern was with costs, agreed with Bond Head's approach, however. On February 20, 1837, they approved the discontinuance of presents to visiting Indians.³³

The question of presents was still very confused when it came before the Commission of 1844 of Canadian legislators. Consequently that body made several recommendations which it hoped would end the problem.³⁴ Presents should be continued in the same form for the foreseeable future and not be superseded by money presents, but the system should be gradually extinguished as the need for certain items declined. Firearms and ammunition should be given only to wandering Indians who needed them for their livelihood. The Army Commissariat should continue to be responsible for the annual distribution, stocking the presents at least one year in advance, but the method of

³¹ JLA, 1838, Appendix, p. 183.

³² Ibid., pp. 184-85.

³³ Idem.

³⁴ JLA, 1847, Appendix T.

local distribution should become more flexible, with Indian superintendents dealing with each band in turn, rather than attempting apportionment at great convocations, such as had been held in the past. This would curtail the illicit activities of White merchants who customarily came to such gatherings to cheat the Indians out of their newly acquired goods. The commission's recommendations did little to alter the customary bureaucratic tangle that accompanied the ordering and issuing of presents, but they did help to check some of the worst abuses that had crept into the system.

Of special importance was the question of Indian land titles. It occupied the minds of settlers, Indians and government more than any other issue. Justice Macaulay succinctly stated the British government's position in 1839:

. . . ever since the conquest of Canada, the territorial estate and eminent dominion has been held to reside in the Crown. Acknowledging to the Indians, however, the possessory right of original occupancy with an exclusive privilege of pre-emption reserved to the Sovereign--subject to which restriction, the claims of the aborigines have always been respected [sic].³⁵

In practice this meant that the crown acted as trustee for the safeguarding, cession and subsequent sale of Indian lands, a policy which can first be seen clearly enunciated

³⁵ PAC, RG10, Macaulay Report, 1839, p. 352.

in the Proclamation of 1763.³⁶ The American government had inherited this position after 1783, but British authorities appeared more inclined to take the protection of Indians as a serious business than did their American counterparts. Indians, it was felt, should not be dispossessed except by their own consent and they should receive some form of compensation for their interest in any lands which they surrendered. They should have free choice of lands which they wished to retain for reserve purposes. The pattern of white settlement had to be watched fairly closely so that it did not unduly restrict the rights of the Indians.

The thorny question of aboriginal rights originated with the interpretation of these concepts.³⁷ If the crown possessed rights of "territorial estate and eminent dominion," what was the nature of the title which Indians held before they officially surrendered tracts to governmental authorities? The latter regarded aboriginal title as a usufructuary one: that is, the 'first people' were entitled to special consideration because of their ancient occupancy, but they did not 'own' the land outright, for the title in fee simple rested with the crown. Indian

³⁶ JLA, 1844, Appendix EEE.

³⁷ For a thorough discussion of aboriginal rights, land claims and treaties, see P. A. Cumming and N. H. Mickenberg, eds., Native Rights in Canada, 2nd ed. (Toronto: General Publishing, 1972).

'surrenders' were thus a giving up of usufructuary rights to large tracts of tribal territory to the crown, which could then put the land to other uses at its pleasure, usually opening it to settlement. The title to the smaller tracts of reserve lands which the Indians elected to keep was likewise vested in the crown: Indian occupants were not given deeds, but location tickets, and could sell only their respective lots to other members of the same band.

It seems likely that the Indians of the nineteenth century only partially understood the nature of these arrangements. Most tribes or bands had definite ideas concerning the boundaries of their traditional territories or hunting grounds and usually protected them against incursions by outsiders. Yet mobility was a hallmark of Indian existence, especially during the creation of the fur trade in the seventeenth century. As various tribes sought to control contact with the Europeans, tribal control of land extended, contracted, and sometimes disappeared altogether. By the end of the American Revolution it was often difficult to ascertain precisely the lands controlled by any given Indian tribe, or the length of time that such control had existed. Moreover, the concept of owning land, as opposed to using it, seems to have been foreign to many tribes. Many Indian leaders presumably thought they were simply allowing settled use of

their lands, aside from the reserved portion, which the Indians would be free to use as well. This claim that Indian treaty-signers did not really comprehend what they were doing has been the basis of much recent comment from various Indian associations.

French and British authorities both assigned a peculiar legal status to the Indian: in the eyes of both governments he was a legal minor. The French, however, recognized no Indian rights save at the pleasure of the crown and did not regard the crown as having any special relationship with aborigines. Indian reserves in New France were not owned by the crown but by the organization (usually a religious order) which had requested a grant to support its work. The British, on the other hand, felt that the Indians' status as original occupants entitled them to special consideration and protection. Treaties and compensation for surrendered lands became an important part of British Indian policy as a result.

It seems clear that British authorities never regarded Indian treaties as documents signed by two equal, independent parties. Rather, they were the formalization and elaboration of the relationship which already existed between the crown as landowner and the Indians as occupants. Indian treaties did not possess the same status as international treaties. They were used as a device to prevent violent conflicts between settlers and Indians, to

establish the government's presence on the frontier, and to provide a legal foundation for future relations between the Indians and the government. Judged on this basis, Indian treaties were remarkably successful in British North America. Whether they were just is another matter, one which is at the basis of much current controversy.

The Indians gained several advantages by having their reserve titles held in trust for them by the crown. Only the crown could alienate Indian land, which meant that unscrupulous real-estate promoters were severely checked in their attempts to procure it. White settlers were excluded from it as well, thus avoiding property disputes, except in cases of encroachment by squatters. Indians, too, were exempt from statutory labour, and their lands from taxation and seizure for debt because of their special relationship to the crown.³⁸

A number of disadvantages were also present because of this relationship. Indians, not being property owners in the full legal sense, did not usually possess the franchise. They were entitled to full civil rights, but these often tended to be overlooked because of their unusual status.³⁹ Indian farmers did not enjoy the same security of tenure as did their European neighbours. The band council exercised a loose form of collective control over

³⁸ JLA, 1847, Appendix T.

³⁹ JLA, 1844-45, Appendix EEE.

its reserve, individuals being supplied only with location tickets, as noted above. This provided Indian leaders and some departmental officers with a weapon they could use against those with whom they came into personal conflict. Granting Indian landholders conventional title would have given them security of ownership but might also have exposed their lands to assessment, taxation and seizure for debt.⁴⁰

The question of title to both surrendered lands and reserves was only one aspect of the Indian land problem as far as the government was concerned. Through the Indian Department, it had as well to address itself to the protection of reserved lands from white incursions and squatting. Squatters and illicit timber merchants, the two types of lawbreaker most frequently encountered, had to be discovered and prosecuted. This, in turn, meant the Department had to find trustworthy local employees, often no easy task. Where possible, Indians were hired, or prominent citizens such as Charles Bain of Caledonia were enlisted on a part-time basis.⁴¹ The task of these officials was often difficult, for few cases were clear-cut; the law was often unclear and always slow to operate, and boundary lines had not been adequately surveyed.

⁴⁰ PAC, RG10, Macaulay Report, 1839, pp. 84ff.

⁴¹ Charles Bain became timber-ranger for the nearby Grand River Reserve in 1840-41.

The Commission of 1844 saw these questions as fundamental ones and made several recommendations regarding Indian lands.⁴² Collective deeds should be drawn up for the holdings of each band and registered in the usual legal manner, the band council keeping its own copy. Accurate surveys should be made, especially in Lower Canada where these problems were generally more complex, so this process of properly deeding each reserve could be accomplished with the minimum possible delay. Since no surrenders had taken place in Lower Canada, the whole question of Indian lands and aboriginal title in that province needed careful examination.

Co-terminous with the land question was the topic of band finances, and here too the commission had much to recommend.⁴³ Some sort of simple but adequate government machinery should be established to supervise the sale and management of Indian lands and any funds accruing therefrom. Up to the early 1840's, the Indian Department had handled these funds in a haphazard way, sometimes working through the receiver-general's office and sometimes keeping its own accounts. Careful audits of each band's moneys should be kept, and where possible, each tribe should bear its own expenses. Any balance of over £200 should be invested for tribal benefit, except in cases

⁴² JLA, 1847, Appendix T.

⁴³ Ibid., Appendix, p. 97.

where sums in excess of that amount were needed for special projects. The chiefs and head-men of each band should be given an annual accounting of the funds standing to the credit of their people. Indian Department officials, for their part, should be compelled to account strictly for the funds under their administration each year. Finally, the commission felt that Indian lands surrendered for sale should not be liable to the usual one-seventh deduction for crown reserves, though the similar amount usually set aside for the clergy should be reserved in its normal manner. The commission made this recommendation, interestingly, on the legal advice of W. H. Draper and Robert Baldwin.⁴⁴

All these recommendations served to improve the conduct of Indian relationships by underlining the weaknesses of the past, many of which had grown because of the loose way in which the Indian Department was administered,⁴⁵ but they heralded no fundamental changes in official policy. The uncertainty of the period 1815-20 had been replaced by the positive Christian notions of groups like the Clapham Sect, the influence of which was felt through the Colonial Office's permanent undersecretary, Sir James Stephen, and through its "other child" Lord Glenelg,⁴⁶ who held the

⁴⁴ Idem.

⁴⁵ See Ch. iii.

⁴⁶ A. L. Burt, The Evolution of the British Empire and Commonwealth from the American Revolution (Boston: Heath, 1956), p. 284..

post of colonial secretary in the later 1830's. The idea of the government acting as a tutor for uncivilized tribesmen had been accepted from the time of Major-General Henry Darling,⁴⁷ and Sir James Kempt first recommended it.⁴⁸ Sir Francis Bond Head's attempt at isolated development had really been a variation on the idea, not a different approach: in any case, it had failed. Regardless of which scheme they supported, virtually everyone connected with the conduct of Indian relations in the late 1830's agreed that the situation of the native North Americans was in need of substantial improvement. The policy of an active "mission civilisatrice" not unlike that of the French religious orders in the seventeenth and eighteenth centuries, was felt by many to be the answer to this need.

Yet there was an ambivalence in British policy itself which would have to be clarified before any success could be realized. That a genuine desire existed on the part of officialdom from the colonial secretary down to help the Indians improve their lot and to end their

⁴⁷ Superintendent-General and Inspector-General of Indian Affairs, 1828-1831. Darling was in charge of the Indians of Lower Canada and responsible for the annual presents, as the ranking officer of the Army Commissariat in Canada.

⁴⁸ For a general discussion of policy origins, see L. F. S. Upton, "The Origins of Canadian Indian Policy," Journal of Canadian Studies (JCS), VIII (1973), 51-61. This article must be used with caution: it is misleading in one or two respects.

suffering was unquestioned, but this desire was countermanded by an equal ardour to pare expenses to the bone.⁴⁹ The British Treasury had, after all, imposed the £20,000 ceiling on Indian Department expenses. In 1839, Chief Justice Macaulay had attempted to "show how unavailing a sentimental commiseration for the Indians' depressed and helpless circumstances must be unless expanded by an active benevolence in the work of amelioration."⁵⁰ This theme was emphasized by the Commission of 1844 which pointed out that "it appears that the Indians have now attained nearly the same stage of civilization at which their further progress requires more enlarged measures and more active interference."⁵¹ Obviously, some fiscal rethinking was in order!

A second danger in the government's special relationship with the Indians was that of overweening paternalism. The Indians should be given help on a massive scale if necessary, but somehow they had to be allowed to help themselves. Already some authorities had noted that their "state of tutelage" had sometimes proved detrimental to their interests, even though it was designed to help them.⁵² Indians showed an alarming tendency to become too

⁴⁹ PAC, RG10, Macaulay Report, 1839, pp. 429ff.

⁵⁰ Idem.

⁵¹ JLA, 1844-45, Appendix EEE.

⁵² Idem.

dependant on government support, thereby missing chances to help themselves. This process was accelerated by the looseness and confusion which marked the conduct of the Indian Department up to the 1840's. On reserves where government control was not strict, abuses tended to go unchecked. Here was the crucial paradox of the policy dilemma: the government had to increase its ability to protect the rights and the property of its Indian charges while simultaneously allowing them the maximum possible latitude in self-development and preparing "by degrees to abolish the necessity for its farther [sic] interference in their affairs."⁵³

The authorities, in short, had to restore the Indians' pride in themselves which had so distinguished them in the course of their earlier contact with Europeans. To do so, they had to make a place for them in the context of mid-nineteenth-century Canada. In the words of Justice Macaulay:

... it is very desirable that through the influence of efficient measures, they should feel practically that their temporal and spiritual welfare is sedulously promoted and themselves ascending in the social scale.⁵⁴

The government's success in this endeavour was totally dependant upon that fallible instrument, the Indian Department.

⁵³ JLA, 1847, Appendix T.

⁵⁴ PAC, RG10, Macaulay Report, 1839, p. 434.

CHAPTER III

THE INDIAN DEPARTMENT TO 1845

I. Origins.

The Indian Department had its origins in the late seventeenth century when English colonists began to arrive in considerable numbers along the eastern coast of North America. Relations between Indians and settlers had, of course, been taking place in the New England area from the establishment of the Puritan community at Plymouth in the fall of 1620, but these early dealings were informal in the sense that the British government per se had no part in them. Not until 1664 is there a suggestion of such a formal relationship marking the first beginnings of an official British government attitude towards the aboriginal inhabitants of North America.¹ In 1670 legislation passed by Parliament placed the conduct of Indian relations in competent hands:

Forasmuch as most of our Colonies do border upon the Indians, and peace is not to be expected without the due observance and preservation of justice to them, you are in Our name to command all the Governors that they at no time give any just provocation to any of the said Indians that are at peace with us. . . . do by all ways seek fairly to oblige them and . . . employ some persons, to learn the language of them, and . . . carefully protect and defend them from adversaries . . . more especially take care that none of our own subjects, nor any of their servants do in any way harm them. And that if any shall dare offer any violence to them in persons, goods, or possessions; the said Governors do severely punish the said injuries, agreeably to right and justice. And

¹ T. R. L. MacInnes, "History of Indian Administration in Canada," CJEPS, XII (May, 1946), 287.

you are to consider how the Indians and slaves may be best instructed and invited to the Christian religion, it being both for the honour of the Crown and of the Protestant religion itself, that all persons within any of our territories, though never so remote, should be taught the knowledge of God and be made acquainted with the mysteries of salvation.²

Several points in the policy of 1670 would become important factors of British Indian policy in the future. Already the Indians were seen as needing protection from those rapacious Whites who were prepared to separate them from their possessions by any means possible. Such an attitude hardly fits the popular (and sometimes real) conception of bloodthirsty savages lurking in the forests and threatening White settlements, but then the makers of policy were not themselves living on the frontier. This dichotomy in attitude was to become increasingly marked in the eighteenth century, the frontier settlers resenting what they looked upon as too-generous treatment of tribesmen who had lately been their enemies. Secondly, the Crown regarded itself as the special protector of the Indians, and to a lesser extent of slaves, a role which it was to occupy continuously. A third indication of future policy was the introduction of Christianity among the Indians, the precursor of the later movement to "civilize" aboriginal peoples which reached its high point in the nineteenth century.

² British Museum, Harleian MSS. Quoted in JLA, 1844-45, App. EEE.

The 1670 legislation also had an immediate impact. During the ensuing two decades, various persons were appointed to learn Indian languages and act as officers conducting Indian affairs. One of the earliest such appointment in the New York area was that of Arnout Cornelius Veile, who was inducted as special commissioner to the Five Nations in 1689.³ The Indian service thus established continued to develop down to the period of the American Revolution. In 1696 the New York government appointed four commissioners who were to be responsible for Indian management and control.⁴ By 1739 their number had increased to thirty.⁵ Their duties were largely confined to the regulation of the fur trade and the suppression of the liquor traffic,⁶ although a new emphasis appeared as the eighteenth century wore on. Agents found themselves having to protect the personal and property rights of the Indians with increasing frequency as settlement moved beyond the Atlantic seaboard and over the Appalachian Mountains.

There were two reasons for this protective attitude. Unquestionably, settlement had to be as orderly as possible; any Indian-White friction would lead only to loss of life on both sides. The government was equally

³ Scott, op. cit., IV, 697.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid., IV, 719.

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concerned that none of its citizens should consider themselves outside its control. The officers of the Indian Department served as visible reminders of governmental authority in the most remote areas of the early eighteenth-century frontier. The second reason was the proximity of the French holdings in North America and the competition with them for the control of furs and lands to the west. The Indians were valuable as allies in this struggle for British ambitions. The role of the Indian agents in this schema was crucial. They had to keep the various tribes loyal to the British cause and coordinate their activities with those of the regular army in time of armed conflict. In this latter capacity, the Indian Department played a significant role in the French and Indian wars and in the War of the Revolution. Only after the War of 1812 did it cease to dispense military advice.

II. The Johnson Period

A new era in the Indian Department's history opened with the appointment of William Johnson as Indian agent in 1744 by Governor George Clinton of New York.⁷ An Irishman who had first come to the colony some five years earlier, Johnson and his family were to exercise effective control of the Indian Department until 1828. For eleven

⁷ Ibid., IV, 697.

years Johnson successfully carried on the duties of his office, building a remarkably close relationship with the tribes of the Iroquois Confederacy. At the outbreak of the Seven Years' War in North America the Indian Department was placed on a more organized footing. Two divisions, the northern and the southern, were created, with a Superintendent in charge of each section. Since both of these were responsible to the commander of British forces in North America, the Indian Department was firmly under the control of the military. William Johnson became the Superintendent of Indian Affairs for the Northern Department in 1755.

The Seven Years' War strengthened the bonds between the Iroquois and the British government. The Indians played a vital and successful role as military allies, participating in such conflicts as those at Fort Niagara and Lake George.⁸ Johnson's success with the Indians earned him a knighthood and made his position in the Department stronger than ever. At the conclusion of hostilities, his jurisdiction was enlarged to include Quebec, making him directly responsible for Britain's relations with some 42,000 Indians.⁹ Sir William retired in 1768 and died in 1774, being succeeded first by his

⁸ A somewhat romantic view of this period may be found in L. A. Wood, The War Chief of the Six Nations (Toronto: Glasgow, Brooke, 1915), pp. 9-20.

⁹ Scott, op. cit., IV, 700.

nephew, Colonel Guy Johnson (1768-1782) and then by his son, Sir John Johnson (1782-1828). This unbroken family control extending over eighty-four years meant that a "Johnson tradition" of firm but fair decision-making and a respect for Indian customs and institutions became an important, if unwritten, part of the policies practised by the Indian Department's employees, especially those who had begun their careers under the Johnson aegis.

There was an unfortunate corollary to this tradition as well. The Johnsons' attitudes and successes were developed during times of war. Much of the Department's later vacillation and lack of clear direction arose because its senior employees, nurtured on such policies, could not adapt themselves to elaborate a viable long-term set of policies towards Indian bands whose position in society was no longer that of military allies. That there was a decline in the over-all quality of the Indian Department's personnel up to the transfer to Canadian authority in 1860 is undeniable and this adversely affected departmental operations. But it was also true that many of its employees were no less intelligent and sensitive to the Indians' wants than the Johnsons had been. Most of the success of the Johnson era was gained not because of any innate personal qualities possessed by the family, but because the problems which they solved so successfully were essentially local or tactical. Not

until the last decade of Sir John Johnson's tenure did the government have to face the difficulty of constructing a long-term Indian policy.

Because the Indian Department was controlled by, essentially the same personnel for such a long period, there is a tendency to think that its administrative machinery remained static until nearly the middle of the nineteenth century, when it became subjected to much critical appraisal. This was not so. From the establishment of government in Upper Canada and the subsequent change in the British administration in what had been Québec, the Indian Department was in an almost perpetual state of flux. The administrative confusion caused by the political changes at the end of the eighteenth century in North America was particularly evident in the case of the Indian Department.

Sir John Johnson had been appointed Superintendent-General and Inspector-General of Indian Affairs on March 14, 1782, retaining these offices until his retirement on June 25, 1828.¹⁰ It was during his official tenure that the administration of the department changed several times in order to meet the new political requirements. In the first decade after the Treaty of Paris of 1783, Johnson continued to manage the Department in the ways established by his father. Working out of Quebec

¹⁰ Ibid., IV, 719.

City, he was served by agents in the field who were, for the most part, former British army officers who possessed both the strengths and weaknesses of that particular breed. Individuals such as Daniel and William Claus, Matthew Elliot, and Alexander McKee frequently found that Indian policy was what they made it. Their administrative head was remote, and contact with London was almost non-existent. In such a situation, the arrogance of the British officer was displayed all too often. Frustrations and disappointment at the lack of rapid promotion to more glamorous postings gave rise to petty ambition and greed. Some agents arranged private land grants from the Indians. Tribal and departmental funds were sometimes siphoned into personal bank accounts. Close friends and relatives were given departmental postings which increased the opportunities for profit in such illicit operations. Such was departmental disrepute by 1796 that it occasioned complaints from Lieutenant-Governor John Graves Simcoe. As a result, the Indian Department in Upper Canada was placed under the authority of the province's administrative head.¹¹ In Lower Canada, the Department's concerns were looked after by the staff of the commander-in-chief.

This new arrangement was not as straightforward as it might have appeared and soon it caused official discussion

¹¹ Ibid., IV, 712. See also R. J. Surtees, "Indian Reserve Policy in Upper Canada 1830-1845" (unpublished M.A. thesis, Carleton University, Ottawa, 1966), p. 22.

over the basic nature of the Department. From its official establishment in 1755, it had always been regarded as an organ of the military, though possessing its own administrative head. The provincial division of the 1790's-- which simply aimed at more effectively controlling its agents--actually provided a challenge to the whole concept of military control by placing the Department's activities in Upper Canada under the control of a civil official, the lieutenant-governor. It was typical of the Department's administration that it should be under the political control of both authorities for some three years while retaining its own administrative head, Sir John Johnson.

The issue was brought to a head by the death on January 15, 1799, of Colonel Alexander McKee, the deputy superintendent-general.¹² The Duke of Kent, Commander-in-Chief in British North America, thereupon appointed Colonel John Connolly as McKee's successor while the lieutenant-governor of Upper Canada, Peter Hunter, appointed Captain William Claus to the post and refused to recognize Connolly's authority. The upshot of the affair was the confirmation of Claus's appointment and his promotion to colonel. Here was another side of the civil-military paradox: Indian agents and officials usually carried military rank. The appointment of Claus marked the supremacy of civil control of the Department in Upper

¹² Ibid., IV, 722.

Canada but also brought him a promotion in his military rank.

This arrangement persisted through the War of 1812, and afterwards. By 1816, no doubt because of the lessons of that war, it was felt that a unified department completely under military control was more manageable than the system of provincial authority and the Department was once again placed under the authority of the commander-in-chief. Ironically, this was accomplished just as the Indians' role as military allies was beginning to decline.

III. Departmental Structure and the 'Mission Civilisatrice,' 1828-1840

Changes had occurred in the Indian Department during the 1820's which made the introduction of 'civilizing' ideas opportune. Colonel William Claus, the deputy superintendent-general, had died in November, 1826; Sir John Johnson retired as superintendent-general and inspector-general on June 25, 1828. With the passing of these two senior administrators from the scene, the way was cleared for a general overhaul of the Department's administrative structure which would facilitate the new policy of "civilization." The offices of superintendent-general and inspector-general were abolished by a General Order of August 2, 1828.¹³ Major-General H. C. Darling had

¹³ PAC, Manuscript Division, Preliminary Inventory,

succeeded both Claus and Johnson in turn, becoming chief superintendent of Indian Affairs, with an office in Montreal and a salary of £600 per annum.¹⁴ General Darling held his post for nearly two years, until the Department's reorganization was completed by government order on April 13, 1830.¹⁵ Civil authority was again imposed, and the Department was again split along provincial lines. Lieutenant-Governor Sir John Colborne assumed control in Upper Canada while Colonel James Givins¹⁶ became administrative head based in York with the title of chief superintendent. The Lower Canadian section was placed under the authority of the governor-general's military secretary, Lieutenant-Colonel Cooper. The administrative head for Lower Canada was the secretary for Indian Affairs, Lieutenant-Colonel Duncan C. Napier, who occupied quarters in the military secretary's office in Quebec City.¹⁷ These arrangements persisted until 1845, when the next alteration in the Department's structure occurred.

The change of 1830 was important in that it marked

Record Group 10, Indian Affairs (June, 1951), p. 1.

¹⁴ Scott, op. cit., IV, 724.

¹⁵ Ibid.

¹⁶ Sometimes spelled "Givens."

¹⁷ PAC, Manuscript Division, Preliminary Inventory, RG10, p. 1.

the Indian Department's fiscal placement under civilian authority, though many of its personnel continued to come from the military. But very little change actually took place in the Department's administrative structure.

Departmental organization in Lower Canada tended to be limited in size and sporadic in its efforts to reach Indian communities. Colonel Napier, situated in Quebec City after 1830, had previously spent five years in Montreal as resident superintendent¹⁸ and found that his

removal to the former location only added the burden of communication to his other difficulties. Quebec City and Montreal continued to be the two main superintendencies with a lesser post at Lake St. Francis. Aside from a few missionaries in Indian communities who conducted departmental business and a resident at St. Regis under the control of Montreal, Napier had no means of contacting the Indian population of an area which extended from the Gaspé to the Upper Canadian border and from the St. Lawrence Valley to an undefined northern limit. Necessary personnel, such as interpreters, were difficult to find because of the limited funds available; even clerks for the head office were in short supply. Napier in fact carried on most of the Department's business in Lower Canada single-handedly. He did his considerable best, but such circumstances meant that the needs of the Indian population of

¹⁸ PAC, RG10, Matheson's Index.

Lower Canada were hardly known, let alone met. Any change in departmental philosophy was thus precluded from taking effect in the province.

The Upper Canadian section of the Department enjoyed better circumstances in both organization and personnel. The province was divided into five superintendencies plus several lesser posts, and these positions were occupied by long-time departmental employees. The new chief superintendent, Lieutenant-Colonel James Givins, began his career in the 1790's, emerging as Indian Agent at York in 1797.¹⁹ He held the post of superintendent at the same place from 1816 and almost automatically assumed the mantle of chief superintendent in 1830, retaining his control of the Central Superintendency which stretched north to Lake Simcoe and west to Georgian Bay and the Bruce Peninsula and included the bands in the Rice Lake district. The superintendent for Coldwater and the Narrows who was in charge of establishing a model community under Kempt's policy at the first-named location, was one of the most remarkable men ever to serve the Department. Captain Thomas Gummersall Anderson, born of Loyalist stock at Sorel in 1779, made the Indian Department his career, becoming agent at Drummond Island in 1815 and remaining in the western part of the province until his transfer to Coldwater in 1829. He was later to serve at Manitoulin

¹⁹ Ibid.

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(1837-1845) and become chief superintendent (1845-1858). Retiring to Cobourg, he survived to the age of ninety-five.²⁰ The superintendency at Amherstburg was the preserve of the Ironside family.²¹ George Ironside, Senior, had held the post for the preceding ten years but retired in 1830, to be succeeded by his son and namesake who was just commencing a career in the Department which ended only with his sudden death in July, 1863.²² In charge of the bands on the Carradoc and Moravian reserves was Captain Joseph B. Clench who had been connected with the Department for some twenty years, receiving the posting in 1830 which he would hold for twenty-four years. Clench's office was later established in the nearby settlement of London. The last but not least post in Upper Canada was that of superintendent of the Six Nations at Brantford. Part of the duties of the deputy chief superintendent until 1826, it was occupied from 1828 by John Brant until the young Indian chief's untimely death in 1832.

Several lesser positions emerged in the 1830's in addition to the five superintendencies. The growing

²⁰ For Anderson's own comments on his career, see Mrs. S. Rowe (Anderson's daughter), "The Anderson Record from 1699 to 1896," O.H.S.P.R. VI (1905), 109-135.

²¹ Sometimes seen as "Ironsidess."

²² The chronological outline of these postings may be seen in PAC, RG10, Matheson's Index, which has also been appended to the Manuscript Division's Preliminary Inventory to Record Group 10 (June, 1951), pp. I-x.

number of Indians in the Walpole Island area resulted in Frederick W. Keating's being appointed as acting superintendent there in 1839. William Jones was placed in charge of the bands in the Sarnia vicinity in 1831, with headquarters at Kettle Point. During the same year, the Reverend Saltern Givins, the Anglican missionary son of the chief superintendent, was placed in charge of the Mohawks of the Bay of Quinte with the rank of acting agent. From this it can be seen that the Upper Canadian section of the Department contained personnel who were at once more numerous and better qualified than their confreres in Lower Canada.

All these officials found themselves little affected at first by the British government's adoption of the 'mission civilization' as official policy.²³ Administratively, the Department remained much as it had been, the only differences after 1830 being in the officials to whom it was immediately responsible. There were no great changes in personnel; those which did occur were normal ones due to deaths and retirements. Promotion still went on to those who had served the Department well for a long period of time. Of the five superintendents in office in 1830, only one had less than twenty years service with the Department. In the case of George Ironside, the single exception, this was more than compensated for by the

²³ Surtees, op. cit., p. 57.

tradition of service in the Indian Department which had been started by his father. Indeed, there were several examples of families working for generations in the Department at all levels of administration, not merely the Johnsons, Ironsides or Givinses. This family tradition was evident even among those who served as clerks and interpreters. Thus the Manitoulin chieftain, Jean Baptiste Assickinack, acted as interpreter and general factotum there for more than thirty years. His son, Francis, became a promising student at Victoria College and then a clerk in the chief superintendent's office until his untimely death in the early 1860's.

It is possible to detect certain common characteristics in the backgrounds and personalities of the Indian Department's senior officials, and from this, to draw certain conclusions about the nature of the Department itself. All these men were White, with one notable exception in the person of John Brant. There is some suggestion that George Ironside, Junior, was of White-Indian parentage;²⁴ certainly his son, McGregor Ironside, who assumed control at Manitoulin Island for a few weeks in 1863 was, for George Ironside's wife was a Chippewa woman. William Jones, the acting superintendent at Kettle Point, could also claim Indian descent through his mother, the

²⁴ PAC, RG10, p. 508. S. P. Jarvis to J. M. Higginson, Feb. 13, 1844.

wife of the early surveyor, Augustus Jones. The Department attempted to recruit Indian employees and it was partially successful on the second level of administration. Superintendents would have been helpless without the services of interpreters, clerks and timber rangers, most of which positions were filled by Indian people like the Assickinacks of Manitoulin. Several of the missionaries who worked closely with the Department, especially after the policy change of 1830, also were of Indian descent, notably the Reverend Thomas Williams, who had been educated at the Indian school in Lebanon, Connecticut, and had returned to Canada after taking orders in the Church of England. But, while the Department did employ and rely on many people of Indian descent, few of them were in a position to exert any influence on the formulation of policy. This was generally true of the Department's officers, for official policy and philosophy tended to emanate from Whitehall, leaving them in a very subordinate role in this regard. The remoteness of British officialdom introduced an ambiguity in Indian policy, with the superintendents carrying on as they thought best, sometimes in harmony with official pronouncements, sometimes not.

This group of men had much in common; they tended to come from similar backgrounds and possessed, in varying degrees, the same philosophical outlook. The eldest among

them had begun their work under the Johnsons during the last years of the eighteenth century, and consequently came from British or, more commonly, American Loyalist origins. William Claus and James Givins were both examples of this type. The Johnson influence was strong even at the distance of a generation; that Thomas G. Anderson's father had served under Sir John Johnson during the American Revolution was a vital consideration in Anderson's appointment to the Department in 1807.²⁵ Most superintendents had seen military service, either during the War of 1812 (as in the case of Anderson, Givins, and Claus) or in the British army (as in the case of Captain James Winniett,²⁶ appointed to the Grand River reserve in 1832). In politics, they were Tory to a man, though not all to the same degree, regarding the British system of government as the best that had been yet devised and looking on radicals, Reformers, and Americans with equal distaste. In religion they were Anglican, eschewing both the emotionalism of the more evangelical denominations and the pseudo-popery of the High Church party. If in most cases their families were neither wealthy nor distinguished, they sprang from connections which had access to those in places of influence, or which could claim consideration

²⁵ This is the date given by Anderson himself. PAC, RG10, Anderson Submission of March 5, 1827.

²⁶ Also spelled as "Winnett."

for past services from those in power. At their worst, such men were corrupt sycophants like Frederick Keating, who regarded their positions as little more than sine-cures; at their best, they were honest men like T. G. Anderson, doing all they could for the Indians in their charge in the face of public indifference and financial difficulty. They were narrow rather than bigoted, and discriminatory rather than racist.

The senior civil servants of the Department were frequently bound by more earthy ties than the ethereal ones of ideals and attitudes. In addition to the type of political connection already suggested, many of them were related to one another by blood. Thomas Anderson, for example, was the eighth son in his family; the ninth son, George Singleton Anderson, married Mary (Polly) Vankoughnet, the sister of Philip Vankoughnet of Cornwall,²⁷ who became a prominent Conservative politician and the first chief superintendent of Indian Affairs appointed under Canadian authority from 1860 to 1862.²⁸ Vankoughnet was also connected to Solomon Youmans Chesley, resident at St. Regis, departmental accountant and finally acting superintendent-general from January 25 to February 28, 1858,²⁹ through the latter's wife, who had been Ann Vankoughnet

²⁷ Rowe, *op. cit.*, p. 111.

²⁸ PAC, RG10, Matheson's Index.

²⁹ *Ibid.*

before her marriage.³⁰ Another series of such connections involved the prominent Jarvis family of Toronto. Samuel Peters Jarvis, who was chief superintendent in Upper Canada from 1837 to 1845, was a close friend of Philip Vankoughnet³¹ and an uncle of Mary McCormick of Niagara, who married Jasper Tough Gilkison, the Superintendent of the Six Nations from 1862 to 1891.³² Sons frequently followed fathers in the service of the Department. George Ironside's two sons both followed their father's footsteps: George, Junior, as clerk and later superintendent; and his brother as medical officer at Amherstburg.³³ James Givins' son Saltern became the Anglican missionary at Tyendinaga in 1831. One of his later successors there was Thomas Anderson's son Gustavus, who died while holding the post on March 12, 1896.³⁴ Where such family relationships were lacking, those of officialdom sometimes filled the need. Abraham Nelles of Grimsby, who served as Anglican missionary to the Six Nations under the auspices of

³⁰ PAO, S. Y. Chesley Diary, 1851-1854.

³¹ PAO, Jarvis-Powell Papers. The index to these papers lists several letters between the two men, particularly in their younger days, when they shared a common passion for horse-racing.

³² PAO, Dunsford-Jarvis-Read-McCormick family tree. (A large chart compiled by one of the family.)

³³ PAC, RG10, p. 508. Jarvis to Higginson, Feb. 13, 1844.

³⁴ Rowe, op. cit., p. 111.

the New England Company during the 1830's, and Philip Vankoughnet enjoyed membership in the legislative council, as did other individuals involved in the Indian Department from time to time.³⁵ Clearly, the senior personnel of the Indian Department were tightly knit as a group in several ways.

These connections, both official and familial, were external as well as internal; that is, they extended beyond the Department to other areas of officialdom and influence. Several examples make this abundantly clear. Samuel Peters Jarvis, as a member of one of Upper Canada's oldest and most influential families, had significant connections in almost every part of the government and the social ranking caste. His official position as chief superintendent gave him an automatic directorship in the Grand River Navigation Company and direct communication with some of the colony's leading businessmen. Thomas Anderson had worked for George Markland in Kingston before entering the employ of the Indian Department.³⁶ Jasper Gilkison had been a protégé of Sir Allan MacNab, acting as secretary of the Great Western Railway in the 1840's and

³⁵ F. H. Armstrong, A Handbook of Upper Canadian Chronology (London: University of Western Ontario, 1969), pp. 32-33.

³⁶ T. G. Anderson, "Reminiscences of Captain Thomas Gummersall Anderson," in J. J. Talman, ed., Loyalist Narratives from Upper Canada (Toronto: Champlain Society, 1946), pp. 1-2.

obtaining MacNab and John Beverley Robinson as his references when applying for the position on the Grand River reserve in 1860.³⁷ William Spragge, who became the Department's deputy chief superintendent in 1862, began his career as a civil servant in Upper Canada in 1829, giving him ample opportunity to be noticed by his influential superiors. His career was doubtless aided by the fact that his older brother, John Godfrey Spfagge, was a well-known Toronto lawyer who was attached to the legislative council as a master in chancery from June 20, 1837.³⁸ William's marriage in the mid-1840's to the daughter of Thomas Molson of Montreal gave him a direct connection with the business community of that city. The connection of the Indian Department with the business and political elite which surrounded it was a close, often personal, one.

IV. The Jarvis Period and Reform, 1840-1845

Many of the problems which faced the Indian Department because of these connections and attitudes may be illustrated from the career of Samuel Jarvis as chief superintendent. Born at Newark on November 15, 1792, into one of Upper Canada's most prominent families, Jarvis'

³⁷ U.W.O., Gilkison Papers, MacNab and Robinson to Vankoughnet, Dec. 17, 1860.

³⁸ Armstrong, op. cit., p. 37.

social prominence and political influence were virtually guaranteed. His youth was marked both by achievement and by headstrong excess. Admitted as a barrister in Trinity term 1815, he had become civil and private secretary to the lieutenant-governor of Upper Canada by 1817.³⁹ In July of the latter year, Jarvis was involved in a duel in which he shot and killed John Ridout, the son of the surveyor-general. The courts exonerated him.⁴⁰ A little more than three months later he was made acting provincial secretary and registrar in the absence of Duncan Cameron. A decade later, on May 13, 1827, he became the provincial secretary and registrar's permanent deputy, a post which he held until 1839.⁴¹ During these years, his family connections continued to grow. His sisters' marriages had made him the brother-in-law of William B. Robinson, George Hamilton and Thomas McCormick; he himself married Mary Boyes Powell, the daughter of Chief Justice William Dummer Powell, on October 1, 1818.⁴² Given Jarvis' impeccable Tory background and headstrong personality, it is not surprising to find that he was one of the gang of young men who wrecked William Lyon Mackenzie's printing office in

39 Ibid., p. 8.

40 PAO, Jarvis-Powell Papers, Calendar, p. 4.

41 Armstrong, op. cit., p. 22.

42 PAO, unsford-Jarvis-Read-McCormick family tree.

June, 1826, and who were fined £625 for their trouble.⁴³

Jarvis' political ambition was to become secretary and registrar of Upper Canada, a hope which he declared in 1838 that he had nursed for twenty years.⁴⁴ Despite his family's influence and his own eleven years of service as deputy secretary and registrar, Jarvis failed to obtain this position and had to rest content with the chief superintendency of the Indian Department to which he had been named the year before. He held this last post until forced to retire in 1845, after thorough investigation by a committee of inquiry, because of maladministration.

The question with regard to Jarvis is why he became involved in corrupt practices during his tenure at the Indian Department. There was nothing in his earlier career to suggest that he was blatantly dishonest or a corrupt administrator. Most of the charges against him were based on occurrences which took place after 1840. An investigation into the Department which took place in 1839-1840 condemned its administrative structure but had words of praise for the chief superintendent.

This defective constitution of the office has been met with much energy and ability by the present Chief Superintendent and the earnestness . . . and the solicitude he has shown . . . are very commendable, and his practical suggestions

⁴³ PAO, Jarvis-Powell Papers, Calendar, p. 4.

⁴⁴ PAO, Jarvis-Powell Papers, Jarvis to J. W. Macaulay, Sept. 26, 1838.

for its reform, are deserving of great consideration.⁴⁵

The explanation for his subsequent conduct probably lies in Jarvis' failure to obtain the office which he so greatly desired, and more profoundly, in the concept of government which his Tory mind generated. Families like the Jarvises, with their extensive holdings of property, their customary occupation of public offices, their Loyalist tradition and their defence of the established order, looked on participation in government as both their duty and their right. Government was not something impersonal and remote; rather it was a collection of friends and relatives who were the guardians of public institutions and order. Such notions could alienate substantial portions of the pioneer farm population, as the popularity of William Lyon Mackenzie demonstrated; they could also lead to an arrogance which challenged the wisdom of decisions made in London.⁴⁶ Jarvis' career, after a promising start, had come to a standstill despite his family's position and influence. The episodes of the duel and the

⁴⁵ JLA, 1847, App. T., App. 1, Report of Committee No. 4 on the Indian Department.

⁴⁶ Jarvis' son and namesake wrote the following to his mother at the time of the Rebellion Losses Bill: "I wish they would catch old Elgin and string him up as a caution to other traitor governors. he [sic] has put his foot in it this time I think and no mistake." PAO, Jarvis-Powell Papers, S. P. Jarvis, Jr., to Mrs. Jarvis, May 25, 1849. Cf. R. J. Burns, "God's Chosen People: The Origins of Toronto Society 1793-1818," CHAR, 1973.

destruction of Mackenzie's type had demonstrated his passionate narrowness and perhaps rendered him embarrassing to the Toronto elite. His ten-year term as deputy registrar, hardly a prominent public position, had no doubt been made bearable only by the thought that he would eventually succeed his immediate superior. But here fate played a cruel trick. On James Givins' retirement as chief superintendent in 1837, Sir Francis Bond Head recommended that William Hepburn, who had acted as Givins' assistant for more than a year,⁴⁷ be appointed to the post. But Hepburn unexpectedly was appointed registrar of the court of chancery, whereupon Jarvis was appointed to look after the Indian Department "until further orders."⁴⁸ These orders never came. As late as September, 1838, Jarvis was still hoping for the appointment as secretary and registrar, which position had finally become vacant after his sudden transfer. His "hopes of twenty years" were irrevocably dashed, however, when a friend informed him that the post had been offered to Richard A. Tucker, who had apparently "held high offices under the Crown in another colony."⁴⁹

The frustration engendered by this episode, combined

⁴⁷ JLA, 1838, p. 184.

⁴⁸ PAC, RG10, Macaulay Report, 1839, pp. 294-95.

⁴⁹ PAO, Jarvis-Powell Papers, J. W. Macaulay to Jarvis, Sept. 24, 1838.

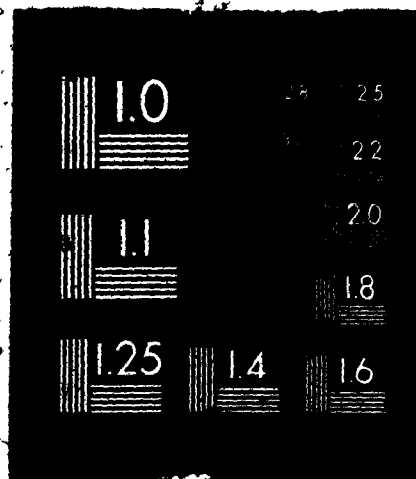
with his choleric Toryism, seem to have brought out the worst in Jarvis. A year later he had become involved in the series of financial misdeeds involving departmental moneys that were to end his career in disgrace in 1845. Indian funds, like those of the Oneidas of the Thames, found their way into his private bank account. Salaries were paid to him for minor offices attached to the chief superintendency which had been abolished several years before. Still other symptoms than simple embezzlement marked Jarvis' bitterness at being relegated to a bureaucratic backwater. Departmental records, never in good order, fell into chaos. Accounts were kept badly. Letters were not properly recorded. Jarvis, who had been commended for his contributions to inquiries in 1838 and 1839-1840, became hard to reach, often simply refusing to respond to those who wanted information on the Department's activities. This behaviour reached its peak during the investigation of 1842-1844, when the chief superintendent's continued refusals to supply information forced the commissioners to compel Jarvis to cooperate at the express command of the governor-general. Even then, his answers were made only grudgingly.

That Jarvis should view his appointment as chief superintendent with some bitterness was not surprising, for the Indian Department, as one of the more obscure divisions of government, was not highly regarded, either

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by members of the administration or their critics. To the former it was a bureaucratic monstrosity which required labour out of all proportion to its basic function of issuing the Indians' annual presents because of London's "remote control" over its budget and purchases. Nonetheless, it was a useful part of the government service in the sense that individuals who had been promised civil positions could be safely placed there without fear of embarrassment by their benefactors and then conveniently forgotten. Captain James Winniett, for example, had been in command of the 68th Regiment of Foot when Sir John Colborne in 1829 promised him "a provincial situation should he become a settler."⁵⁰ The captain subsequently sold his commission, settled in Toronto, and was appointed superintendent of the Six Nations on the death of John Brant in 1832. It was his understanding that he could look forward to the chief superintendency, which, however, went to Jarvis at the wish of Colborne's successor, Bond Head. Winniett's disillusionment soon became complete when the latter informed him that his services were no longer required; the colonial secretary, trying to soften the blow, offered him a gratuity which was smaller by one-third than that offered to his former interpreter, one

⁵⁰ PAC, RG10, Macaulay Report, 1839, pp. 297-99. The testimony is Winniett's.

Benjamin Fairchild.⁵¹ Such treatment would only spread the type of bitterness felt by Jarvis to other members of the Department. It is significant that while Winniett weathered this particular storm, he was one of those dismissed for corruption and incompetence in 1844-1845. Like his chief, in his bitterness he simply began using his position for his own benefit.

Such behaviour did not escape the notice of the government's critics who regarded the Indian Department as a repository of jobbery and corruption. After the retirement of Sir John Johnson in 1828, criticism became more vocal. Colonel Givins was an elderly man when made chief superintendent in 1830 and clearly could no longer manage departmental affairs properly by 1835 because of the onset of senility. William Hepburn was assigned to him that year, ostensibly as a clerk, though in reality Hepburn managed the Department during Givins' last two years in office.⁵² Sir Francis Bond Head's mercurial temperament led him to remove many of the Department's employees from office after his investigations in the summer of 1837; Colonel Givins was retired on full pension at that time.⁵³ James Winniett, Joseph Clench, George Ironside and several lesser officials were also informed brusquely that their

⁵¹ Ibid.

⁵² JLA, 1838, p. 184.

⁵³ Ibid.

"services were no longer required."⁵⁴ All the superintendents protested vigorously and retained their positions. Several of the lesser officials, however, now joined the ranks of the Department's severest critics. Bond Head's actions had brought the mounting criticism of the 1830's to a head.

V. Two Upper Canada Committees Grapple with the Indian Problem

The final element in this current of criticism was added after the rebellions of 1837 had run their courses. The Indian population had remained remarkably loyal throughout these episodes, being actually instrumental in capturing rebels on one or two occasions. This demonstration of loyalty made the authorities and the public much more receptive to Indian complaints about Indian Department administration. It was the Upper Canadian section of the Department which had attracted criticism and it was not surprising that it was the Indians under its jurisdiction who were dissatisfied. The Saugeens were concerned about commercial fishing licences which involved the exploitation of their traditional fishing grounds granted to firms like the Huron Fishing Company without their permission. The Moravians, Mississaugas of the Credit, and Algonquins of the Lake of Two Mountains complained about

⁵⁴PAC, RG10, Macaulay Report, 1839, 295-300.

lack of proper compensation for various land surrenders. The Six Nations of the Grand River had a long list of grievances which included intrusions by squatters, improper timber management, investments in the Grand River Navigation Company, and the number of roads and beer-houses being built on their tract.⁵⁵ These complaints finally persuaded Sir George Arthur, lieutenant-governor of Upper Canada 1838-1841, to commission Justice J. B. Macaulay, in 1838, to act as a one-man board of inquiry into the conduct of relations with the Indians. After almost a decade of criticism, the Department was to have its structure and personnel thoroughly examined.

Macaulay's report, covering every aspect of the relationship between the government and the Indians, was presented after a year of investigation. Specific Indian complaints were examined and remedies were proposed, most of which suggested that the Indian Department should adopt a much more positive role. In matters of policy, Macaulay agreed fundamentally with the approach established between 1828 and 1830, but this endorsement was tempered by his realism.

Indian Civilization therefore, can only be accomplished by degrees. It is contrary to nature, and unreasonable to expect rapid success--but it may

⁵⁵ Ibid. The Indians' complaints were listed by Macaulay in his final summary.

be brought about by the judicious tuition of the young in a few generations.⁵⁶

Above all, Macaulay was aware that the Indian Department would have to take specific steps to ensure the success of the new approach:

The plans adopted must be practical, not merely theoretical, and they must be within the compass of execution. Indeed no new system is required-- events have determined it and point the way--

- 1st An efficient Department
- 2nd Christian missionaries
- 3rd Schoolmasters
- 4th Instructors [sic] in husbandry and trades etc.
- 5th Arrangements for the regular supply of food clothing, etc.⁵⁷

Once steps like these were taken, Macaulay was convinced, the decline in the Indian population would be reversed and in a few generations they would be able to live successfully in the midst of Canadian society. The only obstacle was money; obviously such activities could cost a great deal, and how such expenses were "to be borne may be a difficulty if no one is willing to pay."⁵⁸ Macaulay was confident, however, that these expenses could be met from an anticipated rise in the Department's funds once it was efficiently organized:

As a jurist, Macaulay was concerned with the legal status and rights of Indians, and he held very liberal views on the subject. He had been greatly troubled by

⁵⁶ Ibid., p. 330.

⁵⁷ Ibid.

⁵⁸ Ibid., p. 334.

several cases involving Indians which had come before him at the Niagara Assizes, feeling that they did not really comprehend what was happening to them and that their various misdemeanours were the result of a deeper malaise which arose from their general situation. Macaulay's own view was that Indians should be subject to the same legal rights and penalties as any other of the Queen's subjects. In short, they were entitled to the same civil rights as any Canadian of European extraction once they were "competent to [assume] the responsibilities of social life."⁵⁹

. . . if possessed of sufficient property to qualify them, their competency to vote at elections, or fill municipal offices, if duly appointed thereto, cannot be denied.⁶⁰

To help them appreciate these privileges Macaulay felt, Indians should be instructed in the concepts of individual rights because their traditional notions of collective rights would cause them difficulties in comprehending the nature of British law.

Another area of difficulty was land titles. Macaulay wanted a system of accurate surveys begun and a land titles book maintained by the Department. Profits from sales of surrendered land should be carefully invested and strict records kept. William Hepburn was criticized for allowing Six Nations funds to be invested in the dubious ventures of the Grand River Navigation Company. The

⁵⁹ Ibid., p. 341.

⁶⁰ Ibid., p. 343.

Indians could rightly expect the government "to indemnify them in this outlay."⁶¹ To avoid these difficulties in the future, Macaulay urged that each Indian agent be sent "copious written instructions" and that the chief superintendent exercise close control over his subordinates.⁶²

Macaulay's conclusions were humane and reasonable. He had diagnosed the ills of the Indian Department and had suggested certain concrete steps to correct them. More than this, he had tried to give a consistent philosophical direction to both the Department's structure and the policies which it had to implement. If anything, he was too kind to the individuals in its employ; he was, after all, a close friend of Samuel Jarvis. The whole tenor of Macaulay's thought was summed up in his conclusion:

It is easy to digest plans and promulgate instructions; the real difficulty consists in finding persons sufficiently diligent, active, and zealous to persevere into carrying them into effect.⁶³

This dichotomy between head office and action in the field was to remain the Department's albatross for many years.

Macaulay's report, delivered to Sir George Arthur in 1839, suggested, in a general way, the need for improvements in the Indian Department. His comments, in turn, sparked an inquiry by a committee of the provincial legislative assembly which delivered its findings in

⁶¹ Ibid., p. 363.

⁶² Ibid., p. 420.

⁶³ Ibid., p. 429.

1840⁶⁴ in which Macaulay was joined by Robert S. Jameson and the former Indian Department clerk William Hepburn.⁶⁵ Jameson was the colony's attorney-general and the estranged husband of Anna Brownell Jameson, the noted writer and traveller. The purpose of the committee was to ascertain the position of the Indians "morally and politically" and the status of their lands and annuities.⁶⁶ It was also to suggest improvements which could be made in the Indian Department,

Glancing quickly at the position of the Indians, the committee suggested that annuities should be retained and that the current practice of substituting agricultural implements for cash payments should be continued. It felt that land policy needed some overhauling, beginning with an examination of the squatter question. Those who had some rights to their holdings should be given legal status, but those who simply exploited the environment should be dealt with severely. Some surprise was expressed at the cost of annual presents, but nothing was said about stopping them. While unhappy about the conditions in

⁶⁴ This was Committee No. 4. See its Report in JLA, 1847, App. T, App. 1.

⁶⁵ Ibid.

⁶⁶ Annuities were annual payments made to Indian bands as part of the compensation for surrendered land. They were usually calculated on a per capita basis, £2 10s. being a commonly accepted yearly sum for each individual. These payments were often commuted into agricultural equipment or other necessary items.

which most Indians lived, the committee had nothing to say in the realm of policy or philosophy, presumably endorsing the policy of "civilizing" the tribesmen. It found, instead, that much of these difficulties lay with the organization of the Indian Department.

The committee noted that the preceding decade had been one of great change in the Department's functions because of the new policy of 1828-1830. The office of superintendent was no longer simply a policial-military jurisdiction, but the administrative structure had failed to recognize this. Most superintendents consequently found themselves faced with increasing amounts of official business but without support staff like clerks to handle it. A progressive deterioration in the quality of administration had thus set in:

With regard to the Indian Office . . . nothing can be less proportioned to the extensive and varied duties which it ought to perform. . . . A superficial examination . . . is sufficient to disclose . . . its entire inadequacy to the present state of the Indians and their property. . . . An establishment which is to aid in a great and growing work of both policy and humanity, ought to be somewhat in advance of the pressing necessities of the day, or the particular emergency requiring its aid.⁶⁷

The picture was that of an agency unsure of its own function, fumbling along on a day-to-day basis.

The responsibility for the Department's problems was

⁶⁷ Report of Committee No. 4, JLA, 1847, App. T, App. 1.

not entirely its own. The Colonial Office which endorsed the humane plans of 1828-1830 was part of the same government, as the Treasury Board which limited departmental expenses to £20,000 per year, leaving Indian needs to be met after administrative costs were deducted. The boldness of British policy decisions was matched by the parsimony of its financial ones. The government had never clearly defined the role of the Indian Department beyond a few general directions. Finally, little attempt was made to encourage departmental personnel in their tasks, to commend efficiency and initiative, or to punish delinquents. Like the God of the eighteenth-century Deists, the government took little interest in its creation once it had come into being.

The 1840 findings differed in one important aspect from those of the year before. In 1839 Justice Macaulay had indicated, however vaguely, that some of the Department's problems were related to its personnel. Now Committee Number Four saw departmental difficulties almost exclusively in terms of administrative structure. It had high praise for Chief Superintendent Jarvis and his clerk, George Vardon, simply quoting the words of Macaulay on the subject:

This defective constitution of the office has been met with much energy and ability by the present Chief Superintendent; and the earnestness . . . and the solicitude he has shown . . . are very commendable, and his practical suggestions

for its reform, are deserving of great consideration.⁶⁸

This conclusion was not surprising; Jarvis knew all three committee members personally. Vardon was praised, at least in part, because he had assisted the chief superintendent for four months without pay.

The committee proposed a wholesale change in the Department. It suggested that more personnel were needed, especially a chief clerk and a book-keeper at the Toronto office. Needless complications should be abolished. Consequently, the role of the army commissariat in the issue of annual presents should be dispensed with, and all sales of Indian lands should be handled in the future by the Department itself, rather than by the Crown Lands Department. Departmental records were to be set in order. A proper system of accounts was to be established with the Bank of Upper Canada maintaining a special account for the Indian Department and acting as its treasurer. All cheques should show clearly the purpose for which they were issued. Finally, steps should be taken to ensure adequate accommodations for Indians and others visiting Toronto on departmental business. In short, the Department was to be made an efficient administrative arm of the government.

The report of 1840 complemented Macaulay's findings

⁶⁸ Ibid.

of the year before. Where he had been general, it had been quite specific. When he had merely listed problems which needed attention, the committee had attempted to find practical and specific solutions. Yet both sets of findings were seriously deficient in one major respect: neither of them suggested a thorough examination of the Department's personnel and the removal of those who were incompetent. Until this was done, changes in policy or in administrative structure were likely to make little difference in the way the Department conducted its business. Even Sir Francis Bond Head had seen this much, though his attempts at such changes in August and September, 1837, were often ill advised. Macaulay had seen this necessity as well, but in his concluding remarks he only suggested the need for qualified personnel without naming specific individuals. Had his Tory background and friendship for Jarvis blunted suggesting solutions to the problem which his perception told him was the major one facing the Indian Department? All that can be said for certain is that the two men remained on the best of terms even after Jarvis' forced resignation in June, 1845.

Despite the policy change of 1830, the concern of Bond Head in 1837 and the investigations of 1839 and 1840, the Indian Department, on the eve of the union of the Canadas, remained what it had always been, an obscure division conducted by a small group of closely related

individuals with a minimum of concern and supervision from its immediate superiors and hamstrung by a plethora of unwieldy administrative practices. An odour of political jobbery hung about it, giving it the reputation of being "notoriously the worst and most inefficient department in the province."⁶⁹ Its chief in Upper Canada was a man who thirsted after another political office and whose frustrated ambition would soon cause its reputation there to sink even lower. Its operations in Lower Canada continued at a relatively slow pace. The Indian population was only one-fifth of Upper Canada's and the urgent sense of reform so obvious in the upper province was almost entirely lacking, as the Lower Canadian section 'let sleeping dogs lie.'

Despite these weaknesses, the Department could boast of some capable men like Thomas Anderson and George Ironside and the concern of interested outsiders like Macaulay. It was only because of such individuals that the Department was able to function at all. Finally, the concern of the Indians for the Department's efficiency and their continued belief that it could and would be improved, meant that there was hope for the future. Whether the Indian Department could renew itself while meeting new challenges was the great issue which faced it during the two and a half decades preceding Confederation.

⁶⁹ PAC, RG10, Macaulay Report, 1839, p. 300. Testimony of Marcus Blair of Hamilton, a former Indian Department employee.

CHAPTER IV

THE MANAGEMENT OF INDIAN AFFAIRS 1840-1845

Important political and administrative changes stirred the Province of Canada as the fourth decade of the nineteenth century ended. The insurrections of 1837 had demonstrated considerable popular discontent; causing the retirement of a lieutenant-governor and the establishment of the Durham Commission. 'Radical Jack's' criticisms of the Canadian polity laid bare the chaotic administration of the provincial governments.¹ His successor, Lord Sydenham, proposed concrete changes that would make government operations efficient.² Until this period, government business had been conducted haphazardly, administrative leadership being virtually non-existent. In the words of the leading authority on the subject:

A Governor owing responsibility to the Colonial Secretary; an atomized Executive Council tendering discordant secret advice to the Governor who need pay no attention if he so desired; a Legislature swinging rudderless in the full tide of its own passions, tied to the unstable mooring of the colonial electorate; uncivil and unfruitful squabbles between Governors and Assemblies, resulting often in hopeless deadlock; and, finally, a group of poorly informed Whitehall departments, with snail-like pace passing references on colonial matters back and forth, issuing detailed instructions, sometimes over the head of the Governor, to officials of their own choice who were responsible for administering local services. . . .³

¹ See, for example, Lord Durham's Report, ed. G. M. Craig (Toronto: McClelland and Stewart, 1963), pp. 82-83.

² For Sydenham's role, see J. E. Hodgetts, Pioneer Public Service (Toronto: University of Toronto Press, 1956), chapter iii.

³ Ibid., p. 23.

The actions of Durham and Sydenham began to clarify the muddle of Canadian government.

Sydenham was under no illusions about the size of the task confronting him: he owed much to Lord Durham and even more to Sir George Arthur, Lieutenant-Governor of Upper Canada from 1838 to 1841, who had instituted a general inquiry into the condition of his government departments on October 21, 1839.⁴ Though Sydenham did not acknowledge them, he must have found these reports very useful, giving him precise details upon which to formulate his proposed changes. These reforms became the basis for the later development of the cabinet system, in which members took individual responsibility for different parts of government administration.

No department needed investigation more than the Indian Department, and none was more thoroughly examined during this time. Justice J. B. Macaulay had studied the Department in 1838-39 and had been a member of Committee Number Four which assessed the Department the following year as part of Sir George Arthur's general investigation of government.⁵ From 1842 to 1844, the Department was subjected to minute scrutiny by a Royal Commission of three members established by Sir Charles Bagot.⁶ The

⁴ Ibid., pp. 24-25.

⁵ See Chapter iii.

⁶ JLA, 1844-45, App. EEE.

three investigations revealed the workings of the Indian Department in impressive detail, putting the management of Indian-White relations in the period before 1845 on public display. They resulted in great changes in departmental procedures and caused a substantial turnover in its senior personnel. This chapter is concerned with the management of Indian affairs during the turbulent half-decade after 1840, the period of the third commission's inquiry.

I. The Royal Commission of 1842-1844

Sydenham's successors shared his concern for civil service efficiency. They sought to keep administration under close watch through their successive civil secretaries.⁷ The British government concurred in this view; Lord Stanley, as Colonial Secretary, advised Queen Victoria to make the civil secretary's appointment a permanent office.⁸ Sir Charles Bagot bemoaned the possibility of finding a competent civil secretary because the position was so demanding.⁹ He was fortunate: Lord Stanley promptly assigned him R. W. Rawson, a capable young man who had already distinguished himself.¹⁰ Though the colonial secretary's wish regarding a permanent civil

⁷ Hodgetts, op. cit., pp. 31-35.

⁸ Ibid., p. 78.

⁹ Idem.

¹⁰ Idem.

secretary was never fulfilled, the office remained vitally important throughout the 1840's.¹¹

The other great concern of all government officials was economy. The simple desire to save as much expenditure as possible, united with the conviction that government departments ought to be self-sustaining, produced administrators who were excessively money-conscious.

Little notion of what are now termed 'essential services' troubled nineteenth-century civil servants. This attitude was doubly dangerous. It engendered an unwillingness to consider long-term policies because of their expense, and it kept government departments virtually independent of parliamentary control.¹² These dangers were all too visible in the administration of the Indian Department.

Visible concern for economy was always a sure way to obtain votes: government administrators often found their priorities shared by members of the legislative assembly. During the regime of Sir Charles Bagot (1842-43) some attention was given to the cost of Indian annuities, the annual presents made to tribesmen on a per capita basis. The British government, which paid these sums, wished to pare expenses, while the colonists did not wish to assume any payments previously carried by the home government. The Indians did not wish to lose these payments which they regarded as part of treaty promises. Sir Charles chose a

¹¹ Ibid., pp. 35-37.

¹² Ibid., p. 71.

wise political course; he appointed a royal commission to enquire into the costs of Indian annuities, presumably with a view to saving some of the £20,000 annual British parliamentary grant expended on Indians. The Commission's terms were expanded to enable it to investigate any Indian matters it thought should be brought to the government's attention, as well as any suggestions for the general improvement of the Indian Department.¹³

Governor-General Bagot attached some importance to the Commission of 1842: the first commissioner was his diligent civil secretary, Rawson W. Rawson. A permanent British civil servant, he had arrived in Canada during the summer of 1842. His thirteen years in government had already been marked by notable service at the Board of Trade and as secretary of the Pilotage Commission.¹⁴ After his brief term as Canadian civil secretary, he became successively treasurer of Mauritius, colonial secretary of the Cape of Good Hope, and governor of the Bahamas and Windward Islands, retiring with a knighthood in 1875.¹⁵ The other commissioners were John Davidson and William Hepburn. Hepburn was registrar of the Court of Chancery and had previously been attached to the Indian

¹³ JLA, 1844-45, App. EEE.

¹⁴ F. Boase, Modern English Biography (London, 1965), VI, 453.

¹⁵ Idem.

Department.¹⁶

Appointed on October 10, 1842, the Commission sat until January 22, 1844. In fifteen months it examined Indian Department records (including all correspondence from 1827), questioned all Department officials and sought correspondence from interested outside parties. The mountain of evidence unearthed was presented in two reports laid before the legislative assembly in 1845 and 1847.¹⁷ The Commission's findings provided--and continue to provide--a highly detailed picture of the Indian Department's workings at the time of the Union of 1841. Several problem areas were encountered--presents and annuities, land and timber rights, Indian leadership and political contact, and missionary involvement in education and medical care.

II. Presents

The issue of annual presents was said to be "the chief object for which a separate department for Indian service has been maintained."¹⁸ Yet this practice, whose origins were uncertain, was a source of departmental

¹⁶ F. H. Armstrong, A Handbook of Upper Canadian Chronology and Territorial Legislation (London, Ont.: University of Western Ontario, 1967), p. 111.

¹⁷ JLA, 1844-45, App. EEE; 1847, App. T.

¹⁸ JLA, 1847, App. T.

embarrassment and difficulty. No exact record existed of how the custom began in British North America after the American Revolution. The Indians of Lower Canada claimed that the French had followed the practice but were unsure of the frequency, location or nature of present-giving prior to the period of British authority. Present-giving had begun on a regular basis after 1763 and had broadened during the Revolutionary War, when the British issued them to all Indians who were their allies. Usually these took the form of medals, gorgets and other military trappings, as well as firearms and other rich gifts for chiefs and headmen. The Americans found presents a useful tool in their dealings with Indians, though their gifts, following General Knox's directive of 1789, were usually of a more practical agricultural nature.¹⁹ Since 1815, the giving of presents to Indian allies and their descendants had become an annual occurrence in British territory.

This annual task required formidable administrative machinery to execute what has been termed "an extremely devious procedure."²⁰ The various superintendents of the Indian Department were required to estimate their needs eighteen to twenty-four months in advance, an almost impossible task when nomadic Indian populations were

¹⁹ Ibid.

²⁰ Hodgetts, op. cit., p. 214. Hodgetts provides the best brief explanation of this complex business.

concerned. These estimates then were forwarded to the Army Commissariat in England through the office of the governor-general. The commissariat gathered the supplies in England, then shipped them to its depots in Canada, whence they were requisitioned by the Indian Department, which was debited when the supplies reached its agents. The accounts were then sent to the Treasury Office in London, which transferred them to the Audit Office for careful scrutiny. Once approved, the total cost of the presents was deducted from the Indian Department's annual parliamentary grant which was fixed at £20,000 after 1830. From 1800 to 1830, this total annual cost had been extremely high, averaging as much as £150,000 between 1813 and 1816 because of the War of 1812.²¹ Though drastic economies were effected during the 1820's, the presents still managed to consume one-half to two-thirds of the annual £20,000 during the later 1830's; they cost £11,462 in 1836, reached a low of £9,809 in 1840, but had climbed to £14,376 by 1843.²² The money available for other needed purposes was reduced in proportion.

Once the presents arrived in Canada, each superintendent made arrangements for the actual distribution. On a date previously determined with the chiefs under his jurisdiction, the superintendent donned his green uniform

²¹ Scott, op. cit., V, 341.

²² JLA, 1847, App. T.

with its gold trimmings,²³ and, usually accompanied by a commissary officer, waited for all his Indians to come to the customary location. When all had arrived, the presents were disbursed with as much pomp and ceremony as could be mustered under limited circumstances. Following the usual celebrations, the Indians set out for home, while the officers returned to their headquarters--if the distribution had not taken place there--or proceeded to the next distribution.

The complexities of this system made it particularly vulnerable to abuse both by officials and Indians, and it caused difficulties which made change imperative. The basic problem was that no one ever was certain just how many Indians would be present to receive their gifts. The accounts of the Indian Department and the commissariat seldom agreed.²⁴ Officials might shortchange a band, either through ignorance or to bolster their own incomes illegally. Sometimes the presents were not given to individuals, but collectively to the headmen of a band, leaving to their discretion the rewards to each family. This often led to tribal bickering, as after the present-giving of 1843 when William Yellowhead, chief of one of the Lake Simcoe Chippewa bands, arbitrarily deprived an

²³ This uniform was officially approved for use in 1843.

²⁴ This was the case, for example, in April, 1843. PAC, RG10, 720, pp. 93-94.

Indian woman named Susan Moore of her presents and apparently gave these to some neighbouring Whites. The situation was corrected only through the intervention of the chief superintendent.²⁵

The system sometimes caused real hardships for the Indians it was designed to benefit. By the early 1840's the sites for present-giving had become fixed. In Lower Canada, these included Quebec City, Three Rivers, and the reserves at Caughnawaga, St. Regis, St. Francis, Lorette, and the Lake of Two Mountains. In the southern part of Upper Canada distribution usually took place at the various Indian communities, while the northern Indians travelled to Amherstburg or Drummond Island, after 1827 to Penetanguishene, and after 1837, to Manitoulin Island.²⁶ For many Indian bands, the trip to obtain their presents was both long and dangerous; some Lower Canadian Indians had to make a round trip of as much as six hundred miles. The tribesmen who gathered at Manitoulin had to cross twenty miles of open water in their canoes. As presents were not distributed until all had arrived and conditions of travel varied so widely, many early-arriving Indians had to remain idle for days or even weeks, waiting for other bands to turn up. No band could afford to waste so

²⁵ PAC, RG10, Jarvis to Yellowhead, February 28, 1844.

²⁶ JLA, 1847, App. T.

much time during the precious summer months; the time taken from hunting or tending crops was felt in the hardships of the following winter. Sometimes unexpected problems complicated things even further. In August, 1844, some Indians from Bedford Township, Canada East, had arrived at their assigned rendezvous to find their presents had not yet come. The barge carrying them had upset in the Ottawa River, forcing the Indians to return home empty-handed. They did not obtain their gifts until the end of October.²⁷

The size of these large annual gatherings of Indians and Department officials caused difficulties in themselves, notably in the case of the Manitoulin distribution, which involved several thousand Indians. Outbreaks of disease were not uncommon because such large numbers were gathered in close quarters. The bands that arrived earliest often ran short of food because of delays caused by latecomers. The simultaneous distribution of presents to so many individuals caused mistakes and inequalities which fanned resentment.²⁸ White liquor merchants and traders bartered their wares for Indian goods, lining their pockets at the Indians' expense. The combination of masses of people, liquor, and excitement, proved a volatile one, leading to sexual excesses and general

²⁷ PAC, RG10, Jarvis to Higginson, October 18, 1844.

²⁸ PAC, RG10, 720, pp. 38-39.

disorder.²⁹

By the early 1840's, the situation was proving intolerable to the Indian Department and the Indians alike. Captain Anderson at Manitoulin had begun to develop a system of his own after a violent distribution in 1842.³⁰ Bands were given their presents as soon as they arrived, enabling them to leave as quickly as possible. The large number of White hangers-on who had been accustomed to attending the Manitoulin distribution was banned. Anderson also wanted to halt the Indians' own celebrations, claiming that their dances were usually done "for money and not for sport or recreation" at the instigation of White traders who hoped to profit from the highly excited condition which resulted.³¹ He suspected that several prostitution rings were conducted each year by these men, though he had no definite proof of this. Finally, he felt the old system, with all its attendant confusion, made errors such as the double issue of presents all too frequent. Anderson instituted this procedure with its dual enforcement of morality and economy in 1843, and it soon received approval by the civil secretary, who suggested that all superintendents should follow this model.³² It

²⁹ PAC, RG10, Strachan to Jarvis, January 7, 1843.

³⁰ PAC, RG10, 720, pp. 38-39.

³¹ Ibid.

³² PAC, RG10, Higginson to Anderson, May 23, 1844.

was heartily endorsed by the Commission of 1842 as well.³³

Circumstances such as those that had occurred at Manitoulin Island in 1842 roused the anger of many

Indians, notably the Snake Island band. On October 31, they despatched a petition to the government blaming Jarvis for most of the problems on that occasion.³⁴ They charged that the chief superintendent had issued presents to non-Indians and then had made up the shortage by short-changing their band. Indians who were his favourites had received double issues. Not satisfied with merely impugning Jarvis in his official capacity, they questioned his personal integrity and morality, alleging that he and some friends had seduced four Indian women on board the steamer Simcoe while returning to Toronto on October 24. A woman named Harriet, who came from Bigbay but who resided with the Snake Islanders, was said to have given birth to a son whom she claimed belonged to Jarvis.

The chief superintendent airily dismissed these charges, but his explanations did not satisfy the governor-general.³⁵ Jarvis then obtained letters from both the Anglican and Roman Catholic bishops of Toronto, who had been present at Manitoulin in 1842, disputing the charges of the Snake Island chiefs. Strachan had replied, "I

³³ PAC, RG10, 720, pp. 114-19.

³⁴ PAC, RG10, Deposition of October 31, 1842.

³⁵ Ibid.

consider the charge a malicious and cruel slander without even the slightest approximation to truth."³⁶ It would seem that the anger of the Indians had led them to make charges that could not be substantiated. Nonetheless, their attempt to assassinate Jarvis' character shows how deep was their resentment over the abuses in the distribution of annual presents. The vitriolic attack on Jarvis seemed to have a salutary effect. By 1844, in spite of criticism from his superiors, he had moved the distribution point for the Saugeen and Owen Sound bands from Manitoulin to Penetang at their request.³⁷ He instituted an inquiry when Indians at Manitoulin complained that liquor traders were still active despite Anderson's efforts, asking the latter to account for this and to send him the residence addresses of the "several Traders who are in the habit of visiting the Island."³⁸ Though there was still need for great improvement, it was clear by the end of 1844 that the system of distributing the annual presents had begun to change for the better.

The Commission of 1842 also delivered its recommendations on the subject in that year,³⁹ so Jarvis may have been responding to pressure from this quarter, as well as

³⁶ PAC, RG10, Strachan to Jarvis, January 7, 1843.

³⁷ PAC, RG10, Jarvis to Higginson, May 27, 1844.

³⁸ PAC, RG10, Jarvis to Anderson, April 9, 1844.

³⁹ JLA, 1847, App. T.

the complaints of the Indians. The commissioners, citing Anderson's method as one successful example, suggested that presents should be issued in the way most convenient to the Indians. They also warned against turning the annual distribution into a spectacle, hitting against Samuel Jarvis' habit of inviting friends and distinguished guests to accompany him at government expense. It was further directed that no band should have to undergo prolonged absences from their homes to obtain their presents; presents for distant points should be sent in bulk and sorted by the band leaders. Settled bands, as well, might profitably adopt this procedure, provided their chiefs were honest and band members had no objection. These recommendations reflected the desires for fair dealings with the Indians and for efficiency and economy on the part of the Indian Department which characterized virtually every comment on departmental operations after 1830.

III. Annuities

The most acutely troublesome of the Department's tasks was the administration of tribal annuities. These were funds granted on a per capita basis to each band at the time of treaty-signing and were administered independently of such other tribal moneys as interest from investments or proceeds of land sales. Though never large, the annuities were vital, for they covered the

costs of most bands' everyday expenses and necessities. Once the Department issued the warrants, it had little further to do with them, for the funds were spent largely as the various band councils determined. Annuities had caused little problem up to 1829 because they had been distributed in goods rather than cash. This practice was abandoned when it was found that many Indians, regarding annuities as simply duplication of their annual presents, were exchanging them at exorbitant rates for liquor.⁴⁰ The transfer to cash annuities mitigated the alcohol problem because the money was placed in bank accounts supervised by the Department, but it subjected Department officials to temptations which often proved too much for them. Annuity accounts were in constant use and were easy to embezzle. The disorganized accounting system made such behaviour even more attractive by lessening the likelihood of being caught. Even the chief superintendent apparently could not resist such an open invitation to petty larceny; one reason for Jarvis' dismissal in 1845 was his inability to account for the uses of certain annuities under his charge.

The 1842 Commission attempted to regulate the handling of annuities by placing them in care of the receiver-general, who would keep them in a separate account. The Indian Department would issue warrants

⁴⁰ Ibid.

against these as required, and in their presentation to the Indians these would carry the signatures of all officials involved. Any interest earned from investments was automatically placed in the tribal annuity account, and became subject to the Indians' own wishes and their right to cash in their investments. They were to be kept fully informed as to their accounts. Several steps were taken to clear up past sources of trouble. Samuel Jarvis was ordered to account for annuities under his care while in office. No departmental officer was to be given the use of Indian funds save for immediate expenditure, and he then was to furnish vouchers for these, showing that he had spent the money properly. The books on accounts up to 1843 were to be closed, and any surpluses were to be transferred to the receiver-general. In future, local agents were to be encouraged to keep their hands out of debt, and the annuities were to have prime claim as public debt on provincial funds. Annuities were to be directed towards the costs of schools and education, provided such projects were desired by the Indians.

IV. Protecting the Indian Domain: Timber and Land Policies

The difficulties over timber rights had arisen during the 1830's when commercial lumber firms began operations in Upper Canada on a large scale. Many of these firms

were ruthless exploiters of both people and the environment, obtaining all the profit they could by ravaging a forested area and then quickly moving on. A carpenter and joiner from Canboro Township, whose literary flair was not matched by his ability to spell, wrote to the Chief Superintendent of Indian Affairs, hoping that "you will preserve me from their pernicious plan of plunder."⁴¹ Particularly desirable were certain stands of timber on Indian lands, both because of their quality and the ease with which they could be removed. Legally such stands belonged to the Crown and could be cut only under licence, but licences were cumbersome documents, law officers were few, and individual Indians were often glad to help the timber merchants in return for trifling bribes of money, liquor and firearms. Honest individuals were hard to find, and when they were hired as wardens they became discouraged and bitter when they found the courts slow to punish those who were caught. Their bitterness was frequently directed against the Department, making the situation worse than before any enforcement of the law was attempted.⁴²

The Commission of 1842 suggested that the system of cutting Indian timber by licence only should be continued

⁴¹ PAC, RG10, 457, John Scott to S. P. Jarvis, March 26, 1842.

⁴² PAC, RG10, 114, Pt. I, Marcus Blair to Commission of 1839-1840, n.d.

and more rigidly enforced. It correctly saw that one of the profound reasons for the difficulty was the antipathy between Whites and Indians. Too often, the Department looked on the tribesmen as children who had to have everything done for them while the Indians expressed their frustration by circumventing governmental regulations. A recommendation was therefore made that as many Indians as possible be appointed local timber rangers to give them the responsibility for protecting what was, in effect, one of their prime resources. Those Indians who tried to defraud anyone by the "sale" of public timber should be punished by the stoppage of their annual presents "for any number of years according to the nature of the offence." This had already been found successful on Drummond Island, when T. G. Anderson was in charge.⁴³

The Commission's recommendations obviously envisioned a more active Indian Department, and this in turn implied an increase in the number of its employees. How this could be accomplished with the budget limited to £20,000 per year was not elucidated. Fully half to two-thirds of this sum was already used for the annual presents.⁴⁴ It was just this failure to spell out concrete proposals which was already behind much of the Department's

⁴³ PAC, RG10, 720, p. 67.

⁴⁴ In 1841, for example, the costs of annual presents totalled £13,250 of the annual grant of £20,000.

troubles, as Macaulay had seen three years before.

Closely associated with the timber problem was a whole series of issues involving Indian lands. Tenure, land management, and reserves, were each important topics in themselves, which made the land issue a much more complex one than the timber problem. Like the latter, the Indian land question had been made acute by illegal incursions; unlike it, these were of an individual, rather than a corporate nature.

The legal basis of Indian landholding varied in Canada East and Canada West. In the older area Indians had held their land on an informal basis from the French Crown, religious orders or individuals. Despite this lack of written treaties, the Commission could find only one case in which a band had been dispossessed without compensation.⁴⁵ The expansion of the Ottawa valley lumber trade had illustrated what could happen to the Indians in unoccupied Crown lands without proper government supervision; squatters had become a problem, and game had disappeared with the forests. In Upper Canada, arrangements had always been more formal because government had preceded settlement. Relations between government and Indians had been based on signed documents:

These agreements are mostly drawn up in general terms; they do not appear to have been recorded, and some of them are missing. They sometimes

⁴⁵ JLA, 1847, App. T.

contain reservations of a part of the land surrendered for the future occupation of the Tribe. In other cases, separate agreements for such reservations have been made, or the reservations have been established by being omitted from the surrender, and in those instances consequently the Indians hold upon their original Title of occupancy. . . . In all these cases . . . the power of alienation is distinctly withheld from the Indians and reserved to the Crown.⁴⁶

It was not surprising that the Indians of Upper Canada should be more vocal in their complaints than those in Lower Canada. They had a much clearer notion of precisely what their rights were than did the latter. Moreover, unlike most treaties, Bond Head's terms regarding the Saugeen and Anderdon lands, for example, had made no provision for direct compensation to the bands concerned. So they, naturally, complained and were accorded more favourable terms.⁴⁷

Reserving land title in fee simple to the Crown gave certain benefits to Indian landholders while at the same time denying them some of the privileges enjoyed by White settlers. The Indian farmer was immune from statutory labour. His lands could not be taxed or seized for debt. Europeans were excluded from his band's holdings. At the same time, the reserve Indian was excluded from the franchise and did not enjoy the same security of tenure as his White counterpart: the law regarded him as a minor. Each band held its land in common, each individual working as

⁴⁶ Ibid.

⁴⁷ Ibid.

much land as he found convenient, with the sanction of his chiefs. He possessed no location ticket, and by the terms of treaties of surrender could sell only to another Indian, such transfers being regulated by the band council. Tribal politics often resulted in bitter disputes over land transfers, and most Indian farmers felt themselves to be in a very insecure position because they had no title deeds. Moreover, the absence of accurate surveys sometimes caused hard feelings between Indians on the edge of a reserve and their immediate White neighbours. Some of the Six Nations, for example, apparently received no compensation for improvements when they moved from the north side to the south side of the Grand River. The Indians themselves had tried, with no success to obtain action on the matter of tenure. The Reverend Peter Jones visited England and the colonial secretary in 1837 in an attempt to improve this situation. Lord Glenelg rejected Sir Francis Bond Head's claim that Jones' mission was "a Methodist missionary plot" but still did nothing to alter the weaknesses in the system of Indian land tenure.⁴⁸

The 1842 Commission made several recommendations which it hoped would clarify the status of reserve lands and give individual Indians secure tenure. Collective title deeds for all Indian lands were to be drawn up and registered with the province, and were to be open for

⁴⁸ Ibid.

inspection like other public documents. They were to "preclude all power of resumption, without the consent of the Indians concerned."⁴⁹ All reserves were to be carefully surveyed, and these maps and records were to be kept in the Indian Department. However, this was more wish than reality. Chief Justice Macaulay had commissioned maps for Upper Canada, but these were incomplete. No maps whatever existed of the Indian holdings in Lower Canada. Each band was to be encouraged to divide its lands internally on a suggested basis of not less than 100 acres per family or band member; the remainder of such holdings was to be surrendered and sold for tribal benefit. Each Indian should be given an individual title deed to his reserve land with the customary restriction that Whites were not eligible to buy Indian land. This would give the individual landholder security, even if the tribe were to move. To ensure the Indian farmer's success annual presents should take the form of agricultural supplies; when he could finally maintain himself, he should be given title in fee simple to his land, surrendering his annual presents but retaining his interest in the tribal annuity.

These recommendations were the logical outcome of the policy of 1830. They represented no radical departures, but only a realistic approach to its implementation. The Commission of 1842 accepted the idea of a mission

⁴⁹ Ibid.

civilisatrice, maintaining that no Indian should be given title in fee simple until he could be "certified as civilized." They did not mention just who should undertake such a task:

This proposition is founded upon the conviction that it is desirable to release the Indians from their present state of tutelage, as soon as they are competent to take care of themselves; that to postpone this emancipation until the whole body is advanced to that stage, would be the most effectual way of retarding that desirable event; and that the example and encouragement held out by the admission of their more enlightened members to all the privileges of a Citizen, will be the highest incentive to exertion.⁵⁰

The Commission's position nonetheless represented a considerable difference of degree from other approaches to 'civilizing' the Indians. The transition to a rural society on the White model should take place as quickly as possible, with the Indians becoming ordinary citizens. The Commission was concerned only with legal status; it made no mention of Indian culture as such. Perhaps the most notable implication of such a policy, was the disappearance of the need for a Department of Indian Affairs. Once civilization had set in, the needs of the Indians would presumably be met by the same departments of government that serviced the needs of White society. These findings were echoed a century and a quarter later in the 1969 White Paper on Indian policy.

The Department's role in the management of Indian

⁵⁰ Ibid.

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lands was as different as the legal situation regarding them in the two parts of the province. In Lower Canada, only three agencies dealt with such matters: St. Regis, St. Francis and Caughnawaga. Finding competent and honest personnel seemed to be their chief problem; Caughnawaga had a change of agents because of a scandal involving embezzled funds which were never recovered.⁵¹ In any case, the Department's role was not a large one:

. . . the Government is no further concerned in their affairs than to receive the rents and seigniorial payments on account of their lands, and the tenements upon them, and also to receive and examine the accounts rendered by the agents, and to control their proceedings.⁵²

The commissioners concluded that ". . . Land affairs of the Indians in Lower Canada require examination and a stricter surveillance for the future."⁵³ This limited role contrasted with the somewhat larger one played by the Department in Upper Canada. The Crown acted as agent in trust for the sale of surrendered Indian lands, the Crown Lands Department handling the specific sales. Moneys thus received were disbursed either in payment of governor's warrants for Indian services, or as cash payments or debentures to the chief superintendent. In short, the expenses of Indian land management were deducted by the government from the receipts of Indian land sales. Up to

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

the early 1840's, this had not been altogether satisfactory, for the expenses exceeded the receipts. The Indian Department in 1842 actually owed the Department of Crown Lands £2,139 17s., of which £1,989 9s. 3d. was on the account of the Six Nations. The artificially high rates charged by Crown Lands were mainly responsible for this unsatisfactory situation.

The commissioners found this system inefficient and unfair. The Indian Department kept no separate accounts for each tribe, the Six Nations excepted, so that bands could not be accurately assessed for services rendered. The Crown Lands Department overcharged the Indians for its services. Lord Sydenham had established in 1840-41 that ten per cent of Crown Lands' revenues should come from the sale of Indian lands. But he had overestimated the volume of business generated by such sales, with the result that the commissioners found this rate "burthensome." They calculated that no more than five per cent of Crown Lands' revenue should be obtained from the sale of Indian lands and that the fee should be reduced accordingly. Moreover, the funds that were disbursed to the chief superintendent were almost untraceable, as no adequate check was made on his handling of these funds. Samuel Jarvis had made financial matters even more chaotic through his negligent account-keeping. Other "miscellaneous evils" were many. Jarvis blamed the number of departments involved in the

handling of Indian funds, urging centralized control under the Indian Department, and he proposed abolishing the roles of the Army Commissariat, Crown Lands, and the surveyor-general in the respective areas of presents, sales, and surveys of surrendered lands. The commissioners agreed with Jarvis in principle, though they had doubts about the scheme's feasibility. Given Jarvis' administrative record, their skepticism is readily understood. They felt there were better ways of remedying the defects they had uncovered.

The commissioners noted with some alarm the changes which had taken place in Indian land sales policy after 1840. Crown lands traditionally were sold only for immediate full payment in cash or land scrip, and this same pattern had been followed with regard to Indian lands. A somewhat different pattern was followed in the case of clergy reserves, however; buyers needed only one-third of the price in cash at the time of purchase, the remainder being paid in four annual instalments. This model was apparently followed after October, 1843, when it became possible to purchase Six Nations land for one-third in cash at the time of sale, the remainder being due any time up to six years from that date. The purchaser had only to keep up his annual interest payments.⁵⁴ Naturally

⁵⁴ PAC, RG10, 508. Jarvis to A. Patterson, April 15, 1844.

this led to many defaults on the part of settlers, and the income of the Six Nations was curtailed. Even though the Indians themselves had requested this scheme, the commissioners felt that "it seems very doubtful if these changes are calculated to secure the interests of the Indians, although the change has been made at their request."⁵⁵

The commissioners objected as well to the practice, which Jarvis had permitted, of leasing Indian land, particularly in the case of the Six Nations. The Indians had difficulty collecting the rents, and the settlers did not enjoy customary civil rights because they were not landowners in the eyes of the law. The commissioners objected for a third reason: the practice tended to keep the Indians' ownership of large reservations intact and make them economically independent:

It is not desirable that the present quasi corporate character of the Indian communities should be perpetuated. Its existence is one of the greatest obstacles to their advancement in civilization. . . .⁵⁶

It was clear that the commissioners wanted assimilation, including the breakup of the reserves, as quickly as possible.

The Commission had much to say about the methods of handling Indian band funds. Its first recommendation was that a competent person be appointed to straighten out the various band accounts, so that the financial status of

⁵⁵ JLA, 1847, App. T.

⁵⁶ Ibid.

each might be clear both to its own chiefs and to the authorities themselves. Past accounts were to be updated and closed by the Department of Crown Lands which would manage Indian land sales as before, with the surveyor-general's office handling title searches and mapping. Each tribe was to have its own account, from which deductions would be made for services rendered by various government departments. In the case of Crown lands, this deduction was to be kept to a "fair share" of the cost of land management or at a flat rate of five per cent, if the former proved unworkable. Other departments were to levy their rates at fair amounts "with strict economy." All proceeds gained from the sale of Indian lands were to be handed to the receiver-general, who would maintain separate tribal accounts and file duplicate account books with the Indian Department. When the balance in any of these accounts exceeded £200, the excess was to be invested, the Indian bands receiving only the interest, unless exempted by special order-in-council. All investments were to be reported to the governor-general and recorded in the Indian Department. Each tribe would get an annual account of its funds from the government, one copy of which would be signed and returned by its chief as an acknowledgement. Finally, all funds in the hands of the chief superintendent were to be handed over to the receiver-general, and any Indian Department officials who

had handled Indian funds were to account for them.⁵⁷

Two features of these recommendations on handling land funds were apparent. They were designed to make procedures more efficient and to clear away the careless practices of the past, ensuring that the Indians themselves would have an accurate picture of their financial status. Yet these new measures meant no fundamental change in the government's treatment of Indians as legal minors, incompetent to handle their own affairs. A small step had been taken in familiarizing the chiefs with financial matters, but no proposal was put forward that would have seen them eventually equipped to handle their own finances. The self-perpetuating paternalism inherent in the system of relations between Whites and Indians continued.

The position of reserves was an important part of the land question with which the commissioners were concerned. White encroachment on these holdings was a continuous problem which the law, not altogether successfully, attempted to combat. In Upper Canada, reserves were regarded as Crown land and trespassers could be ejected by officers of the government. Such action was not so easy in Lower Canada, where Indian tenure had a different legal basis, though a law of 1777 had made trespassing on Indian lands illegal. This whole problem was succinctly stated

⁵⁷ Ibid.

by the commissioners:

These Reserves contain some of the finest and most valuable land in the province. Hence they have attracted the attention of the indigent immigrant and the fraudulent speculator, who either in ignorance or with a view to future gains, have settled upon portions of them, sometimes without leave or observation, sometimes against the will of the Indians, but more frequently under color of titles obtained from individual Indians.⁵⁸

The Commission felt that surveys should be conducted to obtain accurate information on squatters and that such people should be quickly removed where their title was fraudulent or if objections were made by the Indians involved. Again, any expenses incurred by the government in these matters should be deducted from the appropriate band funds. Several measures to prevent squatting in the future were suggested: reserves should be kept to a manageable size, and Indians should be encouraged to control their own individual plots and to act as reserve rangers who would evict any intruders. Following a petition of several chiefs, the Commission recommended legal punishment for those Indians who tried to sell tribal lands to settlers. Similarly, government officials who encouraged squatting should be summarily dismissed. To make the machinery of the law more workable, the Crown Lands Protection Act should be amended to include Indian lands specifically, and the Department of Crown Lands should appoint agents to enforce the amendment. Competent

58 Ibid.

Indian land agents were a necessity, particularly in areas where there were no Indian agents per se.

Clearly, these steps would secure the reserves for Indian use and render them the type of communities which had been envisioned by the framers of the policy of 1828-1830. Indian bands would be able to live without fear of constantly seeing their lands diminished in size. But there was another basic reason for this concern of the Commission. The policy of "civilization" would be absolutely unworkable without a stable reserve system as its base. Reserves were to become the communities through which assimilation would occur. All Indians were to become sedentary farmers, whether or not agriculture was their traditional economic base. For the commissioners, as for most nineteenth-century Europeans, civilization was synonymous with living in a fixed location, and farmers were the base upon which civilized society rested. This is evident in their recommendation that, while Indian fisheries should be protected, the Indians should not be induced to hunt. Any practices which supported living by hunting, such as the issue of firearms, should be terminated immediately. Those who were to become model citizens could not be allowed to follow an irresponsible and nomadic existence.

V. Indian Leadership and Departmental Reaction

The Commission of 1842 had moved to end many of the shoddy practices that had marked the Indian Department's conduct of its business during the preceding decade, yet it should not be given sole credit for these discoveries. Many sordid examples of misbehaviour and carelessness had originally been brought before the Commission by disgruntled Indian chiefs who were concerned about departmental handling of their band funds. Chief Pautash of the Rice Lake Ojibways complained in 1842 that his band had received no accounting regarding its annuity of £740 since March 31, 1836.⁵⁹ The Indian Department's books showed the chief as having received £500 on May 16, 1842; this he denied. The Commission found that Chief Superintendent Jarvis had obtained power of attorney for the band (the necessary legal prerequisite for access to annuities) under false pretences, and that he had simply withdrawn the missing £500 under the entry "tribal expenses."⁶⁰ The inference was plain; the chief superintendent was using Indian funds for his own purposes. In a second case, Jarvis promised £200 to another band but never delivered the money,⁶¹ explaining that he would forward £100, and

⁵⁹ PAC, RG10, 720, pp. 683 ff.

⁶⁰ Ibid.

⁶¹ PAC, RG10, 720, p. 96.

use the remainder to build long-promised houses for the band during the summer of 1842. The Indians received neither the money nor the houses.⁶² The 1842 Commission found that the Indians' explanation was correct and demanded a written explanation from the chief superintendent. When that was produced, it was found to be full of inaccuracies; the Commission simply forwarded it to the governor-general noting marginally where it was wrong or false.⁶³

Both examples illustrate the concern demonstrated by Indian leaders on many occasions during this period. They did not conform to the popular stereotype; they were neither ignorant nor unfamiliar with the workings of government. Some were illiterate, but many could read and write because of training at the hands of missionaries and schoolmasters who operated under the Department's direction. The 1842 Commission of inquiry found itself the recipient of several ably prepared briefs from band leaders dealing with their grievances.

Not all Indian leaders believed that such actions would obtain justice for their people, and some were prepared to consider other alternatives to petitioning the government. One such choice was emigration to the United States. Three Moraviantown chiefs who had gone to Missouri following their band's treaty with Sir Francis

⁶² Ibid., p. 97.

⁶³ Ibid., pp. 98-99.

Bond Head, returned in 1842 to try to convince some of their brethren to follow them.⁶⁴ The Indians of Canada were not unfamiliar with the consequences of the 1830 American policy of removal to tribes like the Cherokee and the Choctaw, and such urgings were ignored for the most part. The Moraviantown chiefs lost some credibility when it appeared that they were more interested in settling their shares of the British annuity than in attracting followers. Having been awarded twenty-five pounds per year for life at the request of their Canadian relatives, they departed for their new homes.⁶⁵

A second, more workable alternative, was direct communication with English authorities in London. This course was frowned upon by the Indian Department and the government generally, for both wished all such communications to be handled through "regular channels." The Grand River Indians had organized a direct appeal to England as early as 1804, when they sent John Norton to argue their case for holding their reserve lands in fee simple.⁶⁶ Norton, however, found himself discredited by British officials because of a counter-petition organized by

⁶⁴ PAC, RG10, Clench to Jarvis, April 11, 1842.

⁶⁵ Ibid.

⁶⁶ C. F. Klinck and J. J. Talman, eds., The Journal of Major John Norton 1816 (Toronto: Champlain Society, 1970), p. cviii.

William Claus, the grandson of Sir William Johnson.⁶⁷ His mission failed, and the animosity between Claus and himself persisted until 1826.

By 1844, several Indian leaders in Canada West had become disillusioned with the prospects of securing reform save through this type of direct approach. The Missis-saugas of the Credit wanted to move their reserve and had other complaints which had roused their young chief, Joseph Sawyer, to petition the government for change. He was helped by the active Methodist missionary Peter Jones. The Chippewas of Walpole Island, who had been trying unsuccessfully to obtain an advance on their annuity, also decided to take this and "any grievances they wished to complain of--or any favours they wished to solicit" to London.⁶⁸ They were supported in this scheme by their acting superintendent, the devious, ambitious William Keating, whose chief hope seems to have been that he might advance himself in the Indian Department by capitalizing on the Chippewas' grievances and drawing the attention of high officialdom to them.

In August, 1844, both groups, apparently independently, sent their delegates on their journeys. The Chippewas had saved enough money to pay their passage as

⁶⁷ Ibid.

⁶⁸ PAC, RG10, Clench to Higginson (private), August 26, 1844.

well as Keating's, which discovery caused much alarm to Joseph Clench, the superintendent at Munsee Town.⁶⁹ Jones and Sawyer attempted to stir up general interest in their project; slipping mysteriously across the province, they were reported at Lake Simcoe, Rice Lake, and finally in Montreal.⁷⁰ Chief Superintendent Jarvis was understandably upset when he understood that they had called on the governor-general and he had received no official letter on their business. Equally upsetting was the rumour that Jones' prime reason for going to England was his interest in having a book he had written on Indian matters published.⁷¹ What Jarvis had managed to conceal for five years was about to become public knowledge.

In the end, these plans for confrontations in London came to naught. Yet they were not without significance, for they were an eloquent comment on Indian grievances, the shortcomings of the Indian Department, and the quality of Indian leadership. Indian complaints had been accumulating for a decade and had become acute under the urgings of active spokesmen of the early 1840's. Men like Peter Jones were particularly useful to the Indian cause because of their connections with outside organizations such as the Methodist Church. Even the patience of band chiefs

⁶⁹ Ibid.

⁷⁰ PAC, RG10, Jarvis to Higginson, August 28, 1844.

⁷¹ Ibid.

like the Sawyers or Pautash had reached its limits by the mid-1840's. For the most part, the Indian leaders with whom Indian Department officials had to deal were intelligent and capable, and ardent in defence of rights which they felt had been neglected. The great tragedy of the Indian Department in this period (and later) was its failure to take such men into its confidence and work with them to guide their people into the 'arts of civilization.' The result of this failure was an incompetent paternalism which proved unsatisfactory both to the Indians and the government.

Not all Indian chieftains were sagacious leaders of men. Many of them were constantly involved in internal squabbles which compromised the Indian Department's operations by causing intra-tribal political divisions. The Saugeen chief Wabatic was one such man. Members of his band charged that he kept a large portion of their annual presents for himself, distributing some of these to certain French families who lived nearby and were friends of his. He had encouraged White settlement upon tribal lands (for a personal fee) and had neglected tribal business. He even allowed his daughter "to cohabit with a person by the name of Captain McGregor a married man."⁷² For all these reasons, the petitioning Indians wanted

⁷² PAC, RG10, Jarvis to Wabatic, December 23, 1844.

Wabatic removed and Peter Sacks made chief in his place.⁷³
 This was a type of dispute which Indian superintendents did not like to enter because it was basically an internal band problem. The Department no doubt was relieved when Wabatic, on receipt of a letter outlining the charges against him, fled the Indian community and by early January, 1845, was "encamped in the forest near Guelph."⁷⁴
 This particular problem had resolved itself, relieving the Department of bothering to formulate an over-all policy approach to such difficulties.

Something of the Department's attitude had been seen earlier in 1844 when a dispute arose among the Chippewas of St. Clair and River Aux Saubles over the selection of their head chief. The authority of Chief Wawanosh had been challenged by one Mishibashgee, who apparently had a good case since both Jarvis and the governor-general were prepared to recognize his claims to the position.⁷⁵ The decision not to support Wawanosh had been made because he was suspected of selling his people's land and timber rights for his own benefit. It was reaffirmed because the Department wished to remain consistent and because the settlers to whom Wawanosh had turned were a particularly

⁷³ Ibid.

⁷⁴ PAC, RG10, Jarvis to Higginson, January 3, 1845.

⁷⁵ PAC, RG10, 508, Jarvis to Chief Mishibashgee, March 29, 1844.

unsavoury lot. On this occasion, the Department showed itself ready to support the party in any internal dispute which clearly showed that it had the best interests of the Indians themselves at heart. Further, it demonstrated consistency in the face of strong local pressures to reverse its original stand.

A more serious challenge to the Department's decision-makers came from the Chippewa bands settled in the neighbourhood of Lake Simcoe. One of the earliest attempts to create a 'civilized' Indian farming community had been carried out among these people. The settlement at Coldwater, begun in 1829 under the guidance of Sir James Kempt and the superintendence of Thomas Anderson, had proved to be a failure. The Chippewa bands, having a semi-nomadic heritage, had not proved amenable to living in a sedentary agricultural community. By 1837, the experiment had broken down, and during the next few years provision had to be made for reserves for these people. In such confusing times it was natural for disputes to occur among Indian leaders, but in the case of the Lake Simcoe Chippewas, such bickering was exacerbated by religious differences. Both the Roman Catholic and Methodist missionaries had succeeded in gaining goodly numbers of converts, and the differences between the two Christian groups were the final factor driving the bands apart.

The Indian Department originally had set aside lands

lying between Lake Simcoe and Matchedash Bay for the Chippewas, but after the failure at Coldwater these Indians decided they wished to live elsewhere.⁷⁶ Serious argument over the choice of an alternate location developed between the two principal chiefs William Yellowhead and John Aisance, which soon deteriorated into religious bickering, for Yellowhead's followers were Methodists while Aisance's were Roman Catholic.⁷⁷ The former group finally purchased lands from their annuity money in Rama Township, on the eastern shore of Lake Couchiching, while the second band removed to Beausoleil Island.⁷⁸ Improvements owned by the band were divided equitably, Aisance's people obtaining control of the Coldwater mill, while Yellowhead received the mill in North Orillia Township.⁷⁹ Subsequently a disagreement arose between Yellowhead and one of his sub-chiefs, Joseph Snake, and the latter moved his followers to Snake Island in Lake Simcoe.⁸⁰

The Indian Department had dealt reasonably effectively with the Lake Simcoe Chippewas, but its troubles with them were far from over. As in the case of the Wabatic dispute, it had really done little more than accommodate the

⁷⁶ For a brief outline of this dispute see PAC, RG10, Jarvis to Higginson, October 17, 1844. F. B. Murray, Muskoka and Haliburton, 1615-1875 (Toronto: Champlain Society, 1963), pp. 97-132, contains a useful selection of documents on Indians of the vicinity.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

wishes of as many splinter groups as it could, usually ratifying decisions made by the Indians themselves. The Chippewa case was more complex, because of the roles played by various Christian missionaries who worked in close liaison with Department officials, especially the representatives of the Anglican and Roman Catholic denominations. The Lake Simcoe situation was worsened by the presence of Methodists, who were more aggressive than their Anglican brethren in methods of conversion, and also preached a virulent form of anti-Roman Catholicism. They were frowned upon by the Indian Department as possessing ideas antithetical to its own.

These issues reached an acute stage early in 1844, when Nagishkung--like Joseph Snake a junior chief attached to Yellowhead's band--asked the Indian Department for permission to join the group on Snake Island. Jarvis' patience snapped under the pressure of this fresh disagreement, for homes and buildings had only recently been erected at heavy expense for this group in Rama Township:⁸¹ "If Nagishkung persists, not another shilling shall be expended for them again without my consent and this you may communicate to him and his people."⁸² This threat apparently was sufficient to halt the proposed

⁸¹ PAC, RG10, 508, Jarvis to Joseph Snake, January 27, 1844.

⁸² Ibid.

move, but Jarvis' position became even more difficult when it appeared Yellowhead had permitted his interpreter to defraud Peter Cowan, a blind Indian, and had made no attempt to punish the culprit. Evidently Yellowhead had also defrauded the Cowans of their proper share of the band's annual presents.⁸³ Such behaviour justified Nagishkung's desire to leave, undoing the chief superintendent's earlier attempts to enforce harmony. No doubt Jarvis understated his feelings when he described Yellowhead's conduct as "highly discreditable."⁸⁴

The chief superintendent suspected missionary involvement in these Indian disputes. In March, 1844, he had received a complaint about the conduct of Chief John Aisance of Beausoleil Island signed by the Reverend Thomas Hurlburt, a Methodist missionary in the district. Jarvis suspected that the root of the complaint was really the staunch Roman Catholicism of Aisance and his followers, which rendered the Methodist cleric's ministry very difficult. In any case; he attempted to mollify Hurlburt by declaring that he would investigate the truth of the charges "without delay,"⁸⁵ though he did nothing but hope that the complaints would eventually evaporate of their own accord. In July, Jarvis received a second petition:

83 PAC, RG10, 508, Jarvis to Yellowhead, May 8, 1844.

84 Ibid.

85 PAC, RG10, 508, Jarvis to Hurlburt, March 16, 1844.

from one of Aisance's sub-chiefs and the whole business at last came clear. This sub-chief and his followers wanted to remove to Hay Bay on the Bruce Peninsula and wanted the government to buy them some land there, claiming their Methodist beliefs would not permit them to dwell among the Roman Catholic members of the band.⁸⁶ The Reverend Mr. Hurlburt had been busy sowing the seeds of dissension in order to make converts and was clearly the force behind this request. Jarvis refused the petition, pointing out there was sufficient land on the reserve for the Methodists to live as a separate community. A second possibility was for them to move to one of the Christian Islands, but he did not regard this as a good idea.⁸⁷ The whole episode only reinforced the chief superintendent's Tory distrust of evangelical clergymen as troublemakers.

These disputes among the Lake Simcoe Ojibways say much about the Indian Department's attitudes and policies. The caution which had marked other band disputes was again in evidence. Letting time solve problems was all very well, but it could hardly be called a positive policy. Such hesitancy was a hallmark of the Department in most cases. Unused to bold initiatives, it too often simply ensured that the condition of the Indians had not sunk too

⁸⁶ PAC, RG10, 508, Jarvis to dissident Indians, July 15, 1844.

⁸⁷ Ibid.

low, and left them very much on their own, with resulting chaos in land protection and tribal politics. It was not equipped to deal with the policy of 1830, but simply bumbled along, a prisoner of past practices.

VI: Missionaries and the Department

Missionaries, doctors and teachers were a significant factor in the conduct of Indian relations after the Union of the Canadas. Whereas officials like Jarvis were concerned chiefly with matters that were essentially political or fiscal, these people were directly involved with the Indians' social needs. Missionaries were particularly significant, for many of them had built up a legacy of trust based on a genuine interest in the Indian people amongst whom they lived. This provided a valuable point of contact with bands who might not trust or understand direct representatives of the Indian Department. Consequently, missionaries often found themselves fulfilling a dual purpose; on the one hand concern for the spiritual and physical well-being of their charges; and on the other, involvement in political and financial matters on behalf of the Indians.

Since conversion to Christianity was part of the 'civilizing' process, Christian Indians were considered more 'advanced' than their pagan confreres. Given the Tory backgrounds of departmental officials, Indians who

adhered to the Anglican faith were likelier to be regarded as shining examples for others to follow while Methodist bands were not. It should be noted that the Indian Department worked closely with missionaries of all the major denominations which supported missions among the Indians. Roman Catholic priests played a very considerable role among bands in Canada East; in Canada West they shared this work for the most part with men of the Anglican and Methodist churches, though Baptists were active among the Tuscarora and Oneida bands of the Six Nations. Nonetheless, the attitude of Samuel Jarvis was seen clearly in his congratulatory message to Chief Yellowhead upon the latter's decision to erect an Anglican church. "You will all be happy and contented," Jarvis wrote, "under the mild influence of the Church of England."⁸⁸

The role the missionary played and the type of success he enjoyed varied with his own personality and the nature of the community in which he worked. At his best, he was a tireless worker who truly attempted to know his people, usually by learning their language and customs, and tried to make the Christian gospel relevant by reaching them in their own terms. Such a man was respected by both Indians and Whites. James Evans was one such. Stationed on the St. Clair reserve in 1834, this "man of great zeal and tact . . . signally blessed of God in his

⁸⁸ PAC, RG10, Jarvis to Yellowhead, January 15, 1845.

labours"⁸⁹ eventually moved to the Northwest where he created a Cree syllabary. At his worst, the missionary was a narrow bigot who respected neither the culture of the Indians nor the beliefs of other clerics. William Herchmer, a Methodist stationed at Big Bay on Lake Simcoe, told some Roman Catholic members of the band there to become Methodists or remove themselves to a new location, leaving behind their lands and improvements. Jarvis denounced this as "intolerant in a high degree," clearly demonstrating that the Indian Department would not condone such behaviour.⁹⁰

The precise status of missionaries vis-à-vis the Indian Department was difficult to define. Most of them had been sent and were supported by denominational bodies or missionary societies which had become quite active during the 1830's. The Department encouraged these ventures, realizing the seminal role such men could play in implementing the 'civilization' policy of 1830. Financial support in the form of salary adjustments or living allowances was extended to most of them, and the Department often provided living quarters as well. This was usually done discreetly, for fear of public outcry over government support for particular religious bodies. Most Roman

⁸⁹ PAC, RG10, Malcolm Cameron to 1842 Commission, February 7, 1843.

⁹⁰ PAC, RG10, Jarvis to Herchmer, August 12, 1844.

Catholic priests in Canada East received very little support, the Department feeling that its limited funds could be used elsewhere, and that the priests in any case could expect some help from their own church. By 1845, most missionaries were supported both by their respective churches and by the Indian Department.

This scheme of things was generally viable and successful, but it had certain weaknesses. Missionaries and superintendents sometimes held contradictory notions of what was best for the Indians. A bitter dispute of this type occurred at St. Regis in 1842-43, which caused the Montreal superintendent, James Hughes, to write that "little or no confidence" could be placed in anything said by the resident Roman Catholic priest, Father Joseph Marcoux.⁹¹ Missionaries of different denominations often disagreed on approaches to the Indians, to the detriment of the communities they served.

Finally, too many authorities tended to measure a missionary's success in terms of the number of Indian converts he had made, putting pressure on the missionary to concentrate solely on this aspect of his work. Manitoulin Superintendent Anderson felt that Frederick O'Meara was unfit for his position there because he had made only one convert in three years in his previous position at

⁹¹ PAC, RG10, Hughes to Rawson, February 3, 1843.

Sault Ste. Marie.⁹² This was an illubory standard of performance, for in many bands it was common for the tribesmen to follow the religious example of their leaders; all some missionaries did was merely to 'convert' the latter. Nor did such a standard take into account the effectiveness of a missionary's communication with the Indians under his charge. O'Meara, for example, conducted school classes and church services in the Indian tongue on Manitoulin, yet found himself scornfully regarded by his superintendent.⁹³ Despite such arguments and difficulties the role of the churches and their agents remained an important one in the conduct of Indian relations.

VII. Medical and Educational Services

The health of the Indians was also a matter of great concern. The spread of White settlement and the disappearance of the traditional Indian ways, especially in the St. Lawrence-Great Lakes area, had caused a grave deterioration in both Indian health and population by the 1830's. There was some speculation that those Indians who were not assimilated would eventually become extinct. The urgency with which some circles preached the doctrine of assimilation can be seen in the light of this feeling of its being aimed at saving Indians' lives rather than an

⁹² PAC, RG10, 720, p. 46.

⁹³ Ibid.

attempt at 'cultural genocide.' Both the Indian Department and its clients were aware of the necessity for adequate medical care, the former trying to provide some medical care and the latter asking for it when they felt it was needed.

By the early 1840's, the rudimentary attempts to provide the Indians with medical services had given way to a semi-organized system that worked quite well. Superintendents had always kept medicine chests in their residences which were used at the Indians' request. The services of local doctors were often volunteered, though such men were rare until the third and fourth decades of the nineteenth century. The Indian Department simply built on this system. Medicine chests continued to be maintained on reserves, but local doctors were recruited on a regular basis to supervise Indian health. Such men were usually paid an honorarium of between thirty-five and seventy-five pounds per year, depending on the distances they had to travel, the hardships involved, and the services required. These salaries were taken from band funds, so, in effect, the Indians paid their own doctors.

This system, on the whole, worked quite well, but it was not altogether satisfactory. Medical care varied widely, depending on the location and financial condition of different bands. Tribesmen in the more remote sections of Canada seldom, if ever, saw a doctor; though they had

little opportunity to fall prey to the contagious diseases of the European, they died of various natural disorders.

The bands most adversely affected were those living in inaccessible areas not far removed from the settlement frontier. Such bands usually had their health problems compounded by poverty as well as contacts with Whites.

The Indians of the district north and east of Rice Lake suffered a great deal from pneumonia and other respiratory disorders, but they only saw Dr. McNabb of Peterborough about once a year.⁹⁴ Ill-feeling developed between the Indians and the doctor until he was replaced at their request by a Mr. Hutchison who was not a doctor, only a medical attendant.⁹⁵ In contrast, the Six Nations of the Grand River, whose reserve was easily reached and who paid a handsome retainer, were attended by two or more doctors from neighbouring communities. In 1844-45, Dr. H. Whicher looked after the 'Lower Mohawks' near the mouth of the Grand, while Dr. A. Digby of Brantford attended the other bands near that town. For their services, these doctors received a combined annual retainer of £235.⁹⁶

Such fees sound high, but Indian bands usually received good value for their money. Men like McNabb of

⁹⁴ PAC, RG10, Jarvis to Hutchison, October 24, 1844.

⁹⁵ Ibid.

⁹⁶ PAC, RG10, Jarvis to Higginson, January 28, 1845; Jarvis to Dr. Digby, November 14, 1844.

Peterborough were the exception; Digby and Whicher spent so much of their time with Indian patients that any profits they might have earned were wiped out. And at least one doctor, Paul Darling of Manitowaning, gave himself up entirely to the treatment of Indians and died during the performance of his duties. By 1845, under this system some of the Indians were receiving medical attention that was probably the equal of that in smaller frontier White communities.

Education was the most important aspect of the Indian Department's concern for Indian social welfare, for upon it depended the Indian's ability to adapt to the new social conditions which were rapidly obtaining in his original homeland. It was the key to the success of the policy of 'civilization,' yet the Department's efforts remained confused. This was not for want of trying. The period 1841-45 saw the efforts of the previous decade extended until almost every Indian band in the settled part of Canada had access to a school and a teacher.

Rather, difficulties experienced in Indian education were caused by the lack of agreement over the type of education which should be offered, and a failure to co-ordinate the efforts of individuals and groups who were involved with it. A continuing factor (to our own time) was the ignorance of Indian cultural values displayed by such people.

Early attempts at Indian education had been sporadic

and unsuccessful. By 1842, every attempt to establish English schools among the Indians of Canada East had failed.⁹⁷ In Canada West, there was more success, though it too was of a limited nature. School hours were long, usually nine to twelve a.m. and one to four p.m.;⁹⁸ lessons were in English, which alienated many students; curricula followed conventional patterns which had no relevance for many Indian pupils; and the textbooks were the conventional American and British ones.⁹⁹ This approach did little to prepare Indian pupils to co-exist with European society, a circumstance which was emphasized by the location of most Indian schools on reserves, so that Indian-White pupil contact was negligible.¹⁰⁰ Teachers were not easy to obtain and missionaries often acted as local schoolmasters, which sometimes led to the kind of denominational conflict among the Indians outlined earlier. Children learned by rote for the most part, a procedure which no doubt contributed to the attendance problems faced by most Indian schools.¹⁰¹

⁹⁷ PAC, RG10, 115, Napier's submission to the 1842 Commission, February 14, 1843.

⁹⁸ Ibid., Henry Jones' submission, December 14, 1842.

⁹⁹ Ibid., Henry Hogg's submission, n.d.

¹⁰⁰ Some Indians, such as the Quinte Mohawks, did have access to the Common Schools. PAC, RG10, Wm. Hutton to D. Daly, November 15, 1844.

¹⁰¹ Ibid., Peter Jones' submission, December 14, 1842.

Some educators were aware of the inadequacy of this almost exclusively academic form of schooling almost from its inception. These men reasoned that the policy of 1830 indicated a more technical, agricultural type of training. As early as 1829, Charles Forest had attempted to give instruction in manual training to Indian students at Chateaugay, Lower Canada.¹⁰² An agricultural school and farm had operated for a short time at Christieville under the patronage of Major Plenderleith Christie.¹⁰³ Though both these efforts were short-lived, the supporters of Indian technical education did not slacken their efforts. By 1843 such training was being offered as part of the regular curriculum at Alwick, Manitoulin Island, Grand River, and Muncey Town.¹⁰⁴ The chief superintendent became an ardent supporter of technical education, urging government support for the Reverend Saltern Givins' idea that an exclusively technical school should be established for the Quinte Mohawks.¹⁰⁵ But not until five years later would such a school be erected--a fitting commentary on the complexity of decision-making on Indian educational matters.

Despite these drawbacks, most teachers of Indian

¹⁰² Scott, op. cit., V, 347.

¹⁰³ Ibid.

¹⁰⁴ PAC, RG10, 508, Jarvis to Higginson, January 26, 1844:

¹⁰⁵ Ibid.

pupils were highly impressed with the calibre of their pupils. Henry Hogg, the teacher at Muncey, was one of these:

The experience I have had justifies me in saying that Indians "have an aptitude for acquiring knowledge" providing the Teacher had proper means at his disposal + ca [induce] any thing like regularity of attendance.¹⁰⁶

Peter Jones touched on the basic problem of Indian education: "The children taught in their own language learn very fast, but make very slow progress in . . . English."¹⁰⁷ The great paradox of Indian education lay precisely here; the very people who were most interested in seeing Indian pupils 'progress' were those who opposed teaching them in their own dialects because this would arrest the process of 'civilizing' them. Such views were widely held among the remote, powerful officials of the organizations most involved in Indian education, the Society for the Propagation of the Gospel, the New England Company and the Wesleyan Methodists. In education, as in medicine and missions, much had been accomplished by 1845, yet much remained to be done, hovering on the brink of postponed decisions or lack of communication.

¹⁰⁶ PAC, RG10, 115, Hogg's submission, n.d.

¹⁰⁷ Ibid., Jones' submission, December 14, 1842.

This, indeed, was the whole state of the Indian Department in mid-1845. It had accomplished much. It had displayed diplomatic talents in dealing with the political and financial problems faced by various Indian bands. It had encouraged and established schools, missions, and medical services, even whole villages. Yet its administration was chaotic, its head in Canada East was elderly and its chief superintendent in Canada West was corrupt. It was an administrative orphan, functioning as part of then Canadian government, yet in reality was part of the colonial administration centred in London and had its basic decisions made for it by men who did not comprehend the nature of its tasks. In terms of policy it walked an impossible tightrope between a moral sense that the government should be doing its utmost for the Indians and that same government's sense of economy which saw the Department's annual grant frozen at the 1830 level.

Finally, the Department was caught between the Indians and the exploitive pressures of the developing community in the Province of Canada. In Canada West, where these pressures were strongest, the chief superintendent lacked the qualities to withstand them. In the revelations which broke about Samuel Peters Jarvis in 1844-45, the shortcomings of the Indian Department were laid open to the public.

CHAPTER V

THE AFTERMATH OF THE JARVIS SCANDAL:

THE INDIAN DEPARTMENT 1845-1860

I. Personnel Changes in the Post-Jarvis Period

The commission of inquiry into the Indian Department which began its sittings late in 1842 provided ample opportunity for those who were dissatisfied with the Department's performance to record their grievances. The army of witnesses ranged from disgruntled individuals like Marcus Blair of Hamilton, who had seen the Department reject his own plans for the Six Nations, to Indian chiefs who had many complaints regarding the treatment of their lands. Many of the Department's practices were found to be careless and slipshod. More important, however, were the deficiencies of some of its personnel. Fraud, bribery, religious prejudice, and unconcern for Indian welfare were only a few of the misdeeds brought before the commission. The superintendents at Walpole Island, St. Clair, the Six Nations, and finally the chief superintendent himself, were involved in these charges.

After a thorough investigation, the commission recommended the dismissal of several superintendents. William Jones at St. Clair, William Keating at Walpole Island, James Winniett at the Grand River, and Chief Superintendent S. P. Jarvis were removed from office. Jarvis' chaotic management of the Indian Department left its accounts in terrible condition, rendering the commission's inquiry very difficult. But its perseverance resulted in Jarvis being charged with the illegal spending of over

£6,000 in Department funds. He was suspended from office on June 30, 1845. Though the government applied legal pressure several times, Jarvis apparently never repaid the missing funds.

The Jarvis affair should not be seen as the prosecution of a solitary inept officeholder. The facts turned up by the commissioners of 1842 illustrated that the business methods of the entire Indian Department needed thorough overhaul. By implication, the whole provincial administration was not much better off.¹ High Toryism had already begun to yield to moderate, business-oriented liberal-conservatism, the Strachans, Robinsons, and Jarvises to the Merritts, Galts and Buchanans. Government business methods were beginning to change accordingly. Samuel Peters Jarvis was the representative of a class and of a way of doing things that were being superseded by a new order.

The commission of 1842¹ was an attempt to improve the old ways of the Indian Department and bring its administrative practices into line with this new approach. When the civil secretary wrote to Jarvis in May, 1845, "You are aware that, under any circumstances, it was not intended to continue your Office on its present footing beyond the

¹ Something of the financial picture in Upper Canada before union may be seen in John Ireland, "John H. Dunn and the Bankers," *OH*, LXII (1970), 83-100. See also J. E. Hodgetts, *Pioneer Public Service* (Toronto: University of Toronto Press, 1955).

30th of June next," he was indicating that large-scale changes in the Indian Department were being contemplated.² Jarvis' difficulties were really only a by-product of larger issues.

Following Jarvis' suspension, the Indian Department was reorganized. One great change had already taken place as early as October, 1842, when the civil secretary had been made superintendent-general of the Department, bringing its section in Canada West under the immediate scrutiny of the governor-general.³ With Jarvis' removal, the post of chief superintendent was abolished, as were the other resident superintendencies. They were replaced by a system of visiting superintendencies which it was hoped would reduce the administrative costs considerably. The Toronto office became the seat of the new central superintendent, Captain Thomas G. Anderson, who continued at that post until his retirement in 1858. During Anderson's tenure, the office was briefly located at Cobourg, but returned to Toronto with his successor. George Ironside was transferred from Amherstburg to fill Anderson's former position at Manitoulin, with the title of northern superintendent and a wider area of jurisdiction than his

² JLA, 1847, App. VV, Higginson to Jarvis, May 10, 1845.

³ The first person to hold this office was R. W. Rawson, chief commissioner 1842-44. The office did not pass to the regular civil secretary, Captain J. M. Higginson, until May 15, 1844.

predecessor. The whole southwestern portion of the province was gathered into a new western superintendency under Joseph B. Clench at London, while David Thorburn of Queenston became special commissioner to the Six Nations, replacing the inept and unpopular James Winniett. The Department's section in Canada East continued much as before, Colonel D. C. Napier remaining as the Indian secretary in the civil secretary's office.

These changes affected the fortunes of several career departmental personnel. For William Keating and James Winniett, it meant discharge from the Department. For others like George Vardon, formerly a clerk in the Toronto office, it meant rapid promotion to the highest levels of administration. The first group were generally bitter at what they regarded as unjust treatment, and some tried to obtain support for their cases among the great and powerful of their acquaintance. Winniett's pleas were of no avail, but Keating fared better. Less than ten days after his former chief's dismissal, he wrote to Jarvis inquiring about employment prospects on the Great Western Railway in Toronto.⁴ Keating's fears were, however, unfounded, for he was soon re-employed by the Indian Department, and remained at Sarnia as assistant superintendent until 1860.⁵

⁴ PAO, Jarvis-Powell Papers, Keating to Jarvis, July 9, 1845.

⁵ PAC, RG10, Preliminary Inventory, p. vi.

His political saviour was none other than the redoubtable Bishop of Toronto.

John Strachan's position in regard to the affairs of the Indian Department was an elusive one. He was a friend of Samuel Jarvis and defended him against charges of moral turpitude levelled by some Indians. When several of the "old crowd" in the Indian Department turned to him for redress after the events of June, 1845, he obliged by putting some discreet pressure on their behalf on the civil secretary, a tactic which Captain Higginson resented.⁶ Nonetheless, the bishop's tactics were successful in Keating's case, and probably in others as well. No episode could better illustrate the nature of political influence on the provincial civil service. The Indian Department was particularly subject to such pressures.

These political influences from outside were matched by political manoeuvres from within by ambitious civil servants like George Vardon who unscrupulously plotted his own advancement. Attached to the Toronto office under Jarvis about 1841, Vardon soon began to play on his chief's resentment at being marooned in the Indian Department with no possibility of reaching the provincial secretaryship, the position he had coveted so long. Playing on Jarvis' emotional nature, Vardon hinted darkly

⁶ PAO, Strachan Papers, Higginson to Strachan, August 25, 1845.

that certain people in government circles were determined to prevent Jarvis' further promotion because Vardon had been promoted unjustly over the head of William Henry Lee, a long-time clerk in the executive council office.⁷

Jarvis had shortly afterward become associated with Vardon at the Indian office in Toronto.⁸ In this capacity Vardon suggested some complicated moves which would see Jarvis eventually attached to the Court of Chancery, the benefit of which to himself he did not specify.⁹ These machinations came to naught, and their failure may explain Vardon's presenting evidence to the 1842 commission which suggested that Jarvis was corrupt.¹⁰ His rapid rise to a head clerkship in the office of the civil secretary at Montreal may be dated from this point. Vardon's animosity against Jarvis continued to grow, as an attack on the chief superintendent in the Montreal Pilot in November, 1846, demonstrated.¹¹ Vardon's tactics were successful; in 1846-47 he was acting civil secretary, and as such,

⁷ F. H. Armstrong, Handbook of Upper Canadian Chronology and Territorial Legislation (London, Ont.: University of Western Ontario, 1967), p. 15.

⁸ JLA, 1847, App. VV, Vardon to Jarvis (private), August 31, 1842.

⁹ Idem.

¹⁰ JLA, 1847, App. T.

¹¹ Montreal Pilot and General Advertiser, November 27, 1846. The letter was signed "H" but William Cayley maintained the author was Vardon. PAO, Jarvis-Powell Papers, Cayley to Jarvis, November 27, 1846.

superintendent-general of Indian affairs.¹²

But while the events of the 1840's had caused the elevation of some of the Department's employees and brought the downfall of others, their over-all effect on personnel was not great. The new visiting superintendents were all long-time civil servants, with the exception of David Thorburn whose lack of seniority was more than compensated for by his record of service in various special capacities.¹³ These men could be expected to carry on in the same fashion as they had before. Jarvis' dismissal revealed the determination of the British authorities to make the administration of the Indian Department as efficient (and as economic) as possible. The old days of lax control were gone; after 1845 the Department would, in theory, be much more closely supervised than in the past.

Most of the visiting superintendents in Canada West-- with the possible exception of William Keating at Sarnia-- were capable men of wide experience. True, Colonel Napier, the firm base of the Department in Canada East for over a quarter of a century, had grown progressively infirm as the decade advanced; but his work-load had been gradually assumed by his subordinates and when he finally

¹² PAC, RG10, Preliminary Inventory, p. i.

¹³ Extensive holdings on Thorburn are located in PAO, Toronto.

retired in 1857, the post was abolished.¹⁴ The civil secretaries who served as superintendents-general after 1844--J. M. Higginson, W. Campbell, R. Bruce, L. Oliphant, Viscount Bury, and R. T. Pennefather¹⁵--were all capable individuals who did much to improve the tenor of the Department. The head clerks of the Montreal office who held the position for short intervals between appointments --George Vardon and S. Y. Chesley¹⁶--were old Department 'hands' experienced in its procedures and aware of its weaknesses. Vardon's ambition lessened his effectiveness, but he retired at the end of January, 1851, presumably because of ill health.¹⁷ Collectively, these men helped make the Indian Department a body that was rapidly losing its former aura of corrupt mediocrity.

That background was not easily forgotten; Indian Department personnel still were sometimes caught with their 'hands in the till.' The most notable case was Western Superintendent Joseph Clench. Dismissed from office with S. P. Jarvis in 1845, he had been reinstated before his resignation took effect. Clench came from a background that was decidedly like that of his late chief

¹⁴ PAC, RG10, p. 714, Report of 1857 dated December 28, 1857.

¹⁵ PAC, RG10, Preliminary Inventory, p. i.

¹⁶ Idem.

¹⁷ PAC, RG10, Bruce to governor-general, February 24, 1851.

--the main difference being that his Tory family lived in the Niagara Peninsula instead of Toronto--and during his last nine years in office he seemed to follow a decidedly more rapacious course. First connected with the Department as early as 1813,¹⁸ he was intimately acquainted with the opportunities it provided for graft.

Clench had married an Indian woman,¹⁹ and in his domestic situation he saw the opportunity to enrich himself. As early as 1844, Mrs. Elizabeth Clench had her claim to a lot on the Six Nations reserve recognized,²⁰ even though she had lost her Indian status through her marriage. Clench's schemes after 1845 were on a much grander scale; he began speculating in Indian land and timber, using the Department's funds. His career abruptly came to an end in 1854 when he was unable to deny an Indian petition complaining of his timber depredations.²¹ Less than six months later, he was removed from office "in consequence of the gross irregularity of the Indian Land Accounts in your office and the non-accounting for large sums of Money which had been paid to you as the agent of

¹⁸ PAC, RG10, Preliminary Inventory, p. iv.

¹⁹ Clench family tree, in possession of Dr. F. H. Armstrong of the University of Western Ontario.

²⁰ PAC, RG10, Jarvis to C. C. Smale, March 13, 1844.

²¹ PAC, RG10, Bruce to Clench, September 9, 1854.

this Dept."²² When Clench had become western superintendent, Dennis O'Brien and W. H. Cornish of London had jointly sponsored a posted bond of £1,000, but this did not even begin to cover the Department's losses, which were thought to be as high as £14,000 or £15,000.²³ To complicate matters, much of this 'loot' was in the form of property held by Mrs. Clench and her sons. The government moved quickly to restore the missing funds, the governor-general himself declaring "that every means which the law affords should be used to procure a decree against these estates and property."²⁴ Not surprisingly, that flexible but frustrated opportunist, William Keating, 'just happened' to be staying at Sword's Hotel in Quebec City in November, 1854, while the civil secretary tried to decide upon Clench's successor.²⁵ But Keating's hopes were dashed when Froome Talfourd of Sarnia was appointed western superintendent, effective January 1, 1855.

II. Operational Changes in the Department

The results of these changes were seen almost immediately in virtually every sphere of departmental activity.

²² PAC, RG10, Chesley to Clench, September 9, 1854.

²³ PAC, RG10, Chesley to Attorney-General West, October 18, 1854.

²⁴ Idem.

²⁵ PAC, RG10, Oliphant to Keating, November 23, 1854.

One of Anderson's first tasks in Toronto was to ensure that the Toronto office was located in safer quarters. The building in which it had been located had apparently deteriorated to an alarming extent during the tenures of Samuel Jarvis and James Givins.²⁶ The move to sound quarters being made, attention was next turned to the necessity of working out a uniform approach by the various superintendents. A meeting of all of them with the governor-general, postponed in the fall of 1845 because of Joseph Clench's illness, was held in Montreal shortly after the opening of navigation in 1846.²⁷ The chief reforms which the civil secretary had in mind involved departmental organization and social and educational policies to be directed towards the Indians.

Economy of operation was ever the watchword of British authorities in the heyday of the 'Little Englanders' and this desire was most marked in the Indian Department. Superintendent Anderson had been pressing for a policy of tribal concentration which would mean fewer supervisory personnel and a consequent reduction in departmental expenses. The civil secretary, mindful that Anderson had already been associated with two such projects that had not met expectations but eager to forward any measure that meant a saving, endorsed Anderson's

²⁶ PAC, RG10, Higginson to Anderson, March 26, 1846.

²⁷ PAC, RG10, Higginson to Clench, January 9, 1846.

scheme while warning him to "proceed with caution."²⁸

This proviso effectively arrested any rapid moves in this direction and the policy simply faded away, though from time to time various groups continued to urge a policy of concentration.²⁹

By the mid-fifties the Department's opposition to tribal concentration gradually hardened into outright rejection.³⁰ But nonetheless it believed that parts of the extant reserve lands could be sold at no hardship to the Indians to relieve the pressures of settlement. "As a general rule," wrote Civil Secretary Bruce to Joseph Clench in 1854, "the Governor-General does not think it desirable that the Indians should retain tracts of land in the settled districts of the Country largely exceeding the quantity reserved for their use."³¹ After 1845, it became settled policy to place the proceeds of such sales into funds for Indian education, the money being invested in such safe stocks as British Consols or City of Toronto debentures.³²

²⁸ PAC, RG10, Higginson to Anderson, September 6, 1845.

²⁹ The Wesleyan Methodist Missionary Society was one of these. PAC, RG10, Pennefather to Rev. E. Wood, February 29, 1856.

³⁰ Idem.

³¹ PAC, RG10, Bruce to Clench, March 24, 1854.

³² PAC, RG10, Higginson to Anderson, September 6, 1845.

This new approach increased the sale of Indian lands down to 1860, but this proved a doubtful blessing upon the hopes of strict departmental economy. The two land agents of the central superintendency had been notified of their dismissals in August, 1845, because all land sales in future were to be handled by "officers of the Department."³³ Two years later, however, one of them had to be rehired because the number of sales had increased dramatically.³⁴ Additional surveyors and land agents had to be commissioned to look after the Saugeen lands that were opened for sale in the Bruce Peninsula³⁵ and after some of the Credit River Mississaugas who moved to an area adjacent to the Saugeen reserve.³⁶

With the increase in Indian land sales, the Department had to be on its guard against the sort of abuses that had marked such transactions in the early 1840's. The Sarnia region, where a growing town was surrounded by Indian lands, provided a good case in point. Mr. Young, the reeve of Port Sarnia, wanted a certain tract of land behind the town opened up. The Indians were opposed to such a move and the Department supported their stand.

³³ PAC, RG10, Higginson to Baines and McAnnany, August 26, 1845.

³⁴ PAC, RG10, Vardon to McAnnany, August 17, 1847.

³⁵ PAC, RG10, p. 517, Report of C. Rankin, 1855-56.

³⁶ PAC, RG10, Higginson to Anderson, April 20, 1846.

Young was apparently unwilling to pay fair market value in any case, and he dropped the matter when his inquiry regarding the donation of the land for a school and a market was rejected.³⁷ Centralized control from Montreal was clearly more beneficial to the Indians than was the earlier system of local superintendencies loosely directed from Toronto. The civil secretary might be remote, but as long as his subordinates were reliable and communications adequate, his decisions were more likely to be in the interest of the Indians than were those of an official who was too subject to local pressure groups.

The financial status of the Department was beginning to improve,³⁸ but in one area savings on a large scale could still be made. For thirty years, successive administrations had been horrified by the cost of annual Indian presents, but repeated attempts to halt the practice had failed. Finally, the civil secretary ordered that no presents were to be issued to Indian children born after January 1, 1846.³⁹ This provoked much critical Indian reaction and again the government seems to have delayed putting this edict into force; as late as 1854, some bands

³⁷ PAC, RG10. This matter occupied a series of letters between Bruce and Young between April and November, 1852.

³⁸ PAO, Strachan Papers, Higginson to Strachan, June 12, 1844.

³⁹ PAC, RG10, Higginson to commissary-general, September 3, 1845.

were protesting against the hardships that total cancellation would inflict.⁴⁰ While Viscount Bury was civil secretary, he suggested that accurate information on the nature of the Indian population was needed before any further action could be taken regarding presents. Accordingly, he ordered an Indian census to be made which would group the population into three age categories: those fourteen and under, those between fourteen and twenty-one, and those over twenty-one. In an addendum to his instructions marked "private and confidential," Bury asked each superintendent to prepare a short list each year of deserving, needy Indians over sixty years of age who could use a blanket.⁴¹ It was hoped that these restrictions might reduce the cost of presents to an acceptable figure.

III. The Robinson Treaties

While the Department was undergoing these internal changes, a new set of problems was arising in the region of the Upper Lakes. In the late 1840's, mining interests began moving into the area north of Sault Ste. Marie along the shoreline of Lake Superior. This territory had not yet been surrendered by its Indian inhabitants, no treaties having been signed to cover the area from

⁴⁰ PAC, RG10, pp. 516, 116 and 165.

⁴¹ PAC, RG10, Bury's circular of August 13, 1855.

Penetanguishene west to Fort William and north to the limits of Hudson's Bay Company lands. Nonetheless, nine permits were issued by the Department of Crown Lands and crews began to move into the region. Friction with the Indian population was inevitable. The Indians had watched the arrival of the intruders with dismay and resentment. The miners, a rough lot for the most part, looked on the Indians as little more than barbaric nuisances. Government intervention was a necessity before the situation exploded into violence.

British policy since 1763 had invariably stressed the necessity of treating with the Indians resident in a district before large-scale White settlement and the resulting changes altered their customary environment and even the fabric of their tribal existence. In the case of the Indians north of the Upper Lakes, this maxim was forgotten or ignored; while the miners were commencing operations in the area, the Indian Department was preoccupied with its own internal problems.

Arrangements for signing a treaty began in earnest late in 1849. In August, Alexander Vidal of Sarnia and Superintendent Anderson of the Indian Department were commissioned to "visit the Indians on the north shores of Lakes Huron and Superior; for the purpose of investigating their claims to the territory bordering on those Lakes and obtaining information . . . on their proposal to surrender

their lands to the Crown."⁴² Meeting at Sault Ste. Marie on September 17, the two emissaries proceeded by the American screw-steamer Napoleon to Fort William, arriving at mid-day one week later. After some consultation with the Indians of the area, Vidal and Anderson began an incredible six-week journey along the north shores of Lakes Superior and Huron in an open thirty-foot canot du nord accompanied by eight voyageurs, calling on various Indian bands en route.⁴³ After battling autumn storms on the lakes, and ice and snow because of the lateness of the season, the weary travellers reached Penetanguishene at midnight on November 1. They turned in their report a month later in Toronto, having collected the necessary information requisite to draughting and signing any treaties.

Unfortunately, while Vidal and Anderson were in the last stages of their journey, the threat of violence feared by Indians and government alike broke out at a Quebec Mining Company location. Troops were rushed to the scene and the disturbance was soon quelled, several chiefs being arrested for their part in the affair. While they were held in Toronto during the winter of 1849-1850, they pressed vigorously for a settlement with the government

⁴² PAC, RG10, Vidal-Anderson Report 1849, p. 1.

⁴³ The details of this journey are found in PAO, Anderson's diary, 1849.

regarding their lands.⁴⁴ W. B. Robinson, the brother of John Beverley Robinson and the brother-in-law of S. P. Jarvis, furnished the Executive Council with a memorandum on the affairs of the northern Indians which was favourably received at its sitting of January 8, 1850.⁴⁵ Three days later Robinson, who had had extensive dealings with Indians earlier in his career, found himself commissioned to conduct treaty negotiations with the Indians of the Huron-Superior area.⁴⁶ After an initial trip to Sault Ste. Marie and Michipicoten in April and May, Robinson returned in August for formal treaty negotiations.⁴⁷ The negotiations were brought to a successful conclusion at the Hudson's Bay Company's warehouse at the Sault, the Lake Superior bands signing on September 7 and the Lake Huron tribesmen two days later.⁴⁸

The skirmish which had occurred ten months earlier had doubtless accelerated the processes which were necessary for treaty-making, but too much should not be made of this. Vidal and Anderson's preliminary investigation would probably have been followed by a treaty within a

44 PAC, RG10, Red Series, 4113.

45 Idem.

46 Idem.

47 PAO, J. B. Robinson Papers. Diary of W. B. Robinson, 1850.

48 Idem.

year in any case. When it finally became aware of the deteriorating relations between miners and Indians, the Department had acted as quickly as it could. But its hasty move in sending Anderson, one of its most capable servants, to the area despite the lateness of the season and his advanced age,⁴⁹ was too late to prevent one of the few armed confrontations between Whites and Indians in the province's history. Presumably, other government departments should have been aware of the situation from an early date--the mining concerns did file claims with the proper authorities--but none of them had informed the Indian Department. The whole episode was an eloquent comment on the necessity of closer interdepartmental cooperation, and also on the wisdom of the traditional approach to the Indians.

The Robinson Treaties of September, 1850, were important accomplishments, for they meant that only one major group of Indians in Canada West was still without some sort of agreement with the crown. These bands, located northwest of the Pigeon River as far as the eventual Ontario-Manitoba boundary, did not become signatories until Treaty Number Three in October, 1873, and Treaty Nine in July, 1905.⁵⁰ Even more important, the Robinson

⁴⁹ Anderson was seventy when he and Vidal set out.

⁵⁰ D. G. G. Kerr, ed., A Historical Atlas of Canada (Toronto: Nelson, 1960), p. 57.

Treaties embodied features that became part of the standard treaty formula which was used in the numbered series signed by the Dominion government from 1871 to the 1920's.⁵¹ In return for the surrender, which the treaty carefully delineated, the Indians received a treaty payment of £2,000 and an annuity of £500 or £600 to be paid no later than August 1 each year at specified locations which the Indians would determine. They were given reserves chosen by themselves from the tract, which included mineral rights, though they could sell the latter, if they wished, through the superintendent-general "for their sole use and benefit, and to the best advantage."⁵² They were to keep hunting and fishing rights throughout the entire surrendered tract, except for such areas which the crown leased or sold to individuals or to companies. The Indians promised not to sell any parts of their reserves without the superintendent-general's consent, and not to block mineral explorations. An escalator clause was attached to the annuities: the government could increase them if revenue from the surrendered area permitted this to be done without loss. The annuities were not to exceed one pound per person per year "or such further sum as Her Majesty may be graciously pleased to order." As

⁵¹ The text of the Robinson Treaties may be seen in A. Morris, Treaties of Canada with the Indians of Manitoba (Toronto: Belford's, Clerk, 1880), pp. 302-304 and 305-309.

⁵² Ibid., p. 303.

long as the Indian population remained two-thirds as large as at the time of the treaty, the annuity would be maintained at the same sum, but if the population dropped below that level the annuity would be decreased proportionately. These features had been developed out of the experience of the Upper Canadian treaties; they would shortly be adopted by the new Dominion.

The experience of Anderson, Vidal and Robinson during the negotiations which led to the signing of the treaties demonstrated the considerable bargaining skills of the chiefs. The Lake Superior bands readily acceded to the terms offered by the commissioners,⁵³ but the Garden River group proved particularly difficult. They wanted to entrust negotiations to the Toronto lawyer and entrepreneur Allen MacDonell. Anderson and Vidal were adamant that they could only talk directly with the chiefs themselves. MacDonell, as it turned out, was interested in acquiring promising mining locations, and was prepared to inflame the Indians against the government's representatives in order to ensure the success of his own schemes. When some of the Indians found him not worthy of their trust, the difficulties of Anderson and Vidal were considerably alleviated.⁵⁴ Nonetheless, the bad feeling

⁵³ Ibid., p. 18.

⁵⁴ PAC, RG10, Vidal-Anderson Report 1849, App. C; PAO, Anderson Diary 1849.

which resulted in the skirmishes of October, 1849, doubtless grew out of MacDonell's avarice.

Robinson's negotiations ten months later did not go so smoothly as he would have preferred. Yellowhead, Snake and Aisance from the Lake Simcoe and Beausoleil Island bands presented themselves and claimed a tract of land between Pénétanguishene and the Severn River. This was vigorously disputed by the Lake Huron chiefs who were supported in their stand by Superintendent Anderson.⁵⁵ Chief Joseph Peau de Chat of Fort William was at first difficult to deal with, but quickly accepted Robinson's terms. "A character of somewhat contrary disposition" who prized his oratorical ability, Peau de Chat had been piqued that the place of meeting for the treaty-signing had been selected without his prior consultation.⁵⁶ Once he realized that Robinson was more than anxious to treat him with the dignity he felt he deserved, he caused no difficulties. Chief Shinguacouse of Garden River proved more wary. He had originally supported MacDonell and was determined to wring the best possible terms from the government. His first concern was to get better terms than the Superior chiefs, and in this he was successful, the annuity granted by the Huron Treaty being £100 greater

⁵⁵ Morris, op. cit., p. 20.

⁵⁶ PAC, RG10, p. 266, J. Mackenzie to W. B. Robinson, June 10, 1850.

than that of the Superior Treaty. Shinguacouse also attempted to obtain one-hundred-acre grants for sixty Métis who lived with his band. This Robinson refused, claiming he was not empowered to deal with such a situation, but indicating the Indians were perfectly free to share their own reserves with such people if they wished.⁵⁷ Shinguacouse then declared himself satisfied and was the first to affix his sign to the treaty, leading Robinson to believe that his complaints had been a means of driving a hard bargain and upholding his own prestige rather than deeply held grievances.⁵⁸

Robinson had faced a series of problems as treaty commissioner. Treating with proud Ojibway chieftains who were intensely jealous of their prerogatives was no easy matter. Even more vexing was the latitude which the government had allowed him in making decisions affecting a treaty. The executive council's instructions were so loosely worded as to be almost useless. Robinson had been told "to impress on the minds of the Indians that they ought not to expect excessive remuneration for the partial occupation of the territory heretofore used as hunting grounds, by persons who have been engaged in developing sources of wealth which they had themselves entirely

⁵⁷ PAC, K10, Red Series, 4113.

⁵⁸ Morris, op. cit., p. 18.

neglected."⁵⁹ Obviously Robinson was to settle as cheaply as possible, but beyond that he was given very little guidance. Clear directions were necessary if even a seasoned negotiator were to achieve success at the conference. Given the circumstances, Robinson handled himself cautiously, which was probably the wisest course.

Complaints were heard from various quarters for one or two years after the treaties were signed. Some of the chiefs complained that certain "fringe benefits" of the agreement were not being carried out. Arrangements were made to pay a carpenter to finish the house promised Chief Shinguacouse⁶⁰ and Robinson urged the government to modify its methods of distributing presents, so that the Lake Superior Indians would be sure to obtain them on a regular basis. He also suggested that gifts should include rifles and ammunition, since these bands depended on the hunt for a large part of their food supply.⁶¹ Robinson was criticized on the grounds that the distribution of annual presents was a matter for the British government.⁶² The Indians were more kind; despite their complaints, they assured Robinson that they were "perfectly satisfied" with the treaty, describing its provisions as "wise and good."⁶³

⁵⁹ PAC, RG10, Red Series, 4113.

⁶⁰ Ibid., 4767.

⁶¹ Ibid., 5856.

⁶² PAC, RG10, p. 266.

⁶³ PAC, RG10, Red Series, 5522.

The Indian Department had reason to be satisfied with these arrangements, yet it could take little comfort from them. It was only through luck that the violence on the Lake Superior shore had remained an isolated incident. The Department had been slow initiating the arrangements for the treaties, and that delay had almost proved fatal for Indian-White relations in the region of the upper lakes. The process of self-examination had blinded it to happenings which were inside its proper scope.

Yet this protracted self-examination was beneficial too, for senior departmental officials began to revise their priorities. In February, 1854, Civil Secretary Bruce sent to all superintendents a circular letter which indicated topics of particular importance: education, agriculture and industry, land sale and management, and the spending of funds.⁶⁴ This list represented a fundamental change in philosophy, for the first two areas, while important, had never captured the greater part of the Department's energies. In Bruce's view, at least, the material interests--land and money--which occupied ninety per cent of departmental letterbooks, were henceforth to be given second place. The interests of the Indians themselves thus at last became of prime importance. The Indian Department was beginning to regard itself as a vehicle for bringing the benefits of civilization to the

⁶⁴ PAC, RG10, Bruce's circular of February 8, 1854.

Indians, not just as a paternal business manager pre-occupied with its own internal problems. This was a momentous change in outlook.

IV. Policy in Theory and Practice: The Case of Francis Assickinack

Though the administration of the Department had improved a great deal during the late 1840's, it could still be astonishingly insensitive to Indian aspirations. The best example of this incomprehension was its treatment of Francis Assickinack, an Ojibway who was the son of a long-time departmental employee, the "sober, inoffensive, and active" Jean-Baptiste Assickinack.⁶⁵ As a boy, Francis showed an aptitude for learning and attended Upper Canada College in the early 1840's.⁶⁶ By 1848, his education complete, he had conceived a desire to become a doctor and asked the Department for support to study medicine in France, a request which was denied.⁶⁷ The young Indian next proposed he be allowed to study medicine in Canada; this too was denied on the grounds that the Indians would not receive benefits proportionate to their investment in such a project.⁶⁸ Instead, in June, 1849,

⁶⁵ PAC, RG10, Anderson Submission, 1827.

⁶⁶ PAC, RG10, Jarvis to Higginson, December 19, 1844.

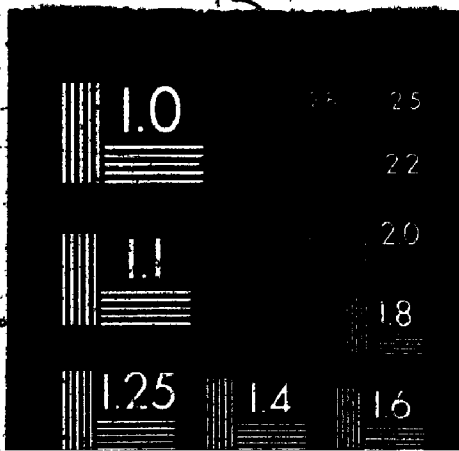
⁶⁷ PAC, RG10, Campbell to Anderson, July 12, 1848.

⁶⁸ Ibid., July 24, 1848.

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the civil secretary offered Assickinack the post of clerk and interpreter to Superintendent Anderson at a salary of \$100 per year, suggesting it was time he showed something for his Upper Canada College education.⁶⁹ When the Ojibway replied that he wished to stay in school, the civil secretary in a very brusque manner practically ordered him to take the departmental job.⁷⁰ Assickinack was not happy as a clerk, for Captain Anderson commented that while he was of good disposition, he did not seem to be well qualified for the position. After a year had passed, the school at Wikwemikong asked for a master and the governor-general suggested that Assickinack take it, for he could be of great value to his people in passing along the knowledge he had acquired at public expense.⁷¹

In a sense this meant a return home for Francis Assickinack, for his father, recently retired, was also living on Manitoulin Island. But the young man was not happy as a schoolmaster. After three and a half years of frustration, his temper broke. One of his associates on the island was the strong-minded Anglican missionary, Frederick O'Meara; and it was against O'Meara's abrasive personality that Assickinack directed his hostility, damaging some of the missionary's property and swearing at

⁶⁹ PAC, RG10, Campbell to Assickinack, June 15, 1849.

⁷⁰ Ibid., July 14, 1849.

⁷¹ PAC, RG10, Vardon to Anderson, August 15, 1850.

him.⁷² The consequence of this uproar was the schoolmaster's reposting to the office of the central superintendent as chief clerk. There he remained until September, 1863, when he became seriously ill, returning to Manitoulin that month, to die before the end of the year.⁷³

Clearly, the Indian Department expected those Indians who received higher education at Upper Canada College or Victoria College to return and work directly among their own people or take posts in the Department itself. That it could not endlessly subsidize such educational ventures was true; nonetheless its attitude in Assickinack's case seemed excessively narrow. Surely he could have served his people better as a doctor than as a schoolmaster and clerk. The sordid experience of such episodes did not match the fond hopes of the humanitarian reformers who believed that education and 'civilization' would solve all Indian problems.

Francis Assickinack had personified another aspect of this problem which no one had considered. Once an Indian had been well educated, what did he do? He had been inculcated with White values and acquired White skills that were not altogether helpful if he returned to live

⁷² PAC, RG10, Bruce to Ironside, January 24, 1854.

⁷³ PAC, RG10, Spragge to Bartlett, October 7, 1863; Spragge to McDougall, November 18, 1863.

among his people. The cultural shock caused by immersion in the White world followed by withdrawal, was more than an individual could be expected to bear, as Assickinack's flaming resentment plainly showed. The Indian Department's scheme of educating young Indians, then using them as cultural bridges to their bands, may have been excellent in theory. In practice, however, it often shattered individuals so greatly that they could not exist either in the White man's world or in that of the Indian.

Problems of this type were inherently connected to the structure of the Indian Department. It was organized hierarchically, with all major policy decisions being made in England. Those who determined policy had little or no contact with those who had to implement it and live with its consequences. Departmental employees, on the other hand, could liberally 'adapt' policy measures in various local situations as they thought appropriate. Indian policies were not always what official pronouncements made them out to be. In the 1850's, however, forces began to work which would change these arrangements.

Just as administrative practices had been improved after Jarvis' dismissal, so the means of making and implementing policy began to change in the following decade. With the appointment of the civil secretary as superintendent-general, more central control of policy became possible. At the same time, those in control became more

aware of the problems faced by local officers and took local needs into consideration more frequently when making decisions. This was particularly true under the administrations of Viscount Bury and S. Y. Chesley (1854-56). The opinions of superintendents were sought more actively before policy decisions were made. There was a noticeable increase in the number of circulars dispatched from the civil secretary's office.

This change reflected Britain's declining interest in colonial responsibility. Decisions on Indian matters came more and more to be made in Quebec City or Toronto, rather than in London. The execution of policy became at once more consistent and more flexible. Yet this retreat by London also posed a serious difficulty in the financial sphere. Britain's desire to stop annual presents had been known for more than thirty years. Now she wanted to stop the annual imperial grant as well and make the colony fiscally responsible for the Department. Colonial politicians were horrified at the prospect of this additional burden on their limited revenue, and so were some officials, who saw their positions endangered by whatever economies would have to be effected. Limited delays were successful, but London could not be dissuaded, and finally it was agreed that the province would assume responsibility on July 1, 1860.

The Indian Department had instituted many improvements

in the period following 1845, yet progress was slow and it was still plainly obvious that all was not well. Faced with the ever-present threat of British withdrawal, the province realized that it needed to know a good deal about the Department if it was expected to administer it intelligently. Accordingly, another commission of inquiry was instituted in 1856, consisting of Superintendent-General Richard T. Pennefather, Western Superintendent Froome Talfourd, and Thomas Worthington. Their report, delivered in 1858, by the massive use of statistics provided a complete picture of the Department and of the Indians of the province.⁷⁴ It noted with surprise that the efforts to 'civilize' the Indians were still piecemeal despite the passage of almost thirty years, and that, in consequence, conditions among the Indians were not good. Warning that unless something were done quickly it might be too late, the commission urged compassionate and effective treatment for the Indians' social ills. Feeling that administrative confusion was still responsible for many such problems, it urged the establishment of a centralized Department with its own permanent head. Whether these suggestions were followed would be the responsibility of colonial politicians, for London was now interested only in withdrawal as gracefully as possible.

The decade and a half after 1845 had witnessed slow

⁷⁴ The report is found in JLA, 1858, Appr. 21.

progress in the conduct of Indian affairs. The Department's organization had been improved; the Robinson Treaties had been signed; more consultation with superintendents had been achieved. Several local problems such as the effects of the Manitoulin fire of 1849 and the constant intra-band squabbling at St. Regis had been dealt with reasonably successfully. Yet much remained to be done. The social and educational needs of Indians were not being met adequately; the Department was still very limited in its outlook regarding the place of Indians in society. Finally it had done nothing to improve its lot as an almost unknown administrative backwater. Its fate as an orphan of government was extremely uncertain as on July 1, 1860, it became part of the provincial administration.

CHAPTER VI

FROM THE END OF IMPERIAL CONTROL

TO CONFEDERATION: 1860-1867

I. Interim: 1860-1862

By the terms of the provincial statute, 23 Victoria, Chapter 151, the Indian Department was transferred from the imperial authorities to the government of the Province of Canada.¹ The unsteady determination of the Colonial Office, thoroughly matched by the reluctance of colonial politicians to accept responsibility for Canada's Indian population, had caused several delays in the transfer of authority. Wrangling between the two parties grew so bitter that the transfer arrangements almost broke down; the impasse was only solved when Canada agreed to carry the Department's annual deficit of some \$8,000, that would arise with the end of the imperial grant, until the proceeds from Indian land sales would cover it.² The British were only too glad to be rid of their Indian responsibilities, for "their own administrative performance had not enhanced their reputations as bearers of the white man's burden."³

The provincial authorities annexed their new responsibility to the Crown Lands Department, then under the direction of Commissioner Philip M. Vankoughnet. This seemed a sensible choice in that much of the Indian

¹ Province of Canada, Sessional Papers (SP), 1863, No. 5, App. 44.

² Hodgetts, op. cit., p. 218.

³ Idem.

Department's business was connected with that of the larger one, notably the sales of Indian lands and the protection of Indian timber and mineral rights. This functional affinity was reinforced by personal acquaintance. Vankoughnet was related to S. Y. Chesley and had been an old friend of Samuel Jarvis. He knew some of the Indian Department's personnel and was familiar with their duties. The government obviously hoped that the transition of authority would result in fewer bureaucratic mixups and in a minimum of ruffled feelings among Indian Department employees.

However, well intentioned these notions were, certain aspects were bound to cause friction. The Indian Department had led an independent, if shadowy, existence for more than a century. Now, under Canadian authority, it was really no more than an office or bureau attached to another government department. Long-time employees, doubtless already wondering about such things as seniority and pension rights in the provincial civil service, were sure to resent the diminution in their status. The quarters in which their head office was housed did nothing to lessen this apprehension; the Indian Department was given four small rooms in Quebec City's St. George Hotel. Even this meagre allocation was later reduced to one room.⁴

The government's desire for economy in other

⁴ PAC, RG10, Spragge to T. Trudeau, March 19, 1862.

directions also produced a detrimental effect. With the transfer the post of deputy superintendent-general had been abolished, meaning that the Indian Department no longer had a permanent head. The Commissioner of Crown Lands had become superintendent-general, but this only emphasized the Department's subordinate status.

Vankoughnet could hardly be expected to devote much of his time to Indian affairs, when his other concerns were so pressing. The Indian Department was left to fumble along under the direction of a chief clerk, Michael Turnor, and an accountant, Charles Thomas Walcot. This was hardly conducive to developing and implementing a dynamic, compassionate set of policies directed towards the Indian population. Once again, active contact with the Indians was left in the hands of the superintendents. It seemed as though the Indian Department had reverted to its pre-1830 condition, and that the reform notions of the intervening years had gone for nought.

None of this was surprising, for the transfer had been effected at a time when the Canadas faced political breakdown. The constitutional framework was not sufficiently strong or stable to contain the conflicts which had arisen during the preceding two decades. Macdonald, Brown, Cartier, and Dorion had replaced MacNab, Baldwin and Lafontaine. Party boundaries became confused and uncertain as politicians attempted to appeal to both

sections of the province or impose the will of one section upon the other. By 1860, the Cartier-Macdonald ministry had run out of political ideas and was beginning the slide to its eventual defeat on the Militia Bill of 1862. The internal problems were compounded by increasing tensions in the United States and a subsequent worsening of Anglo-American relations. Small wonder that the Canadian government had little time for the Indian Department.

Yet neglect of the Department could not long continue. Toronto and Montreal business interests were beginning to cast their eyes westwards in a search for markets to absorb the products of the new industrialism which had begun to rise in the late 1840's and early 1850's. Farmers were looking west, as well, for little arable land remained in Upper Canada by 1856.⁵ These pressures focused attention on Manitoulin Island, which contained some arable land and was also an important stepping-stone from western Upper Canada to the north and west. The island had attracted attention twenty-five years earlier, when Sir Francis Bond Head had attempted to turn it into a reserve which would contain most of the Indian bands of Upper Canada. Then the island had been remote from the centres of white settlement; Bond Head's effort was only a pale imitation of the American policy of

⁵ A. R. M. Lower, Colony to Nation (Toronto: Longman's, Green, 1961), p. 292.

removal disguised by self-righteous humanitarian rhetoric. By 1861, however, the frontier had again caught up to the Indians, and once the Bruce Peninsula had been occupied, the demand grew for Manitoulin to be opened to White settlement. The Indians rebuffed first overtures made in the fall of 1861. It was significant that the eventual chief negotiator for the government was William McDougall, a leading member of the Toronto expansionist group.⁶ The Manitoulin negotiations said much about the nature of the treaty process. On the one side were Indians, not very interested in surrendering some of their lands; on the other were Whites determined upon expansion.

II. The Spragge Regime after 1862

Obviously other Indian groups would have to be dealt with, if the dream of a drive to the west was to be realized. The Indian Department could not be allowed to remain in the demoralized, leaderless and ignored state to which it had fallen after the transfer of 1860. The 'old hands' had mostly retired before then, Colonel Napier in 1857, Captain Anderson in 1858; only George Ironside at Manitoulin and Solomon Chesley at the head office remained. New superintendents, such as Froome Talfourd of Sarnia and W. R. Bartlett of Toronto, had appeared. These

⁶ Ibid., p. 294.

men were capable; but this only compounded the government's problem. If the recommendation of 1858 regarding the appointment of a permanent head were followed, it would cause dissension in an already weakened department. The men with seniority would resent being passed over for someone younger, while the newcomers would regard direction from the 'old hands' as being outdated. Intradepartmental conflict was avoided by reviving the post of deputy superintendent-general and appointing an outsider to that position. Under an order-in-council of March 17, 1862, William Prosperous Spragge became the first permanent head of the Indian Department under Canadian control.⁷

The new head was the son of an English classics master who had migrated with his family from Canterbury to York, Upper Canada, in 1820, when William was twelve.⁸ The family was to leave its mark on the province. Joseph Spragge taught for some years at York's Central School, where scions of the colony's leading families were in attendance.⁹ During the later 1820's, he feuded with the redoubtable John Strachan over educational matters, which may have served indirectly to launch William's career in the civil service. John Godfrey, the eldest son, became a

⁷ SP, 1863, No. 5, App. 44.

⁸ B. K. Sandwell, The Molson Family (Montreal: Privately published, 1933), pp. 252-253.

⁹ C. E. Phillips, The Development of Education in Canada (Toronto: Gage, 1957), p. 546.

prominent barrister, and eventually chancellor of Ontario and the province's chief justice.¹⁰

From his father's school William seems to have gone on to be a surveyor, joining the provincial civil service on January 1, 1829, at the age of twenty-one. The appointment was made during the tenure of Sir John Colborne as lieutenant-governor; Colborne conducted a running feud with Archdeacon Strachan and constantly complained of the difficulty in attracting young men of quality into the provincial service. The young Spragge, trained as a surveyor, who came from a respectable family whose head shared the governor's opinion of John Strachan, was a natural appointment for Colborne to make.¹¹

By the early 1840's, Spragge had risen to the rank of first clerk in the Crown Lands Department.¹² The move of the seat of the government of the province, three years after the Act of Union, to Montreal was most fortuitous for William Spragge. While there, he met Martha, the daughter of Thomas Molson and granddaughter of John Molson, Sr. The young lady welcomed the attentions of the earnest civil servant who was sixteen years her senior, for she was nearly past what was considered the ideal

¹⁰ Encyclopedia of Canada, VI, 55.

¹¹ A conversation with Dr. F. H. Armstrong on July 29, 1970, helped to elucidate this matter.

¹² Armstrong, op. cit., p. 25.

marriageable age. There is no reason to doubt that Spragge was genuinely attracted to Martha, but he must have realized that marriage into the most influential of Montreal families would greatly benefit his career. The couple was married in May, 1846, when the groom was thirty-eight, and his bride twenty-two.¹³

Spragge's selection as head of the Indian office in 1862 was not surprising. He was a capable civil servant with thirty-three years' seniority. He possessed formidable political connections with the ruling Conservatives. L. V. Sicotte, though a Liberal leader, as member for Montreal was susceptible to Molson family influences. John Hillyard Cameron was an old family acquaintance; he had earlier been John Godfrey Spragge's law partner and his daughter would later marry William Spragge's son.¹⁴ The combination of ability, seniority and political influence meant Spragge had virtually no rivals for the office of deputy superintendent-general.

When he acceded to office in March, 1862, Spragge was in his vigorous prime and well equipped to administer an important arm of the government. Described as "a man of active habits and strong constitution,"¹⁵ he possessed the

¹³ Sandwell, op. cit., pp. 252-253.

¹⁴ D. B. Read, Lives of the Judges (Toronto: n.p., 1888), p. 299.

¹⁵ Ottawa Times, April 18, 1874.

energy and the precision of mind required of the successful civil servant. His great organizational capacity can be seen in the annual reports of the Department during his tenure of office. Before 1862, these had been short, often misleading and oftentimes missing altogether. Under Spragge's direction, they became models for other branches of government to emulate. Each contained a short introduction by the deputy superintendent-general as a preface to twenty or thirty carefully arranged statistical appendices which provided information on every aspect of the Department's activities. These documents remain a prime source of information on the conduct of Indian affairs in the years immediately preceding Confederation.

Spragge faced several immediate problems on assuming office. The most pressing of these was securing adequate quarters for the Department's head office in Quebec City. Protesting that the single room in the St. George's Hotel was not adequate, two days after his appointment Spragge wrote the Department of Public Works requesting a minimum of three rooms as near as possible to the Department of Crown Lands.¹⁶ Eighteen months later, the Indian office was finally settled in a three-and-a-half-story building on Ste. Ann Street which was sufficiently commodious to permit two rooms to be used by draftsmen of the Seigniorial

¹⁶ PAC, RG10, Spragge to T. Trudeau, March 19, 1862.

Commission.¹⁷ Here it remained until the transfer to Ottawa in 1866, eventually occupying offices in the east block of the new parliament buildings.¹⁸

Spragge had to establish contact with the superintendents, a task that was not made easy by his recent attachment to the Department nor by concurrent changes in its personnel. Such difficulties did not daunt the new permanent head, for he brought very definite ideas concerning the proper tasks of his subordinates in the field. He saw these as falling into two categories: serving as a means of communication between the Indians and the Department; and managing local Indian affairs. Spragge envisioned a wider role for them in the second category than previously. Besides usually presiding at councils, each superintendent should supervise Indian schools in his area, and act as agent for the sale of surrendered Indian lands and for the protection and management of Indian timber.¹⁹ Most superintendents agreed with these changes which were obviously designed to continue the twenty-year trend to centralize all Indian matters under departmental control. But Spragge's forthright notions sometimes caused friction too. His constant striving for efficiency could, on occasion, override his humanity, as when he

¹⁷ PAC, RG10, Spragge to T. Trudeau, October 1, 1863.

¹⁸ PAC, RG10, Preliminary Inventory, p. 2.

¹⁹ SP, 1863, No. 5, App. 44.

criticized the superintendent of the Six Nations, for summoning the Indians to a special council held in memory of David Thorburn, who had been in charge of the Grand River reserve for some eighteen years before his recent retirement.²⁰

It was fortunate, perhaps, that Spragge's arrival at the Indian Department coincided with a sweeping change in its personnel, for his own temperament would probably not have been able to coexist with strong personalities like Captain Anderson's. As it was, the Department needed a strong guiding hand during the early 1860's. Only George Ironside at Manitowaning possessed more than ten years' seniority by the time of Spragge's appointment, for other employees of long standing had either retired or died. Both Talfourd of the western district and Bartlett of the central area had been attached to the Department for only eight years. David Thorburn retired one week after Spragge took office to be succeeded at the Grand River reserve by Jasper T. Gilkison of Hamilton.²¹ During the following year, Ironside and Francis Assickinack, the able clerk of the Toronto office, both died.²² Froome Talfourd applied for leave of absence in March 1862, and was

²⁰ PAC, RG10, Spragge to Gilkison, November 28, 1862.

²¹ PAC, RG10, Spragge to Thorburn and Gilkison, March 24, 1862.

²² SP, 1864, No. 5, App. 44.

granted four months during the following summer to visit England, his office being assumed by his brother-in-law, John Thornton.²³ Never had there been such simultaneous changes. It is to Spragge's credit that he was able to master the Department's workings despite such obvious difficulties.

During his first three months in office, Spragge thoroughly acquainted himself with the Department's procedures. He noted certain irregularities in the sale of Indian lands in Caradoc Township and having with typical thoroughness traced their origins to the regime of Joseph Clench a decade before, he demanded Clench's receipts so he could clear both the Department's accounts and the local ownership problems.²⁴ He noted with approval the success of commissioners appointed by the Department in protecting Indian lands at Belleville and extended this system to Caradoc with the appointment of William Livingstone of Delaware in August, 1862.²⁵ Realizing that proper accounts and reports were the lifeblood of good administration, Spragge insisted that his subordinates rendered proper monthly bulletins to his office. They were expected, as well, to operate as economically as

²³ PAC, RG10, Turnor to Talfourd, March 10, 1862; Spragge to Talfourd, April 11, 1862.

²⁴ PAC, RG10, Spragge to Talfourd, April 14, 1862.

²⁵ PAC, RG10, Spragge to provincial secretary, August 1, 1862.

possible, and to be severe with incursions on Indian land and timber.²⁶ Having witnessed in the case of Joseph Clench the corrupting influence of large sums of money in officials' hands, the new deputy superintendent-general was determined not to let temptation get in the way of his subordinates again. Superintendents were ordered to deposit all funds in the nearest branch of the Bank of Upper Canada, indicating their origin and purpose.²⁷ By the middle of May, 1862, it was clear that Spragge had put the Indian Department on a new and better administrative course.

Having accomplished this much at the head office, Spragge determined to acquaint himself with some of the Indian bands in his charge, so he absented himself from Quebec from May 30 to June 20, 1862, for this purpose.²⁸ His "official visit to some of the Western Tribes"²⁹ only strengthened his conviction that an alert Indian Department was an absolute necessity in order to protect Indians' rights and permit them to reach the goals established by the humanitarian reformers more than thirty years before. Officials who were lax in their duties

²⁶ PAC, RG10, Spragge to Gilkison, May 15, 1862; Spragge to James McLean, May 17, 1862.

²⁷ Idem.

²⁸ PAC, RG10, Spragge's memo of May 30, 1862.

²⁹ Idem.

quickly learned that their new chief would not tolerate such behaviour:

I am anxious to effect improvement wherever a necessity for it is apparent and to infuse such vigor into the management of this Department as may tend to advance the interests of the Indians and to elevate their condition. I am unwilling that laws which have been enacted for their benefit and protection should longer be allowed to remain little else than a dead letter.³⁰

Spragge remained absolutely unshaken in these convictions, despite frequent opportunities to abandon them. When one of the Department's land commissioners, who was also a lawyer with white clients eagerly coveting nearby Indian holdings, tried to get the head of the Department to forego certain legal niceties, he was bluntly told that such behaviour was not permissible. After sermonizing at length on the matter, Spragge concluded with unsubtle irony, "I should explain . . . that when I was appointed to the charge of the Indian Department, the desire of the Government was expressed that I should watch over the interests of the Indians."³¹

Such was the man who headed the Indian Department through the period of Confederation; he was honest, efficient and zealous, even if he lacked a sparkling sense of humour. He believed implicitly in hard work and fair dealing, and hoped that the Department would eventually

³⁰ PAC, RG10, Spragge to L. Wallbridge, August 27, 1862.

³¹ Idem.

reflect these values--as, in the fullness of time, so might the Indians. For the Department such ideas could only be of benefit. For the Indians, the blessings were more mixed.

III. The Manitoulin Troubles, 1862-1863

During the summer of 1862, the question of the Manitoulin Indians again became urgent. Since the rebuff of negotiations in the preceding fall, very little had been done to prepare for the inevitable arrival of white settlement. John Stoughton Dennis had undertaken a survey of the island and had submitted a report on its resources and possibilities.³² While useful to government officials, it also helped exacerbate the problems it had hoped to solve; its contents only served to whet the curiosity of potential settlers and entrepreneurs. Fishing rights were the immediate problem in July, 1862. The government had leased certain of these in the Manitoulin area to some commercial firms, a premature action which could only rouse the anger of the Indians who had not yet signed any treaty delineating what rights they were prepared to surrender. With the opening of the spring fishing season, the Indians had begun to harass the fishing stations which had been set up on the island, much to the annoyance of

³² SP, 1862, No. 5, App. 41.

William Gibbard, the fisheries commissioner for the upper Great Lakes. On May 27, Gibbard wrote to Spragge, requesting some action on the part of the Indian Department, but the latter had to reply that he was powerless to act in such a situation and referred Gibbard to Colonel Prince, the stipendiary magistrate of Algoma, who lived in Sault Ste. Marie.³³ Such protracted methods for dealing with urgent problems could no longer be tolerated.

The pressure to open Manitoulin to White settlement also was intensified with the coming of summer. Spragge had already sounded out Superintendent Ironside on this issue and urged him to approach the island's Indian population.³⁴ It was vital to obtain the Indians' consent to the principle of surrender and arrange a satisfactory treaty before settlement could be permitted. Ironside tried to persuade his charges that settlement need not harm them, and that large reserves which would keep the newcomers at a distance would be set aside for their use.³⁵ His overtures were successful, and arrangements were made for the treaty negotiations to take place early in October.

Late in September, the dignitaries who were to conduct negotiations began their journeys to Manitoulin. The

³³ PAC, RG10, Spragge to Gibbard, July 3, 1862.

³⁴ PAC, RG10, Spragge to Ironside, July 11, 1862.

³⁵ Idem.

principal commissioner was William McDougall, but William Spragge, as deputy superintendent-general, was also to sign the treaty. Spragge travelled to the island through the Great Lakes, leaving his office on September 27. By the 29th, he was in Hamilton and before four more days had elapsed, had arrived at Manitowaning.³⁶

The two sides commenced their discussions on Saturday, October 4.³⁷ The commissioners were unpleasantly surprised to find that opposition had not lessened appreciably in the year since a treaty had been first proposed. The ensuing deadlock was broken by a recess of one hour during which the Indian chieftains withdrew for discussion among themselves. Upon reassembly it became clear that there were two parties among them, those in favour of signing and those still adamantly opposed. Since there appeared to be no method of satisfying both parties the conference adjourned on this unhappy note until the following Monday.

When it reconvened on October 6, a suggestion was made which proved to be the treaty's salvation. The division among the Indians appeared to have definite geographical limits, those from the western part of the island favouring the treaty while the easterners opposed it. It

³⁶ PAC, RG10, Spragge to Talfourd, October 20, 1862.

³⁷ Details may be found in McDougall's report of November 3, 1862. See Morris, op. cit., p. 23.

was suggested that the latter should be allowed to "opt out" of the treaty's terms and that they might be provided for by a clause stating that they were placed under the protection of the government and the obligations of Canadian law. This compromise proved agreeable to everyone, and the treaty was so amended and signed.

The terms of the treaty were straightforward.³⁸ The Indians surrendered Manitoulin and "the islands adjacent" for \$700 treaty money, which was really only an advance on the sums they would receive from land sales. The government promised to make an accurate survey as soon as possible, granting one hundred acres to the head of each Indian family and to each family of two or more orphan children under twenty-one, with fifty acres for each single person of age or each single orphan under twenty-one. Each Indian was given free choice of land provided that the lots were contiguous so as to make Indian settlements as compact as possible, and that sites for mills and wharves were reserved to allow public access. Indians who found they would have to move because of these latter restrictions were to choose other sites and be compensated for any improvements. Any conflicts were to be resolved by the superintendent. Orphans' land selections were to be made by their friends and were also subject to the approval of the superintendent. All selections were to be

³⁸ Ibid., pp. 309-313.

made within a year after the completion of the survey of the island, following which the surrendered area would be opened for settlement. When 100,000 acres of land had been sold the annual salary and expenses of the superintendent would begin to be deducted from the accumulated funds. Indian deedholders were guaranteed protection, and Indian fishing rights were recognized and delineated. Annuities would be distributed on a per capita basis, with each chief receiving two shares. The eastern Indians could adhere to the agreement whenever a majority of their chiefs wished, and any Indian who was legally entitled to do so could settle in the island's eastern portion. Disputes that arose from this arrangement were to be settled by the Department.

Hardly had the government commissioners returned to their regular duties, when discontent manifested itself on Manitoulin Island again. There had always been tension from the creation of an extensive department establishment in 1838. The Indians were of many tribes--Ottawas, Pottawatamies, Ojibways and some Wyandots--who often found it difficult to coexist. But such squabbles were dwarfed by the tradition of ill-feeling which had developed between the pioneer Roman Catholic missionaries on the island and the Anglican clerics who had arrived in 1838. The changes of 1844-1845 had seen the relative importance of the Manitoulin establishment decline, while the

temperature of the religious conflict also dropped considerably. The old antagonists O'Meara and Proulx were both transferred elsewhere, the latter being succeeded by a Jesuit, J.-P. Choné. However, the treaty negotiations of the early 1860's seemed to reopen the old reservoirs of ill-will:

During the fall of 1862, the Department learned that Indian bands in Canada East were being grossly misinformed as to what had taken place at Manitowaning that October. Rumours were circulating to the effect that the Manitoulin Indians had been expelled wholesale from their villages and that a clear majority of chiefs had been opposed to the treaty. When a missionary in Canada East wrote to the Department about these stories, Spragge presented a lengthy point-by-point rebuttal, which he hoped would end such speculation.³⁹ He believed these rumours were the work of Father Choné, who possessed great influence with the Indians of eastern Manitoulin.⁴⁰

Clearly something had incited the eastern Indians, for in the winter of 1862-1863, relations with incoming Whites once again deteriorated. Whites who were married to Indian women were driven off the island by the

³⁹ PAC, RG10, Spragge to Cazeau, November 10, 1862.

⁴⁰ Idem.

Wikwemikong band.⁴¹ The following spring, as in the year before, trouble erupted at the commercial fishing sites, and this time the government determined to act. Police constables from Toronto, Barrie and Collingwood were dispatched to Manitoulin to arrest the Indian ringleaders. A stormy scene ensued when this force, under the command of William Gibbard, tried to land. The twenty-two policemen were met by more than two hundred Indians, and after a short struggle, were compelled to withdraw. Father O'ne played an important part in this incident, supporting the Indian cause with fiery oratory. The constables under Gibbard had departed without the prisoners they had intended to remove, but the Indians had agreed that those against whom warrants had been issued would later report to Shebanwaning, and board the downbound steamer for Collingwood. Proceeding to Sault Ste. Marie, the party arrested one of the wanted Indians en route and then set out for the agreed rendezvous. A great uproar arose when Gibbard was missed on the return to Shebanwaning. His body was found shortly afterwards in the harbour, bearing no marks of violence.⁴² The cause of his sudden demise was never properly established, but the circumstances in which it occurred showed the extent of the tension and the

⁴¹ "Enemikeese" [Rev. C. van Dusen], The Indian Chief (London: William Nichols, 1867), p. 186.

⁴² Ibid., pp. 189-197. This is a very complete, if biased, description of events at Manitoulin in July, 1863.

opposition to the Manitoulin Treaty.

The repercussions were immediately felt by the Department. Spragge had been fortunate that George Ironside, one of his most experienced subordinates, was stationed on Manitoulin Island, for utmost firmness and diplomacy were required there during the crisis. But the strain proved too much for the veteran northern superintendent, and on July 14, 1863, he died very suddenly. Thus the Indian Department was deprived of strong local representation just when it was most needed. Spragge was unable to appoint a successor until three weeks had passed. On August 5, he asked the late superintendent's son, McGregor Ironside, to take temporary charge of his father's post.⁴³ Only in September was a permanent successor found in the person of Charles Thomas Dupont of Sault Ste. Marie and the Manitoulin situation gradually quieted down.⁴⁴ Dupont occupied the northern superintendency until 1868,⁴⁵ and in the five-year period never faced a potential uprising such as almost erupted at the time of his predecessor's death.

Spragge encountered other staff difficulties during the summer of 1863. Froome Talfourd's health had begun to break down early in the year and his brother-in-law, John

43 PAC, RG10, Spragge to M. Ironside, August 5, 1863.

44 PAC, RG10, Spragge to Dupont, September 8, 1863.

45 PAC, RG10, Preliminary Inventory, p. viii.

Thornton, had again taken over his duties as western superintendent early in March.⁴⁶ On the recommendation of his physician, Talfourd went to England for the summer, expecting that he would be fit for duty in the fall, but this was not to be. When the summer of absence had become a full year, Talfourd was removed from office by order-in-council on March 14, 1864.⁴⁷ This act was soon rescinded when Talfourd's English physician shortly wrote to the government that there was "every prospect of his being able safely to return to his duties in a short time."⁴⁸ By May, 1864, Talfourd was "daily being expected from England in restored health."⁴⁹ The onset of winter, however, aggravated his condition and he had to submit his resignation on grounds of ill health, which was accepted on January 5, 1865.⁵⁰

Talfourd's removal was a blow to the Department and to Spragge's plans. The son of an English brewer, he had become an ardent abstainer under the influence of evangelical religious tenets, which also doubtless fostered his efforts to serve others:

⁴⁶ PAC, RG10, Spragge to Thornton, April 17, 1863.

⁴⁷ PAC, RG10, Red Series, 44814.

⁴⁸ PAC, RG10, Dr. Halfourd to Spragge, January 18, 1864.

⁴⁹ PAC, RG10, Spragge to Thornton, May 16, 1864.

⁵⁰ PAC, RG10, Red Series, 44814.

He was a good man and a good citizen, kind and helpful. He was also an ardent teetotaler and had a unique way of celebrating the fact. He calculated how much he had saved throughout the year by not using intoxicating liquor, and that amount he gave to various charities.⁵¹

These glowing sentiments were echoed by the Indians under Talfourd's charge, who referred to him as "the Englishman who keeps his word" and regarded him as almost solely responsible for amicable Indian-White relations in the Sarnia area.⁵² This affection was returned by Talfourd, who constantly referred to "my Indians" and made them an annual present of fifty dollars to help defray the cost of a feast which they held on his birthday every year.

Talfourd was touched by the honour but feared that its costs would consume too much of the small annual revenue which the Indians possessed. These annual celebrations continued every year until Talfourd's death in 1902. For many years, his picture hung in the Sarnia council-house as a mark of the esteem in which he was held, although his continuous residence in England after 1865 meant he never again saw those he had served so well. Spragge's appointment of Robert Mackenzie, the brother of the future prime minister, to succeed Talfourd took effect on February 6,

⁵¹ C. V. Nisbet, "The Talfourd Family," Western Ontario History Nuggets, No. 6, 1945.

⁵² Idem.

1865.⁵³ Mackenzie was a capable man, but Talfourd perhaps came closer than any other man to Spragge's conception of the ideal Indian agent; the Department's permanent head was extremely sorry to lose his services.⁵⁴ The Department had lost the services of three of its best employees --Francis Assickinack, George Ironside and Froome Talfourd --at a time when its resources were already hard pressed.

IV. The Pursuit of Indian Policy, 1862-1867

Despite these losses, Spragge pressed ahead in his attempts to lend the Department new vigour. Timber stealing on reserves was greatly reduced by stringent application of the law and by making the superintendents directly responsible for its enforcement.⁵⁵ Since many former timber rangers had been guilty of conflicts of interest, their replacement was a decided improvement. To ensure zealous vigilance, superintendents were to be given three per cent of the timber licence fees and half of all the fines collected in consequence of trespass on Indian timber lots.⁵⁶ Spragge carefully insured that the issuance of timber licences was kept under his own control and

⁵³ PAC, RG10, Spragge to Talfourd and R. Mackenzie, February 6, 1865.

⁵⁴ Idem.

⁵⁵ PAC, RG10, Spragge to Talfourd, August 9, 1862.

⁵⁶ Idem.

that only reputable timber firms, such as D. C. Thomson of Quebec City, were allowed to cut Indian timber.⁵⁷

Unprepared to accept any evasion of the law, he was ready to petition for stronger legislation if the current laws were not found sufficient to stop interlopers.⁵⁸

Squatters on Indian lands which were for sale, and who had not taken steps to obtain legal title, were informed they would be charged the fixed price per acre plus interest from their first date of settlement or be expelled. Spragge, in this instance, was simply following the standard procedure adopted for crown lands and applying it more generally.⁵⁹ Purchasers who were not approved by the former Indian owners were refused land.⁶⁰ Local entrepreneurs and politicians who lobbied for roads and other conveniences on Indian land were resolutely turned away.⁶¹ These actions clearly indicated that Spragge endorsed the policy of separation between the races until the Indians had been sufficiently educated to conduct their own relations with White society.

White-Indian relations occupied a great deal of the

⁵⁷ PAC, RG10, Spragge to Thomson, May 20, 1862.

⁵⁸ PAC, RG10, Spragge to Bartlett, April 4, 1862.

⁵⁹ PAC, RG10, Spragge to F. McAnnany, April 22, 1862.

⁶⁰ PAC, RG10, Spragge to S. Smith, April 12, 1862.

⁶¹ PAC, RG10, Spragge to A. McKellar, M.P.P., April 10, 1862.

Department's attention, but it also had to deal with a second area of great importance--the conduct of the Indians' own affairs. Here too, Spragge had fixed ideas which he was determined to enforce. The development of Indian leadership was of vital importance if the policy of 'civilization' was to succeed, and to cultivate it, the deputy-superintendent-general was prepared to impose his own notions of responsible statesmanship upon the Indians of Canada. In his own words, only "those who are able to read and write and are likewise of good moral character and correct conduct" should be chosen as chiefs, for such people were "the most capable of assisting in the management of the affairs of their people and the improvement of their condition."⁶² In short, only those whose abilities and standards of morality met the Department's approval would be recommended for positions of leadership among their own people. Spragge's motives were praiseworthy enough; he simply wanted to ensure that Indian leaders were the best calibre of men available. But imposing European ideas of competence and moral standards could have nothing but a deleterious effect upon native culture and politics.

The deputy superintendent-general's attitudes reflected the optimism of the mid-nineteenth-century

⁶² PAC, RG10, Spragge to Rev. James Chance, August 5, 1862.

Englishman, who felt that he lived in the best of all possible worlds and had an obligation to share his highly successful way of life with men less fortunate than himself. Such attitudes, coinciding with a revitalization of popular esteem for the monarchy, were to mark the apex of the Victorian age in the last two decades of the nineteenth century. It was regarded as axiomatic that any intelligent being would choose the type of life offered by western Europeans over any other alternative. By introducing these standards, the Indian was being given a great advantage over less fortunate peoples. The racism practised by those who believed that God spoke in English accents was not blatant or crude. It was rather an unconscious assumption that the world would be a much better place the closer the English middle-class outlook permeated the minds of men.

Such ideas, when they were imposed on Canadian Indians, caused more difficulties than they solved. Some effects of religious factionalism have already been noted. European ideas usually roused both acceptance and opposition, customarily becoming ingredients in local controversies. At best, such struggles resolved into arguments over the paramountcy of various band leaders. At worst, they threatened a band's whole Indian way of life by challenging traditional political processes which were based on cultural antecedents. In either case, the

results were far from happy. Divisions might become so deep that the freedom of individuals within a band was jeopardized. On Manitoulin Island, Head Chief Francis Tetekumah was expelled from his farm in the middle of the winter of 1861-1862 because of one such argument.⁶³ Such episodes did little to develop sufficiently self-confident Indian leadership capable of dealing both with government representatives and members of the local white population.

A more dangerous type of friction was that between bands, since violence often resulted. In one such inter-band clash, in June, 1864, four Brunswick House Indians murdered fourteen members of the Pic River band forty miles from the Hudson's Bay Company's post at Pic on the north shore of Lake Superior.⁶⁴ It was increasingly clear that the Indians were not reacting to the Indian Department's concept of a 'mission civilisatrice' in quite the manner which British and Canadian authorities had expected.

Instead of welcoming the overtures of civilization and proving it by immediately indulging in an orgy of visible material improvement, most bands withdrew into sullen isolation, emerging once or twice a year to collect their annuities or building a church or a school only to keep officialdom impressed with their 'progress.' Lukewarm

⁶³ PAC, RG10, Sprage to Ironside, January 5, 1862.

⁶⁴ PAC, RG10, Walcot to Attorney-General, West, July 29, 1864.

discontent which masked a brooding sense of cultural despair became the standard attitude in most bands, visible in petty violence like that which flared up semi-regularly at St. Regis, or in the drunkenness evident among some members of almost every band. Because such behaviour did not fit the reaction Indian Department officials anticipated, they simply ascribed it to 'laziness' or 'paganism' or some other 'weakness' inherent in the Indian population. Such thinking led to the belief that little could be done for Indians who remained recalcitrant.

On the other hand, officials who would not accept the idea that Indian problems were the result of inherent characteristics tended to see the root cause in the close proximity of White society. Under this somewhat Rousseauian attitude, the innocent if not altogether noble savage had to be kept apart until education had prepared him for contact with Europeans. This was the view to which William Spragge subscribed, which explained his insistence upon fully enforcing the laws which prevented illicit Indian-White contact.

Spragge, as shown by his criteria for the selection of chiefs and head men, had no hesitation about imposing his own moral ideas on Canadian Indians when he felt they would work decisively for their benefit. His own efficient nature also found expression in policy. With the trained bureaucrat's love of organization, he loathed

anything that might threaten the smooth functioning of departmental machinery. Had it not been for his genuine humanitarianism, this attitude might well have produced a rigidity that would have been unable to cope successfully with the dynamic processes constantly at work among human beings. The Department sometimes lapsed into treating its clients like ciphers instead of people, but such occasions were rare under Spragge's leadership although he still chafed when unseemly details refused to fit in their proper place. When Miskokomun and forty other Indians wanted to remove from Walpole Island and live with the bands on the Caradoc reserve in 1864, Spragge grumbled that this sort of thing really should not be encouraged. He was prepared, however, to sanction the move if a majority of the Caradoc Indians approved it and they possessed sufficient arable land to allot to the newcomers.⁶⁵ Some friction did arise among the Indians when the move was made, but these initial hard feelings were soon forgotten. In a memorial to the Department dated two months later, the various bands near Muncey Town claimed that their differences had been resolved and that they were now living in harmony with one another.⁶⁶ Thus Spragge's decision to allow the Caradoc bands to decide this issue for themselves

⁶⁵ PAC, RG10, Spragge to Thompson, April 22, 1864.

⁶⁶ PAC, RG10, Walcot to John Tomigo, Isaac Dolson and others, July 21, 1864.

had proved wise.

On some matters affecting Indian welfare Spragge was not prepared to compromise. He was particularly angry that the Department's campaign against the illicit sale of liquor to the Indians was not more successful. The fault here, as Spragge himself knew, was not the Department's but that of the legislation which dealt with this type of offence. The law punished only Whites convicted of dealing illegally in spirits, so whisky traders simply employed Indians who were less liable to penalty. Even on rare occasions when fines were imposed, no money was collected, because the law made no provision for imprisoning those who refused to pay the fines.⁶⁷ Despite these legal difficulties, the Department continued to halt the liquor traffic wherever it could, often with the help of Indians who were sickened by its effects.

Spragge was also not prepared to support any departures from the rules in the sale of Indian lands. Buyers who had fallen into arrears on their instalments were pressed to bring their payments up to date or face removal from the lands they occupied.⁶⁸ Settlers were not allowed to sell parcels of land upon which they had only made deposits, then use the proceeds of such sales to pay off other surrendered lands which they had purchased. This

⁶⁷ SP, 1864, No. 5, App. 44.

⁶⁸ PAC, RG10, Spragge's circular of May 14, 1862.

policy was enforced by issuing patents only for lands whose purchase was paid in full.⁶⁹ Speculation in Indian lands, which had been rife in the mid-1850's, was halted by the Department's action in the commercial depression of 1856-1858. It bought out the worst of the speculators at depression prices, then reoffered their lots to the public, causing new settlement to move into previously ignored areas, and placing greatly increased sums in the various Indian band funds.⁷⁰ Squatters and others who did not remove themselves when ordered to do so found the Department no longer willing to tolerate evasion of its directives. If gentler methods failed, local law officers were called in. Early in 1862, for example, Sheriff Smith of Brant County was summoned to remove "several troublesome trespassers from the Six Nations Reserve in the township of Tuscarora."⁷¹ The alienation of reserve lands, which had once been easy to accomplish and had been frequently attempted, was gradually checked by these measures.

By 1864, William Spragge was satisfied that the Department was making steady progress in halting abusive practices and illegal activities. Timber stealing had been arrested. A more efficient accounting system had

⁶⁹ PAC, RG10, Circular of May 6, 1862.

⁷⁰ SP, 1864, No. 5, App. 44.

⁷¹ PAC, RG10, Walcot to Thorburn, February 14, 1862.

reduced administrative expenses and increased the sums being placed at the disposal of the Indians. The Canadian government's assumption of the Department had proceeded smoothly, and so completely, that British authorities remained responsible only for the pensions of officers who had served before 1860 and for some money payments to a few Indian bands in Canada East. The decades-old policy of settling Indians on the land and encouraging them to become farmers was finally producing beneficial results in terms of a more balanced diet and consequently improved health among the tribesmen.⁷² Spragge's confidence in his subordinates was demonstrated when he took a three-month holiday to England between July and October, 1864.⁷³

The general tightening-up conducted by the Department's permanent head significantly checked many abuses which had plagued it since its inception. But new problems arose in the middle 1860's which were to challenge its new-found capabilities. One of these was the granting of oil leases. During the preceding ten years, the petroleum age had been ushered in by oil discoveries in Canada West, notably in the Wyoming-Petrolia area. 'Oil fever' quickly grew as rumours of rich petroleum deposits began to spread. Some of these pools, inevitably, were

⁷² Spragge's confidence is reflected in his annual report for 1864 in SP, 1865, No. 5, App. 44.

⁷³ PAC, RG10, Walcott to White, July 21, 1864.

said to be located on reserve lands. One of the earliest requests to lease one such area came to the Indian Department from William Keating, the former employee now residing at Chatham, who was interested in part of the Moravian Reserve. The reply to Keating was cautious, even evasive, declaring that the Indians in council would have to decide whether or not to grant oil leases to interested parties.⁷⁴ By July, 1865, the Indians had decided to give favourable consideration to such requests and the Department had worked out a scheme for the legal mechanics involved. Blocks of land which the Indians were willing to lease would be offered at public auction, following which the land would be rented for ten years to the highest bidder. The prospective driller had to pay half the total rental at the time of leasing and the remaining half within a week of establishing an actual site. Within six months, at least one well had to be sunk on each block of land, a tariff of thirty cents being levied on each barrel produced, which money was placed to the credit of the lessors. If no activity occurred within eight months of signing the lease, the claim was considered abandoned. Leases could not be transferred to others without special permission, and removal permits had to be obtained for all raw materials taken from the reserve. Any necessary related improvements such as roads were to be paid for by

⁷⁴ PAC, RG10, Spragge to Keating, March 24, 1865.

the lessee. Strict prohibition of alcoholic beverages was to be enforced, and the drilling crews were not to disturb the Indians or their normal pursuits in any way.⁷⁵ With some variation, notably in the case of oil leases on Manitoulin Island, these rules were generally applied to all drilling operations on reserve lands in the Province of Canada.

The oil lease question was a portent of changes in Canadian society which were to affect the operations of the Indian Department after Confederation. In the past, disputes between Indians and Whites had centred on land and timber, reflecting the agricultural nature of pioneer settlement and industry. Steadily growing urbanization and changes in technology occasioned different demands on the environment. In the latter part of the nineteenth century, those who coveted Indian holdings (except in the prairies) were not so much interested in land as in what lay beneath it. Mineral rights had already caused violent disagreement in the region north of Lake Superior. As the relentless search for minerals went on, as technology's demand for new metals and petroleum products increased, more such conflicts were inevitable. Ensuring that the Indian bands received the maximum benefit from their resources while suffering minimal personal inconvenience was the only way of avoiding the repetition of the Lake

⁷⁵ PAC, RG10, V. 524, pp. 417-420.

Superior incident of 1849. The formulation of a definite policy on Indian mineral leases in the summer of 1865 was the first clear expression of the Department's attitude, for some treaties had mentioned mineral rights while others did not.⁷⁶ Its recognition of Indian claims to mineral resources was significant, for this was to become a contentious point after Confederation.

The five years between Spragge's accession to office and the creation of the Dominion of Canada marked significant improvements in the administration of Indian affairs, even if no change was instituted in over-all policy. The new permanent head's insistence on efficiency improved the Department's performance and raised the morale of its staff. Charges of political jobbery and corruption virtually ceased. However, it is doubtful whether the Indians noted any great differences from the past, aside from perhaps receiving their annuities and other items more regularly and easily. Efficiency was all very well inside the Department; what was desperately needed in dealings with the 'first people' was compassionate concern for them. The Indians were too often treated as bureaucratic commodities rather than human beings. Despite these shortcomings, there had emerged in the Province of Canada by 1867 a set of methods for dealing with Indian problems

⁷⁶ The Robinson Treaties of 1850, for example, contained specific clauses regarding mineral rights, while the Manitoulin Treaty of 1862 did not.

that would provide an adequate model for the new Dominion,
and for its other provinces and territories.

CHAPTER VII

ATTITUDES, PHILOSOPHIES AND ACTIONS,

1841-1867

In his book, The Union of the Canadas, J. M. S. Careless has described the performance of the Indian Department before Confederation as "honest if uninspired."¹ This is probably true enough, though a close examination reveals that the Department was neither as honest nor as uninspired as the comment might lead one to believe. Certainly the performances in the early 1840's of Samuel Jarvis or Joseph Clench or even William Keating can hardly be termed "honest," while under the direction of William Spragge after 1862, the Department cannot be considered wholly uninspired. Nevertheless, examination of the Department's actions during the period does bear out Careless' contention that it was chiefly concerned with upholding the terms of the treaties and other contractual responsibilities.² But merely cataloguing administrative changes and decisions still does not cover the whole of the history of the period. It leaves unanswered such questions as: What were the concepts underlying the official Indian policies of the time? To what principles did the Department's higher officials adhere when making decisions on the implementation of policy? In order to answer these questions, it is necessary to examine prevailing social and philosophical outlooks of the period, as well

¹ J. M. S. Careless, The Union of the Canadas: The Growth of Canadian Institutions 1841-1857 (Toronto: McClelland and Stewart, 1967), p. 154.

² Idem.

as the backgrounds from which these men came. Finally, it will be necessary to determine the methods and means they employed to put their ideas into effect.

I. "God is an Englishman": Attitudes, Assumptions and Visions

Nineteenth-century Europeans were marked by an extreme confidence in their social and political institutions. Nowhere was this more pronounced than in England, the home of industrial improvement and political tranquillity. The English political structure had proved virtually the only one in Europe capable of change without violent revolution, and this adaptability swelled the Palmerstonian self-satisfaction that was so much in evidence by mid-century. Alongside this drive for material prosperity and political strength, there was evident in some quarters a new humanitarian concern for those whom the new industrialism had victimized. Domestically, it found expression through the interest of Lord Shaftesbury and Richard Oastler in the plight of factory workers and children. It was also seen in the support for Wilberforce's assaults on slavery, which finally secured the abolition of that institution in 1833, and resulted in the formation of such groups as the Aborigines' Protection Society (1835).

Nineteenth-century humanitarianism was the direct

descendant of the eighteenth-century religious revival associated chiefly with the Wesley family. Most of its workers were low churchmen or evangelicals whose humanitarian concerns were firmly rooted in their Christian belief. But the religious revival had spawned a second child whose significance was to lie in the nineteenth century as well--the establishment of British Christian missions in the far corners of the earth. William Carey, the Baptist cobbler, had really begun the movement with his departure in 1792 for India, where he was to serve for forty years. By the turn of the century, more organized efforts were being made through such newly organized groups as the London Missionary Society, the Scottish Missionary Society, and the Church Missionary Society. The melding of secular pride in the arts of civilization with the religious obligation to spread the 'good news' produced men who often were unable to see any value whatever in other, older traditions, who indeed felt compelled to supplant the 'inferior' values of their proselytes with their own in order to 'improve' the lot of those with whom they came in contact.

These attitudes had a profound effect on the relationships between the British and the peoples of their empire, which would reach its apogee before the end of the nineteenth century; "the compact and self-centred organism of 1830" was to become "the loose and world-enlarging

fabric of 1900."³ In the course of this development, several distinct attitudes towards native peoples emerged, depending on the reasons for the British presence. Generally, where British interests were chiefly commercial and the native population was either numerous or had developed its own viable cultural patterns, cultural displacement occurred gradually and selectively. In India, for example, the British rulers developed their own way of life, remaining largely aloof from prolonged contact with Indian culture and allowing the Indians to live much as they always had. When conflicts did occur, they were usually of a political nature, cultural repression only taking place in the case of customs which westerners found abhorrent, such as human sacrifice, suttee, or infanticide.

Where European settlement became the object of imperial contact, however, the pattern was decidedly different. Here the native peoples were usually thrust aside and confined to remote 'reserved' areas or were completely assimilated into the lower strata of white society. In either case, the fabric of native life was altered completely, causing ancient cultural patterns to be severely disrupted or destroyed. Missionary activity, which implanted Western European as well as Christian

³ G. M. Young, Victorian England, Portrait of an Age (London: Oxford University Press, 1953), p. 122.

values, often hastened or completed this process.

Racial attitudes were affected by other factors as well. One of these was locational. There was a decided feeling among British imperial administrators that tropical peoples were naturally inferior, while those living in more temperate zones were more nearly equal to themselves.⁴ Certain among the subject peoples were regarded as being 'manly' or as possessing 'character,' something which the nineteenth-century Briton prided himself in having. One of Rudyard Kipling's correspondents caught something of this attitude in a letter to the author: "Don't you believe that the native is a fool. You can train him to everything except responsibility."⁵ Natives, in short, did not lack intelligence, but character. That elusive quality was apparently detectable in some way. Among the groups who were admired for it, the Zulus stood out because of their genius for military organization, while they and the Sikhs, Afridis, Gurkhas, and Pathans were admired for their fighting qualities. The Maoris of New Zealand and the Indian tribesmen of North America were highly regarded as the possessors of an ethic which resembled the nineteenth-century conception of chivalry. Not all the effects of this attitude were pleasant. The

⁴ J. Morris, Pax Britannica: The Climax of an Empire (London: Faber and Faber, 1968), p. 148.

⁵ Ibid., p. 140.

air of self-contented superiority with which it was often associated dulled the sense of social responsibility towards native groups:

The immediate problems of race arose only in the tropical Empire. In the temperate zones of white settlement, there were, for most purposes, no subject peoples. The Red Indians of Canada were either shut away dispirited in their reserves, or else were fast being assimilated into the white culture. The aboriginals of Australia were no more than weird familiars of the Never-Never. The last of the Maori Wars had ended in an inevitable British victory . . . and there were now Maori representatives in the New Zealand Parliament. The Eskimos were irrelevant. The Irish did not count.⁶

British imperialism had absorbed the missionary ethic of Christianity, leaving to the missionaries its teachings on the practice of charity. These clerics often proved humane and compassionate, trying to meet the material needs of their charges as well as teaching the basic tenets of the faith, and meeting severe opposition from local interests which benefited from exploitation of the tribesmen.

Another facet of Christian teaching besides the missionary zeal appropriated by enthusiastic imperialists also affected White attitudes to Indians. Evangelical sects tended to emphasize the sinful nature of man and the consequent need for either spiritual rebirth or progressive religious evolution in order that salvation might be obtained. The world was part of the fearsome trilogy

⁶ Ibid., p. 139.

against which the earnest Christian had to strive continually.⁷ Nature--whether the physical environment or that of primitive man--was regarded as dark or wicked, something which had to be left behind or improved upon. Man must, with God's grace, continually attempt to improve himself. As spiritual improvement proceeded so would one's material position. Many Britons looked upon their country's international technical and missionary pre-eminence as a sign of divine approval.

This idea of improvement made itself felt in people's attitudes towards the empire's subject peoples. The Indians of North America, for example, for their own sake could not be left in their customary state: they had to be 'improved.' For were they not by force of habit "predatory and revengeful,"⁸ or "treacherous, implacable, blood-thirsty and crafty"?⁹ Having satisfied itself that these stereotypes were valid, White society could indulge its penchant for making things over to suit itself. Those qualities of 'character' possessed by the tribesmen had to be cultivated so their mode of life could be changed.

The ultimate aim of this mission civilisatrice was to make the Indian a happy, productive individual and a

⁷ The other two being, of course, the flesh and the Devil.

⁸ JLA, 1844-45, App. EEE.

⁹ C. E. Carrington, The British Overseas (Cambridge: University Press, 1950), p. 54.

respectable member of society. 'Respectability' was the key to making the Indian part of the normal social process. It "was at once a select status and a universal motive. Like Roman citizenship, it could be indefinitely extended, and every extension fortified the state."¹⁰ By making the North American Indian a part of society at large, Britons were not only fulfilling a moral obligation, but also were increasing their country's power and influence. This combination of moral correctness and national self-interest marked many nineteenth-century imperial ventures. G. S. R. Kitson Clark has nicely caught the flavour of this duality:

Missions and the attack on slavery were inspired by religious motives, but even Americans and Europeans who were not particularly religious were apt to believe that what they had to offer was better than anything to be found outside their culture, and they could do nothing better for non-Europeans than to bring them into its ambit.¹¹

In the conduct of relations with the 'first people' of British North America, self-righteousness and self-interest again coincided.

These traditions and concepts were influential among the senior employees of the Indian Department before Confederation. Without exception, the superintendents of the period 1841-1867 came of Canadian Loyalist or English backgrounds. Many of them had served in other branches of

¹⁰ Young, op. cit., p. 25.

¹¹ G. S. R. Kitson Clark, An Expanding Society: Britain 1830-1900 (Cambridge: University Press, 1967), p. 72.

the imperial service before obtaining their appointments. Toryism was the vehicle by which they expressed their sometimes extravagant loyalty to the mother country and her institutions. Other political beliefs were looked upon at best as distasteful and at worst as disloyal. In Samuel Peters Jarvis, Toryism probably reached its most fanatic quality, colouring everything the chief superintendent for Upper Canada said or did. Other superintendents, such as Thomas Anderson or James Winnifett, subscribed to such notions to a lesser degree.

Such men were greatly influenced by intellectual and emotional currents from the country which they regarded with such affection. They fully supported the policy of 1830 which saw the immediate task of the Indian Department as making the dream of Christian, agrarian Indian communities come true. This notion of a 'happy yeomanry' was, after all, not entirely new to the Tory mind. John Graves Simcoe's vision of such a society had not completely disappeared. It had taken refuge at the Indian Department in a slightly modified guise, with Indian farmers replacing the English agriculturalists of the original. The nineteenth century had provided its own romantic picture to match that of the eighteenth--the 'noble savage' would be transformed to the simple rustic. It was assumed that he would react with joyous gratitude. No one was prepared for what might happen if he did not.

II. From Ideal to Real:
The Role of the Churches

The vehicles by which this change was to be accomplished were education and religion. Nineteenth-century Britons had a strong belief in the almost universal efficacy of education for social ills:

Virtue is the Child of Knowledge: Vice of Ignorance: therefore education, periodical literature, railroad travelling, ventilation, and the arts of life, when fully carried out serve to make a population moral and happy.¹²

It was fitting that religion and education should go hand-in-hand, for the virtues that were to be imparted were to have a solid grounding in Christian morality. The various missionary groups, having been involved in Indian education for long periods, were therefore relied upon as the only groups with extensive experience in the field. Their efforts were bolstered in the 1830's by new organizations such as Fowell Buxton's Aborigines' Protection Society based in London, and by colonial counterparts such as the Society for Converting and Civilizing the Indians and Propagating the Gospel among Destitute Settlers in Upper Canada, which was the inspiration of Archdeacon John Strachan of York. But this very multiplicity caused difficulties. Denominational groups argued over jurisdictions and sometimes occasioned dissensions among their

¹² Cardinal Newman's eighteenth proposition of Oxford Liberalism. Cited in Young, *op. cit.*, p. 7.

Indian converts. The Indian Department had to sort out and resolve such problems while seeking to maintain cordial relations with all the mission societies--tasks which were far from easy.

Three churches had traditionally taken a strong interest in missionary work among the Indians of Canada. The Roman Catholics had a proud record of more than two centuries of such endeavours. Their work was carried out chiefly in Canada East, where most Christian Indians followed the Roman faith, but they also were strongly represented in Hudson's Bay Company territory north of Lakes Huron and Superior. Anglican missionaries were ubiquitous in Canada West, but were particularly identified with the bands of the Six Nations and the mixed population of Manitoulin Island after 1839. Methodists had begun to reach Indian communities early in the century as their saddlebag preachers commenced the system of circuits which proved so effective in reaching the pioneer villages of Canada West. They had missions in the Sarnia district and in the north-central part of Canada West. Generally, these three denominations did not co-operate, the latter two regarding the Roman Catholics with suspicion, while Anglicans looked on Methodists as faintly heretical and disreputable. Despite this bickering, the churches had some remarkable accomplishments to their credit, such as the invention of a Cree syllabary in the early 1840's by

the Methodist James Evans, who had served at the St. Clair reserves before moving west to the vicinity of Norway House at the north end of Lake Winnipeg.

Other denominations were also involved in Indian missionary work on a more local front. The United Brethren, commonly referred to as Moravians, had been teaching among the Delawares of the United States for some time, and in the 1790's were instrumental in establishing a new community in Canada for their charges, at Fairfield-on-Thames. Here they continued to teach and preach. The Baptists of the Jerseyville district in Canada West took an interest in the nearby Six Nations reserve and established a mission there. Baptist success was most marked among the Tuscaroras, the great majority of whom were converted to that faith. The smaller churches lacked the funds and the organization necessary for a large-scale programme of Indian missions. This is not to say that they were ineffective, for the smaller denominations often enjoyed great missionary success, though their work remained essentially local. Mission work was largely the responsibility of individual congregations since for both economic and theological reasons, missionary societies were practically nonexistent.

The churches' impact upon Indian culture varied from denomination to denomination. Roman Catholicism was generally more tolerant of native cultural practices than

its sister branches of Christianity. The priest felt his task was mainly concerned with converting the Indian, setting him on the road to salvation through the offices of the church. How the Indians lived outside of fulfilling their religious obligations was largely left to themselves. Such incompatibilities as might arise between Christian teaching and Indian life, did not disturb the unsophisticated beliefs of Indian converts to Roman Catholicism. This explains why the Indian way of life in Canada East did not change remarkably in most areas, save for those tribesmen who had sought French protection before 1763 and were settled on certain tracts. There was no great drive in the province to transform Indians into yeomen farmers, as there was in Canada West. This informal relationship between priest and Indian often led as well to a feeling of mutual respect and warmth. It was not unusual for a priest to champion the Indian cause in the face of a contradictory government policy, as Father Choné did on Manitoulin Island in the summer of 1863.

Protestantism, with its emphasis on works as well as faith, was inclined to take a less favourable view of Indian culture. Since material well-being was considered a sign of God's blessing on the true believer, the Indian's way of life as well as his religious beliefs had to be altered, so that he might share the enlightened western European modus vivendi. There came to exist, both

in the official and the missionary minds, the idea that the 'best' Indians were those who had adopted Christianity and the settled, respectable life of the farmer. Hence the repeated attempts in Canada West to establish model Indian communities. Significantly, both the experiment at Coldwater after 1829 and that on Manitoulin Island after 1838 failed.

There was, unfortunately, little agreement among the non-Roman missionaries or even among the officials of the Indian Department as to what precisely was best for the Indians and how these objectives should be achieved. The resulting confused rancour precluded any large-scale early success for the cultural assimilationists. Consequently, the chief changes in Indian culture which occurred before the middle 1840's were largely a reflection of and response to white economic and commercial domination, mainly through the media of the fur trade and, in the Great Lakes basin, the growing proximity of large groups of white settlers.

III. A Case in Point: Indian Education

Education was one of the bases upon which the success of the assimilationist effort rested, the other being the establishment of sedentary, agricultural Indian communities. The two were interdependent, since it was almost impossible to educate the children of a nomadic band with

any degree of success. For this very reason, Indian education in Canada East, outside of urban areas, lagged far behind efforts in Canada West. The bands on the banks of the lower St. Lawrence, particularly those who lived on the north shore, maintained their wandering existence, for the most part with little White contact. The Indian Department had only vague notions of their numbers and whereabouts. On the reserves in the country south and west of Quebec City, attempts had long been made by Roman Catholic teaching orders to educate Indian youngsters, with only limited success. As already mentioned, priests and nuns did not necessarily pursue the educational task with the same earnest vigour as many Protestant schoolmasters: assimilation did not occupy the pre-eminent place for Roman Catholic missionaries that it did for Protestants. With a few exceptions, such as Ralph Dimeck's attempt to improve the quality of Indian education in Maria Township, the Indian Department remained content with the somewhat casual approach of the Roman Church to Indian education in Canada East.

Indian education in Canada West was marked by a great diversity of approaches. Anglicans, Roman Catholics and Methodists, as well as some of the smaller denominations, all maintained schools. The Department, and organizations such as the New England Society, were also involved, though they tended to co-ordinate their efforts closely

with those of the churches, particularly the Church of England.

Differences existed as well regarding the sort of education that was best suited to the needs of Indian students. Those who favoured assimilation as quickly as possible favoured a traditional academic approach, with the usual subjects being taught and English being used as the language of instruction. In their eyes, the only thing 'Indian' about an Indian school was the student population. This outlook was rejected by gradualists who felt that traditional education could not prepare the Indians for the settled agricultural life on their reserves which was, after all, the ultimate goal of the province's Indian policy. Instead, they favoured the teaching of classes in the various Indian tongues and the introduction of subject material into the curriculum which would be of direct practical benefit to Indian students upon their leaving school. They felt staff members at such technical or agricultural schools should be of Indian descent wherever possible. By 1844, manual training schools of this type had been established on the reserves at Alnwick, the Grand River, Muncey Town and on Manitoulin Island, while a fifth school was being planned for the Bay of Quinte area.¹³

¹³ PAC, RG10, p. 508, Jarvis to Higginson, January 26, 1844.

Not until the late 1840's were serious attempts made to establish technical and agricultural schools for Indians that actually did more than provide an acquaintance with the white man's hand-tools. The Department had been interested in such projects for nearly twenty years, but the missionary societies directly responsible for the bulk of Indian education had been slow to respond, fearing that Christian education and technical education had little in common. The New England Company provided a model of sorts in the Mohawk Institute it conducted near Brantford. Finally, in 1849, the Wesleyan Methodist Missionary Society decided to embark on two similar ventures at Alnwick and at Mount Elgin on the Caradoc reserve. The history of these institutions was to be a model of the difficulties faced by the supporters of Indian technical education.

The buildings at Alnwick were erected during 1849 while negotiations were conducted at Muncey Town for the necessary surrender of land to support the Mount Elgin school. Each institution depended on three sources of income: the funds of the bands who supported it, grants from the Indian Department, and moneys furnished by the Methodist Missionary Society. Generally, the capital costs of the buildings were borne by the Indians, while the operating expenses were paid by the Department and the society. At Alnwick, the Department supported students

whom it sent to the school by paying the management a yearly fee of eighteen pounds, fourteen shillings per student. The Methodists supported the remainder of the student population from their own means.¹⁴ It was hoped that the sale of produce and other items would render the school self-supporting within a few years of its opening.¹⁵

By 1851, the institution at Mount Elgin was also ready to open. Arrangements there were more complex than those at Alnwick. The Methodists promised to "maintain, clothe and educate throughout the year 27 Indian children" from the bands subscribing to the school, while the Indian Department limited its financial involvement to a direct grant of £400 annually.¹⁶ Some provision was made for expansion, for the Department increased its grant to £455 by 1853, when forty pupils were registered. As the school began to meet some of its own expenses, this sum was reduced to £345, where it remained until 1862,¹⁷ by which time both schools were in serious difficulties.

The system of operation which had looked so promising in the 1840's had broken down fifteen years later for a number of reasons. The Indian Department and the Methodist Missionary Society had clashed repeatedly over

¹⁴ PAC, RG10, Bruce to T. G. Anderson, March 21, 1850.

¹⁵ Ibid.

¹⁶ PAC, RG10, Bruce to Rev. Enoch Wood, June 17, 1851.

¹⁷ PAC, RG10, Spragge to Wood, August 11, 1862.

financial arrangements. Under its active president, the Reverend Enoch Wood, the society continually pressed the Department for more funds, a tactic which only aggravated administrators like William Spragge. This ill feeling had been markedly increased by the society's attempt to alter the departmental policy. At its annual meeting in 1856, it passed three recommendations: the concentration of bands in one or two large communities, elective Indian councils, and the securing of permanent title to mission lands and buildings to the respective denominations. These the Department rejected out of hand.¹⁸ The society had good reasons for wanting changes, for the attendance of its Indian pupils, upon which Indian Department grants depended, tapered off during the 1850's. As Indian attendance lagged, so too did the financial support by the Indian bands. The subscribing bands began withdrawing their funds from maintaining schools and using them for other purposes. The Methodist Society was left to carry an intolerable financial burden, which, in turn, caused it to limit the number of pupils who could be taught. By the early 1860's, the downward spiral had continued to the point where closing the schools seemed the only solution.

The school at Alwick was the first casualty. In the fall of 1861, it stood empty, leaving the Department no alternative but to sell the site as farmland so that the

¹⁸ PAC, RG10, Pennefather to Wood, February 29, 1856.

Indian funds might recover some of their investment. This procedure was instituted in February, 1862.¹⁹ The closing of the Mount Elgin school proved a harder task. Late in January, 1862, the Department informed Mr. Musgrove, the clergyman in charge, that no further grants would be made after June 30, and that the school would be considered closed as of that date, because "several of the tribes have withdrawn their subscription, as well as their children from the school."²⁰ Musgrove, however, was a resourceful man who was determined not to give up his school without exhausting every available means. He seemed to make some headway by April, 1862, for the Department paid the annual insurance premium for the Mount Elgin school buildings for the year following.²¹

The success was not solely the result of Musgrove's unaided efforts, for the Department had no wish to close the school as long as there remained any chance of its successful operation. William Spragge informed the Reverend Enoch Wood that closing both Indian technical schools would be disastrous, and he urged the Methodist Missionary Society to spare no effort to regain Indian financial support.²² Apparently the society took heart,

¹⁹ PAC, RG10, Walcot to Bartlett, February 26, 1862.

²⁰ PAC, RG10, Walcot to Talfourd, January 22, 1862.

²¹ PAC, RG10, Spragge to A. G. Smith, April 9, 1862.

²² PAC, RG10, Spragge to E. Wood, July 14, 1862.

for by the mid-summer of 1862, Spragge informed the central, western and Six Nations superintendents that an attempt would be made to keep the school open.²³ Mr. Musgrove did not help matters at this point by billing the Department almost \$100.00 for building repairs when the original agreement stated clearly that the Methodists were responsible for such expenses.²⁴ However, when Spragge pointed this out, the clergyman desisted from any further attempts to claim payment.

The patience of the new deputy superintendent-general was about to undergo a more severe test. In the late summer evidence began to accumulate that the Methodists were doing little to encourage Indian support for the Mount Elgin school.²⁵ Enoch Wood furthered Spragge's aggravation by submitting a bill for \$3,650.00 as the Department's share of school expenses for the fifteen months ended June 30, 1862.²⁶ Spragge dismissed this as exorbitant and in mid-September dispatched a cheque for \$2,450.00, two-thirds of the amount asked.²⁷ Any hope of reopening the school had now passed, as it was late in the

²³ PAC, RG10, Spragge's circular of July 21 and July 25, 1862.

²⁴ PAC, RG10, Spragge to Musgrove, July 15, 1862.

²⁵ PAC, RG10, Spragge to Talfourd, August 22, 1862.

²⁶ PAC, RG10, Spragge to Wood, August 11, 1862.

²⁷ PAC, RG10, Spragge to Wood, September 9, 1862.

season. The morale of the Indians in the village sagged badly, and Mount Elgin was in a slovenly condition by the late fall. The Musgrove family remained on the land and operated the school farm as their own, but there were no Indian pupils.

The situation persisted for more than a year, during which time Mr. Musgrove died, but his family continued to occupy the farm. The Department, meanwhile, placed the property for lease and accepted the offer of Thomas Lawson of Toronto, who wished to occupy the farm in time for the spring of 1864. After pointing out that the Musgroves had freely used the farm for two seasons, Spragge asked the Methodist Missionary Society to see that they vacated the property by February, 1864.²⁸ A Methodist clergyman in nearby London used his good offices to arrive at an arrangement that was satisfactory to the Methodists, the Department and the new lessee, Lawson, who was to rent the land for a period of three years at a total rental of \$800.00, with no automatic right of renewal. Consideration was to be given to the establishment of an 'asylum' for orphan Indian boys and aged and infirm Indians.²⁹

Yet within days of this accord, Enoch Wood informed Spragge that his society was not prepared to give up the

²⁸ PAC, RG10, Spragge to Wood, December 21, 1863.

²⁹ PAC, RG10, Spragge to Lawson, February 13, 1864.

school.³⁰ The Indian Department's permanent head was furious. Wood had had ample time to arrive at such a decision without waiting until the last moment. Doubtless remembering the Wesleyan Methodist Missionary Society's 1856 resolution that it should be given absolute title to its Indian missions, Spragge probably looked upon Wood's tactic as an attempt to pursue that policy. He left the reverend gentleman in no doubt as to his feelings, accusing Wood and the Methodists of "meditated coercion."³¹ This blast ended the issue; the Musgrove family left after some gentle reminders, and Lawson duly occupied the Mount Elgin farm.

By the middle 1860's, the attempt to use education as an instrument for the direct assimilation of the Indian population of the Province of Canada was failing badly. Except for the Mohawk Institute, these major efforts at Indian technical education had not achieved even as good results as had the older academic approach under which, as early as 1842, small numbers of Indian students attended Upper Canada and Victoria Colleges.³² Even there, the degree of success was hardly adequate, since most of the pupils dropped out of classes after short stays at such

³⁰ PAC, RG10, Wood to Spragge, February 11, 1864.

³¹ PAC, RG10, Spragge to Wood, February 16, 1864.

³² PAC, RG10, Jarvis to Higginson, November 12, 1844.

institutions.³³ Even when they did graduate, they often found that their education did not open the doors of white society for them, as the humanitarian reformers had originally hoped. The failure of all these hopes for Indian education caused frustration among teachers and the officers of the Department, and much bitterness among the Indian peoples of the province.

IV. Retrospect: Indian Policies 1841-1867

What had the Indian policies pursued by the government of the Province of Canada accomplished? At first glance, the dream of gradual assimilation seemed an unworkable failure. The policy of assimilation, voiced in 1830, had failed to take into account the cultural vitality and tenacity of the Indian peoples, who were supposed to accept assimilation with joyful gratitude. The Indians retained their distinct identities, directly contrary to the aim of the reformers. That all was not well had been recognized as early as the 1840's, when it was reported that "the [reserve] system, though improved, has had a tendency to keep the Indians in a state of isolation and tutelage, and materially to retard their progress."³⁴

³³ Idem.

³⁴ JLA, 1847, App. T.

The immediate causes of the failure of model communities such as Coldwater and Manitoulin, and of schools such as Mount Elgin, however, are to be found on the side of policy implementation. The confused disorganization of the Indian Department in the 1840's, the parsimony of the British government's annual grants, as well as the multiplicity of governmental and religious bodies concerned with Indian affairs, meant that the policy of assimilation was approached in a haphazard, unenthusiastic manner. Consequently, the Department could neither bring the Indians effectively into the mainstream of Canadian life nor impart to them the basic skills necessary for successful co-existence, save in exceptional cases such as that of the Six Nations.

If the quarter century before Confederation had seen the failure of the assimilationist vision, it had also seen some very tangible improvements in the Indian Department and in its dealings with its Indian clientele. The process of treaty-making had been refined and improved: the Robinson Treaties of 1850 and the Manitoulin Treaty of 1862 were to serve as models for the more famous numbered treaties in the Canadian west. By 1867, the Indian Department had become an efficient organ of government staffed by capable officers--the Spragges had replaced the Jarvises, while the complexities of control from London had been resolved by the transfer to Canadian authority.

The Department, as well, had acquired considerable experience, if not expertise, in dealing with the representatives of different religious bodies involved in Indian mission work. These relationships were never easy, but after 1867, the strident competition among denominations jealous of their prerogatives would reach the clamorous level of the 1840's and 1850's only on rare occasions.

By Confederation, the Indians themselves were no longer an unknown quantity. In the negotiations of 1850 and 1862, they had shown that they were not always attracted to treaty terms or even to the principle of treaties. If Canada was not prepared to conduct negotiations with Indian bands before it allowed wholesale settlement or mineral exploration on their territories, then violent reaction was a real possibility, as the Ojibways had shown at Mica Bay in 1849 and on Manitoulin Island in 1863. Nor were Indians prepared to accept passively programmes designed by Whites for their supposed benefit: the withdrawal of both Indian pupils and Indian funds from the Methodist technical schools had proved that. The policy of equipping the Indian peoples gradually to assume a place in Canadian society was viable only if they were treated fairly instead of being used as pawns by different pressure groups, and if the Indian Department was well organized and in a position to properly fund the work. By 1867, an administrative pattern had emerged,

principally in Canada West, which would provide a model for later territorial additions to the Dominion. Whether the planning and experiences of the Province of Canada in Indian administration had been understood by the new masters at Ottawa would determine the course of Indian relations in the new Dominion.

THE DEVELOPMENT OF FEDERAL INDIAN POLICY
IN CANADA, 1840-1890

by

James Douglas Leighton
Department of History

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The University of Western Ontario
London, Ontario

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CHAPTER VIII

EXPANSION TO THE EAST: INDIAN AFFAIRS IN
THE MARITIMES AFTER CONFEDERATION

I. The Indians of the Maritimes

Though long acquainted with Europeans, by 1867 the tribes of the maritime provinces still retained their traditional ways of life to a surprising degree. Geography was their ally: the vast forests of northern New Brunswick and the rough terrain of Nova Scotia prevented contiguous dense growth of European agricultural settlements from occupying the whole of the region. The Malecites of New Brunswick stayed away from the main thrust of European settlement up the St. John River valley, keeping instead to its remoter tributaries or to isolated settlement along the St. Lawrence shore. The Micmacs of Nova Scotia, in similar fashion, roamed along the province's rocky spine, avoiding the coastal villages. Some found the rugged interior of Cape Breton Island congenial to their traditional ways. Even on crowded Prince Edward Island, the Micmacs were able to preserve their semi-nomadic existence, clinging to the northwestern part of the province and avoiding prolonged contact with Whites.

These 3,300¹ Indians paid a price for their 'freedom,' however. Depending upon fishing and trapping, they eked out a marginal economic existence, sometimes supplementing their meagre incomes by seasonal employment among Whites.¹

¹ Population figures are found in R. O. MacFarlane, "British Indian Policy in Nova Scotia to 1760," CHR, XIX (1938), 154-67, and in SP, 1869, No. 14.

For such work they favoured the timber trade; life in a lumber camp was not that far removed from their own life-style. Farming was boring or demeaning, while factory work was unpalatable because of its long, regular hours and its confining atmosphere. Some Nova Scotia Micmacs who had settled on the coast earned a reasonable living from the porpoise-oil industry, but even that was subject to the vagaries of nature. Most maritime Indians lived in squalid, semi-permanent villages at only a marginal economic level.

Dependence upon European technology was the main cause of this misery. Maritime Indians had eagerly adopted European tools from the time cultural contact was first made in the late fifteenth century.² Axes, knives, iron pots and firearms became as much a part of daily life for the Micmac or Malecite as they already were for Englishmen or Portuguese. As European settlement expanded, however, hunting and trapping became increasingly difficult and less profitable, leaving little income for the necessary repair or replacement of utensils, without which Indian hunters and trappers were reduced to penury, depending for their survival on seasonal labour or White charity. By the nineteenth century, traditional Indian ways had proved incapable of withstanding severe acculturation. The Indians of the maritime provinces were cruelly

² See Bailey, op. cit.

caught between their past and their future: they existed on the fringes of a new civilization in a land that had once been theirs alone.

II. Indian-White Relations

French policies had dominated the first century and a half of Indian-White contact in the maritime provinces. France's first attempts to found a permanent North American colony took place in Acadia and though that attempt failed, French contact with the Indians of the region remained constant until the Seven Years War. Despite the surrender of Acadia to Britain by the Treaty of Utrecht (1713), the French presence there remained substantial. The great fortress at Louisbourg and lesser ones like Beauséjour demonstrated to the Indians that their French allies had not abandoned them. More important, French missionaries like the notorious Abbé Le Loutre were living links with French ambitions, ensuring the continuing loyalty of their charges.

French military strategy in the Acadian theatre counted heavily upon Indian support and its Indian policies were designed to attract and maintain Indian loyalty. As in Québec, no treaties were formally signed and no separate government department was established to look after the Indians' needs. Instead, the French relied upon economic and religious relationships between the Indians

and themselves to keep the tribesmen loyal to their cause. Bands that were dependent upon French trade goods would be unlikely to desert the French cause. The economic factor was bolstered by religious ties. Many Micmacs and Malecites had been converted to Roman Catholicism; they could be counted upon in the struggle against the Protestants from England and Boston. Jesuit and Spiritan missionaries kindled strong personal loyalties as well as allegiances to the church they represented, making them the linchpin of French-Indian policy. French colonial officials had good reason to feel satisfied with this approach. Their policy was inexpensive to enact, flexible and personal in operation, and highly successful. The Micmacs and Malecites remained actively sympathetic to the French cause until its final demise in North America.

But it would be wrong to ascribe the success of the French entirely to their own efforts. Though some authorities have seen the Indians as "willing tools in the hands of the French," they were not mindless pawns caught up in a European power-struggle.³ The historical momentum of close French-Indian relations in Acadia only partly explains the French success. The Indians of the region fought to maintain their way of life by keeping Whites out of their territories. The British were clearly the

³ J. W. St. G. Walker, "The Indian in Canadian Historical Writing," CHAR, 1971, p. 29; MacFarland, op. cit., p. 166.

greater threat to their traditions because of the burgeoning population of New England and its thirst for land. New France, with its small population and fur-trading outlook, was the preferable ally from the Indian point of view. French Indian policy in Acadia was successful chiefly because the Indians for reasons of their own chose to support the French cause.⁴

This identification with the French, and with Roman Catholicism, had an adverse effect on Indian-White relations after the Seven Years War. The Acadian deportation of 1755 indicated that the dominant society in the Maritimes would be English and Protestant. The influx of "neutral Yankees" after 1763 and of American Loyalists twenty years later populated Nova Scotia and New Brunswick with families whose traditions and memories made them antagonistic to the natives of the region. Other immigrants might lack this tradition of hostility, but either denominationalism--as in the case of German Protestants--or nationalism--as in the case of Scots Catholics--widened the gulf that already existed between Indian and White. Maritimers in time became increasingly less conscious of the Indians in their midst. British authorities had not been idle in seeking better relations with the Micmacs and Malecites, but their efforts had been continually frus-

⁴ Indian political independence is discussed in Wise, op. cit., pp. 182-200.

trated. The British could not hope to win the Indians to their cause as long as the tribesmen regarded them as the chief threat to their traditional existence.

After the final defeat of the French, the Indians of the maritimes played very little part in the American Revolution. Some joined comic-opera American incursions in the Maine-New Brunswick country while others regarded the Americans as the greater enemy and fought alongside the British.⁵ But most, like the "Neutral Yankees," simply remained aloof from the conflict, regarding it as a squabble between two groups of Englishmen. The Malecite chief Pierre Thoma declared that he was "half English and half Boston and would not lift up the hatchet."⁶ Most maritime Indians took a similar stand.

After the French surrender in 1763, the Malecites and Micmacs were largely irrelevant as a military factor. Some Malecites continued to bother settlers in the St. John valley for a few years, but their activities only underlined the tranquillity of the maritime region. The need for a long-term Indian policy confronted maritime officials by 1790, forty years before their Upper Canadian opposite numbers. But they did nothing. The Indian population was sparse and scattered: officials were hardly aware of them. White settlement and development occupied officialdom: the Indians, untroubled by government super-

⁵ Ibid., pp. 193-95.

⁶ Ibid., p. 195.

vision, continued to suffer invisibly.

Official neglect was compounded by popular attitudes towards Indians. The usual notions of "uncivilized savages" and "lazy Indians" prevailed among many Whites, as did the memory of Indian support for the French. Micmacs were condemned for their lack of character, while Malecites suffered in popular estimation because their political decisions had been pro-French. As maritime society entered its nineteenth-century golden age, Indians were forgotten. Ignorance bred a new type of condemnation: it was believed that 'first people' were unable to assimilate, to overcome the squalor in which most of them lived, because of some inherent defect in their racial character. In this view, until the tribesmen changed inwardly all private and public assistance would only perpetuate Indian degradation. The visible signs of such a change would presumably be the abandonment of nomadism for farming and the acceptance of white social norms.

These public attitudes provided justification for official neglect. Stressing the need for Indian inner change removed any obligation to establish expensive programmes of assistance. The Indians would have to be left to change in their own time. Until then maritime society could conveniently forget them and deny any responsibility for their welfare. Provincial efforts before 1867 to aid maritime Indians were few and ineffective.

III. Pre-Confederation Indian Administration

Beginning in the late eighteenth century, however, spasmodic attempts were made by various organizations to ameliorate conditions among the Micmaes and Malecites. On the aftermath of the 'New Light' movement, some Protestant church groups organized Indian relief programmes. Blankets, used clothing and other castoffs, were despatched in bales to needy bands.⁷ These donations helped to meet immediate physical needs, but did nothing to solve long-term problems: such solutions required a perennial (and therefore expensive) commitment on the part of government.

At first, neither the home government nor the colonial administration wanted to become involved in the management of Indian affairs. Some British aid filtered into Nova Scotia before the American Revolution, but this was suspended on the outbreak of hostilities. Then London attempted without success to make Halifax fiscally responsible for Indian affairs.⁸ In the first years of the nineteenth century a few small permanent Indian settlements were erected on Indian land grants which had been made as early as 1786, but they only localized Indian misery.⁹ The governments had neither arrived at a consistent approach to Indian problems nor had they worked

⁷ E. Hutton, "Indian Affairs in Nova Scotia, 1760-1834," CNSHS, 1963, pp. 33-54.

⁸ Ibid., p. 45.

⁹ Ibid., p. 49.

out any clear goals for the Indian population. Until they did so, the establishment of a workable Indian administration would remain impossible.

Nonetheless, piecemeal attempts were made by officialdom to deal with the Indians as the nineteenth century progressed. In 1838, Colonial Secretary Lord Glenelg, pressed by the Aborigines' Protection Society and similar groups, asked the governors of the British North American colonies to inquire into conditions among the Indians of their respective jurisdictions.¹⁰ These inquiries demonstrated that little had been done, but produced evidence that was useful in the construction of new policies. This evidence provided the historian with the chief sources of impressions of Indian administration before 1867. The reports confirmed the gloomy picture of Indian administration in the maritimes. As early as 1808 Nova Scotia had been subdivided into twelve Indian districts, but these had simply withered through disuse.¹¹ New Brunswick had formed a board of commissioners for Indian matters, but it too had failed.¹² Prince Edward Island's small Micmac population was in a better position because of private efforts; the government had done nothing for these Indians, but enlightened individuals from Britain (and on

¹⁰ Scott, op. cit., p. 358.

¹¹ Hutton, op. cit., p. 48.

¹² Scott, op. cit., p. 360.

the island itself attempted to ensure a viable future for them.¹³ Lady Wood, a wealthy Englishwoman interested in the Aborigines' Protection Society, left a bequest to be administered by trustees for the Indians' benefit.¹⁴ Mr. and Mrs. R. B. Stewart, local residents, in 1870 gave the A.P.S. the 1,300 acres of Lennox Island, in Richmond Bay, for use as an Indian reserve.¹⁵ Despite the late date, this was the first reserve actually set aside for the Micmacs of Prince Edward Island. It may well be the case that the island's system of absentee landlords benefited the Indians by exposing their problems to the British sources of philanthropic capital.

Colonial governments were not completely inactive. Nova Scotia gave a small annual legislative grant to cover the costs of donating blankets to aged and infirm Indians.¹⁶ New Brunswick sporadically expressed concern for its Indians. The investigators of 1838-39 noted that most Indians were indigents, but that they seemed healthier than the previous generation. This optimism struck a responsive chord in the New Brunswick legislature, which declared itself ready to adopt measures "to promote the

¹³ PAC, RG10, RS 2307.

¹⁴ PAC, RG10, RS 10898.

¹⁵ PAC, RG10, RS 2307.

¹⁶ Scott, op. cit., p. 358.

welfare of these helpless people."¹⁷ Yet nothing was done. Governmental efforts remained shamefully inadequate. Short bursts of philanthropic enthusiasm were inevitably swallowed up by long periods of apathy.

Indian leaders reacted to this uneven treatment by attempting to publicize their grievances. Prince Edward Island's Micmacs--described by one official as having sunk as low as human beings possibly could¹⁸--petitioned in 1838 for an annual grant and a reserve. Three years later, several New Brunswick chiefs attempted to lay their case directly before the queen. Cleverly obtaining free passage to England in a British warship, they even secured an audience with the colonial secretary, but failed to obtain any permanent satisfaction. The British government, evidently embarrassed by their presence in London, sent them home via New York City in H.M.S. Warspite early in 1842.¹⁹

Such public gestures did not usually achieve immediate results, but they did serve to stir up the lethargic social consciences of many maritimers. The New Brunswick government later in 1842 dispatched an investigator to the scene of alleged White intrusions on reserve lands, indicating that the London mission of the previous year was

¹⁷ PAC, RG10, RS 2307.

¹⁸ Scott, op. cit., p. 361.

¹⁹ PAC, RG10, RS 469.

not a total failure.²⁰ New Brunswick's interest in its Indian population remained alive until Confederation. By 1867, the province had established fourteen Indian agencies to care for an aboriginal population of 1,300.²¹ In Nova Scotia, the hollow shells of the twelve district Indian administrations first established in 1808 continued to function inadequately. Private philanthropy remained the greatest force in Indian affairs. Nova Scotia's Judge Wisswall, for example, established twenty Indian families at a site near Annapolis.²² Similar local efforts sustained the Indians of New Brunswick, while those of Prince Edward Island, as indicated, benefitted from the generosity of British patrons.

As Confederation approached, the Indians of the new dominion's maritime provinces remained sorely in need of assistance. Victims of historical traditions, forgotten amidst the commercial prospects of the railway age, they were a people apart, living in largely overlooked misery. Local governments did little for them, and knew less about them. This singular lack of information crippled the efforts of the federal Indian Department when its turn arrived to meet the needs of maritime Indians, for in 1867 they became the dominion government's responsibility.

²⁰ Ibid., Murdock to Napier, June 21, 1842.

²¹ SP, 1872, No. 22.

²² Scott, op. cit., p. 359.

IV. Policies and Administration after 1867

Confederation wrought many changes in the Canadian civil service. The physical extension of the country caused a hurried expansion of many government departments. Ministerial responsibilities changed, and departmental functions were realigned. Provincial authorities assumed control of some ministries, removing them altogether from the federal scene. The physical move of 1865-66 from Quebec to the new government buildings in Ottawa compounded these organizational difficulties. Personnel were transferred; office space was scarce; departmental jurisdictions were uncertain. The new dominion government's employees did not function very efficiently until they had settled into their new surroundings and mastered new routines.²³

These circumstances greatly affected the Indian Department. Its geographical limits grew in 1867 from two provinces to four. Administered by the commissioner of crown lands after its transfer to Canadian authority in 1860, the Department became part of the responsibility of the secretary of state at Confederation. Transferred from there to the secretary of state for the provinces late in 1869, the Department did not find a permanent administrative home until it became part of the Department of the

²³ C. C. J. Bond, "The Canadian Government Comes to Ottawa, 1865-66," *OH, LV* (1963), 23-34.

Interior in 1873. The Macdonald government provided no increases in its budget or manpower in these years, rendering its expanded role even more difficult. Deputy Superintendent-General William Spragge was not exaggerating when he declared that "the capacity of the gentlemen composing it had been tested to the utmost" by the political changes of 1867.²⁴

Indian relations in the maritimes continued to be conducted in confused fashion for some years after Confederation. The chaos of provincial Indian administration and the unsettled nature of the federal Indian Department permitted no other course. The status quo ante continued in New Brunswick, while provincial Commissioner of Crown Lands S. P. Fairbanks became the federal agent for Indian affairs in Nova Scotia.²⁵ He had acted in a similar capacity under provincial mandate before 1867, but he was elderly and could not be expected to shoulder the burden of supervising changes to be instituted by Ottawa. Fairbanks' salary was a ten per cent commission on all moneys collected by him as agent, and his chief task was handling Indian reserve land sales. Patents were to be issued based on his descriptions, which would be registered in Ottawa, signed by the governor-general, and then issued to purchasers through Fairbanks' office. Because of

²⁴ SP, 1869, No. 14.

²⁵ PAC, RG10, RS 18516.

Fairbanks' age and the lateness of his appointment--he was not made agent for Indian affairs until September, 1868--this arrangement did not work.²⁶ Fairbanks cheerfully complied with the 1871 suggestion that he ought to retire, and left Nova Scotia's Indian affairs in the same rudderless condition as those of her sister province.²⁷

William Spragge took this opportunity to reorganize Indian administration in the maritimes. He split Nova Scotia into seven Indian districts, each having "an active resident agent," while New Brunswick was divided into two agencies.²⁸ The respective Indian populations of the two provinces were about equal; the discrepancy arose because Nova Scotia's seven agents were employed on a part-time basis, whereas New Brunswick's pair were full-time employees. Four of the Nova Scotia agents were Roman Catholic priests, doubtlessly chosen because of their Indian mission experience and their influence with the Roman Catholic Micmacs. Both New Brunswick agents were laymen with good Conservative political connections. Charles Sargeant of Miramichi and William Fisher of St. John were appointed on January 17, 1872, to the northern and southern districts respectively.²⁹ Sir Leonard Tilley.

²⁶ Idem.

²⁷ SP., 1872, No. 22.

²⁸ Idem.

²⁹ PAC, RG10, RS 136.

evidently had been given a free hand in the choice of these men.³⁰

Spragge had intended to introduce the Ontario administrative model to eastern Canada through these changes, but the net result was rather different. All superintendents in Ontario were full-time Indian Department personnel; only lesser officials, such as land agents or timber rangers, were employed there on a part-time basis. While New Brunswick's two agents resembled Ontario superintendents, Nova Scotia's part-time employees resembled Quebec's missionaries cum local agents, though in Nova Scotia they were not all clergymen. The smaller Indian population dictated a smaller and less rigidly organized administrative establishment than in Ontario. The semi-nomadic life of the Micmacs and Malecites contrasted sharply with the sedentary existence of agricultural Ontario bands and made impossible the establishment of close-knit, easily supervised Indian communities. The poverty of maritime bands also prevented the development of self-help programmes on a worthwhile scale. History, geography and economics combined with administrative change in 1871 to produce departmental structures peculiar to the maritimes.

The Indian Department's effectiveness depended

³⁰ PAC, Macdonald Papers, v. 291, L. Vankoughnet to Macdonald, June 30, 1886.

directly upon the financial condition of its clients: they paid for its operations out of their own funds. Its policies were successful in Ontario because most of that province's Indians were prosperous. Annuities, the proceeds of Indian land sales, and other sources of income enabled the Indians themselves to underwrite most of the costs of establishing and administering substantial projects. Maritime Indians did not possess the same financial resources; by comparison, they existed only at a subsistence level. Because of their relative poverty, the introduction of the Ontario system did not bring them the intended benefits. The Ontario system ensured some kind of long-term security for prosperous Indian farming communities; but it could do little but ensure long-term poverty for bands who possessed no capital resources.

William Spragge was aware of this, and attempted to ameliorate the Indian situation in the eastern provinces. Administrative costs were kept to a minimum, either through the use of part-time personnel, as in Nova Scotia, or by employing a smaller number of full-time employees. Nova Scotia agents were paid \$100.00 each per year, while the annual salaries of the two New Brunswick agents were set at \$465.93 each.³¹ When expansion became necessary in the "picture province," the Nova Scotian system of part-time agents was introduced, with yearly salaries ranging

³¹ PAC, RG10, RS 247; SP, 1874, No. 17, return E.

from \$88.18 to \$200.00.³² Further savings were effected by the Department's refusal to follow the Ontario practice of paying senior employees' expenses. "It had always been concluded," wrote Spragge's successor, Lawrence Vankoughnet, "that Sir Leonard Tilley knew all about the expenses involved and that he included these in his estimates of the salaries required."³³

But Spragge did more than simply pare expenses. His awareness of maritimes Indian poverty caused him to petition the federal government for larger grants to them. Hector Langevin, Spragge's ministerial superior in 1867, knew of the need for larger grants, especially to fund educational efforts, but he felt that the munificent sum of \$1,000 per year would soon "procure . . . this advantage" for the Indians of Nova Scotia.³⁴ Parliament disagreed, however, and awarded them \$1,300 annually. Even this sum was regarded as niggardly by William Spragge, who contended it was "entirely inadequate."³⁵ He wanted a grant system based on the Indian population in order to bring the 'first people' of the coastal provinces up to Ontario standards in education and income. The Indian

³² Idem.

³³ PAC, Macdonald Papers, v. 291, L. Vankoughnet to Macdonald, June 30, 1886.

³⁴ SP, 1869, No. 14, section 2.

³⁵ Idem.

Department's permanent head regarded \$2,500 per year in each maritime province as the necessary minimum grant to implement such policies.³⁶

To complete the Ontario model in the east, Spragge advocated the creation of concentrated reserves. He felt this would make the Micmacs and Malecites more accessible and end their nomadic life by turning them into sedentary farmers.³⁷ Such thinking displayed the narrow assumptions upon which the Department based its policies. It assumed Indians would prefer such an existence to their traditional way of life. More than this, the Department assumed it knew what was best for Indian people even though it had not consulted them. Indian agricultural communities were viable in Ontario because many Indians there had traditionally been farmers. Maritime Indian life was not based on agriculture, making difficult the successful adoption of Ontario policy in the east.

Surrounding Whites doubtless favoured the policy of concentration for reasons of their own. It would remove the Indian population from much of the land, minimizing the number of Indian-White property disputes in the region, and allowing the forest and mining industries and agriculture to expand. Indian labour would be occupied with reserve development, creating more openings for

³⁶ Idem.

³⁷ SP, 1870, No. 17.

Whites in the labour market. Finally, the social problems faced by Indians would be localized on the reserves: Whites would not have their consciences bothered so often. The public supported governmental policy, not because of concern for Indian welfare, but because that policy rendered the Indian population virtually invisible.

Federal parsimony compounded the task of implementing changes in the maritimes. Low salaries and the government's refusal to pay expenses made it difficult to keep honest administrators. Embezzlement or outright theft became attractive methods of supplementing meagre wages. Even honest employees functioned without enthusiasm or conviction, doing only enough work to keep their jobs. Others left the Indian Department in frustration. Under Lawrence Vankoughnet, who became deputy superintendent-general in 1874, fiscal tightfistedness was rigidly enforced, greatly retarding Indian development. The 1872 proviso that no help would in future be given to the "idle and profligate but only to those who show a disposition to advance and help themselves" displayed the Department's narrowness.³⁸ Tragically, the penalties of false economy were paid, not by departmental bureaucrats, but by the Indians themselves.

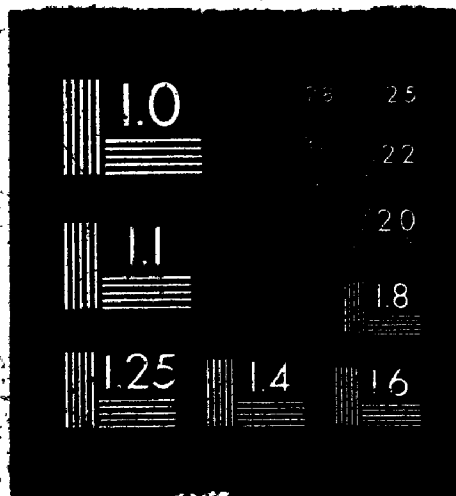
In the quarter century after Confederation, the Indian Department made only slow progress in the maritimes.

³⁸ SP, 1872, No. 22.

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In Nova Scotia, the number of local agents was increased from seven to nine in 1878 and administration was re-organized along county lines. By 1886, seven more agents had been appointed. The \$1,300 annual grant of 1867 had also increased to \$4,200 by 1886, a substantial gain, though the amount was still inadequate to meet Indian needs.³⁹ In New Brunswick, a good part of the Indian population seemed sunk in sullen lassitude and neither responded to departmental programmes nor did anything to help themselves. Only on the Tobique, Little Falls and Kingsclear reserves was there any apparent interest in establishing agricultural communities.⁴⁰ Liquor was a constant problem, as evidenced by the construction of lockups at Little Falls and Tobique to hold offenders.⁴¹ Changes occasioned by Confederation seemed to have little impact on the Indians.

V. The Indian Land Question

Land was the key to successful Indian policy. Whites coveted it. Indians thought some of it sacred. Governments wanted it surveyed and settled in an orderly way. The Indian Department pressed its clients to farm it.

³⁹ PAC, RG10, RS 52001.

⁴⁰ SP, 1877, No. 11, report of Superintendent William Fisher.

⁴¹ Idem.

Selling it was the source of Indian capital which in turn helped to fund the departmental programmes. Two related questions arose regarding lands; What rights did the Indians possess to the land as the first occupants? What legal arrangements should be made to clear the way for settlement and ensure the economic future of the Indians?

These issues were complicated by the history of European occupation in the maritimes. French tradition customarily regarded the aborigine as a minor dependent upon the crown's charity. Because he was not a responsible adult in the eyes of the law, the authorities did not grant any land directly to him. Instead, lands were granted to organizations concerned with the Indians' care and education--religious orders for the most part. As Christians, the French felt obliged to extend some aid to the 'first people,' but they did not recognize any peculiar legal status because of prior territorial occupancy. French colonial authorities did not establish an Indian department because they did not recognize aboriginal rights. The responsibility for Indian welfare--and often the art of political contact and control--was left with the missionary orders of the church.

The political developments of the eighteenth century did not cause any great change in these attitudes. Not until the early nineteenth century, when the maritime population had grown because of loyalist and post-loyalist

immigration, did colonial authorities attempt to address the difficulties raised by the presence of the Indian population. French indifference and Yankee hostility combined to form a local tradition whose attitudes extended from antipathy to lethargic apathy. This range of attitudes remained an important factor in the treatment of maritime Indians.

Official Canadian policy contrasted with the local tradition. The federal government followed the earlier British practice of treaty-signing which arose from the conviction that Indian Bands were entitled to some kind of loosely defined special consideration as the land's first occupants. From the practical standpoint, such Indian treaties were devices which made possible the regularization of aborigine-government relations, the systematic disposition of land, and the implementation of Indian educational and social schemes. None of this programme could be put into effect, however, in the face of strong, prevailing local attitudes and practices. William Spragge's dreams of the late 1860's foundered on the rocks of local attitudes and the fiscal narrow-mindedness of his successor. Despite Confederation, the position of the Indians in the maritimes remained virtually what it had always been: confused legally, depressed economically, and miserable socially.

Systematizing the reservation and sale of Indian

lands remained a difficult task. Neither New Brunswick nor Nova Scotia had conducted adequate surveys of reserved lands, causing a great number of property disputes.

Dominion authorities made little headway, because many Indian bands lacked documentary evidence to support their specific land claims. The Indian Department often found itself embarrassed by such occurrences, though it did its best to resolve them. The McLean case of 1885 in Nova Scotia illustrated the legal complexities of Indian land cases.⁴² Donald McLean was an Inverness County farmer who had been jailed for the illicit use of Indian land on the complaint of the local agent. Afterwards McLean sued the agent for false arrest and won, but the courts later reversed this decision and ordered a new trial on the original trespass charge. At this juncture, McLean's legal counsel suddenly died, and the canny farmer resorted to legal trickery to avoid a retrial: he made over his property to his sons who promptly left the country. Counsel for the Indian Department could find no documentary proof of Indian title to the property, but the Department kept the case before the courts where it was still pending as late as 1896.⁴³

Indians sometimes refused to leave their traditional haunts, even after the land was sold, thereby creating

⁴² PAC, RG10, RS 135577.

⁴³ Idem.

extremely delicate situations. The Indian Department could do little in such cases apart from keeping a close surveillance, encouraging reluctant Indian families to move onto reserve land, and calming surrounding Whites. A small reserve at Dartmouth provided an example of this problem.⁴⁴ Because surveys were inaccurate and the Indian population was declining, it was decided that the reserve should be sold and its inhabitants moved elsewhere. This was done, but a few Indian families, notwithstanding, continued to live in the area. About the time of the First World War, the property came into the hands of Vincent F. Farrell, a dealer in petroleum by-products who wished to expand his factory and wanted the Indians removed. Delay followed delay, while Farrell expressed his frustration to Ottawa: "I am entirely disgusted with your Department's backing and filling and dastardly humbugging."⁴⁵ Farrell's difficulty was resolved on December 6, 1917, when the Indians in question gathered at Tufts' Cove to observe more closely the ships' collision in the Narrows and were blown to bits by the explosion of the Mont Blanc.⁴⁶

Other variations of the Indian land problem were evident on Prince Edward Island. Farmers there regarded the small Micmac population of three hundred people as a

⁴⁴ PAC, RG10, RS 25772.

⁴⁵ Idem.

⁴⁶ PAC, RG10, RS 10838-1.

nuisance because the Indians wandered about the island at will, having no adequate reserve before 1870 when Lennox Island was deeded to them through the Aborigines' Protection Society.⁴⁷ The irregularity of the situation frustrated Lawrence Vankoughnet, who was a compulsive organizer. "The Reserve on Lennox Island is sufficient to accommodate all the Indians of the Province," he wrote in 1884, "and it is highly desirable that they should all reside there instead of wandering about from one town to another which results in their demoralization and is attended with great inconvenience to the Department."⁴⁸ Forcing the Indians' lives into a pattern in order to serve the convenience of the Indian Department was a temptation which its senior officials did not always fight successfully. Vankoughnet's suggestion regarding a policy of concentration demonstrated the folly of such thinking, though Lennox Island was big enough to hold the entire Micmac population of the province, it did not contain sufficient land for the number of farms required to maintain the Indians.⁴⁹ Concentrating all the Indians there would have resulted in chronic poverty which massive federal expenditures alone could cure.

⁴⁷ PAC, RG10, RS 2307.

⁴⁸ PAC, RG10, RS 10898.

⁴⁹ PAC, RG10, RS 21209.

Vankoughnet's frustration with the Micmacs of Prince Edward Island was typical of the Department's general attitude towards the maritimes during the two decades following Confederation. Its attention was riveted on the Canadian West, where it was trying--on the whole successfully--to implement an administrative system based on its experience in Ontario. The maritimes provided a contrary example; there the Ontario system seemed to work not, at all. In their frustration, the civil servants tended to place the blame on the Indians.

If blame should be assessed at all, the Department was probably responsible for most of its difficulties. It had failed to familiarize itself with eastern conditions and with the situation of the region's Indians. It simply assumed that the Ontario system of fixed reserves would prove successful, an attitude that was unwarranted and dangerous. The maritime provinces had a longer history of Indian-White contact than any province with the possible exception of Québec, and fixed racial attitudes had become part of the community's intellectual outlook. The area's Indians were much poorer than those of Ontario, and the Indian Department could do nothing for them because the Indian 'capital', in the form of surrendered lands, was the sine qua non of Canadian Indian policy and of the Depart-

ment's operation, without which its system could not operate satisfactorily.

This was precisely the point that should have made the maritimes significant in the Department's experience. The Department had been established on a clientele basis on the assumption that the Indians would eventually pay their own way through the proceeds of land sales and leases. The government was prepared to inject only limited amounts of capital until financial self-sufficiency was reached.⁵⁰ This scheme to conserve government funds was workable only so long as Indian bands had surplus lands, or other commodities such as timber, which they could sell or lease. If the bands had no financial potential at the time they became government wards, the system worked against them by ensuring that they stayed poor. Time and time again the Department showed itself unwilling to invest the large amounts of working capital or even 'seed money' necessary to create a viable economy for the Indians of the maritimes. Its financial resources--such as they were--were turned westwards, and its permanent head seemed to have an almost pathological fear of large expenditure. The Department's structure and programme were based on Ontario conditions and worked well in places where similar conditions

⁵⁰ The Indian Department was not totally self-sufficient until the time of World War I.

prevailed, such as Manitoba and the Northwest Territories. That it was not adaptable to areas which had developed their own Indian administration prior to Confederation was amply shown by its experience in the maritimes and British Columbia prior to 1890.

CHAPTER IX

THE TRANSITION TO THE WEST: MANITOBA 1870-1880

Up to Confederation, the Indian Department had dealt exclusively with eastern Canada and its woodlands tribes. Departmental notions of workable policies and structures were based entirely on this eastern experience, which consisted largely of confronting existing situations, especially in the maritimes and in Quebec. In these areas White-Indian relationships had been long established before the Department came on the scene. Only in Upper Canada had there been opportunity to experiment with various approaches. Even this experimentation was limited: by the 1830's, the colony's arable lands were rapidly filling with White settlers and the Department could do little more than safeguard Indian lands from White incursions.

The situation to the west of the Great Lakes was entirely different. Native peoples in the north-west did not have a tradition of prolonged contact with White settlers. The Canadian west was virtually a tabula rasa upon which the Indian Department could inscribe its policies. But this newness, this difference from eastern Canada, also meant that those policies--developed in the east--might not prove adequate in the west. The Indian Department thus faced both challenge and opportunity as the Canadian government prepared to extend its control into Manitoba.

I. Initial Difficulties: The Métis

On July 15, 1870, Manitoba became the fifth province to enter Confederation.¹ The union with Canada was not easy. Delicate negotiation and some force were required before the inhabitants of Red River became Canadian citizens. Much of this trouble was caused by the uncertainty of the Métis population over its status under the new jurisdiction. Violence erupted when the federal government unwisely persisted in conducting surveys and other government business without condescending to offer adequate explanations to the indigenous population of the district. The refusal of the Métis to recognize William McDougall's authority as lieutenant-governor and the establishment of a provisional government under the direction of Louis Riel forced the Canadian authorities to listen to the complaints of the pioneer community. Manitoba's creation was far from the routine administrative act which Ottawa had glibly anticipated.

That the excitement should have been generated by the Métis was not surprising. They were the largest single group in the Manitoba community, including among their number "nearly all of its more important and intellectual

¹ G. F. G. Stanley, The Birth of Western Canada: A History of the Riel Rebellions (Toronto: University of Toronto Press, 1963), p. 121.

offices."² This predominance has led a modern historian to call the Métis the "natural aristocracy" of the Red River settlement.³ These proud people became uneasy as easterners began to migrate westward in the 1860's. The dominion government's mishandling of the situation and the truculence of the Canadian party at Red River--Schultz, Mair and their companions--could only produce the display of defiant independence which occurred in 1869.

The Manitoba Act of 1870 attempted to redress some of the grievances which had led to rebellion. Contrary to custom, the federal government retained control of public lands. Land titles in existence at Confederation were guaranteed. In addition, a total of 1,400,000 acres were reserved for the unmarried children of Métis families.⁴

". . . great blocks of individual and combined townships were reserved from settlement and held for occupation or sale" by such people. This generosity was later extended to the heads of Métis families and to old settlers of White descent.⁵

This gave the Métis a distinct status that was neither White nor Indian. Any 'half-breed' who shared in the distribution of Métis lands was not an Indian in the

² W. L. Morton, Manitoba: A History (Toronto: University of Toronto Press, 1957), p. 92.

³ Ibid., p. 91.

⁴ Ibid., p. 141.

⁵ Ibid., p. 155.

eyes of the law, unless he had already been admitted to a treaty. A Métis could withdraw from a treaty on the submission of a written request to do so which had been signed by two witnesses.⁶ Métis thus resembled Indians in that the federal government had allotted them certain lands. But they resembled White landowners in that they could freely dispose of such grants and possessed the franchise.

II. Initial Difficulties: The Indians

The excitement generated by the Métis cause and the subsequent attention given it by writers and musicians are understandable. But the attention which the Métis have received has tended to make us overlook another aspect of Canada's westward expansion. If the Métis had such difficulties with their White cousins, how could the still larger population of Plains Indians deal successfully with the new authorities? The only formal treaty which any of these peoples had signed was an agreement ceding lands in the Red River area to Lord Selkirk in 1817 and the validity of even this single document had come to be questioned. In 1860, an Indian chief charged that the Selkirk Treaty was invalid; a public meeting of the community discussed

⁶ Revised Statutes of Canada, 1886. 49 Vic. c. 43, s. 13.

these accusations the following year.⁷ Once the dominion government's difficulties with the residents of Red River had been overcome, it would have to move decisively and vigorously in the matter of Indian land titles before the westward tide of settlement became uncontrollable. Procrastination might result in bloody scenes similar to those that marked the United States' relations with its Indians following the end of the Civil War.

The government showed itself more willing to deal with Manitoba's Indians than with its Métis population. It anticipated the reaction of the tribesmen to White penetration and it prepared to apply the administrative machinery in Ottawa to deal with them. This is not to say that its efforts were entirely satisfactory. Plains Indian culture was very different from the socioeconomic patterns developed by the tribes of the eastern woodlands with whom the Indian Department had dealt up to 1870. Thus a dual problem presented itself to the dominion authorities: the Indian Department would have to find sufficient personnel to meet expanding needs; and it would have to be prepared to administer its traditional policies with sufficient flexibility to meet the Manitoba situation. The first aspect was easily solved, for it had never been very difficult to secure an adequate number of personnel. Flexibility was another matter; civil servants,

⁷ Morton, op. cit., p. 105.

then as now, were noted for their tendency to follow established patterns of procedure blindly. Success or failure in treating with the Indians of Manitoba would depend on the attitudes and abilities of the new Manitoba personnel, and on the willingness of the Ottawa head office to attune itself to particular provincial needs. Contemporaneous developments in the maritimes demonstrated the vital importance of this last point while they did not augur well for the future of Indian administration in the new province.

The Indian population of the small province of Manitoba consisted of bands of Ojibways (also referred to as Chippewas and Saulteaux) and Swampy Crees, while near Portage la Prairie lived some bands of Sioux Indians who had crossed the international boundary from the United States after the Minnesota uprising of 1862. For administrative purposes, all the bands to the west of the Lake Superior watershed were included in the new jurisdiction. In the eastern and northern parts of this area, the tribes inhabited rugged areas of rock, swamp and water which formed part of the Precambrian Shield. In the south and west were Plains Indians, the easternmost representatives of the large aboriginal population which occupied the North-West Territories south of the great arc of the Shield angling across the country. None of these plains-dwellers were agricultural, but depended upon hunting for

their livelihood. The Indians of the Shield pursued such large game as moose and deer, but mostly trapped smaller fur-bearers such as beaver and muskrat. The plains tribesmen emulated their more westerly cousins, depending upon the buffalo for the necessities of life. The weakness of the Indian Department's good intentions was all too apparent in its ignorance of these Indians and their ways. It estimated the Indian population of Manitoba proper at five hundred individuals, a figure that was absurdly low.⁸

The Manitoba rebellion of 1869-70, and the consequent decision by Ottawa to send the Wolseley expedition through the Indian lands between Lakes Superior and Winnipeg, made treaty arrangements imperative. Care was taken to negotiate a right of passage from the Indians of the district. Small hostile groups could easily have "done much mischief in a variety of ways,"⁹ which, added to the many other problems of the expedition, might have rendered the whole exercise a disaster. Wemyss M. Simpson, a Hudson's Bay Company chief factor living at Sault Ste. Marie, and R. J. Pither, were accordingly despatched ahead of the

⁸ Canada, Department of Public Works, Annual Report, 1890. The Indian population of the province was listed as 6,767 in 1881 and as 24,522 in 1889. The latter figure reflected the province's geographical expansion.

⁹ Captain Huyshe, a member of the expedition, quoted in Stanley, Birth of Western Canada, p. 136.

troops to conclude arrangements with the Indians.¹⁰ Though some resolute opposition was first encountered under Chief Crooked Neck, the two commissioners successfully concluded the negotiations at Fort Frances, by the judicious use of presents, chiefly flour and pork.¹¹ Colonel Wolseley and his men were allowed to cross the territory going to and from Fort Garry. But this was purely a temporary arrangement. The Indians beyond the Great Lakes had still to be dealt with on a long-term basis.

III. The Treaties: One and Two

By the spring of 1871, accordingly, the government was ready for permanent treaty-making. The Red River troubles, ending in the flight of Louis Riel and the fall of the Métis provisional government the preceding August, allowed the transition of authority finally to occur. On the recommendation of the Indian Department, Simpson, who had negotiated the right of passage the year before, was gazetted Indian commissioner for Manitoba and the North-West Territories on April 27, 1871.¹² He was to function as a "General Indian Agent" making treaties with the Indians and representing the Indian Department and the

¹⁰ Ibid., p. 135.

¹¹ Ibid., p. 136.

¹² PAC, RG10, BS 1356.

dominion government in the northwest,¹³ with a salary of \$2,000 per year plus the travel expenses.¹⁴ Acting as treaty commissioners with him were his previous colleague Pither (shortly to become Indian agent at Fort Frances), and S. J. Dawson, the noted surveyor of the Dawson Route.¹⁵

Simpson followed the same route to the west as the year before, going to Fort Garry by way of Fort Frances. Arriving late in June, he established contact with the new lieutenant-governor, Adams G. Archibald, and began to make arrangements for treaty negotiations with the Indians of the immediate vicinity. Simpson had received little instruction from the government on how to proceed. The secretary of state for the provinces (responsible for Indian affairs, 1869-73) had hurriedly sent to him a copy of Captain W. F. Butler's 1870 report on the west, plus a commission as lieutenant-colonel of militia, so that he might impress the Indians with the uniform that accompanied the rank.¹⁶ But there were no explicit instructions as to the management of the treaties themselves. Simpson was not without experience in such matters,

¹³ SP, 1872, No. 22.

¹⁴ Idem.

¹⁵ E. H. Oliver, ed., The Canadian North-West: Its Early Development and Legislative Records (Ottawa: Government Printing Bureau, 1915), p. 1001. (Publications of the Canadian Archives, No. 9.)

¹⁶ SP, 1872, No. 22.

however. He had traded with the Indians north of the Great Lakes for years and he had witnessed the negotiations surrounding the Robinson Huron Treaty of 1850.¹⁷ Moreover, his conduct of the right-of-passage negotiations in 1870 had familiarized him with conditions in the eastern portion of the region and made him known among the Indians there. His appointment as Indian commissioner would therefore seem to have been a wise choice on the part of the dominion.

Simpson arranged a meeting at Lower Fort Garry for July 25, 1871, with the seven leading chiefs of the Chipewewa and Swampy Cree tribes. Among these leaders were Miskookenew (Red Eagle), known to the settlers as Henry Prince, and Kakekapenais (Bird Forever), called in English William Pennefather.¹⁸ At the Indians' request, the meeting was delayed for two days; Simpson found that the "cloud" which delayed proceedings was the imprisonment for debt of four Swampy Crees formerly employed as boatmen for the Hudson's Bay Company. As the Indians would not negotiate until their release was promised, the four prisoners were freed by Lieutenant-Governor Archibald on July 28.¹⁹ The commissioner's task was complicated further when the chiefs, after hearing the reserve system explained to

¹⁷ His name appears as a secondary witness on the Robinson Huron Treaty. Morris, op. cit., p. 309.

¹⁸ Ibid., p. 316.

¹⁹ Ibid., pp. 30-31.

them, decided that an area approximately two-thirds the size of the new province would be sufficient for their people.²⁰ However, after several more days of explanation, and negotiation, the treaty was drawn up and signed on August 3.

This treaty, the first in the numbered western series and named for the Stone Fort (Lower Fort Garry) where it was signed, was the Department's initial attempt to extend the Ontario system of Indian administration to the Canadian west. As such, it possesses great significance. It was not, as some have thought, an attempt to establish a new pattern of treaty-making. The Stone Fort Treaty, rather, represents the adoption of a pattern followed in the Robinson Treaties of 1850 and the Manitoulin Treaty of 1862 with remote origins stretching a century and more into the past. Its terms, though differing in some respects, were based on these earlier treaties.²¹ In return for the surrender of the lands described in the treaty, the crown granted reserves to the Indians on the basis of 160 acres per family of five persons, the size of each band's holdings being based on their present population. Any settlers who were already living within the lands chosen by the Indians were to be dealt with by the crown so as to protect the Indians' rights. In practice

²⁰ Ibid., p. 31.

²¹ These terms are taken from ibid., pp. 313-16.

this usually meant the removal of such settlers, with the crown giving compensation for any improvements. The government was to establish and maintain a school on each reserve when the Indians so desired. Finally, no liquor was to be allowed on Indian holdings, and the current regulations regarding the consumption of liquor by Indians in other locations were to go into force.

Aside from the land question, which was the prime reason for the treaty in the first place, several clauses dealt with monetary compensation. Each Indian man, woman and child was to receive three dollars at the time of signing, and this 'treaty money' was to be supplemented annually by gifts to the value of fifteen dollars (Montreal prices) per family of five. The month of July was chosen as the best time for distribution of these items which were to take the form of blankets, traps, printed cloths or cash, at the discretion of the government. In addition, an annuity of three dollars cash was to be paid to each Indian on the band lists. In return for these benefits, the Indians promised to obey the government's laws and keep perpetual peace with it.

The successful conduct of negotiations by Simpson and Archibald meant the country about the Red River settlement was now freed for the influx of White population on a large scale. The Indian cession covered the area between the western edge of the Precambrian Shield and the forks

of the Assiniboine River, but only in the district between Lake Winnipeg and the American border. The large territory through the lake country to the international boundary still remained with the Indians. If settlement was to proceed to the north and west in an orderly manner, a speedy settlement would be necessary with these tribesmen as well. Realizing that the Crees and Ojibways were again involved, Simpson proceeded to arrange a meeting as quickly as possible. Leaving Fort Garry, the commissioner and his entourage travelled to the Manitoba Post where treaty talks were concluded on August 21. Treaty Number Two was virtually identical to its predecessor. Both treaties were later altered to bring their terms into harmony with the greater generosity of Treaties Three and Four.

IV. The Treaties: Three, Four and Five

Three additional treaties in the western series were negotiated in the years 1873-75. Treaty Three (The North-West Angle Treaty, October 3, 1873) was signed by the Indians to the east of the Red River in the neighbourhood of the Lake of the Woods, while Treaty Four (the Qu'Appelle Treaty, September 15, 1874) and Treaty Five (the Lake Winnipeg Treaty, September 20 and 24, 1875) were signed by tribesmen living to the west and north of the

region surrendered by Treaty Two.²² The North-West Angle Treaty was important for its greater generosity towards the Indians.²³ Each family of five was to receive one square mile (640 acres) of land, a great increase over the former 160-acre standard made necessary by the swamp and rock of the Canadian Shield. Treaty grants and annuities, too, were increased to nine dollars and five dollars per person respectively. The government promised to furnish the money grants each year. Chiefs were to receive an annual salary of twenty-five dollars, plus a flag and medal on the successful conclusion of treaty negotiations. Headmen were to receive fifteen dollars per year to a maximum of three such individuals per band. All chiefs and headmen were also to be granted one new suit of clothes every three years. Provision was also made for a grant of agricultural tools to those Indians who were already engaged in farming or who intended to take it up in the future. The Indian Department was extending its traditional vision of the civilized Indian farmer to the west.

The Qu'Appelle and Lake Winnipeg Treaties followed this revised pattern with few exceptions. The Indians who

²² A useful map of the territories surrendered by the western treaties is contained in D. G. G. Kerr, ed., A Historical Atlas of Canada (Toronto: Nelson, 1960), p. 57.

²³ The text of Treaty Three is contained in Morris, op. cit., pp. 320-29.

assembled for the Treaty Four negotiations were given "some powder, shot, blankets, calicos and other articles" besides their treaty money, while their chiefs received a blue uniform coat in addition to the other usual benefits conferred upon men of their rank. Treaty Five reverted once again to the land grant of 160 acres per family of five, which was surprising for the land in the area was rugged. Certain additions were made to compensate for swampy ground, but Hudson's Bay Company land was exempted from Indian use, as was Methodist Mission property. The usual clauses regarding prohibition of liquor, reserve education, and agricultural implements were included. As with Treaty Three, the Indians were allowed to hunt and fish over the entire surrendered tract, subject to dominion regulations. The government reserved the right of encroaching for public works, while promising just compensation to the Indians.

The increased monetary benefits, land acreages and incidental gifts provided by these treaties had sprung from the experience of Treaties One and Two. When Simpson and Archibald had negotiated these earlier surrenders, they had evidently made verbal promises not specified in the treaties themselves. When the time came for the first annual payments, in July and August, 1872, the Indians reacted angrily to the omission of the items included in these "outside promises." The Pembina, Portage and St.

Peter's bands refused to accept any part of their annuities until the government made good the promises of its representatives.²⁴ They denounced Simpson's attempts to evade dealing with the problem and give the Indians their annuities; they claimed they could get "no right answer" from the Indian commissioner.²⁵ By so doing, they forced a re-examination of the treaty-making process itself. In their anxiety to have the treaties signed, Simpson and Archibald apparently had given favourable replies to certain Indian requests, saying that since they were not within their original powers to grant they would forward them to Ottawa for approval.²⁶ The requested items included one plough and harrow for each Indian who took up farming, plus pairs of the usual farm animals for every chief. The latter were to receive flags and medals (similar to the practice of the American authorities) and buggies or light spring wagons as well.²⁷ These had all been listed separately from the treaties in a memorandum which Ottawa had either lost or ignored.²⁸ The Indians,

²⁴ SP, 1873, No. 23. St. John to Spragge, February 24, 1873.

²⁵ Ibid. Disposition of chiefs, December 30, 1872.

²⁶ Ibid. St. John to Spragge, February 24, 1873.

²⁷ SP, 1872, No. 22. Simpson's report to the secretary of state for the provinces, November 3, 1871.

²⁸ SP, 1873, No. 23. St. John to Spragge, February 24, 1873.

not surprisingly, had not grasped the distinction between the two documents, but with the tenacious memory of a people dependent upon an oral tradition, had expected all the items to be delivered as described:

It is impossible to be too particular in carrying out the terms of the arrangements made with these people. They recollect with astonishing accuracy every stipulation made at the treaty, and if we expect our relations with them, to be of the kind, which it is desirable to maintain, we must fulfil our obligations with scrupulous fidelity.²⁹

This controversy over outside promises was not easily resolved. By the end of 1873 the extra items promised had been delivered to those Indians who had the facilities and the capacity to look after them.³⁰ Despite this, unrest continued. In the spring of 1874, when David Laird, the Liberal minister of the interior, visited Manitoba to see the extent of the disaffection for himself, he managed to reach a settlement with the Indians of Treaties One and Two. The memorandum drawn up by Archibald was henceforth to be regarded as an integral part of the original treaties, and any promises contained therein that had not yet been carried out were to be met. Annuity payments were raised from three dollars to the five-dollar level of the later treaties, and chiefs and headmen were accorded a new suit of clothes every three years. Alexander Morris, and the prominent Scottish Métis James McKay, were entirely

²⁹ Ibid. Archibald's report, February 12, 1872.

³⁰ SP, 1874, No. 17. Spragge's introductory remarks.

successful in getting the Indians to accept these new treaty terms. Only one band remained disgruntled, and this was over the proposed location of their reserve and had nothing to do with the new terms. To keep such disputes to a minimum in future the Indians were given parchment copies of the amended treaties.³¹ Future treaties were at once more generous, and also more detailed in their wordings. The dominion had learned full well the wisdom of Molyneux St. John's remark that Indians should be treated in a "liberal but careful manner."³²

V. Administrative Problems: Archibald

In the eighteen months following the signing of the first three treaties some disagreement arose between Commissioner Simpson and the provincial and federal governments over his duties. Simpson evidently felt his presence in Manitoba was required only from the early spring to the late fall, when treaties were usually signed and the annuities and presents dispensed. He seems to have spent the winter of 1871-72 at home in Sault Ste. Marie, returning to the west in the following spring. During 1872, since no new treaties were signed his duties consisted of conducting treaty payments and investigating

³¹ SP, 1876, No. 9. Laird's introduction.

³² SP, 1873, No. 23. St. John to Spragge, February 24, 1873.

any difficulties which arose between Indians and Whites. He was quick to defend Indians in such situations. When a Winnipeg policeman wounded an eighteen-year-old boy while recklessly discharging three pistol shots at a group of Indians, the commissioner investigated and found that the young man had done nothing more than wave a burnt rocket-stick "which could hardly be called an offensive weapon."³³ He arranged for the Indian to be defended by F. C. Cornish, a lawyer who possessed a reputation for ability.³⁴

But Simpson's vigorous defence of his charges apparently was not matched by his performance of routine work attached to his office. The Council of the North-West Territories on October 25, 1872, passed a minute recommending that the Indian commissionership be made a resident position,³⁵ a clear reprimand to Simpson. The federal authorities agreed: William Spragge ordered Simpson at the end of November to Fort Garry for the winter.³⁶ The commissioner complied grudgingly,

³³ PAC, RG10, BS 1356. Simpson to secretary of state, August 10, 1872.

³⁴ Idem. Cornish migrated from London, Ontario, and eventually became the first mayor of Winnipeg. Though his personal reputation was somewhat clouded, his legal prowess was sufficient to procure a conviction.

³⁵ PAC, RG10, BS 1084-2. Morris to secretary of state, October 26, 1872.

³⁶ PAC, RG10, BS 1084-2.

complaining he had not expected to winter in Manitoba and consequently lacked supplies to make his stay a comfortable one.³⁷ Before the season's end, his disenchantment had grown complete. On January 27, 1873, he asked to be relieved because of "urgent private affairs"³⁸ and returned home, leaving the Manitoba Indian office in the temporary charge of Molyneux St. John, the former clerk of Manitoba's legislative assembly.³⁹ The problem of finding and keeping competent, congenial officers, which had so plagued the Indian Department in the Canadas before Confederation, was to mar its operation on the prairies until the twentieth century.

Indeed, the whole political and administrative situation in Manitoba was unsettled; and the problems of the Indian Department were rooted to a considerable extent in this larger difficulty. Riel's exclusion of William McDougall and the subsequent creation of the Métis provisional government had established this climate of political unease. The fall of the provisionals in August, 1870, seemed to have clarified Manitoba's politics, and the despatch of A. G. Archibald as lieutenant-governor seemed to indicate a return to normalcy.

³⁷ Idem.

³⁸ PAC, RG10, BS 1356.

³⁹ SP, 1872, No. 22. Simpson's report of November 3, 1871.

The federal government had already experienced the consequences of appointing the wrong man to head the Manitoba government when it had tried to impose William McDougall on the people of Red River in 1869. Its selection of Adams G. Archibald in the summer of 1870 was more intelligent, for the Nova Scotian was at once capable and sufficiently removed from the uproar that had surrounded the insurrection to be acceptable to all parties. His mettle was tested immediately on his arrival, for several matters, among them an epidemic of smallpox among the Indians of the Territories, demanded his immediate attention. The ignorance of Ottawa officialdom showed itself in the instructions which Joseph Howe issued to Archibald.⁴⁰ Seven of the eight paragraphs were merely requests for information on subjects ranging from the Indians, to the type and amount of currency in circulation.⁴¹ It was not surprising that Archibald, who had to act without the benefit of precise instructions or even a copy of the Manitoba Act, surpassed his official powers in making his first appointments.⁴² The good fortune Manitoba enjoyed in the abilities of its first lieutenant-governor was, moreover short-lived, for Archibald resigned

40. Oliver, op. cit., pp. 974-75.

41. Idem.

42. Ibid., pp. 982-85. Archibald to Howe, November 22, 1870.

in December, 1872.⁴³ His successor, Alexander Morris, was equally capable, but if substantial political stability was to be achieved, appointments of longer duration were required.

No agency of government was more affected by this lack of continuity than the Indian Department, nor were any so subject to political influences. Federal Manitoba appointments, whether competent or not, all had one thing in common--they were loyal Conservatives. Some selections worked out happily, but others did not. Men like Archibald and Alexander Morris were notable successes. Indian Department appointments were less successful. Some of W. M. Simpson's difficulties have already been noted. His resignation, a month after Archibald's, only contributed to administrative confusion in Manitoba. The federal government was offered an opportunity to give Indian affairs in the province firm, imaginative leadership and to define precisely the administrative relationship between the lieutenant-governor and the Indian commissioner. Unfortunately, however, the ministry simply clung to past practices and forfeited the possibility of creating a strong Indian service in the west.

⁴³ Stanley, Birth of Western Canada, p. 191.

VI. Administrative Problems: Morris

Alexander Morris, Archibald's successor as lieutenant-governor, was both capable and politically acceptable. A lifelong Conservative, he had played an important role in the formation of the Macdonald-Brown coalition of 1864,⁴⁴ and had inspired much early interest in the Canadian west through a number of famous published essays on the subject. Made minister of inland revenue in 1869, he had become chief justice of the Court of Queen's Bench in Manitoba in July, 1872, but five months later left that position to succeed Lieutenant-Governor Archibald.⁴⁵ In the prime of life at the age of forty-six, he possessed great political and administrative knowledge, coupled with a tactful determination to organize effectively the two jurisdictions under his authority. He was not prepared to tolerate the ambiguous relationship with the Indian commissioner which had existed so far. Thus Morris' appointment brought the issues of administrative organization in Manitoba and the Territories to a head.

If Morris' selection as lieutenant-governor was a happy one, the choice of an Indian commissioner to succeed W. M. Simpson was not. That post was given to J. A. N. Provencher, a Montreal journalist and nephew of the first

⁴⁴ Careless, Brown of the Globe, II, 130-33.

⁴⁵ Biographical information taken from the Canadian Directory of Parliament, p. 376.

Roman Catholic bishop of St. Boniface,⁴⁶ who had first come west in 1869 as secretary-designate of William McDougall's council of the North-West Territories⁴⁷ and had played a secondary role in the events of the Pembina farce.⁴⁸ While his appointment may have been wise politically, he lacked the patience, tact, and fortitude required to deal successfully with western Indians and seemed to regard his appointment as something to be used at his own convenience and for his own advantage. At times he was indifferent to considerations of Indian pride, as his treatment of Chief Henry Prince in June, 1873, demonstrated.⁴⁹ The commissioner had forewarned the chief that he would visit his reserve at a specified time and date. Chief Prince accordingly gathered all his band together to meet Provencher, emptying the reserve school for the purpose. To the Indians' chagrin, however, the expected guest failed to appear, even though they sat all day in the early summer sun waiting for him. Instead, a messenger appeared from Provencher, in the evening, requesting Chief Prince to proceed to Lower Fort Garry for

⁴⁶ L. H. Thomas, The Struggle for Responsible Government in the North-West Territories 1870-97 (Toronto: University of Toronto Press, 1956), p. 18.

⁴⁷ Idem.

⁴⁸ Stanley, Birth of Western Canada, pp. 90, 92.

⁴⁹ This incident is fully described in PAC, RG10, BS 1356. Prince to Morris, June 23, 1873.

the meeting, as the commissioner had been too tired to make the journey. The chief, understandably, was hurt and upset by this discourtesy. The Reverend Abraham Cowley, the Anglican archdeacon of St. Peter's, Lisgar, echoed Chief Prince's feelings, in a confirmatory letter to Lieutenant-Governor Morris.⁵⁰

Such behaviour infuriated Morris, who already had cause for dissatisfaction with Provencher's conduct. Three months before the Prince incident, he had asked the Indian commissioner to investigate reports of discontent and misbehaviour among Sioux tribesmen camped in the vicinity of the settlement of Palestine.⁵¹ These Indians had escaped into Canada after the 1862 uprising in Minnesota, which had seen many Whites killed. Even though they had not been directly involved in these hostilities, White settlers in Manitoba, associating them with the deeds of their fellows across the international boundary, regarded them as dangerous to the peace. Morris quickly sent out Pascal Bréland, a member of the North-West council, and the expertise of the old Métis soon calmed the situation and pacified the Indians. Morris was doubly grateful to Bréland, who had postponed his first trip to Quebec in

⁵⁰ Ibid. Cowley to Morris, June 23, 1873.

⁵¹ SP, 1873, No. 23. Morris' report on the North-West.

thirty years in order to be of assistance.⁵² Provencher, on the other hand, never stirred himself to reply to the lieutenant-governor's requests for background information.⁵³

Morris' personal dislike of Provencher broadened into general dissatisfaction with the entire administration of Indian affairs in his jurisdiction. Writing to the minister of the interior, who was newly responsible for both western administration and Indian affairs, he complained about the Indian Department's senior personnel. He dismissed Molyneux St. John, the pro tempore Indian commissioner between Simpson and Provencher, as merely "a former army officer and Globe reporter who aspires to political office," and also declared that replacing Simpson with Provencher was like jumping from the frying pan into the fire.⁵⁴ The lieutenant-governor found his own position "embarrassing" because the Indians looked upon him as the 'white chief' responsible for Provencher's mistakes.⁵⁵ Morris called on the minister of the interior to define the relationship that should exist between the Indian commissioner and himself. The reply could not have satisfied him more. "In all matters of importance," wrote

⁵² Idem.

⁵³ PAC, RG10, BS 1356. Morris to Campbell, June 24, 1873.

⁵⁴ Idem.

⁵⁵ Idem.

the minister, "Provencher is to act under the instructions of Lieutenant-Governor Morris."⁵⁶ The administrative tangle in Manitoba over Indian affairs seemingly had been settled.

But the decision in reality had settled nothing. It had been made hastily in response to the plea of an old friend and political confederate that a dangerous Indian situation would result if Morris were not given some control over the Indian commissioner.⁵⁷ No thought had been given to a long-term solution in keeping with the Indian Department's tradition of central control. Indeed, Interior Minister Campbell's decision, significantly, had given control over the Indian population to local authorities, something the Department had always rejected. This seemed reasonable, given the Manitoba situation, for clearly Morris was extremely competent, where Provencher was merely vain and idle. Manitobans were happy at the decision, regarding it as a victory for local rights over the eastern political control which they resented so much. Alexander Morris in this and his other actions proved to be one of the great champions of responsible government for Manitoba and of a measure of self-government for the

⁵⁶ PAC, RG10, BS 2014. Campbell to Spragge (tgm.), June 24, 1873.

⁵⁷ PAC, RG10, BS 2903. Morris to Campbell (tgm. private and confidential), June 23, 1873.

Territories, and even was willing to sacrifice his Ottawa popularity for these causes.⁵⁸ However, while local control was laudable in terms of the interests of the population, it was distinctly dangerous for the rights of the Indians. The whole trend of Indian-White relations in the United States and the Indian Department's past experience in Canada had clearly indicated that enlightened Indian policy could be secured only by imposing it from above on unwitting local interests. Only then could the economic viability of reserves, the key to the Department's whole policy, be preserved. Campbell's decision therefore was merely a stopgap measure which was no true answer to the Manitoba difficulties though Morris did much to overcome them.

Ever since his appointment, Morris had been pressing for a long-term solution. In December, 1872, he had outlined several steps needed to allay Indian unrest and make Indian administration successful.⁵⁹ Reserves should be selected and surveyed as soon as possible, especially in the case of the American Sioux who were regarded (somewhat incorrectly) as being a constant menace. The Indian commissioner should frequently visit areas of tension in order to calm troublesome situations like those caused by

⁵⁸ Thomas, op. cit., pp. 63 ff.

⁵⁹ See Morris' report of December 13, 1872, in SP, 1873, No. 23.

the boundary commission as it progressed along the forty-ninth parallel. Finally, Indian administration should be conducted by a resident commissioner and two assistants, the latter to be Métis if possible. Such appointments would end western resentments and prevent foolish future decisions by untutored easterners. As Morris' thought evolved, he came to favour increasing local participation in Indian administration. By June, 1873, he was advocating that Métis be used as local Indian agents wherever possible.⁶⁰

VII. The Indian Board, 1873-1876

The federal government looked at its newly created western province with other objectives in mind. Morris and his fellow Manitobans were concerned for their local political privileges while Macdonald and his cabinet were concerned with speedy western settlement. The federal attitude had been made abundantly clear in 1870 with the instructions issued to A. G. Archibald when he was appointed lieutenant-governor of Manitoba:

Your task is to establish friendly relations with the Indians and to report the course you may think most advisable to pursue, whether by treaty or otherwise, for the removal of any obstructions that may be presented to the flow of population

⁶⁰ PAC, RG10, BS 2902, Morris to Campbell (private and confidential), June 23, 1873.

into the fertile lands that lie between Manitoba and the Rocky Mountains.⁶¹

Canny political pragmatist that he was, Macdonald would support any scheme of Indian administration which seemed best suited to such aims. Like the Manitoba authorities, the federal cabinet was not interested in the Indians per se; they were viewed as a minor inconvenience which would have to be dealt with before the orderly progression of White settlement could begin.

The harshness of this attitude was softened in practice. The dominion was firmly committed to the mission civilisatrice inherited from the old Province of Canada. The philosophy of Adams G. Archibald towards Indian relations was a second reason for a good beginning in Manitoba. The doughty Nova Scotian was convinced that a successful Indian policy must have two bases: fulfilment of the government's obligations with "scrupulous fidelity," and the presence of a readily accessible source of authority to the Indians.⁶² Archibald and Simpson had differed on this latter point, Simpson being eager--among other reasons--to keep his expenses to a minimum; while Archibald felt he had done so by avoiding contact with the Indians whom he was supposed to be helping. A strong humanitarian who occasionally paid for Indian presents from his own pocket when government funds were slow in

⁶¹ Thomas, op. cit., p. 49.

⁶² Ibid., p. 50.

arriving, Archibald during his brief tenure did much to allay Indian unrest.

In March, 1873, the federal cabinet proposed a scheme for Indian administration which it felt would both reconcile the demand of the west for wider political autonomy and also end the confusion in the Manitoba Indian administrative structure. Indian affairs would be managed by a board of three commissioners consisting of the lieutenant-governor, the Indian commissioner, and the chief of the Winnipeg dominion lands office.⁶³ This Indian commission was not intended to replace Indian Department machinery in Manitoba, but it was to act as the vehicle for implementing departmental policies. Macdonald had included the lieutenant-governor on the commission because he wished to make that official's constitutional position as strong as possible and because he wanted to ensure harmonious relations with the Indians through their traditional respect for representatives of the crown.

The scheme was admirable in a political and practical way, but its great weakness was its failure to allow for the conflict of personalities. Had someone other than Provencher succeeded Simpson as Indian commissioner, the scheme would probably have accomplished its assigned task. Morris, however, found Provencher impossible to work with, particularly when his own powers were largely honorific

⁶³ SP, 1875, No. 8.

while the Indian commissioner's were very real. He doubted the wisdom of the board as soon as he learned of the proposal.⁶⁴ The council of the North-West Territories which regarded the board as encroaching on its own powers also took a dim view of it. This opposition between the Indian board and the territorial council, together with the antipathy between Morris and Provencher, gave the board little chance to function effectively. Established on August 20, 1873,⁶⁵ it was dissolved by the Mackenzie government in February, 1876, after a troubled life span of only two and a half years.⁶⁶

VIII. The Response to Indian Frustration after 1876

The Indians of Manitoba had to face the usual health and social adjustment difficulties as the province's White population increased. The most serious of these had been the great smallpox epidemic of 1870 which had raged, unchecked through the plains tribes leaving some 2,000 Indians dead. Only Governor Archibald's quick extra-constitutional action kept the disease from taking a

⁶⁴ PAC, RG10, BS 2903. Morris to Campbell, June 23, 1873.

⁶⁵ SP, 1875, No. 8.

⁶⁶ Thomas, op. cit., p. 70.

greater toll in his jurisdiction.⁶⁷ The coming of survey crews had roused a good deal of Indian ill-feeling which had been little alleviated by Simpson's inaccessibility and Provencher's lassitude. Immigrants complained of Indian harassment. At Portage-la-Prairie settlers were warned by an unofficial notice affixed to the door of the parish church to stay off Indian land until a treaty was signed.⁶⁸ Land surveyors Hart and Beatty were stopped by Yellow Quill's band and could resume work only after intervention by the lieutenant-governor.⁶⁹ Even the climate seemed to get in the way of friendly Indian-White relations. The winter following the signing of Treaty Two saw temperatures of thirty degrees below zero, and an ice thickness on the lakes of six to seven feet made ice-fishing almost impossible. "How the Indians can live through such exposure," wrote Archibald, "is a subject of marvel."⁷⁰ An already potentially dangerous situation was only intensified by the bitterness engendered over the outside promises dispute.

Ottawa was slow to act, but eventually took steps to ease the Indians' sense of frustration. The greater

⁶⁷ Ibid., pp. 45-47.

⁶⁸ SP, 1872, No. 22. Archibald to Howe, July 19, 1871.

⁶⁹ SP, 1873, No. 23. Archibald's report of July 6, 1872.

⁷⁰ Idem.

generosity and the more careful enumeration of promises evidenced by Treaties Three to Five were the first steps in this direction. Wholesale administrative changes did not come until the abolition of the Indian board in February, 1876, and subsequent additions of personnel. Two new Indian superintendencies, one for Manitoba--to which Provencher was now confined--and the other for the North-West Territories, replaced the board. By an order-in-council of May 12, 1876, the lieutenant-governor of Manitoba was made honorary chief superintendent of Indian affairs in his province, so that he could deal directly with Indian problems as the need arose.⁷¹ Thus the lieutenant-governor's position was made somewhat more powerful than Macdonald had envisioned when he had originally defined the lieutenant-governor's role on the Indian board. Yet it still was not so powerful as the incumbent, Alexander Morris, wished. Indeed the Mackenzie administration stated firmly that the lieutenant-governor "was to be strictly limited by the terms of the order [of May 12]."⁷² The Liberals obviously had no wish to give free rein to their Tory subordinate.

The administrative change had one beneficial side effect, however--the powers of J. A. N. Provencher were also considerably curtailed. When he had been appointed

⁷¹ PAC, RG10, BS 6464.

⁷² Ibid. Letter to Morris, May 18, 1876.

to succeed Simpson in 1873, Provencher's title had been Indian commissioner for Manitoba and the North-West Territories, but his powers had rapidly waned because of the activities of Alexander Morris and his own negligence. The existence of the Indian board, followed by the creation of the two new superintendencies, confined Provencher's role to Manitoba, and even there it was largely subordinate to that province's lieutenant-governor. These restrictions in function and jurisdiction were justified, for Provencher's conduct had been considerably less than inspired. His version of the outside promises debate had been at variance with the descriptions of Archibald and Simpson.⁷³ His handling of treaty funds had been careless, and at times almost corrupt. In 1874, for example, he had to "dip into" treaty money for \$3,000 to meet other expenses, and then at annuity time had to obtain a warrant to cover these missing funds.⁷⁴ His inability to manage his financial responsibilities was also viewed against his exorbitant demands for funds to furnish his Winnipeg office in the same year.⁷⁵ It is indeed possible, even likely, that the luxurious office furniture which Provencher wanted so badly was bought with some of the 'borrowed'

⁷³ SP, 1875, No. 8. Provencher's report for 1873 contains his thoughts on the outside promises.

⁷⁴ PAC, RG10, BS 2966.

⁷⁵ PAC, RG10, BS 4062.

treaty money. Mackenzie's cost-conscious government, which begrudged even the small sum of \$3,000 spent on the entire administration of the North-West in 1874-75,⁷⁶ was unwilling in any case to entertain such requests. By April, 1878, Provencher had become persona non grata to the Liberals, so his services were "dispensed with."⁷⁷

The division of the Indian Department's western operations in May, 1876, heralded the creation of an entirely separate government for the North-West Territories later the same year. Minister of the Interior Laird resigned his Ottawa position to become the first lieutenant-governor of the new jurisdiction, and arranged to combine this office with that of superintendent of Indian affairs for the North-West Territories.⁷⁸ This union of the two offices differed from the Manitoba pattern, in that in the Territories the lieutenant-governor's role as Indian superintendent was more than merely honorary; he was the de facto, as well as the de jure head of the Indian Department's operations. This difference was displayed in the slight variations in titles. The lieutenant-governor of Manitoba (Morris) was chief superintendent of Indian affairs for that province, but the actual working headship was vested in the Manitoba Indian superintendent

⁷⁶ Thomas, op. cit., p. 68.

⁷⁷ SP, 1879, No. 7.

⁷⁸ SP, 1877, No. 11.

(Provencher). The lieutenant-governor of the Territories (Laird) was also Indian superintendent, assisted by a subordinate, the deputy superintendent. M. G. Dickieson, Laird's private secretary while minister of the interior, became the new deputy.⁷⁹ The administrative division of 1876 lasted until the spring of 1879, when the Indian Department's western operations were again reorganized.

During the later 1870's, the Indian Department strove to rationalize its day-to-day Manitoba operations, with significant results. These operational changes were just as important as the administrative experiments, but tended to be overshadowed by them. During this period the Ontario system of local agencies was fully established in the northwest and the Department's ambition expressed as early as 1871 was realized. Local agents had been serving for some time in such areas as Fort Frances, but it was not until reserves had been selected and surveyed for most of Manitoba's Indians that the system could be fully employed there. In 1877 several appointments were made which strengthened the Department considerably. Agents McPherson, Martineau, Young, Newcomb, and Ogletree were stationed at various reserves throughout the province, while E. McColl was appointed inspector of Indian agencies to superintend them. Numerous complaints regarding the quality of foodstuffs supplied to the western Indians, and

⁷⁹ SP, 1878, No. 10. Mills' introduction.

a belief that local contractors were overcharging the Department caused it to create the office of purveyor the same year. Under this title a Mr. Nixon of Winnipeg, who had successfully carried out similar work for other government departments, received the task of coordinating the delivery of Indian supplies. By the end of the summer of 1877, Minister of the Interior David Mills felt Nixon had succeeded in satisfying Indian complaints and in saving the government a good deal of money.⁸⁰ Finally, a programme of vaccination was undertaken in the light of rumours of a recurrence of the smallpox epidemic of 1870. Dr. Hagarty of Ontario was made resident Indian medical superintendent for the North-West Territories. On commencing his duties in May, 1877, he found the Indians eager for vaccination.⁸¹ So successful was he that his jurisdiction was extended the following year to include Manitoba. Like Purveyor Nixon, he was then stationed at Winnipeg.⁸²

These two appointments illustrated the sometimes confusing nature of Indian Department operations in the west. Though two superintendencies had been clearly defined and the agents in each reported to their own superior officer, certain departmental functions were carried out on a joint, inter-superintendency basis. Usually the prime

⁸⁰ Idem.

⁸¹ Idem.

⁸² SP, 1879, No. 7.

reason for such decisions was economic: the government did not wish to spend more on the Indian Department than it had to. Anxious to place its operations on a self-sustaining basis as quickly as possible, it was ever watchful for areas where economies could be made. Deputy Superintendent-General Lawrence Vankoughnet's excessive concern over such matters was to contribute greatly to the unrest of the early 1880's in the Territories. In Manitoba, however, these attempts at centralizing certain aspects of daily operations were largely successful.

By 1881, the Indian Department was well organized in Manitoba. Its agents and administrators were competent, its Indians reasonably content and rapidly adapting to agriculture. Education was becoming available through reserve schools, though qualified teachers were difficult to obtain. Agency Inspector McColl's annual report for 1880 contained revealing statistics.⁸³ The 10,000 Indians in the superintendency had built thirteen churches, 1,251 houses and 24 schools, which were attended by 564 students. Their 461 stables housed 322 horses and 1,371 cattle. Yearly production on a total of some 1,220 cultivated acres consisted of 37,322 bushels of wheat, 3,142 bushels of oats, 1,246 bushels of corn, 680 bushels of barley, and small quantities of various other crops.

⁸³ PAC, RG10, BS 28,984. McColl to superintendent-general, December 10, 1881.


Within seven years of his arrival, the inspector pointed out, the chorus of complaints which had once met him everywhere had entirely disappeared. In the summer of 1884, no one complained to him at all.⁸⁴ McColI correctly summed up the Manitoba situation as "generally satisfactory."⁸⁵

A workable Indian administration had been slow to organize in Manitoba for several reasons. The political unrest of the immediate post-Confederation period had precluded any meaningful administrative steps. The attempt to deal with both Manitoba and the Territories as a unit had failed because the task was too great, and the individuals chosen for it were inadequate. Until the later 1870's the Department's personnel were insufficient in number. Finally, during this decade the focus of political and administrative attraction had quickly moved westward to the Territories. Manitoba's Indians, semi-agricultural and relatively peaceful, were put in the back of the official mind as it began worrying about the more warlike Plains Indians and the influx of American whisky and politics to the west of Manitoba. By the early 1880's, Manitoba's Indians were regarded in much the same way as those of the older provinces: sober and industrious, dependable and unspectacular.

⁸⁴ SP, 1885, No. 3. McColI's report.

⁸⁵ PAC, RG10, BS 28,984, op. cit.

The Manitoba experience had shown the Indian Department it was not possible simply to impose the Ontario system on other provinces. Only after three changes of administrative structure, did a workable pattern emerge. Significantly, it had done so as the Department developed better communication with Ottawa; illustrating once again the wisdom of the ancient British approach of establishing a strong centralized administration served by competent field officers. Equally significantly, the Department had learned that treaty-making could not be managed casually, nor would the Indians respond to what civil servants euphemistically called 'economy.' Western treaties had evolved into carefully worded documents with fairly liberal, even generous, provisions in the context of the times. The Department's Manitoba experience had been a transitional one, adapting the Ontario system to the west. The testing of what had been achieved would come in the North-West Territories.



CHAPTER X

THE NORTH-WEST TERRITORIES

1870-1880

I. The North-West to 1876

In 1870 the vast stretch of country between Manitoba and the Rocky Mountains was virtually unknown to eastern Canadians. What would shortly become the North-West Territories was still, in W. F. Butler's immortal phrase, "the great lone land." Living in these hundreds of thousands of square miles of hills and prairies were an estimated nearly 50,000 Indians.¹ Mostly war-like by reputation, their reaction to the flood of White settlement which was building in the east could not be determined. Most Canadians contented themselves with a romantic and imaginary image of these plains peoples; in the popular mind the actual situation of the Indians remained as unknown as their territory.

All this was beginning to change as the 1870's began. For almost two centuries, small parties of White fur-traders had been penetrating the west, establishing posts and contributing to the growth of the Métis population. As the pace of White-Indian contact quickened in the eighteenth and early nineteenth centuries and the Indian life-style was being changed by the White man's insatiable demand for furs, the mounted hunters of the plains became more and more dependent on the trading companies for weapons and White trade items. The Indians' ability to

¹ PAC, RG10, BS 4518. Father Lacombe's report of February, 1875.

maintain their traditional culture varied inversely with their growing economic dependence on the products of White technology. As long as no large-scale White settlement confined their nomadic wanderings, and as long as the buffalo survived in numbers sufficient to feed and clothe them, the Indians did not resent acculturation. Indeed, until the scarcity of land and buffalo became acute, they hardly realized what was happening.

During the 1870's, several events occurred which altered this passive acceptance of what fate might bring. The great smallpox epidemic of 1870 carried off two thousand Plains Indians, the worst single outbreak of any White-induced disease ever to affect them. Settlement of eastern farmers began on a large scale in Manitoba, and the introduction of Canadian authority created a sullen resentment among the Red River Métis, many of whom migrated to the Saskatchewan Valley. Métis frustration was soon communicated to the Indians of that district. Finally, the buffalo herds, whose decline had been apparent for a decade, had virtually disappeared by 1879:

. . . with their minds unsettled, their land threatened, and their beliefs, convictions and mode of life readily shaken, the North-West Indians were thoroughly disgusted at the white man's presence.²

As if these afflictions were not enough, large numbers of whisky traders appeared on the Canadian plains

² Stanley, Birth of Western Canada, p. 202.

during this period. Interested solely in quick profits, these men were prepared to go to any lengths to victimize their Indian customers. Mostly Americans who operated in the southern and western portions of the Canadian prairie, they established whisky posts to which neighbouring Indian bands were attracted. The most famous of these locations was Fort Whoop-Up in the country south of Lethbridge. In May, 1873, a party of American whisky runners met a group of Assiniboines in the Cypress Hills and negotiated the trade of some Indian horses for whisky. Once the Indians were drunk, the Whites massacred them and returned across the border.³ While this was the most notorious instance of the behaviour of these desperadoes, such incidents were not uncommon. The South Saskatchewan and Bow River valleys were full of such men, and several Indian murders were reported, including a second massacre of fifty-five men, women and children in February, 1874.⁴ These occurrences reinforced a growing tendency on the part of most Indian tribes to distrust all Whites.

Canadians could take small comfort in the knowledge that these atrocities were the responsibility of lawless American frontiersmen. As the decade advanced, their own countrymen became increasingly involved. The creation of the North-West Mounted Police in 1873 and the march west

³ Ibid., p. 199.

⁴ PAC, RG10, BS 3500.

the following year had largely subdued the whisky traffic in the far west, which thereupon had simply changed location. By the later 1870's, the hotbed of the trade in illicit liquor was the North-West Angle district, centred on the Lake-of-the-Woods, where police manpower was almost nonexistent and detection difficult because of the rugged topography. The source of the merchandise was Winnipeg and the men who engaged in it were chiefly Canadians. Particularly obnoxious to the government was an unnamed St. Boniface hotel-keeper who forwarded his liquor from Winnipeg by the Dawson Road route to "sell it both by retail and by wholesale to anyone who will buy it."⁵ Rat Portage gained an especially odious reputation as the central distribution point for the liquor traffic in the area. The Indian liquor traffic in the Angle never gained the notoriety enjoyed by that of the far west, probably because its practitioners, being Canadians, were less flamboyant and not as brutal with their customers as their western counterparts.

Where the whisky traffic had caused a deterioration in Indian-White relations, the decline of the buffalo created enmity among the Indians themselves. The slaughter of the great herds in the United States meant that the northern limit of their migrations shrank steadily south-

⁵ PAC, RG10, BS 11,678. Vankoughnet to Graham, December 9, 1879.

international boundary and 55° north latitude.²⁹ The respective lieutenant-governors of the two districts were to act as Indian superintendents as well, though in Manitoba's case this was largely an honorary or ex officio position. Laird's position in the North-West was more active; he was in charge of Indian Department operations there de facto as well as de jure.

The new governor had reason to be pleased with the progress of Indian administration in his district. By the time of his arrival, an Indian school had already been established at Whitefish Lake by the Methodists, and the Presbyterians were about to set up another on the Roseau River.³⁰ By the following year, three more schools had been opened, and Indian orphanages had been established at Lac la Biche and St. Albert.³¹ Satisfactory personnel had been secured for the Department, notably M. G. Dickieson as deputy-superintendent for the Territories and local agent for the Indians of Treaty Six, and Allan McDonald as provisional agent for the Indians of Qu'Appelle Lakes and other bands in the eastern part of the Treaty Four area. The co-operation of the North-West Mounted Police had been secured, in the person of Major Walsh who agreed to conduct annual treaty payments in the Cypress Hills region.³²

²⁹ SP, 1878, No. 10.

³⁰ SP, 1877, No. 11. PAC, RG10, BS 6354 and BS 6352.

³¹ SP, 1878, No. 10.

³² Ibid.

two of cavalry that escorted the American surveyors.⁸

"The hostility of the Sioux is so great to the Americans," wrote Alexander Morris, "that the American portion of the party should be instructed by the U.S. Government to treat the Indians properly, and carefully avoid all cause of trouble."⁹ This advice seems to have been taken, for the survey was completed without serious incident. Parties surveying the townships of the interior were not quite so fortunate, the Indians usually showing their contempt in a variety of aggravating ways.¹⁰

Ottawa did not let matters in the North-West go unchecked, but its efforts to overcome the sense of unease that pervaded the region in the 1870's were not completely successful. The Cypress Hills massacre of May, 1873, had hastened the formation of a mounted force to counteract the lawless elements of the plains country. The illicit liquor trade was soon suppressed. There can be no doubt that the cool courage of the N.W.M.P.'s officers¹¹ and the

⁸ D. W. Thomson, Men and Meridians: The History of Surveying and Mapping in Canada (Ottawa: Queen's Printer, 1967), II, 174.

⁹ PAC, RG10, BS 3528. Morris to Minister of the Interior, June 6, 1874.

¹⁰ These included the removal of markers, defecation on survey stakes, and incidents of a similar nuisance value.

¹¹ As in the celebrated Walsh-Sitting Bull incident during which the Sioux chief was humiliated in front of his own warriors.

inspired use of the scarlet uniform, at once so respected by Canadian Indians and so different from the blue uniforms of American frontier troops, helped settle some Indian fears about White victimization. But the government did little to ease the underlying causes of Indian frustration. Towards the end of the decade, the police were finding it increasingly difficult to control the plains tribesmen. Inspector Francis Dickens was forced to release the prisoner Bull Elk when the police post at Blackfoot Crossing was overrun by angry Indians,¹² an ominous check to the prestige of the N.W.M.P. By 1879, Indian respect for the force was no longer what it had been; in November of that year, the first constable to be killed on duty was murdered by unknown Indians.¹³

The depression of the 1870's ensured that the government attitude towards the west's needs would be one of grudging parsimony. The west, and particularly its Indians, was largely forgotten as the metropolitan centres wrestled with more immediate political and economic problems. As had often happened before, Indian needs were relegated to the distant background of the nation's political priorities.

It was fortunate that Ottawa was better served by its

¹² A. L. Haydon, The Riders of the Plains ([reprint], Edmonton: M. G. Hurtig, 1971), pp. 82-83.

¹³ Stanley, op. cit., p. 225.

local western officials than its own senior employees. The vigour and concern of Alexander Morris and David Laird were badly needed to keep the frustrations of prairie dwellers from blazing into violent reaction against official neglect. As early as 1874, Morris was taking great care to assess the Indian situation, relying on such men as the prominent Scots-Métis James McKay and the traders who regularly travelled the Saskatchewan country. An interview with a Saulteaux trader named Kissoway (called James Tanner by the English) proved especially valuable.¹⁴ Kissoway was an extraordinary individual who spoke neither French nor English, but conducted his business so successfully that he ordered trade goods directly from England. Morris was concerned over the deteriorating relations evidenced the preceding summer between the parties surveying the international boundary and the Indians and had sought the Saulteaux's counsel on what might be done to correct this. Kissoway advised that the plains bands simply did not understand the function of the survey parties because no one had bothered to explain it to them.¹⁵ The possibility of violence was averted during the 1874 season when James McKay sent a letter of explanation to the Indians via the Saulteaux trader which answered most of their worries. Such local, unorthodox methods had to serve in the absence of any initiative from

¹⁴ PAC, RG10, BS 3528.

¹⁵ Ibid.

Ottawa.

Later that same year, Morris turned to Father Albert Lacombe, the Roman Catholic missionary priest, for more specific information on the Indian population of the Saskatchewan Valley. He asked for information in three fields--population, the causes of Indian demoralization, and the most effective methods of preparing the Indians for the White influx and "civilized life."¹⁶ Father Lacombe's report, submitted in late 1874, divided the Plains Indians into three groups--the Crees and Saulteaux, the Assiniboines or Stonies, and the "Men of the Prairie" made up of the Blackfeet, Bloods, Piegans, and Sarcees. The missionary estimated the total Indian population of the Saskatchewan district at over 9,300. Stressing the importance of the buffalo to the Indians and the circumstances which made White intrusion an unhappy experience for most tribes, Lacombe suggested policies the government should pursue. The confidence of the Indians should be gained by the negotiation of just treaties before White influx occurred on a large scale. The missionary suggested that Canadian authorities had hitherto offered too little for Indian lands. Not surprisingly, he also believed that the government should favour priests and men who had worked at civilizing the Indians and "sweetening

¹⁶ PAC, RG10, BS 5418. Morris to secretary of state, February 25, 1875.

their customs." Indian agents should be recruited from among missionary ranks, as the American government had done in Oregon. Finally, the buffalo hunt should be prohibited for five years, after which only a fixed season should be allowed. Lacombe closed his recommendations with a moving plea on behalf of "le pauvre enfant des bois et des prairies."¹⁷

Morris duly forwarded his findings to Ottawa, but nothing was done with the information which Father Lacombe had provided. The missionary's recommendation on treaty-making was already the Indian Department's decided policy. His demand for more adequate Indian compensation simply fell on deaf Liberal ears: nor were Grit minds amenable to the idea of using Roman clergy as government employees. No one could deny the need for protection of the buffalo, yet little was done on the matter. Ottawa apparently viewed such legislation as the prerogative of local government, leaving it to territorial authorities to act. At length, in March, 1877, the Council of the North-West Territories passed an ordinance which restricted the hunting season on cows, forbade the killing of calves under two years of age and any hunting for sport, which was defined as taking less than half the meat of any animal.¹⁸ These measures only aroused Indian and Métis

¹⁷ For the report's details, see PAC, RG10, BS 5418.

¹⁸ Stanley, op. cit., p. 222.

resentment, obliging the Council to repeal the ordinance the session after it had been passed.¹⁹

Morris' position as lieutenant-governor became more and more frustrating. A staunch believer in strong local government for the west, he could take little pleasure in the obstacles Ottawa placed in his way. As a Conservative he chafed under Liberal directives after 1873. Most irritating of all, he saw his suggestions regarding Indian-Métis unrest rejected, and even the factual information which he supplied was ignored. The treatment of the Lacombe Report was only one example of this: Morris' suggestion that Métis be appointed to the territorial Indian commission was rejected; his nominees, John Norquay and Angus McKay--whom he described as "half-breeds of intelligence standing and education"²⁰--were passed over in favour of individuals like Pascal Breland, "an amiable nonentity"²¹ who looked upon his council position as little more than a government pension, and left the initiative in half-breed matters to others.²² The administrative changes initiated by the Liberal government which

¹⁹ Ibid.

²⁰ PAC, RG10, BS 2903. Morris' memo of April 30, 1873.

²¹ L. H. Thomas, The Struggle for Responsible Government in the North-West Territories 1870-1897 (Toronto: University of Toronto Press, 1956), p. 92.

²² Ibid., pp. 112-13.

saw Morris' authority confined to Manitoba must have come as something of a relief. In any case, this "ablest of all the Lieutenant-Governors of the North-West"²³ left office in December, 1877, to return to political life in eastern Canada. One of his last acts while still in charge of the Territories had been to negotiate Treaty Six at Forts Carlton and Pitt in the summer of 1876.

II. The Liberal Approach to the North-West

The accession to office of David Laird as lieutenant-governor of the North-West Territories on October 7, 1876, was the physical manifestation of a change in western policy initiated by the Liberal government. As minister of the interior, Laird had been held largely responsible for the North-West Territories Act of 1875 which established the area as a separate political entity.²⁴ It was entirely fitting, therefore, that he should attempt to implement the new approach. The prime minister had played an important role in drawing up the new legislation as well.²⁵ Unfortunately, neither Laird nor Mackenzie had any direct western experience upon which to base their

²³ Ibid., p. 72.

²⁴ For the 1875 act see E. H. Oliver, The Canadian North-West: Its Early Development and Legislative Records (Ottawa: King's Printer, 1915), II, 1075-96.

²⁵ Thomas, op. cit., p. 73.

ideas. Hence, while the new direction in policy solved some problems, it created or ignored others.

The new territorial council's maximum membership was set at five.²⁶ Most importantly, from the standpoint of the territorial budget, all its members were federal officials whose salaries were paid by Ottawa. The act indirectly met the old territorial difficulty of lack of funds, but it did nothing to alleviate the sense of grievance on the part of the Métis population. No special provision was made for their representation on council, the government evidently feeling that they knew nothing of self-government. This was a grave error in both terms of political tactics and in point of fact. Ignoring the Métis only stimulated their anger. Lieutenant-Governor Morris of Manitoba had a prophetic reaction to this error: "It is a crying shame that the half-breeds have been ignored. It will result in trouble and is most unjust."²⁷

In preparation for the political division of October, 1876, the Indian Department's western operations had been separated into two jurisdictions earlier in the year.²⁸ The Manitoba superintendency covered the area from the Ontario boundary to 100° west longitude and from the

²⁶ Oliver, op. cit., p. 1076.

²⁷ Quoted in Thomas, op. cit., p. 83.

²⁸ PAC, RG10, BS 5506. Minister of Interior to Lieutenant-Governor, N.W.T., January 11, 1876.

international boundary and 55° north latitude.²⁹ The respective lieutenant-governors of the two districts were to act as Indian superintendents as well, though in Manitoba's case this was largely an honorary or ex officio position. Laird's position in the North-West was more active; he was in charge of Indian Department operations there de facto as well as de jure.

The new governor had reason to be pleased with the progress of Indian administration in his district. By the time of his arrival, an Indian school had already been established at Whitefish Lake by the Methodists, and the Presbyterians were about to set up another on the Roseau River.³⁰ By the following year, three more schools had been opened, and Indian orphanages had been established at Lac la Biche and St. Albert.³¹ Satisfactory personnel had been secured for the Department, notably M. G. Dickieson as deputy-superintendent for the Territories and local agent for the Indians of Treaty Six, and Allan McDonald as provisional agent for the Indians of Qu'Appelle Lakes and other bands in the eastern part of the Treaty Four area. The co-operation of the North-West Mounted Police had been secured, in the person of Major Walsh who agreed to conduct annual treaty payments in the Cypress Hills region.³²

²⁹ SP, 1878, No. 10.

³⁰ SP, 1877, No. 11. PAC, RG10, BS 6354 and BS 6352.

³¹ SP, 1878, No. 10.

³² ibid.

Laird did not want a repetition of the events of September, 1875, when Mr. Christie, the annuity commissioner for Treaty Four, had been faced with two thousand more Indians, demanding their annual payments than he had expected. The government had hurriedly supplied the \$34,000 needed to remedy the deficit and thus avoided trouble.³³ Laird hoped that the new administrative system run by competent staff would prevent such embarrassments.

One of the keys to Laird's hopes was effective communication with his own agents and with Ottawa. In the early 1870's links between the west and the capital had been tenuous, the only telegraph line between Ottawa and Winnipeg being dependent on a U.S. connection. By 1875, the dominion government telegraph had begun to push on to Edmonton, bringing the farthest part of the plains country into Ottawa's orbit. Mail service had also improved from the slow tri-weekly service between Winnipeg and the east which had been offered at the beginning of the 1870's. By 1876 the government was providing mail service once every three weeks to the more important parts of the North-West Territories. The completion of rail connections to Minnesota in 1878 speeded mail delivery to the Canadian prairies considerably.³⁴ The coming of the C.P.R. in the

³³ PAC, RG10, BS 5344.

³⁴ There is a good, brief description of communications development in Thomas, op. cit., p. 63.

early 1880's completed a network that had been developing for more than a decade. Given these changes and the others which Laird had instituted, it is not difficult to comprehend his optimism regarding the North-West Territories and on the implementation of a successful Indian policy there.

Yet serious difficulties had to be overcome if these hopes were to be realized. Two of these presented themselves in the summer of 1877. The Sioux tribesmen, who had defeated the American General George Armstrong Custer at the Little Big Horn in June of the previous year under the leadership of Chiefs Crazy Horse and Gall, began crossing the border in large numbers to escape capture. By the fall these refugee Sioux numbered as high as 5,600.³⁵ Their warlike reputation and the strain they caused politically and administratively made them a major preoccupation of the Indian Department. Every effort was made to convince the Sioux they could not remain indefinitely in Canada and that they would be treated justly if they returned to the United States. Sitting Bull's haughty rejection of an American delegation's attempt to persuade him to go home was nonetheless understood by the Indian Department, which in its more candid moments admitted the inadequacy of American Indian land grants and

³⁵ Haydon, op. cit., p. 70.

the frequent dishonesty of American Indian agents.³⁶

The second task which faced the Department was the signing of a treaty with the Blackfoot Confederacy. These proud peoples, among the fiercest warriors of the plains, had been profoundly uneasy for many years about the coming of the Whites. It was feared that the arrival of the American Sioux might exacerbate their feelings of hostility. If the peace was to remain unbroken in the far Canadian west, a treaty was imperative. Arrangements were duly made, and in mid-September, 1877, Laird and Commissioner J. F. Macleod of the N.W.M.P. met with some fifty-two chieftains at Blackfoot Crossing on the Bow River. Negotiations were concluded successfully, and Treaty Seven was signed on September 22. It contained the usual clauses regarding chiefs' presents, treaty money, reserve lands, education, and agricultural implements, and allowed 640 acres per Indian family of five. Because these Indians were dependent on the buffalo for their livelihood, \$2,000 per annum was provided for ammunition or other necessities, and chieftains were promised new Winchester rifles in 1878. With the signing of this treaty, the threat of an Indian uprising was thought by many to have been finally overcome.

David Laird seemed to have been successful in virtually all his endeavours relating to the conduct of Indian

³⁶ SP, 1878, No. 10.

relations, yet factors were at work which rendered his successes transitory and created a new time of crisis on the prairies. During the late 1870's the White population of the North-West Territories had continued to increase; by the time of Laird's tenure it had reached about 14,000 people.³⁷ A definite regional society was emerging which was developing its own point of view on critical issues. The growth of newspapers and political structures provided avenues of expression which the population was not slow to use. As a consequence, complaints about the state of affairs in the Territories began to come from the people rather than the governor and the council.³⁸ Where Alexander Morris had actively led western sentiment during his tenure, Laird found himself increasingly subject to the pressures of popular attitude. Frontier dwellers have never been known for their liberal views towards aboriginal populations: Laird found it increasingly difficult to combine the offices of lieutenant-governor and Indian superintendent.

While White land-hunger was frustrated by the Indian presence, the Indians were themselves developing a lively sense of angry frustration.³⁹ The steady decline of the buffalo throughout the decade caused the growth of inter-tribal warfare, as traditional hunting boundaries were

³⁷ Thomas, op. cit., p. 88.

³⁸ Ibid., p. 87.

³⁹ Stanley, op. cit., p. 222.

ignored in the all-important search for the last herds. Many bands became addicted to the spirits sold by whisky traders, causing a further fall in their material fortunes. Many Indians became entirely dependent on small game as a food source, and the ammunition, rifles and money which came to them as part of their treaty rights assumed a vital role in this way of life at subsistence level.

Other large game animals were disappearing, too. The Crees of Manitoba had complained about the disappearance of moose and deer as early as 1877.⁴⁰ Disaster struck during the winter of 1878-79, when the over-hunted small game animals disappeared. The Plains tribes were reduced to desperate straits, eating dogs, horses, gophers, mice, and even dead carcasses in an effort to prevent starvation.⁴¹ White settlers, themselves in difficulty, could offer nothing but small quantities of flour. The following summer only worsened matters, for prairie fires swept across the Territories, wiping out even the most recent population. Some Canadian Indians attempted to follow the buffalo south into the United States but were ruthlessly driven back by American troops under the command of

⁴⁰ PAC, RG10, BS 8110. Deputation to Provenche, April, 1877.

⁴¹ Stanley, *op. cit.*, pp. 224-25, contains a good, brief description of the situation faced by the Indians.

General Nelson Miles.⁴² The attempts to make lasting peace with the Plains Indians on the traditional basis did not appear to have succeeded.

There were several reasons for this impending failure. Canadian politicians and administrators bore a share of the responsibility for it. Ottawa had repeatedly delayed taking effective action on the decline of the buffalo herds, even though it had been aware of this since the early 1870's. The treaty system had been applied hurriedly and unevenly because of ignorance of western conditions on the part of the Indian Department, and this had roused the suspicion of bands who were treated less generously than others. The establishment of over-all political authority had proceeded by fits and starts as well, partly because of the parsimony of the Liberal government. Even when bands pressed the authorities for a treaty, the government was slow to respond to such initiatives.⁴³

But the Indians were partly responsible for the confusion as well. Because of their diversity, the Plains tribes could not be expected to speak with a single voice on important issues. Some, like the Saulteaux and Crees of Manitoba, were anxious to establish formal relations with Canadian authorities; others, like the Blackfeet,

⁴² Idem.

⁴³ As was the case with the Manitoba Indians in 1870.

viewed the Whites with aloof suspicion. While some Indians pressed the need for restrictive legislation on buffalo hunting, others rejected such measures when they were finally made into law. These multiple reactions only confused or delayed the implementation of a truly viable set of Indian policies which would meet the needs of both Indians and government.

This was the point where the Indian Department should have been most useful. Instead, its reaction followed the over-all political one; it was confused, sporadically effective, and almost totally lacking in effective organization. This lack of effectiveness arose from a lack of factual information; the Department simply knew next to nothing about the Indians with whom it had to deal or the conditions in which they lived. It was combined with the bland assumption that the set of policies developed in Ontario would work in the west. The sudden death of William Spragge in April, 1874, had deprived the Department of his cautious pragmatism just when it was most needed. Spragge's successor was the more morally rigid, self-important Lawrence Vankoughnet, who lacked the flexibility so necessary for the successful implementation of any new policy. Vankoughnet was the type of civil servant who persisted in following set policy to the letter as economically as possible no matter how frightening the consequences. Under his tutelage, the Department became

definitely Ottawa-centred. Local administrators had to work at times in a virtual vacuum, being forced to carry out unworkable rules without any firm central direction.

Finally, the Department's western organization was almost a shambles. Alexander Morris' belief in the utility of Indian boards had proved wrong-headed, but the administrative hierarchy decided upon was not much better. In Manitoba, J. A. N. Provencher still pursued his incompetent ways virtually unchecked. In the Territories, Laird was at once more competent and more successful, but he was forced to relinquish the Indian superintendency at the end of 1878 because his duties as lieutenant-governor were consuming almost all his time. During the same year, Provencher was finally dismissed. The result was that the Department was in a singularly disorganized state when the famine crisis of 1879 burst upon it.

III. Crisis and Political Change at the End of the Decade

It was at this juncture that the government finally acted. In a memo of May 16, 1879, Sir John Macdonald noted the terrible conditions prevalent among the Plains Indians and espoused the need "for prompt and definite remedial action on the part of the government."⁴⁴ Supplies were immediately gathered and dispatched to the

⁴⁴ PAC, RG10, BS 13,364.

afflicted areas; these included 500 head of beef cattle, 91,000 pounds of bacon, 100,000 pounds of beef, 20,000 pounds of pemmican, and 806 bags of flour.⁴⁵ The action met the immediate needs of the Indians but did nothing about their long-term wants. Recognizing this, the prime minister at the same time enunciated the need for a new Indian administration and policy for the North-West Territories.⁴⁶ The old position of superintendent was abolished and replaced by that of an Indian commissioner who would be responsible for the areas of Treaties Four, Six and Seven. His position in the Department was similar to the old office of chief superintendent for Upper Canada, reporting directly to the minister of the interior. He was stationed at Fort Macleod at an annual salary of \$3,200 and all Department personnel in the area were to be under his command. The policy he was to enforce was described by Macdonald as one which would "encourage the Indians to become self-sustaining by raising crops and cattle." The food for immediate relief was sent to Forts Macleod and Walsh for distribution but just as importantly, two farm instructors, H. I. Taylor and Thomas Wright, were hired at annual salaries of \$730, each and sent to Forts Calgary and Macleod to begin the program of making the

⁴⁵ SP, 1880, No. 4.

⁴⁶ These details are taken from PAC, RG10, BS 13,364, Memo of May 16, 1879.

Indian self-sufficient in agriculture as quickly as possible. Seventeen other farming agencies were to be speedily established, their locations to be chosen by the new Indian commissioner.

Macdonald had done two things. The emergency supplies were regarded as an exceptional form of aid to meet a uniquely distressing situation. The long-term administrative measures accomplished what had been announced as government policy from the establishment of the province of Manitoba in 1870--the introduction of the Ontario system of Indian administration to the Canadian west. Economic and political instability during the 1870's, coupled with administrative slowness and incompetent western personnel, had conspired to delay this. It had taken the political change of 1878 and the famine crisis to effect the changes necessary for the implementation of the government intention avowed for nearly ten years. In a way it was a case of too little too late, for the resentment roused among the Indians, and especially among the Blackfeet who had no sooner signed their treaty than they had suffered famine, had passed the point where it could be completely assuaged by government measures. A ground swell of ill-feeling had been set in motion which was to contribute greatly to the events of 1885.

Fortunately the government chose competent personnel to occupy the positions created by the administrative

changes it had instituted. Macdonald appointed Edgar Dewdney, the Conservative M.P. for Yale, B.C., as Indian commissioner for the North-West Territories. Dewdney was a forty-four-year-old English civil engineer who had migrated to British Columbia in 1859 and had become politically active during the 1870's.⁴⁷ He had become closely acquainted with Macdonald while serving in Ottawa and had impressed the prime minister as an able administrator.⁴⁸ Appointed to his new post by an order-in-council of May 30, 1879, Dewdney immediately resigned his seat in the Commons and travelled to Forts Walsh and Macleod to supervise the issuance of the emergency rations dispatched to the Indians by Macdonald. Dewdney's office was first located in Winnipeg because of its central location and ease of communication but with the selection of Regina as the capital of the Territories on June 14, 1884, the Indian commissioner's office was moved to that city.⁴⁹ The new appointee held office until August 2, 1888, combining his Indian responsibilities with those of territorial lieutenant-governor after December 3, 1881, when he succeeded Laird in the latter capacity.⁵⁰ Dewdney was in office during the 'troubled eighties' and his conduct

⁴⁷ C.D.P., p. 166.

⁴⁸ Thomas, op. cit., p. 99.

⁴⁹ PAC, RG10, BS 13,364.

⁵⁰ C.D.P., p. 166.

justified Macdonald's confidence in him.

Other changes were made shortly after Dewdney's appointment. M. G. Dickieson, the Liberal appointee who had acted as Laird's deputy-superintendent and then as acting superintendent after his resignation, was replaced in 1881 by a reliable Conservative, Elliott Torrance Galt, the thirty-one-year-old son of Sir A. T. Galt, who became assistant Indian commissioner for the Territories.⁵¹ After serving for only a year in this capacity, Galt resigned in favour of activities in the financial world⁵² and was succeeded by the equally young, Hayter Reed who had joined the Interior Department in 1879 and had served as the Indian agent at Battleford during 1881.⁵³ Reed became Indian commissioner on Dewdney's resignation in 1888 and succeeded Lawrence Vankoughnet as deputy superintendent-general in 1893, leaving the Department himself in 1897.⁵⁴ Several supervisory personnel for the new area of farm instruction were appointed, including T. Page Wadsworth as inspector of farms and agencies in the Territories, and J. J. McHugh as assistant superintendent of farms and

⁵¹ For a brief biography of E. T. Galt, see Encyclopedia Canadiana (Toronto: Grolier, 1957), IV, 314.

⁵² He listed his occupation as "capitalist" in entries in the Canadian Who's Who in the years shortly before his death in 1928.

⁵³ PAC, RG10, BS 26,743 contains a biography of Reed.

⁵⁴ Idem.

reserves for Treaty Seven.⁵⁵ Changes were also taking place in Manitoba after Provencher's dismissal, James F. Graham becoming Indian superintendent for that province and E. McColl, inspector of Indian agencies.⁵⁶

These changes which occurred with the advent of Edgar Dewdney's administration possessed great significance for the conduct of Indian affairs in the North-West. The new appointees were invariably competent young men, or, if older, men who had demonstrated administrative talents while in the Indian Department's employ. Macdonald had followed his own canny political instincts and a long Department tradition in nominating political 'friends' to senior posts. Happily, in this case, he had also chosen well by other standards than the political one. As the decade ended, the Department had young, vigorous and capable men heading its western operations. Unfortunately, the same could not be said for its head office in Ottawa.

Through the 1870's the Department had repeatedly expressed its aim to implement the Ontario system in the North-West, yet little had actually been accomplished towards that end, save in Manitoba where the Ontario system of local agencies had been established. Now after 1879 this arrangement was to be adopted in the Territories

⁵⁵ SP, 1883, No. 5. Dewdney's Report.

⁵⁶ Idem. See also PAC, RG10, BS 11,678.

as well, its object being the decades-old notion of establishing Indian agricultural communities which would become self-sustaining as quickly as possible. Promising though this development sounded in comparison with the Department's difficulties during the preceding decade, its implementation at a time when Indian resentment of White domination was strong caused an intensification of ill-feeling. Tribesmen who held the Whites responsible for the disappearance of the buffalo did not take kindly to suggestions from Ottawa regarding a new way of life. Nor did once-proud hunters regard a life of agricultural labour with any enthusiasm. The Indian Department could not be accused of indifference to the west after 1879, but its policies after that date were based on an oversimplified bureaucratic view of Indian cultural complexity.

IV. Indian Health and Welfare

The adoption of the Ontario system in the Territories meant more than administrative change; it involved an extension of what might be broadly termed social welfare programmes. The Indian way of life was to be entirely restructured from its economy upwards. Macdonald's decision introducing large-scale agricultural instruction to the Plains tribes was part of this scheme, but it included education, housing, and hygiene and medical care as well. The implications of these changes for traditional tribal

and family structures were enormous. That the Indians grasped the eminent demise of their traditional ways was evident in their increasingly violent reactions to White intrusion through the decade before 1880.

Inevitably, the Indians reached a point where their way of living was neither wholly White nor wholly Indian. Farming operations remained largely unsuccessful for several reasons. In most cases, the Indians regarded working the soil with scorn. Many farm instructors, unscrupulous from the beginning or becoming resentful because of Indian animosity, simply used the model farms upon which Indians were supposed to receive instruction for their personal benefit. Symptomatic of this situation was the growth of nepotism among the instructors, family members being put on the Department's payroll to help run the farm. By 1881, the abuse was so widespread that Edgar Dewdney had to officially order a halt to it.⁵⁷ Would-be Indian cattle-breeders did not help their economic situation by repeatedly selling treaty cattle for immediate benefit, though they could legally sell the offspring of such cattle as many prudent Indians were doing.⁵⁸ Finally, even for those Indians who accepted the new order and put much back-breaking labour into farming or ranching,

⁵⁷ PAC, RG10, BS 26,640.

⁵⁸ PAC, RG10, BS 3711 Vankoughnet to Hayter Reed, October 7, 1889.

the rewards were often meagre because of the fickleness of nature. "The yield of the crops will be even less than I expected, and may be looked upon as a failure," wrote one Indian agent, "as although there are some potatoes, they are not larger than marbles."⁵⁹ Emergency supplies, usually sent in such circumstances, were not always satisfactory. Bad weather held up their delivery, as happened in 1877⁶⁰ or unscrupulous contractors delivered inferior goods, as happened the following year.⁶¹ Both the Department and the Indians were angered over such occurrences, the former because of the extra costs involved, and the latter because their stomachs were left empty.

Indian health entered a temporary period of rapid decline as nomadism was abandoned, the signs of which had been the smallpox epidemics which raged through the Plains tribes, especially the great sickness of 1870. The Department had instituted a vaccination programme in the late 1870's which prevented repetition of such wholesale sickness, but the general health of the tribes was not what it had been. With the establishment of reserves, a settled way of life had to be arranged for peoples who were generally unfamiliar with even the elementary

⁵⁹ PAC, RG10, BS 33,711. Balinhard to Indian Commissioner, Regina, September, 1889.

⁶⁰ SP, 1878, No. 10. Laird's Report.

⁶¹ SP, 1879, No. 7. Laird's Report.

hygienic measures which that change rendered necessary. Instruction could rectify this, but it could not alter the deplorable living conditions in which many Indians found themselves. Much of the housing constructed by the Department was inferior; those Indians who remained in tents or tepees soon found that such dwellings were not well suited for a sedentary existence. Such conditions were mostly the fault of governmental parsimony, but the Indians did not help their situation by refusing to adopt many of the more worthwhile items of White life-style. As one medical report noted, scrofula, tuberculosis and syphilis were prevalent among most tribes because of insufficient ventilation and unsanitary living practices.⁶² Hospitals on or near reserves and quick communications with local doctors would help, but the report concluded that Indian health would improve only if the bands "went White" totally, abandoning the unhappy place halfway between the two traditions which most of them occupied.⁶³ As it was, pneumonia, tuberculosis and bronchial disorders replaced the epidemic diseases as the great Indian scourges of the 1880's.⁶⁴

The effectiveness of Macdonald's new departure in

⁶² PAC, RG10, BS 126,345.

⁶³ Idem.

⁶⁴ See, for example, PAC, RG10, BS 36,664, McKinnon to Markle, February 19, 1887.

western Indian policy had been weakened partly by circumstances. It was issued at a time of rising Indian discontent when the Indian Department was ill-equipped to meet new challenges, though the latter difficulty had been generally overcome by Dewdney's installation as Indian commissioner in 1879. If the new programmes were to succeed and the Ontario system was to become truly operative in the west, then large-scale expenditures would have to be undertaken by the government in the ensuing decade. This was not to be: the combination of cost-conscious administrators at Department headquarters in Ottawa, and the need for strict ceilings on expenses imposed by the unsettled economy of the early 1880's, were to prove disastrous for the conduct of western Indian relations. Where there had been hope, there was to be despair. Where there had been patience, there was to be violence. The 'troubled eighties' which would see the control of Indian relations wrenched from the government, were about to begin.

CHAPTER XI

THE NORTH-WEST TERRITORIES

1880-1890

I. The Decade Opens

The coming of the 1880's coincided with the return to federal power of John A. Macdonald and the Conservative party. This had a decided effect on the western operations of the Indian Department. Just as the Mackenzie administration was leaving office, it appointed many of its friends to civil service posts, causing Macdonald some embarrassment. Obviously these men could not be left where they were: they were politically untrustworthy. In the era before the idea of an officially apolitical civil service was practised, what mattered was "loyalty," the proper political affiliation. The Conservatives accordingly tried to dismiss or demote Liberal appointees.

The Winnipeg office of the Indian Department was greatly affected by this political manoeuvring. Superintendent Molyneux St. John had been appointed by one of the Mackenzie administration's last gasps on October 8, 1878, at an annual salary of \$1,800.¹ Barely four months later, the Conservatives cancelled the move, offering St. John the Edmonton agency at a salary of \$1,200.² St. John, who had been sheriff of the North-West Territories before his Indian Department employment, naturally refused the demotion and left the Department altogether.³ This was

¹ PAC, MacP, 293. Vankoughnet to Macdonald, December 22, 1880.

² Idem.

³ Idem.

doubtless what the Tories had hoped. James A. Graham, who had for the previous three years been acting superintendent at Winnipeg, was promoted and finally confirmed as superintendent on December 19, 1880. The Indian Department's permanent head noted with satisfaction that the whole business had been a financial as well as a political success: Graham's salary was set at \$1,600 per year, \$400 less than that usually paid.⁴ Political loyalty and financial 'belt-tightening' were two themes that guided departmental policy throughout the 1880's.

One sign of unrest was the movement of Canadian Indians back and forth across the international border. Going south to seek the elusive buffalo herds, they usually returned not only empty-handed but starving. Lieutenant-Governor Edgar Dewdney's greatest concern was to prevent large gatherings of Indian malcontents. Doling out enough food to keep them from starving, he shifted many bands from locations near the American border to new ones north of the C.P.R. main line between 1881 and 1883.⁵ It was a "dismal business":⁶ the Indians, faced with starvation and an uncertain future, were forced to move north. The spectacle of the bedraggled and discouraged

⁴ Idem.

⁵ Thomas, The Struggle for Responsible Government in the North-West Territories 1870-97, p. 103.

⁶ Idem.

prairie warriors migrating was indeed a sad one.

Not all of Dewdney's subordinates shared his views. In mid-July, 1881, 3,200 Indians were camped in the area of Fort Walsh, preparatory to moving north and many more were expected momentarily.⁷ Some departmental officials felt that the fort should be abandoned in the face of such numbers and the Indians left to their own devices for a year or two as "there are no settlers to suffer from our pursuing such a course."⁸ Elliott Galt, however, felt such a move would be wrong because "it would be taken by the Indians as an admission of weakness."⁹ No one seems to have considered what would have happened to the Indians, who faced starvation if the Department abandoned them.

The importance of the situation in the west seems to have struck almost all the Department's employees, though their thoughts on the matter were sometimes of little help. From his post at the Six Nations Reserve in Ontario, Jasper T. Gilkison wrote in 1879: "From what I have seen, heard, and read, all the Indian tribes are pretty much alike in their characteristics."¹⁰ This was nonsense, but it was nonsense that was taken seriously by

⁷ PAC, MacP, 293. E. T. Galt to Vankoughnet, July 23, 1881.

⁸ Idem. Wadsworth's comment to Galt.

⁹ Idem.

¹⁰ PAC, MacP, 306. Gilkison to Macdonald, December 17, 1879.

senior administrators. Gilkison suggested that managing Indians was no problem but that civilizing them was difficult. He regarded "good faith" and "kindness combined with firmness" as the essentials of a viable Indian policy. Children should be segregated and educated from the earliest possible age. Industrial schools should be used to teach farming as a vocation. Gilkison pointed to the success of the Mohawk Institute at Brantford as an example of what could be accomplished, and enclosed lengthy reports on successes enjoyed by the American Indian Department, especially at its schools at Hampton, Virginia, and Carlisle, Pennsylvania.¹¹

Some of this advice was helpful, but much of it was simply not applicable to the western situation. Gilkison was an easterner who was totally unfamiliar with the western tribes, and indeed with Indian Department administrative practices there. In this, he was all too typical of more senior personnel connected with the head office in Ottawa. Lawrence Vankoughnet and his staff had spent their entire careers in the east, giving the Department a very regional, and consequently limited, point of view. It was ironic that while Gilkison should cite American precedents as being worth emulation, most Canadian officials thought their own system to be superior to that of the United States. Many Americans seemed to agree.

¹¹ Idem.

The New York World's western correspondent, for example, published a lengthy article comparing the two systems which made Canadian policies appear extremely enlightened.¹² The officials in the Canadian Indian Department tended to become rather smug in the face of such compliments. There is some truth in the notion that the Department failed to realize what was happening in the Canadian west until the situation was entirely out of control. The Department's internal communications had never been good; expansion to the west made them even more difficult.

II. Problems in the Field 1880-1885.

Communication was a constant problem, rendering even the prompt distribution of patronage difficult. When Macdonald enquired about possibilities for a petitioner, Vankoughnet replied:

. . . I am not aware of there being any vacancy in the above position, but there are constantly changes being made owing to resignation or unsuitability. . . . Consequently it is impossible to say positively whether any vacancy does exist or not. Mr. Dewdney is the only one who will be able to answer your question definitely.¹³

This answer displayed the very real lack of information which plagued Ottawa; it also demonstrated the Indian Department's oldest continuous problem, that of finding

¹² PAC, RG10, BS 3676.. New York World, August 7, 1874.

¹³ PAC, MacP, 291. Vankoughnet to Macdonald, September 21, 1886.

competent, knowledgeable and humane local agents.

There were usually certain inducements which the Department could offer to those seeking employment. Security, a relatively adequate wage scale, and decent working conditions made a fairly attractive package. There was always the consolation that urban centres were not too far away. One could break away for a visit or flee permanently if the situation proved unbearable.

None of these advantages applied, however, in the west where political influence was, if anything, a greater factor in appointments than in the east. Senior positions were especially sensitive in this regard. Salaries, which were based on the eastern pattern, did not take into account the much higher cost of living in the west, where many everyday items had to be imported. As late as 1892 living expenses were only reimbursed at a maximum rate of one dollar and fifty cents per day for agents, and seventy-five cents per day for other employees.¹⁴

Furthermore, the man who undertook the duties of an Indian agent in the west faced real danger. Relations with the Indians were neither regular nor harmonious. When Indian frustration reached the boiling point, the local agent was often the first to suffer. Then there was the sheer loneliness of prairie life. Settlements were few and

¹⁴ PAC, RG10, BS 19,878. Order-in-council of July 26, 1892.

scattered, meaning that holidays or visits 'outside' were infrequent. Married men, who usually made more stable employees than bachelors, were almost impossible to attract under such circumstances.

All these factors meant that the Department was not able to attract sufficient capable men to look after every agency and sometimes had to settle for second- or third-rate individuals who were willing to take on the job. Such persons were not interested in the Indians or the Department, but regarded their positions as opportunities to earn the most money for the least work. The Department's western field operations were marked by drunkenness, dishonesty and political jobbery which senior officials found difficult to curb.

Alcohol was a perennial problem. Vankoughnet found that a week's suspension without pay was usually an effective remedy after a first offence,¹⁵ but sometimes sterner measures had to be adopted. During the winter of 1885, Indian Agent Rae of Prince Albert was accused of drinking excessively by the Reverend Mr. Hines, the Anglican missionary on A-ta-ka-koop's reserve.¹⁶ Rae was evidently drunk most of the time and unable to carry out his

¹⁵ PAC, MacP, 289. Vankoughnet to Macdonald, October 23, 1882.

¹⁶ PAC, MacP, 291. Vankoughnet to Macdonald, January 18, 1886.

duties.¹⁷ He was subsequently removed to the Battleford agency and, when he continued to drink, to Regina as a clerk.¹⁸ The demotion and transfer to a location where he was under the constant watchfulness of superiors seemed to end Rae's problem. Accordingly, Edgar Dewdney, who had found him steady while in Regina, reinstated him in the Prince Albert agency, which roused the anger of Lawrence Vankoughnet who wondered about Rae's ability to control himself once he returned to Prince Albert, which was a large and isolated district.¹⁹

The Rae episode amply illustrated the problems faced by isolated local agents. But it also demonstrated the difficult position in which the Department was placed by the misbehaviour of agents. When a felony or misdemeanour was committed, there was a clear course of action to be followed. The accused was dismissed from his position and handed over to the courts for trial and punishment. In a case like Rae's, the prescribed action was not as straightforward, for he was competent when sober and had not committed any criminal act. Dewdney's willingness to take a second chance on him indicated the shortage of competent officers faced by the Department. Vankoughnet

¹⁷ Idem.

¹⁸ PAC, MacP, 291. Vankoughnet to Macdonald, December 8, 1886.

¹⁹ Idem.

might well be angered: were such a man discharged in the eastern provinces, he could have been replaced fairly easily.

Sometimes the conflicts between the Ottawa and Regina offices could be humorous. Late in 1885, Vankoughnet insisted upon the removal of Acting Agent Reynolds from Battleford because a second man, J. P. Wright, had been selected to fill the position permanently.²⁰ Wright had been employed in the Department's Winnipeg office and had met with the approval of both Vankoughnet and Edgar Dewdney.²¹ So insistent was Vankoughnet on Wright's behalf, that the transfer went through even in the face of protests from the North-West Mounted Police, who claimed that Reynolds was "doing splendidly" and that to remove him might cause a repetition of the 1885 rebellion on a local scale.²² Vankoughnet's embarrassment some two months later when it was discovered that Wright had embezzled some \$2,998.81 from Farm Inspector McColl's accounts in Winnipeg while acting as the latter's senior clerk, may be imagined.²³ The deputy superintendent-

²⁰ PAC, MacP, 290. Vankoughnet to Macdonald, November 9, 1885.

²¹ Idem.

²² PAC, MacP, 290. Crozier to F. White, November 6, 1885.

²³ PAC, MacP, 290. Vankoughnet to Macdonald, January 20, 1886.

general now directed that Wright should be arrested immediately and that someone should be appointed temporarily to take his place.²⁴ Recovery of the money was unlikely: it appeared Wright had originally been so hurriedly appointed that he had not been bonded.²⁵

The Department dismissed employees under only the most severe circumstances. When Agent Adams was found utterly incompetent, he was suspended and his agency temporarily entrusted to the Reverend Mr. McKay of Battleford.²⁶ Adams, however, was not dismissed from the Department, pending a decision on his future by senior officials.²⁷ Here was the Department's dilemma at its worst. Adams should doubtlessly have been removed, but in all likelihood his replacement would be equally ineffectual, if not worse. He was therefore kept on the payroll, although he held no official position—presumably until potential successors could be evaluated and measured against him.

The use of influence in obtaining appointments was another hazard which confronted senior officers in the Department. The most persistent type of pressure was political, but family connections and religious affiliation

²⁴ Idem.

²⁵ Idem.

²⁶ PAC, MacP, 291. R. Saunders to Macdonald, September 3, 1886.

²⁷ Idem.

were important as well. The Department's history was shot through with the effects of political influence, but this was not necessarily detrimental in times that had no concept of a politically neutral civil service. Competence was the dominant factor in determining promotion in the field. Even Lawrence Vankoughnet had to accept Edgar Dewdney's decision regarding the placement of his nephew, Scott Vankoughnet, in 1887. Dewdney, despite the elder Vankoughnet's objections, had decided to despatch the young man to Prince Albert to serve as a clerk under Agent Rae. The only thing the deputy superintendent-general could do was to bring the situation to the attention of the prime minister, who allowed Dewdney's decision to stand.²⁸

Political influence was brought to bear in a variety of ways, often through Conservative members of parliament. In the spring of 1883, Tom McHugh, agent to the Blackfeet, had been dismissed. Late in May, M. K. Dickinson, M.P., wrote to Macdonald that McHugh ought to be reinstated as his parents were "one of the most respectable and influential true Conservative families" in his riding.²⁹ The prime minister enquired about the matter and found that

²⁸ PAC, MacP, 292. L. Vankoughnet to Macdonald, private, March 28, 1887.

²⁹ PAC, MacP, 289. M. O'Mara to M. K. Dickinson, May 23, 1883; M. K. Dickinson to Macdonald, May 26, 1883.

Edgar Dewdney had removed McHugh,³⁰ and when Lawrence Vankoughnet could suggest no other opening for him in the North-West the matter ended there.³¹ Once again the decision of a senior official in the field had been respected by Ottawa.

Nepotism was always a danger in the Department's operations. Some families had built up traditions of service in Indian affairs and this was one of the Department's mainstays at various periods. But when family connections were used simply to gain a job for an incompetent or a 'black sheep,' the usual result was strong opposition from within the Department and the subsequent failure of the application. In the fall of 1883, one Sam Macdonald applied for a position.³² Even though his brother Allan was the Indian agent for part of the area covered by Treaty Four, when it was discovered that Sam drank too much, his application was refused.³³ Family influence by itself was generally not enough to guarantee entry into the Department.

The influence of religious denominations was often brought to bear in matters concerning the Indian Depart-

³⁰ PAC, MacP, 289. L. Vankoughnet to Macdonald, July 16, 1883.

³¹ Idem.

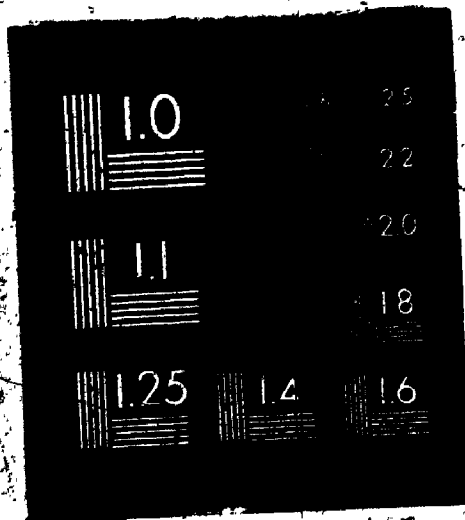
³² PAC, MacP, 289. L. Vankoughnet to Macdonald, November 28, 1883.

³³ Idem.

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ment. Missionaries worked closely with departmental officials and clergymen sometimes were appointed to act as Indian agents. Anglican Archdeacon McKay, for example, was made agent at Battleford early in 1886.³⁴ Clerics such as Father Albert Lacombe, Archbishop Taché, Bishop Vidal Grandin, and the Methodists' McDougall were often asked for advice and comment. It was thus not surprising that individuals who wanted preferment should obtain the endorsement of their respective denominations. But again, endorsement by a church body alone was not sufficient to guarantee employment. When Agent McKay of Berens River in Manitoba requested a transfer to the Territories in 1887, he obtained the support of both Father Lacombe and Archbishop Taché.³⁵ McKay was a Roman Catholic Scots Métis who earlier in his career had caused problems at Qu'Appelle under Alexander Morris and at Fort Carlton under David Laird. Vankoughnet described him as "a dangerous man to be among Indians, who could be easily led astray. Where he is at present he can do no harm. . . ." ³⁶ So McKay remained at his Berens River post.

These examples display the extent to which the Indian Department was subject to various kinds of pressure in

³⁴ PAC, MacP, 291. L. Vankoughnet to Macdonald, February 10, 1886.

³⁵ PAC, MacP, 292. L. Vankoughnet to Macdonald, private and confidential, March 9, 1887.

³⁶ Idem.

attempting to hire employees. But they also demonstrate that the Department could successfully resist such pressures if it felt so inclined. Not all such pressures were resisted; some appointments were made for no other reason than that the prospective employee was 'well connected' in some way. But generally, the possession of influence was by itself not sufficient to gain an appointment. Competence, talent and forcefulness of personality remained the keys to departmental employment. Unfortunately, individuals who possessed such qualities in large measure were not generally attracted into the Department. As Peter Waite has remarked, its employees were often dedicated and hardworking, if politically tainted.³⁷ But dedication and work could not overcome deficiencies in talent and personality. The greatest problem faced by the Indian Department was not corruption, but mediocrity.

III. Farming Policy and Farm Instructors

When Edgar Dewdney had assumed control of the Indian Department's operations in the Territories in 1879, a new direction in policy had been launched as well. The eastern reserve system was to be fully introduced in the west: Indians were to become farmers living in self-sufficient agricultural communities. To accomplish this

³⁷ P. B. Waite, Canada 1874-1896: Arduous Destiny (Toronto: McClelland and Stewart, 1971), p. 147.

aim, agricultural instruction would have to be given in a speedy but efficient manner. The Department reasoned that the Indians would learn most quickly by actually participating in the operation of a farm, observing procedures and results. It was decided that a series of model farms would be established on as many reserves as possible so that the Indians might begin independent operations within a few years and hopefully become self-sufficient within a decade.

While such a plan appeared bound for success, there were several difficulties in its path which the Department had not properly considered. Optimistically buoyed up by its apparent success among the eastern tribes, it had given no thought to possible cultural differences which might mar the introduction of such a program in the west. The Plains Indians were proud warriors who regarded hunting from horseback as the only fit occupation for human males. To meet one's needs by tilling the soil was regarded at best as undignified and at worst as less than human. Even the eastern tribes, though more agricultural than their Plains brethren, looked upon the raising of crops and their harvesting as women's work. Their resentment had had half a century to work itself out, something which the Indian Department had forgotten.

Nor had much serious thought been given to the types of crops which should be grown. There seemed to be an

unconscious assumption that the same kind of mixed farming which had worked well in the east would be transported to the west. This was a basic error, for soil conditions, moisture and length of growing season differed from those in the east. The entire success of the farm program hinged on its ability to meet the nutritional demands of the western tribes. They might be persuaded with difficulty to try farming: many of them were in an extremely bad condition in 1879-80 as a result of the disappearance of buffalo and small game. But they would certainly give it up if the promised yields were not realized.

The third important factor in the system was the quality of the men hired as farming instructors. Like the rest of the proposal, they were easterners who were recruited in their home areas and sent west. While they might be knowledgeable about farming, they were ignorant both of western conditions and of Plains Indian customs. The first deficiency was regrettable, the second dangerous. Many of these men could not explain why their results were not what they had expected. Nor could they understand the Indians' unwillingness to make major efforts to become farmers. Both considerations led to frustration and a souring of relations between the farm instructors and their clients. The instructors regarded the Indians as incomprehensibly lazy. The Indians looked on the instructors either as men who grovelled in the

earth for their living and hence had no dignity, or as men who ripped into the surface of the earth in a sacrilegious manner. Here was one of the flash-points around which grew Indian sympathy for the rebel cause in 1885.

The personalities of these instructors were not always satisfactory. When the Indian Department recruited farmers, it assumed that it would obtain qualified individuals who were themselves successful farmers. This assumption was unwarranted. Ontario farmers who were successfully prosperous were not about to abandon their holdings to begin a precarious career in the west. By specifying that farm instructors must be married, the Department felt that it would attract stable persons and avoid any moral-social problems in the subsequent reserve situation. But this regulation in fact militated against finding the very type of person the Department wanted to hire. The western positions might sound attractive to men who had not been able to purchase their own farms, but such agricultural labourers would tend to be unmarried. The married men who were attracted into the Department's employ were those who had been unsuccessful, or whose farming operations were only marginally productive. These people regarded their sojourn in the west as a chance to obtain that prosperity which had so far eluded them.

All these factors resulted in the model farm program's failure. Social relations between instructors and

Indians descended for the most part into sullen hostility. Sudden flare-ups were not uncommon. Farm Instructor Clink, stationed on Moosomin's reserve in 1883-84, became so enraged on one occasion that he struck the chief across the face.³⁸ Other men sought solace in the bottle, frequently becoming the drinking companions of like-minded agents. So Instructor Chaffey became Agent Rae's partner in drunkenness at Prince Albert in the winter of 1885.³⁹ The most serious result was the abandonment of farming by Indian bands and the use of the model farms by the instructors for their own benefit. By 1883 this abuse had become so common that the federal government moved to gradually close them down.⁴⁰ Each farm instructor was in future to live on the Indian reserve under his supervision and directly superintend the Indian farm operations.⁴¹ It was hoped that this move would save the farm program by presenting fewer opportunities for abuse. Corruption was doubtless reduced, but the closer proximity of instructors and Indians often served to worsen relations. The Indian Department's Ottawa administrators were delighted, however, because the new scheme was more economical than the

³⁸ PAC, MacP, 292. Vankoughnet to Macdonald, April 5, 1887.

³⁹ PAC, MacP, 291. Vankoughnet to Macdonald, January 18, 1886.

⁴⁰ SP, 1884, No. 4. Macdonald's introduction.

⁴¹ SP, 1885, No. 3. Report on N.W.T.

old one.⁴²

IV. Medicine and Education

While the Indian Department was concerned with the introduction of farming among the adult male Indian population, the education of Indian children was also regarded as being of the greatest significance. Through the nineteenth century, the Christian denominations had been interested in this area, though the results had been uneven.⁴³ The Roman and Anglican communions had the longest history of such involvement and had been joined by the Methodists as well as other denominations--Presbyterians in the prairies--during the course of the nineteenth century. As the 1880's began, it became obvious that white settlement on a large scale lay in the near future and that consequently the Plains tribes would have to be educated in order to survive in such a society. The older efforts of various missionary societies, so important in their time, were no longer adequate.

The government's role in Plains Indian education began to increase as the 1870's came to an end. Following the pattern established in the east during the earlier

⁴² SP, 1884, No. 4. Macdonald's introduction.

⁴³ For a discussion of missionary efforts and Indian education, see G. A. Falk, "Missionary Education Work Amongst the Prairie Indians 1870-1914" (M.A. thesis, University of Western Ontario, 1973).

part of the century, missionary experience was combined with government financing as the need for new schools and new methods of Indian education became obvious. Two objectives were paramount. The Indian must be made literate and Christian, and receive an appreciation of the finest aspects of White North American culture; in short he must be 'civilized.' Secondly he had to be given practical training that would enable him to contribute to that society while maintaining his economic independence. It was the latter question that seemed most important to many missionaries and government officials; hence the attempt to establish Indian farming communities. But by 1883, it was clear that some other means of imparting trade skills to the Indian would have to be adopted.

It was at this point that the idea of establishing industrial schools in the west was put into action. As early as March, 1879, the prime minister had received a "Confidential Report on Industrial Schools for Indians and Half-Breeds" from Nicholas Flood Davin, the Irish-Canadian journalist-politician--and later western resident--whom he had commissioned to investigate the situation.⁴⁴ Davin had examined the American experience with such institutions and attempted to apply it to the Canadian west. He was convinced, like Jasper Gilkison, that only a policy of

⁴⁴ PAC, MacP, 91. "Report on Industrial Schools for Indians and Half-Breeds (Confidential)," Ottawa, March 14, 1879. (Hereafter: Davin Report.)

residential schooling would have the desired effect on Indian youth:

The experience of the United States is the same as our own as far as the adult Indian is concerned. Little can be done with him. He can be taught to do a little at farming, and at stock-raising, and to dress in a more civilized manner, but that is all. The child, again, who goes to a day school learns little, and what little he learns is soon forgotten, while his tastes are fashioned at home, and his inherited aversion to toil is in no way combated.⁴⁵

Davin regarded a suitable curriculum as one which included "the elements of an English education" besides agriculture and cattle-raising for boys and sewing, bread-making "and other employments suitable for a farmer's wife" for girls.⁴⁶ The physical plant should consist of the school proper, and a separate dormitory at least ten rods distant so that "the children are kept from spoiling the [school] building."⁴⁷

Davin was optimistic about the results that might be effected by such institutions. He found the Métis to be "of great staying power, often highly intellectual, vigorous, of quick perception and large resource" and therefore capable of playing a leading role in the development of the western community if sufficient educational opportunities were made available to them.⁴⁸ The Indian

⁴⁵ Davin Report, p. 2.

⁴⁶ Idem.

⁴⁷ Idem.

⁴⁸ Ibid., p. 10.

was at an earlier stage of development, according to Davin.

The Indian . . . is not a child and is the last person that should be dealt with in a childish way. He requires firm, bold, kindly handling and boundless patience. He expects, and surely not unreasonably, scrupulous honesty. There ought to be a special exemplary punishment provided for those persons who, when employed by the Government to supply the Indian with stores, cheat him.⁴⁹

The only way to ensure the survival of both groups in "the race for existence" was to educate them, so that they might "become susceptible to the bracing influences of complex wants and varied ambitions."⁵⁰ Davin saw Indian education as a long-term process taking one or two generations to accomplish its ends, but warned that time was short to get such a process under way.

There is now barely time to inaugurate a system of education by means of which the native populations of the North-West shall be gradually prepared to meet the necessities of the not distant future; to welcome and facilitate, it may be hoped, the settlement of the country; and to render its government easy and not expensive.⁵¹

It was Davin's sense of urgency that no doubt made the Macdonald government look favourably upon other suggestions for the opening of industrial boarding schools for Indians. Three such institutions were created by an order-in-council of July 19, 1883: these schools were to

⁴⁹ Ibid., p. 11.

⁵⁰ Ibid., p. 12.

⁵¹ Ibid., p. 10.

be located at Battleford, Qu'Appelle and High River.⁵² The school at Battleford was housed in buildings used by the lieutenant-governor's entourage before the capital was moved to Regina, while the High River institution was designed to serve the Blackfoot Confederacy.⁵³ Competent principals were found for all three schools: Reverend Thomas Clarke went to Battleford, Father Gabriel Hugonard to Qu'Appelle, and the well-known Father Lacombe to High River.⁵⁴ The schools thus exemplified the close working relationship which had to exist between government and missionaries if Indian education were to succeed.

As originally conceived, these industrial boarding schools were intended only for boys, but the prime minister wanted legislation passed that would provide for the educational needs of girls as well.⁵⁵ So promising did the new institutions appear, that two similar schools were proposed for the province of Manitoba.⁵⁶ For a decade the industrial boarding school was to remain the great hope of those who wanted to see the Indian population find its proper place in the mainstream of Canadian life.⁵⁷ The

⁵² SP, 1884; No. 4. Macdonald's introduction.

⁵³ Idem.

⁵⁴ SP, 1885, No. 3. Report on the North-West Territories.

⁵⁵ Idem.

⁵⁶ Idem.

⁵⁷ Falk, op. cit., p. 208.

Methodists grumbled about the scheme, but only because they felt that their denomination was not getting its just portion of responsibility and opportunity in Indian education.⁵⁸

As hopeful as these institutions sounded, they too contributed to the disquiet which came to a focus in the rebellion of 1885. The Indians had seen their traditions undermined by White cultural contact. The White buffalo hunters had destroyed the great herds of bison, and with them disappeared Indian economic independence. The government had attempted to make farmers of them and they had starved while some of their instructors had sold produce grown on Indian land for their own profit. Now the government appeared to many Indians to be kidnapping their children in order to make White men out of them. How much were they expected to endure?

Medical attention was not what it should have been, although this was not entirely the fault of the Indian Department. Most western bands had signed treaties which made provision for the distribution of medicines through local Indian agents. This procedure was adequate for minor needs, but was not designed to deal effectively with major outbreaks of such infectious diseases as diphtheria or smallpox which were the greatest health hazards faced

⁵⁸ PAC, MacP, 291. Vankoughnet to Macdonald, May 31, 1886.

by the Indians after 1880. The Department did try to remedy the situation by arranging for competent medical coverage, but often ran into problems trying to find doctors who were willing to assume responsibility for Indian patients.

A case in point was the recruitment of a Dr. Girard as surgeon to the Indians in the southwestern part of the North-West Territories. In the spring of 1883 arrangements were made to hire Girard at a salary of \$1,000 per year: the medicines he used were to be paid for by the government.⁵⁹ To supplement his income, the doctor was to be allowed to maintain a private practice as well.⁶⁰ No one was more interested in economy than Deputy Superintendent-General Lawrence Vankoughnet, but even he demurred at such an arrangement: Girard might be tempted to cut his own expenses by using Department medicines on his private patients.⁶¹ More importantly, he might ignore the tribesmen altogether, neglecting them in favour of his White patients.⁶² Vankoughnet therefore suggested that Girard's annual salary be increased to \$1,600 and that he be told to restrict his medical practice to the 7,000 Indians in the area.⁶³ The prime minister seemed reluctant to bring

⁵⁹ PAC, MacP, 289. Vankoughnet to Macdonald, May 8, 1883.

⁶⁰ Idem.

⁶¹ Idem.

⁶² Idem.

⁶³ Idem.

pressure on Girard, who may have been a strong Conservative.⁶⁴ In any case, one doctor could hardly look after the health needs of such a large aboriginal population.

Indian reaction to the epidemic diseases that prevailed in the 1880's was mixed. Most bands stoically suffered the onslaught while some became exceedingly bitter over the plagues unleashed by the coming of the White man. Most Indians had no understanding of their causes and could take no remedial action to prevent infection. Some bands did associate disease with reserve living conditions and periodically left their homes. When diphtheria and measles broke out among Pi-a-pot's band in 1884, the group burnt their houses and fled from the reserve, holding a sun dance in the Battleford region.⁶⁵ The government wisely allowed the band to settle on another tract.⁶⁶

Normally, the Department made no attempts to enforce white concepts of sexual morality upon Indians, leaving this to the discretion of local agents and missionaries. But occasionally it was forced to take corrective action when flagrant abuses threatened Indian welfare or caused tensions with the surrounding white community. Such was case with the prostitution of Indian women in British

⁶⁴ PAC, MacP, 285. Vankoughnet to Macdonald, May 17, 1883.

⁶⁵ SP, 1885, No. 3.

⁶⁶ Ibid.

Columbia. Their favours were often sold by the heads of households in order to raise potlatch money. A similar instance arose in the prairies during the 1880's. White men desiring female companionship would buy Indian girls and use them as housekeepers as well as paramours. Heads of Indian households were not averse to this, as it gave them much-needed money and useful connections. The White buyer purchased exactly what he wanted. The only unfortunates were the objects of the transactions. Many of these women were treated cruelly and simply thrown out, often hundreds of miles from their traditional homes, when their White masters wearied of them. Instances of this practice had sporadically come to public attention in the opening years of the decade.

In 1886, a missionary in the Fort Macleod district encountered this practice on a large scale and protested it in a letter to the Toronto Mail entitled "A Foul Traffic."⁶⁷ Montana had recently enacted legislation which forced the purchasers of Indian women to marry them, and the letter suggested that something similar should be done in Canada.⁶⁸ The matter came to the attention of Lawrence Vankoughnet, who sent a copy of the letter to the prime minister, with a recommendation that some type of

⁶⁷ Toronto Mail, June 23, 1886. Letter from the Rev. H. T. Bourne.

⁶⁸ Idem.

legislation should be considered.⁶⁹ Such action aroused Indian antipathy in two ways: those who wanted to preserve the old ways resented the attempted imposition of White moral standards, while those who were concerned about the plight of such women resented the government's lack of action.

V. The Indians and Rebellion

The situation which was approaching its climax in the middle of the decade had deep roots. As early as April, 1871, W. J. Christie, the chief factor of the Hudson's Bay Company's Saskatchewan district, had worried about Indian unrest because of the proximity of certain lawless elements in Montana and because of the visible decline of the buffalo herds.⁷⁰ Cree warriors under the leadership of Sweet Grass, The Eagle, The Little Hunter, and Short Tail had confronted him with a demand for presents: the chief factor had complied, feeling that this was the only way to avert violence.⁷¹ Parties of telegraph linemen and geological surveyors experienced Indian harassment as they moved west in the mid-1870's, which lent credibility to

⁶⁹ PAC, MacP, 291. Vankoughnet to Macdonald, July 7, 1886.

⁷⁰ SP, 1872, No. 22. W. J. Christie's despatch of April 13, 1871.

⁷¹ Idem.

the sense of alarm experienced by individuals like Christie.⁷²

Indian grievances were matched by those of the Métis. Alexander Morris was presented with a list of grievances and remedies as early as 1874.⁷³ The Métis were concerned with land ownership, hunting and fishing rights, regulation of the buffalo hunt, and the establishment of local legislative and judicial bodies.⁷⁴ There was a great difference between their type of protest and that of the Indians. The Métis numbered among themselves literate men who were familiar with politics and constitutional forms: their protests consequently took the form of well-worded petitions and letters as well as more direct methods. The Indians possessed no such reservoir of legal experience: Indian protest was thus confined to confrontations with local officials or to more spectacular moves such as en masse abandonments of reservations. Literate protest could only be accomplished through sympathetic intermediaries, such as missionaries. Indian protest tended to be sporadic and direct, while Métis complaints were increasingly organized and cohesive. The Indians had no single Riel around whom they could focus their grievances.

⁷² SP, 1876, No. 9. Report of Col. French, N.W.M.P.

⁷³ SP, 1875, No. 8. Petition to Morris via Pascal Bréland, September 11, 1874.

⁷⁴ Idem.

Even the Blackfoot chief, Crowfoot, could not claim a pan-Indian loyalty in the same way that Riel could with the Métis.

The 1870's were the great years of treaty-making in the Canadian west, which meant that the onerous task of settling on reserves and establishing Indian agricultural communities fell in the period 1878-1885. The Indian Department's resources did not prove entirely equal to this great challenge, for a series of unfortunate occurrences combined during the first years of the new decade to render the process of Indian transition extremely difficult. Despite warnings to the contrary, the authorities seemed to have assumed that the buffalo would continue to be available during the transition period. By 1879 the great herds had gone. As already seen, infectious diseases such as pneumonia, measles and especially tuberculosis, swept through the Indian population after they had settled on reserves. The population density was higher there and the old notion of leaving sanitation to nature could not be relied upon to maintain Indian health. Log cabins were not as healthy as tepees.⁷⁵ The first years of the 1880's were lean ones in the west, both agriculturally and financially. Several bands had their crops fail for two or three consecutive years, making them

⁷⁵ e. A. Maundrell, "Indian Health 1867-1840" (M.A. thesis, Queen's University at Kingston, 1941), p. 23.

absolutely dependent on the government. Yet the government itself was being forced to economize and the Indian Department had its annual apportionment reduced by some \$140,000.⁷⁶ This only compounded the friction that was bound to occur as Indians and Department officers came into close and continuous contact for the first time.

A large part of western Indian resentment was caused by the bumbling of the Indian Department itself. The Interior Department, of which the Indian Department was a branch until 1880, had a reputation for administrative slowness.⁷⁷ Despatches from the field frequently took far too long to reach the ministerial level. Edgar Dewdney, for example, sent a letter to Sir John Macdonald in August, 1884, which the prime minister did not endorse until June, 1885.⁷⁸ The western situation, extremely volatile after 1880, demanded quick decisions on matters of fundamental importance. Yet if Ottawa were consulted, as was proper in the case of policy issues, the delay would be so great that changing circumstances would have rendered the ministerial decision obsolete by the time it was received in the field.

The system of contracting supplies for Indian needs was also open to abuse. Unscrupulous companies simply used their contracts to extract maximum profits for

⁷⁶ Waite, op. cit., p. 148.

⁷⁷ Idem.

⁷⁸ Idem.

themselves. The difficulties at Fort Walsh in June, 1881, when the Department was faced with supplying the needs of several thousand restless Indians, were caused in part by the corrupt practices of the food contractors.⁷⁹ Sometimes the Department was made aware of this type of abuse in a most blunt manner. "I saw the bacon landed . . . and saw the maggots drop out of the bags," wrote J. M. Frost to Lawrence Vankoughnet, "[and] I saw with my own eyes an Indian carrying away a piece with maggots on it."⁸⁰ Frost was so incensed that his letter became a vituperative denunciation of the Hudson's Bay Company (the supplier of the bacon) and of the prime minister himself:

He imagines himself to be a little Jesus Christ and considers himself at liberty to take the Bacchanalian Sacrament as often as he pleases. As very few did more to reinstate him than myself, very few will be found to do more to relegate him into oblivion.⁸¹

Lawrence Vankoughnet took exception to the language of Frost's letter, writing that ". . . the offensive and blasphemous terms . . . preclude its being placed among the Records of this Department. . . . I would propose with your sanction to destroy [it]."⁸² Vankoughnet only got

⁷⁹ PAC, MacP, 248. Galt to Vankoughnet (telegram), June 24, 1881; Galt to Vankoughnet, July 15, 1881.

⁸⁰ PAC, MacP, 293. J. M. Frost to Vankoughnet, November 10, 1879.

⁸¹ Idem.

⁸² PAC, MacP. November 14, 1879.

half his wish: the letter survived, but not amidst the Indian Department's official correspondence.

Food suppliers were not the only ones guilty of sending inferior goods for Indian consumption. Farm implements and other hardware items were often found to be of inferior quality. This roused Vankoughnet's anger, as the Department gave detailed specifications of its requirements to prospective suppliers. The only way to stop this practice was to keep samples of tools delivered from year to year for comparative purposes. Unfortunately, local agents were not always diligent in this regard. Vankoughnet had little patience with such laxity.

I have written to Mr. Dewdney . . . and urged upon him strongly the necessity of hauling any agent up sharply who is found to receive our articles not according to specifications. A fresh supply of samples will be sent this year to each agency.

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One suspects that the deputy superintendent-general's wrath was aroused because the Department was being cheated, not because the inferior goods might affect the living standards of the Plains Indians.

This was the greatest danger that the Indian Department continually faced. From its inception, its officials had a tendency to treat the Indians as bureaucratic commodities rather than as human beings. In this Ottawa eye-view, the Department's efficient operation became primary,

while the welfare of the Indians became secondary. The Indians, they felt, would have to match themselves to Department planning rather than having the Department effectively meet their real needs as they arose. In short, many eastern officials of the Department tended to become very narrowly complacent.

This attitude was particularly marked regarding the problems of the Plains Indians in the early 1880's. No one was more representative of this bureaucratic frame of mind than Lawrence Vankoughnet himself. Moreover, after the Indian Department was removed from the Department of the Interior and given independent status on May 7, 1880,⁸⁴ Vankoughnet's ideas and attitudes became the dominant ones in the Department. Though he was careful to defer in all things to the prime minister who was his political hero as well as his ministerial head, Vankoughnet exercised great authority through his supervision of the Department's day-to-day operations.

Vankoughnet demonstrated a singular inability to comprehend the Indians' perception of what was happening to them. He regarded the whole process of placing bands on reserves as one of progress from sheer barbarism to agricultural civilization. His attitude on the disappearance of the buffalo is revealing:

⁸⁴ SP, 1881, No. 4. Introduction.

With regard to American Scouts burning [the] prairie [and] preventing the buffalo from going North, I do not think this is a subject for regret as the few Buffalo that do come occasionally to our side of the Line only serve to unsettle the Indians and prevent them from cultivating the soil.⁸⁵

When masses of starving Indians descended upon Fort Walsh in 1881, the chief concern of some officials was not with their welfare, but with the cheating on supply contracts and the great costs involved in looking after so many tribesmen: "The only disturbing thing is Dewdney's estimate of the provisions received this morning--\$312,000 --it is appalling."⁸⁶

Vankoughnet's ignorant complacency showed itself in other ways as well. When the C.P.R. requested police protection for its work crews in the fall of 1882, he dismissed the request as unnecessary, even though it had the support of North-West Mounted Police Commissioner A. G. Irvine, his grounds being that the Indians were weak from starvation and that consequently, the railroaders could adequately defend themselves.⁸⁷ On the very eve of the rebellion of 1885, he demonstrated a total unawareness of Indian attitudes:

⁸⁵ PAC, MacP, 289. Vankoughnet to Macdonald, September 13, 1882.

⁸⁶ PAC, MacP, 248. Macpherson to Macdonald, June 24, 1881.

⁸⁷ PAC, MacP, 289. Vankoughnet to Macdonald, November 2, 1882.

I do not see for my part what the Indians have to gain by joining the Half-breeds in this movement. On the other hand, they have everything to lose; as it really means, if the Indians rebel, "they fight with their own bread and butter."⁸⁸

To give him his due, Vankoughnet could become aroused on occasion. He demanded competence from his agents and he fought strenuously for the removal of intruders and squatters on reserve lands: "I think . . . that this matter must be at once dealt with by the strong arm of the law; otherwise we shall have no end of trouble."⁸⁹ Pointing out that Indian agents had the powers of stipendiary magistrates, regarding the breaking of laws under the Indian Act of 1882, Vankoughnet urged his officers to prosecute any lawbreakers vigorously.⁹⁰ But this active response was not caused by any primary concern for Indian welfare. Rather it was the result of Vankoughnet's fear that any dereliction of duty would reflect on the Department's reputation and hence on himself.

The results of such administratively centred thinking became obvious as the 1880's progressed. Bands that had been antagonistic to the Department's plans from the beginning became increasingly troublesome. Big Bear's Crees, for example, were a constant worry to local

⁸⁸ PAC, MacP, 290. Vankoughnet to Macdonald, March 31, 1885.

⁸⁹ PAC, MacP, 289. Vankoughnet to Macdonald, July 3, 1883.

⁹⁰ Idem.

officials. As early as 1882, the now-lionized Cree chief was reported to be in contact with Louis Riel who was supposed to be encamped in the Missouri country just across the U.S. border.⁹¹ Having consolidated his authority as leader of a band of Canadian Crees,⁹² Big Bear tried to extend his influence among other tribes, arranging a meeting with the Blackfoot chief, Crowfoot, in the Cypress Hills in 1883.⁹³ The latter, however, was persuaded by Indian Department officials to remain on his reserve and avoid the meeting.⁹⁴ Big Bear continued to be a source of irritation, refusing to settle on a reserve and causing general unrest.⁹⁵

Other Indians showed signs of discontent as well. Poundmaker, "once the cause of great anxiety," had settled down for a period, even enthusiastically taking up farming.⁹⁶ But by early 1885, his young men had grown impatient and angry: their feelings found expression in the defeat of Colonel Otter at Cut Knife Hill on 2 May.⁹⁷

⁹¹ PAC, MacP, 293. C. E. Denny to Vankoughnet, January 9, 1882.

⁹² Idem.

⁹³ SP, 1884, No. 4. Report on the North-West.

⁹⁴ Idem.

⁹⁵ SP, 1885, No. 3. Report on the North-West..

⁹⁶ SP, 1883, No. 5. Report on the North-West.

⁹⁷ J. W. G. MacEwan, Portraits from the Plains (Toronto: McGraw-Hill, 1971), pp. 121-22.

The Cree Chief Pi-a-pot generally kept aloof from the Whites. "Piapot is certainly hard to understand," wrote an agent in 1884, "and what he wants or dislikes, is not easily ascertained."⁹⁸ But by that time even this proud traditionalist was moving about the country near Fort Qu'Appelle with over four hundred followers, causing the authorities much anxiety.⁹⁹ A good deal of unrest came from the Sarcees under Chief Bull's Head, whose reserve was located close to Calgary. Theft of government supplies, the mutilation of farm animals, and bad relations with the nearby White settlement were almost normal there.¹⁰⁰

Symptomatic of the tensions building up in the west by 1884 was this message sent by Edgar Dewdney to Lawrence Vankoughnet: "Lucky Man's Indians assaulted Instructor Craig and resisted five police. Big Bear and Poundmaker defied Police. Crozier leaving with thirty men."¹⁰¹ The arrest of the guilty man, Kahweegetwaymot, was accomplished only with the greatest difficulty, after the number of police involved had been doubled to some sixty

⁹⁸ PAC, RG10, BS 13,642. R. McKinnon to N.W.T. Indian Commissioner, April 30, 1884.

⁹⁹ SP, 1884, No. 4. Report on the North-West.

¹⁰⁰ Idem.

¹⁰¹ PAC, MacP, 290. Dewdney to Vankoughnet (telegram), June 18, 1884.

men.¹⁰² Clearly, all was not well in the west. Unless the Indian Department acted with new vigour in a more flexible way, the possibility of a general Indian uprising was very real.

Despite such ominous signs and the opinion of many informed westerners that all was not well, the Ottawa bureaucracy remained unmoved. From August to October, 1883, Lawrence Vankoughnet had taken a trip right across the west to Victoria, yet he remained narrowly unaware of the magnitude of the difficulties in the prairie region. "In the North-West Territories, we propose making a reduction of over \$140,000," he wrote to Macdonald shortly after his return, "which I think may be safely done."¹⁰³ Vankoughnet actually believed that spending in the past had been too much based on the estimates of local agents: "Careful consideration after personally visiting localities has convinced me that there has been much needless expenditure. . . ." ¹⁰⁴ Here was the ultimate bureaucratic triumph: spending would no longer be determined by local need but by administrative convenience.

Despite mounting evidence to the contrary, Vankoughnet

¹⁰² MacEwan, *op. cit.*, pp. 117-18, contains a description of this confrontation.

¹⁰³ PAC, MacP, 289. Vankoughnet to Macdonald, December 4, 1883.

¹⁰⁴ *Idem.*

refused to change his position. When a Manitoba agent protested that his charges were starving, Vankoughnet replied that "the Department has no information to warrant the conclusion that such general dissatisfaction exists as Mr. Crawford seems to think. . . ."¹⁰⁵ Other advice was turned down equally brusquely. When Edgar Dewdney proposed the greater use of Métis in the Department and nominated three of them as farm instructors, the deputy superintendent-general rejected the idea on the grounds that they would "endeavour to disaffect the minds of the Indians."¹⁰⁶ Such rigidity only further weakened departmental operations, as some of its best officers resigned rather than face continual frustration.¹⁰⁷

The final factor causing some Indian bands to join Riel and the Métis and driving others to at least seriously consider it was the series of lean crop years that preceded the rebellion of 1885. The winter of 1882-83 was severe, the deep snow causing a shortage of game, especially among the Stonies.¹⁰⁸ Their lot was not improved by the sharp trading practices of their Methodist

¹⁰⁵ PAC, MacP, 290. Vankoughnet to Macdonald, March 12, 1884.

¹⁰⁶ PAC, MacP, 290. Vankoughnet to Macdonald, February 25, 1885.

¹⁰⁷ Waite, op. cit., p. 148, provides an example of this.

¹⁰⁸ PAC, RG10, BS 6230. Denny to Dewdney, March 15, 1883.

missionary, the well-known Reverend John McDougall.¹⁰⁹ Agent C. A. Denny was forced to ask the clergyman to suspend his business operations.¹¹⁰ For some bands the poor yields of 1884 marked their third consecutive year of crop failure.¹¹¹ The Department's attempts that summer to cut its costs by substituting bacon for beef at some reserves met with determined Indian resistance. Many bands simply refused to accept the new rations.¹¹² Some officials felt the unrest was fomented by cattlemen who wanted their Indian Department contracts renewed,¹¹³ but a more likely factor was the Indians' memory of the rotten bacon of 1878-79. The Black Soldier Society among the Sarcees and Bloods was especially angered by this attempt at substitution.¹¹⁴

Particularly significant was the hard winter of 1884-85 in the Qu'Appelle region. Much of the poor crop yield was devoured by cattle who could get food no other way.¹¹⁵ Some of the rest was used by Indian farmers to pay off various debts to merchants.¹¹⁶ It was no surprise that the young men among the Indian population were

¹⁰⁹ Idem.

¹¹⁰ Idem.

¹¹¹ PAC, RG10, BS 13,642.

¹¹² PAC, RG10, BS 14,624.

¹¹³ Idem.

¹¹⁴ Idem.

¹¹⁵ PAC, RG10, BS 18,532.

¹¹⁶ Idem.

disillusioned with farming as a viable enterprise in the spring of 1885. Indian bitterness was at a peak, and the attraction of Riel and his cause was most potent by the time the North-West Rebellion broke out.

VI. The Rebellion of 1885 and After

The course of the second Riel rebellion has been thoroughly and frequently chronicled.¹¹⁷ The early Métis success and the subsequent marshalling of forces from eastern Canada leading to the eventual defeat of Riel and his cause are too well known to need repetition here. Indian involvement never reached the extent that the Métis hoped, and White settlers feared. Even the actions of Big Bear's and Poundmaker's warriors were taken without the consent of those chiefs. Crowfoot, the great Blackfoot chief, remained loyal, and lesser figures such as Star Blanket and Bull's Head displayed indifference. By mid-summer the rebellion had ended, and the prairie situation was returning to the status quo ante bellum.

The Indian Department had faded into the background during the rebellion as the Ministry of Militia and Defence assumed direction of efforts to subdue Riel and

¹¹⁷ See, for example, the following works: Stanley, Birth of Western Canada; D. Morton, The Last War Drum (Toronto: Hakkert, 1972); D. Morton and R. H. Roy, eds., The Telegrams of the North-West Campaign 1885 (Toronto: Champlain Society, 1972).

his followers. It had done what it could to aid the government cause, but it occupied a very secondary role. The principal of Battleford Industrial School, Reverend Mr. Clarke, had turned his buildings over to the Militia Department and sought accommodation elsewhere.¹¹⁸ Though the gesture was appreciated, it was made four months after the armed insurrection had ended. At the time of the Frog Lake killings, the Department did what it could to arrange for the early release of Mrs. Delaney, the widow of the murdered farm instructor at the settlement.¹¹⁹ Lawrence Vankoughnet himself had volunteered to go to the North-West if the prime minister thought it necessary.

Should you consider that I could be of more service in the North West just now than at Headquarters I am prepared to go to any point in the territories that you may consider it proper to send me.¹²⁰

The Department had attempted to influence the course of events in other ways as well. Lawrence Vankoughnet had resisted the attempts of Captain Jack Stewart and his friends to establish a volunteer frontier force in 1884, regarding this as potentially disastrous for relations

¹¹⁸ PAC, MacP, 290. Vankoughnet to Macdonald, October 15, 1885.

¹¹⁹ PAC, MacP, 290. Vankoughnet to Macdonald, April 13, 1885. This step was taken at the request of Mrs. Delaney's mother, Mrs. Fulford.

¹²⁰ PAC, MacP, 290. Vankoughnet to Macdonald, March 31, 1885.

with the Indians.¹²¹ The only reason Vankoughnet could see for the force was the satisfaction of Stewart's need for military glory: he and his friends wanted "to be seen walking with swords dangling etc."¹²² Edgar Dewdney had used one Peter Bellandine, a Métis, as a secret agent among the northern Plains Indians during the winter of 1884-85 in order "to prevent large gatherings in the spring."¹²³ Bellandine was not entirely successful, but his mission may have helped to keep large-scale Indian support from rallying to Riel. The most spectacular venture of the Indian Department was its abortive attempt to reach Riel via an aunt who lived in Montreal.¹²⁴

During the autumn and winter following the rebellion, the Department faced the task of restoring its western operations to normal. This was speedily done, but there was little evidence that any great changes had been effected by the rebellion. Some Indian unrest was evident during the summer of 1886, especially among the Bloods¹²⁵.

¹²¹ PAC, MacP, 290. Vankoughnet to Macdonald, January 3, 1884.

¹²² Idem.

¹²³ PAC, RG10, BS 17,169. Dewdney's note of December 5, 1884.

¹²⁴ PAC, MacP, 290. Vankoughnet to Macdonald, April 21, 1885.

¹²⁵ PAC, MacP, 291. Vankoughnet to Macdonald, October 4, 1886.

and Poundmaker's Crees,¹²⁶ but Vankoughnet dismissed most of these worries as the result of tension created the preceding year.¹²⁷ The old pattern of administration persisted. Most decisions would continue to be made by Ottawa.

In the last half of the decade, many of the usual problems resurfaced. Supplies continued to be a headache. When tenders were called for a flour contract at Prince Albert, the Hudson's Bay Company submitted "two samples of flour which . . . were pronounced as unfit for human food . . . and the bread made therefrom apt to produce irritation of the bowels and to be attended with serious consequences."¹²⁸ The Ogilvie Company of Winnipeg was later awarded the contract.¹²⁹ In the face of continued starvation-level crop yields on some reserves, the Department continued to emphasize fiscal economy, conducting a survey on the types of foods which could be widely distributed at the least expense.¹³⁰

Indian resentment at the continuation of such

¹²⁶ PAC, MacP, 291. Vankoughnet to Macdonald, May 21, 1886, September 25, 1886.

¹²⁷ PAC, MacP, 291. Vankoughnet to Macdonald, March 1, 1886.

¹²⁸ PAC, MacP, 292. Vankoughnet to Macdonald, June 9, 1888.

¹²⁹ Idem.

¹³⁰ PAC, RG10, BS 45,889.

attitudes was not as pronounced as it had been several years earlier. The rebellion had failed: many Indians began to look on their position as hopeless, and sank into a state of sullen despair. But there were other, more positive, reasons for the virtual end of visible discontent. Opportunities for employment were increasing as White settlers continued to move west, providing a chance for Indians to seek a better life away from the reserve. And there was always the United States for the few who desired to go there. The Blackfoot Confederacy had not found its farming and ranching operations as seriously affected by adverse conditions as had some other bands: the amount of unrest in the far west declined accordingly. It was the northern region that was in extremis after 1885. In 1888, emergency supplies had to be rushed into the Mackenzie and Athabaska Districts via the Hudson's Bay Company.¹³¹ No protest was audible because the Indian population of those areas was so sparse and scattered.

The resumption of its traditional western operations subjected the Indian Department to a new barrage of criticism from religious bodies. It was accused of the usual corruption and mismanagement. Yet much of this criticism proved upon examination to be based upon flimsy evidence. The Roman Catholic hierarchy was particularly vocal, but

¹³¹ PAC, MacP, 292. Vankoughnet to Macdonald, July 20, 1888.

the force of its attack was lessened when its chief criticism boiled down to Protestant domination of departmental offices. Bishop Grandin held Edgar Dewdney responsible for this and tried to make a case for more Roman Catholic agents by summing up his church's missionary efforts among the Indians as follows:

For forty years, Sir, we have preached the Gospel to the Indians at a cost of much suffering, and many dangers; many of our missionaries have lost their lives by deplorable accidents--one was killed and eaten, two others were massacred. . . .¹³²

The bishop wanted redress for "many painful and numerous vexations" by the replacement of some Protestant agents "who are evidently not exempt from the faults of mankind" with more virtuous Roman Catholics.¹³³

The Presbyterians were also quick to point out weaknesses in the Indian Department. The Reverend J. Robertson, general superintendent of Presbyterian missions in the North-West, during sermons preached in Ottawa and Montreal publicly denounced the "immorality" and "unreliability" of Indian agents and instructors.¹³⁴ When the cleric announced that a new uprising was likely in the spring of 1886, Lawrence Vankoughnet wrote to him immedi-

¹³² PAC, Dewdney Papers, 8. Bishop Grandin to Hayter Reed, December 17, 1889.

¹³³ PAC, Dewdney Papers, 8. Grandin to Dewdney, December 18, 1889.

¹³⁴ PAC, MacP, 291. Vankoughnet to Macdonald, February 24, 1886.

ately asking for details.¹³⁵ Robertson's reply was a furious attempt to backtrack:

. . . I have nothing to do with political issues.
 . . . I wish solely the welfare of the settlers on the frontier and the honour of the country. I blamed my own church severely for the neglect of the Indians as I blamed officials of the government for wrong-doing.¹³⁶

The Methodists also were critical. When the Reverend John McDougall denounced departmental shortcomings, Vankoughnet asked him to substantiate his charges with specific names and dates.¹³⁷ The Department's permanent head became suspicious when these were not forthcoming and had a check made of his records. He found that McDougall's brother had been very briefly employed as a farming instructor at Morleyville but had been dismissed when he was implicated in the mishandling of supplies.¹³⁸ Vankoughnet referred to the brother as "a great scoundrel"¹³⁹ and John McDougall did not escape lightly himself. He had evidently been angered when the Department tried to collect timber dues on wood cut for his mission on Indian land. The dues had never been paid.¹⁴⁰

135 Idem.

136 PAC, MacP, 291. Robertson to Vankoughnet, February 22, 1886.

137 PAC, MacP, 291. Vankoughnet to Macdonald, February 2, 1886.

138 PAC, MacP, 291. Vankoughnet to Macdonald, February 25, 1886.

139 Idem.

140 Idem.

The Indian Department had much for which it could be criticized, but such personal vendettas and ill-informed attacks smacked of ignorance or self-interest rather than any genuine concern for either the Indians or the settlers of the prairie region. Vankoughnet could be forgiven a growing cynicism regarding the validity of missionary comment on his department's operations. His remark on one reverend gentleman was typical: "He is on a begging tour for his Mission, and it seems to me . . . clergymen and Ministers do not hesitate to stretch the long bow when financial considerations are before them."¹⁴¹

VII. Conclusions

The student of the Indian Department has a feeling of déjà vu when regarding the events of the 1880's. The debates over Indian education, departmental organization, obtaining honest suppliers, and competent personnel were questions that had been raised and at least partially answered in Canada West before Confederation. Nicholas Flood Davin's report on Indian education made conclusions that had already been tested in the Department's past experience. It seemed that the lessons learned in the preceding fifty years had been forgotten, as officials tended to examine American experience to see what could be

¹⁴¹ PAC, MacP, 291. Vankoughnet to Macdonald, February 24, 1886.

learned from it and applied to Canada. Much of value had evidently been filed in the Department's records and forgotten.

The second development worthy of note was the full blossoming of Ottawa-centredness in the making of administrative decisions. Lawrence Vankoughnet took more and more upon himself, making the Ottawa headquarters the real power centre of the Department. No decision of any import could be made without his approval. Sir John Macdonald was content to leave such decisions to his subordinate, reserving for himself only the political aspect of appointments and policies. The Department became more and more enveloped in official 'red tape,' making quick decisions almost impossible and realistic ones rare. The opinions of local agents and others were less and less likely to influence departmental policy. By 1890, Ottawa was not only providing the answers to all questions, but was determining what questions should be asked. It was this footnote of centralized authority which set the twentieth-century Indian Department apart from its nineteenth-century predecessor. The decade of the 1880's in the North-West Territories was decisive in that development.

CHAPTER XII

BRITISH COLUMBIA 1871-1880

The Indian population of British Columbia differed in several ways from the tribes east of the Rocky Mountains. In toto, the Indians of the mountain interior and Pacific coast numbered some 80,000 people at the beginning of the nineteenth century. White diseases took a horrible toll in the following decades, but the Indian population still numbered some 35,000 at the time of the union with Canada in 1871, making it roughly equal to that of the Whites at that time. Inferiority in numbers bred a particular hostility towards Indians among Whites; these feelings remained potent politically, rendering the role of the federal Indian Department very difficult.

Extreme cultural complexity characterized the tribes of British Columbia. Languages, clothing, dwellings, and social habits all varied greatly. Along the Pacific coast, six major groups were visible: the Coast Salish, on the lower Fraser River and southern Vancouver Island; the Nootka, on the west coast of Vancouver Island; the Kwakiutl, on the northeast coast of Vancouver Island and the adjoining mainland; the Bella Coola, near the present town of that name; the Tsimshian, on the Skeena and Nass Rivers; and the Haida, on the Queen Charlotte Islands. Seven groups inhabited the interior mainland of the province: the Interior Salish, in the valleys of the Lillooet, Fraser, Thompson, Okanagan, and Columbia Rivers; the Kootenays, in the southeastern corner of the province;

the Chilcats, in the Chilcotin River-Anakim Lake district; the Carriers, in the upper Fraser valley; the Tsetsauts, in the Nass and Skeena valleys; the Tahltans, in the Stikine River basin; and the Sekanis, in the upper Peace River valley. This complexity made an over-all approach to Indian-White relations in British Columbia very difficult.

Geography placed further difficulties in the way of those charged with administering Indian policy. The fjords of the coast and the mountains of the interior made regular contact with Indians very difficult. Indian-White communication often broke down, creating misunderstandings on both sides and permitting unsubstantiated rumours to flourish. The needs and expectations of British Columbia's Indians, based on different cultural and geographical conditions than those to the east, did not fit White preconceptions. British Columbia's politicians and Canadian civil servants were slow to appreciate the uniqueness of the Indian situation in the Pacific province.

British Columbia differed from the other western parts of Canada in another very important way. With the possible exception of Manitoba, the latter had developed institutions under the firm guidance of Ottawa. Consequently, their constitutional development had been orderly, and conflicts between local and federal authorities had been infrequent. On the Pacific coast, this

pattern did not prevail. Vancouver Island and the mainland had developed politically, first under the tutelage of the Hudson's Bay Company and then as a British crown colony. A large population influx had occurred at the time of the 1858 gold rush, giving rise to social institutions and a sense of community that did not entirely disappear when many of the fortune-seekers moved on. When the province entered confederation in 1871 it did so as a well-defined community, conscious of its needs and expectations regarding its new status. Such attitudes made conflicts with Ottawa inevitable.

Collisions between the two sets of authorities occurred at two basic points. The first was the obligation under the articles signed when the new province became part of the Dominion to construct a rail link to the west coast. British Columbia chafed at the delays under which the project suffered through the 1870's, which were the cause of much government paperwork then--and have been the subject of much learned ink since. In any standard political history of the province or of the country, this railway dispute receives undivided attention as the sole cause of disharmony between the two jurisdictions.¹ Yet this emphasis is misleading, for there was a second cause of discord which, if anything, was more

¹ For example, see any general work on Canadian history, or M. A. Ormsby's work, British Columbia: A History (Toronto: Macmillan, 1958).

strenuously fought and longer-lasting. This was the dispute over the amount and type of land which the province should be required to surrender to the Dominion for use as Indian reserves. The argument over Indian land policy broke out shortly after British Columbia's entry into Confederation and lasted until 1927, almost half a century after the completion of the C.P.R. and was only one part of the complex development of Indian administration and policy in British Columbia.

I. The Douglas Period

White-Indian treaty relations on the Pacific Coast had begun during the 1840's when the Hudson's Bay Company moved the centre of its operations to Victoria from Fort Vancouver at the time of the Oregon crisis. James Douglas, the chief factor of the company's Columbia department, consequently was forced to deal with the bands in the vicinity of the fort and in other parts of Vancouver Island. When imperial administration came to the island in 1849, the company was made responsible for "the protection and welfare of the native Indians residing within . . . Vancouver Island."² This meant that Indian policy in the region remained the creation of James Douglas.

² B. M. Gough, "The Power to Compel: White-Indian Conflict in British Columbia during the Colonial Period, 1849-1871," paper presented to C.H.A. annual meeting, Montreal, June, 1972, p. 8.

This was fortunate, for the experienced fur-trader combined firmness, tact and fairness in just the proper proportions to win the respect (albeit grudging at times) of the island's Indians.

The philosophy upon which Douglas' policies were based was remarkably similar to that which had evolved in the eastern part of North America during the preceding century. All land on the island was regarded as crown property,³ the Indians having special status as first inhabitants. Land matters were to be settled by treaty, the Indians being granted reserves on the basis of ten acres per family.⁴ This small amount was considered adequate because of coastal climatic conditions and because most of the tribes whom Douglas first contacted lived near the ocean, depending on fishing for the bulk of their livelihood. The title to these reserves was vested in the crown so that White businessmen could not hoodwink unsophisticated band leaders out of their tribal property.

Legally, Indians were regarded as British subjects, under the same code as Whites. This was perhaps the most difficult part of Douglas' task, for the tribesmen, quite naturally, saw no reason to abandon their traditional methods of meting out justice. Douglas constantly exhorted

³ Ibid., p. 15.

⁴ SP, 1873, No. 23. Powell's report, special appendix.

the tribesmen to avoid retaliation and hand over criminals to the civil authorities for trial and punishment. It is a great tribute to the governor that he was largely successful in this endeavour, notably with the warlike Cowichan tribe in 1852-53.⁵

Douglas became even more involved with the formulation of Indian policy after his appointment as lieutenant-governor of the crown colony of British Columbia in 1858. The political organization of the area had been rendered imperative by the discovery of gold in the interior, and the subsequent immigration of thousands of Americans from the gold-fields of California. This influx of rough frontier elements was a decided threat to the welfare of the colony's Indians. As the New York Times put it, "It is the custom of miners generally to shoot an Indian as he [sic] would a dog."⁶ In a decidedly pro-Indian article on the British Columbia situation, the newspaper described the natives of the colony as "a strikingly acute and intelligent race of men"⁷ while having little sympathy for the white population. The writer of the article was a

⁵ Gough, op. cit., pp. 14-16.

⁶ SP, 1873, No. 23. Powell's report, special appendix. Quoted by Colonial Secretary Lytton to Douglas, September 2, 1858. See also PAC, RG10, BS 1241, and G. E. Shankel, "The Development of Indian Policy in British Columbia" (Ph.D. thesis, University of Washington, Seattle, 1945), p. 35.

⁷ Idem.

close observer of the class of men who were most often involved in violent clashes with North America's Indians, noting that the perpetrators of atrocities were not usually frontiersmen per se, but decent people who returned to the urbanized east after their adventures which had occurred while they were free of restraints imposed by civilization:

There never yet existed so bad a set of men on the face of this fair earth as a certain class of the highly respectable sovereigns of the states who find their way to the frontiers. It is much to be rejoiced at that the Fraser River Indians are of a serious turn of mind, and can't take a joke, and in their ignorance of the sports and pastimes of the great American nation may deprive some of the practical jokers of their 'thatches'.⁸

The tense situation on the Pacific coast had caused the Colonial Office great concern which the colonial secretary transmitted to Douglas in a series of despatches.⁹ The governor was to

consider the best and most humane means of dealing with the Native Indians. The feelings of this country would be strongly opposed to the adoption of any arbitrary or oppressive measures towards them. . . . subsistence should be supplied to them . . . and above all . . . your early attention should be given to the best means of diffusing the blessings of the Christian Religion and of civilization among the natives.¹⁰

Douglas replied with some pride that Indian policy in

⁸ Idem.

⁹ Ibid. The series commenced in 1858 and continued through three colonial secretaries to 1862.

¹⁰ Ibid. Lytton to Douglas, July 31, 1858. Also cited in Shankel, op. cit., pp. 34-35.

British Columbia already followed these guidelines "to the utmost extent of our present means."¹¹

Douglas consciously modelled his policies on those of the Province of Canada, especially in regard to land.¹² He wanted to create self-sufficient Indian communities which would eventually require no financial aid from the government, and proposed to create Indian capital by leasing excess Indian land through the crown.¹³ The governor felt that this would "protect the Indians from being despoiled of their property, and will render them self-supporting, instead of being thrown as outcasts and burdens upon the Colony."¹⁴ This enlightened attitude was pursued up to 1859, but after that date the extinguishment of Indian title became increasingly difficult because of the surrender of the Hudson's Bay Company charter and the lack of available funds.¹⁵ Douglas' request to the imperial government for £3,000 to complete this project was flatly rejected by the colonial secretary.¹⁶ In what Douglas' son-in-law termed, "one of the most flippant

11. Ibid. Douglas to Lytton, November 5, 1858. Shankel, op. cit., p. 36.

12. Ibid. Douglas to Lytton, February 9, 1859.

13. Idem.

14. Idem.

15. Ibid. Douglas to Newcastle, March 25, 1861. Shankel, op. cit., pp. 41-42.

16. Ibid. Newcastle to Douglas, October 19, 1861.

productions he ever saw,¹⁷ Newcastle told Douglas that the home government could not be expected to dole out such "trifling" sums to colonial administrations.¹⁸ The Duke's ignorance of British Columbia's finances spelled doom for an extremely promising Indian policy. Any chance of its continuing disappeared completely when Douglas himself retired from office in 1864. British Columbia would not see his like again.

II. The 1860's

Douglas' retirement marked the end of his attempt to introduce a system of Indian administration based on that of Canada, but it also had a larger significance in terms of British Columbia politics. The pre-eminence of the Hudson's Bay Company and its employees was rapidly vanishing, to be replaced by a new order. Politics began to be the preserve of professional engineers who had come to the colony during the gold rush, and of lawyers and newspapermen who had arrived to fill needs of the emerging community. The Scots names of Finlayson, Douglas, McLaughlin, and Mackenzie were being replaced by the more English-sounding ones of Sproat, Walkem and Trutch, as well as the

¹⁷ Victoria British Colonist, April 1, 1862. Shankel, op. cit., p. 45.

¹⁸ SP, 1873, No. 23. Powell's report, special appendix, Newcastle to Douglas, October 19, 1861.

oddly-European ring of de Cosmos. Where the men of the Bay had looked on the Indians as necessary partners in the gathering of furs, the newcomers regarded them as nuisances in the way of progress and orderly settlement. It was not surprising that an attitude similar to that prevalent in the American west should become prominent in British Columbia, for many of the new politicians had spent some time in the United States. Their experiences with, and attitudes towards, Indians were based on American precepts and examples rather than on those of Britain or Canada. In the seven years between Douglas' retirement and union with Canada, there developed in British Columbia a set of attitudes and policies that stood in marked contrast to developments in other parts of British North America.

This development had actually begun during Douglas' last four years in office, when the governor seemed to be in the grip of a curious lethargy which contrasted with his earlier decisive vigour.¹⁹ He had never taken any clear steps to ensure crown title to Indian lands on the mainland, or to lay out reserves on an equal per capita basis, whereas he had tried to do both on Vancouver Island during the 1850's.²⁰ His desire to be liberal in reserve allotment had in fact slowed the implementation of an

¹⁹ Shankel, op. cit., p. 62.

²⁰ Ibid., pp. 41-42.

equitable Indian land policy. Shortage of funds had dictated such practices as using temporary wooden surveyors' stakes. This caused bitter disagreement as many of them had disappeared by the time of later surveys and the Indians had no proof of lands they claimed to have been granted by Douglas.²¹ Indeed, the whole principle of extinguishment of Indian title was being called into question by mainland M.L.A.'s as early as 1861.²² These men thought Indians had no special rights as 'first occupants' of the land.

Then too, Douglas by his highhandedness and vacillation had antagonized subordinate officials whose support was essential for the success of his policies. He ordered the enlargement of several reserves along the Fraser River after they had been surveyed by R. C. Moody, causing vigorous protests from that disgruntled officer.²³ The colony's executive council argued that Douglas' standard of ten acres per Indian family was too large and would deplete the colony's agricultural resources.²⁴ In this the council was mistaken, for the governor's object was to endow the Indians with sufficient land to render them self-supporting in the future. The council did, however, pass a measure in 1862 which allowed Indians to pre-empt land on fulfillment of the same settlement duties as White

²¹ Ibid., p. 50.

²³ Ibid., p. 51.

²² Ibid., p. 46.

²⁴ Idem.

settlers. They had to live continuously on the land and erect a squared-log, shingled-roof house, the minimum dimensions of which had to be thirty feet by twenty feet with walls ten feet high. During the first year at least two acres of woods or five acres of prairie had to be cleared, followed the next year by three acres of woods or six acres of prairie. Finally, land could not be conveyed without the assent of the governor.²⁵ This arrangement, which at least theoretically gave the Indians the same chance to acquire land as Whites, was repealed after only two years,²⁶ as the council, without Douglas to guide it, yielded to the growing land-hunger among the White population.

In 1866, the ministry of lands and works in the colony became the charge of Joseph William Trutch who more than anyone else gave voice to the province's new attitude towards its Indians. Born in England, Trutch, at forty, had spent ten years in California and Illinois as a civil engineer, followed by a seven-year career in British Columbia.²⁷ Unfamiliar with the traditions of British Indian policy, he apparently was greatly influenced by the

²⁵ Ibid., p. 54. Province of British Columbia, Papers Connected with the Indian Land Question, 1850-1875 (Victoria: Richard Wolfenden, 1875), pp. 23-24. Hereafter cited as BCP.

²⁶ Shankel, op. cit., p. 54.

²⁷ "Joseph William Trutch," Encyclopedia Canadiana (Toronto: Grolier, 1957), X, 153.

example of the nearby state of Oregon.²⁸ This was understandable but unfortunate: understandable because of the proximity of the state, but unfortunate because of the violent state of White-Indian relations there, particularly during the tenure of Governor Isaac Stevens. Like his American counterparts, Trutch represented the forces of 'progress' and 'development' who viewed Indians as little more than a hindrance in the way of their grand schemes. He now argued that Indian title to the land had never been recognized in the colony, even by Governor Douglas who, Trutch claimed, had bargained only for Indian friendship, never for Indian land.²⁹

Trutch's stand came at a time when his views were guaranteed almost total acceptance among the White population. Settlers had been allowed to buy land as early as 1861 without any reference to Indian claims and with no regard for future reserve needs. If Douglas' policy was reintroduced, many settlers would lose their improvements. Consequently, they had a vested interest in Trutch's stand. The Indians, who had never reacted comfortably to the White presence, had fomented the growth of anti-Indian feeling by periodically using violence to maintain their land claims. As early as 1858, there had been a state of war over disputed mining areas in the Fraser Valley, and

²⁸ Shankel, op. cit., p. 72.

²⁹ Ibid., p. 39.

more than one hundred White bodies floated down the river.³⁰ Understandably confused and resentful at the official White attitudes which were emerging in the 1860's, the Indians wreaked vengeance on surveyors whom they held responsible for the loss of their tribal lands. In the summer of 1864, nineteen Whites were murdered in the Chilootin War which broke out in the Bute Inlet area.³¹ The government moved quickly to quell the insurrection and a general uprising was averted. But Indian resentment and White fear remained potent forces in the colony. Ironically, in the light of arguments that the colony could not afford to extinguish the aboriginal land title, this use of military force, which had in part been occasioned by that very denial, cost the government \$100,000, a sum which would have been sufficient to extinguish the Indian title to the whole colony.³²

Trutch became a close advisor of Governor Seymour's during that official's term, as head of the newly united colony.³³ As such, his views found official support as well as popular appeal. While Trutch did not completely reject the idea of Indian title, he interpreted its

³⁰ Ibid., p. 65.

³¹ Ormsby, op. cit., p. 204.

³² Shankel, op. cit., p. 74.

³³ British Columbia and Vancouver Island joined in 1866.

meaning in a very peculiar way.

They can have no claim whatsoever to compensation for any of the land aside from what they had cultivated for they really have never actually possessed it.³⁴

Title, in short, was indistinguishable from occupancy and use. To describe this as a novel interpretation is to understate the case, but then Trutch was an engineer, not a lawyer.

There were other reasons for the colony's refusal to recognize Indian title and for the resulting tension. Colonial politicians did not wish to expend their slender resources on extinguishment, arguing that the imperial government should assume fiscal responsibility for such a step.³⁵ Yet the imperial position, as set out in Newcastle's dispatch to Douglas in October, 1861, was known to be the reverse. Procrastination made a negotiated settlement with the Indians extremely difficult, because the best lands in the province were filling with Whites while the dispute dragged on. The Indians displayed an awareness of property values which must have been astonishing to politicians who regarded all aborigines as simpletons. As early as 1858, various tribes had demanded payment from miners both for the ground they occupied and the gold they removed.³⁶

³⁴ Shankel, op. cit., p. 85.

³⁵ Ibid., p. 46.

³⁶ Ibid., pp. 186-87.

Douglas' policy had been rejected as being too generous by the new colonial politicians of the 1860's, largely because of the threat to their popularity if they said anything else. But they had not replaced it with policies of their own. The result was increasing Indian frustration and violence through the decade, accompanied by periodic outbursts of anti-Indian feeling on the part of Whites, fearful that their lives would be endangered by an Indian war or that their land improvements would be sacrificed by the government determination to appease Indian demand for reserves. Dr. Israel Wood Powell, the first dominion Indian commissioner in British Columbia, pointed out in one of his earliest reports that the situation there remained extremely unsettled. The only expenses which the province paid were those related to costs incurred by Indian outrages. The Indians were justifiably angry because they had little experience with honest Whites and a great deal with unscrupulous promoters. Powell's comment that "no particular Indian policy has ever been adopted"³⁷ in British Columbia was eloquent testimony to the origin of the province's Indian difficulties.

³⁷ SP, 1873, No. 23. Powell's report, special appendix.

III. Confederation and Administrative Change

Any hope that confederation might solve the Indian impasse in British Columbia was soon dashed. Dominion officials showed themselves almost completely ignorant of the state of Indian affairs in the province, knowing nothing about the difficulties of the 1860's and very little about the nature of west coast Indian culture. They seemed to assume that British Columbia's policies were similar to those of the dominion and that her Indians were not markedly different from any other in British North America.³⁸ This kind of Ontario-centred thinking had already caused the Indian Department some difficulty in other parts of Canada, notably the maritimes and the prairies.³⁹ In British Columbia, it prevented an early settlement of the administrative problems concomitant with the Pacific province's entry into confederation and left her Indians in their confused, resentful state.

The thirteenth clause of the 1871 Terms of Union by which British Columbia became Canada's sixth province gave control of Indian affairs to the dominion:

. . . the charge of the Indians and the trusteeship and management of the land reserved for their use and benefit shall be assumed by the Dominion Government, and a policy as liberal as that pursued by the British Columbia Government shall be continued by the Dominion Government after Union. To

³⁸ Shankel, op. cit., p. 98.

³⁹ See Chapters viii to x.

carry out such a policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate, for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government; and in the case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred to the decision of the Secretary of State for the Colonies.⁴⁰

Given the parsimonious treatment accorded its Indians by the old colonial administration, this arrangement was inevitably bound to cause friction between the two sets of authorities. British Columbia had not included any reference to Indians in the original resolutions on union passed by its legislature⁴¹ and during the debate on union had defeated a motion regarding protection of the Indians by a vote of twenty to one.⁴² The province's 'generosity' towards its aboriginal peoples had been exposed by the Anglican bishop of Columbia who pointed out in an 1871 letter to the colonial secretary that of a total government expenditure that year of some £122,250, only £100 was credited to "expenses connected with the Indian Tribes."⁴³ A clause which compared the dominion's Indian policies with such antics was indeed a grim joke.⁴⁴

⁴⁰ Shankel, op. cit., p. 91.

⁴¹ Ibid., p. 90.

⁴² Ibid., p. 91.

⁴³ BCP, pp. 97-98. Bishop of Columbia to colonial secretary, May 27, 1871.

⁴⁴ Shankel, op. cit., p. 92.

How did this clause originate? As one student of the issue has suggested, it only served to disappoint those who hoped for reform and to frustrate those who preferred an even less generous system.⁴⁵ But his conclusion that the clause's origin must therefore remain mysterious is inadequate, for it did confer very real bargaining power on the province's representatives in negotiations with the dominion. By implying that British Columbia's Indian policy before confederation had been "generous" in meeting the needs of the province's Indians, the clause provided the provincial government with a ready-made defence for that policy and a mechanism by which the dominion's standards for Indian land-grants could be resisted. It seems quite clear that the clause had its origins in the mind of one of the provincial officials. Joseph Trutch would be a logical choice for authorship, because the clause defended developments which had taken place while he was chief commissioner of lands and works. Whatever its origins, the clause was accepted by dominion officials who knew nothing of pre-confederation Indian policies in British Columbia, and who could not foresee that provincial politicians would produce an inverted interpretation of it in an attempt to keep as much crown land as possible under provincial control.

The Indians had benefited in a negative sense from

⁴⁵ Idem.

the confused situation in the new province. Many tribes, especially those along the coast, possessed various sites which were used for different purposes during the year. A band might control one or two fishing sites, some berry plots and land which was used as a cemetery, all of which might be several miles apart. A policy like that of Ontario, which established compact, centralized reserves for each band--or the dominion government for the west--could have proved disastrous if it had been applied too stringently in British Columbia.⁴⁶ As it was, disputes there tended to centre on two things: the actual title to the land as a whole; and the amount of land to be allowed for reserves, leaving the kind of reservation open to future arrangement. Though their situation was deteriorating because of White encroachment, the Indians of the far west still were able to follow their traditional seasonal patterns of living in the vast unappropriated parts of the province. British Columbia had not been entirely negligent in the matter of reserves. By 1871, some forty of them, averaging about 150 or 200 acres in size, had been set aside,⁴⁷ but it was obvious that a task of some magnitude lay ahead of the two governments to reach a viable over-all policy and establish an adminis-

⁴⁶ Ibid., p. 98.

⁴⁷ SP, 1872, No. 22. Report on British Columbia Indians.

tration capable of implementing it.

The first task facing the Indian Department was the orderly establishment of its operations in the new province. As early as May, 1871, the bishop of Columbia had suggested a system based on that of the United States under the Grant administration.⁴⁸ This would have involved the use of missionaries as Indian agents, something the dominion and the province both preferred to avoid. The Canadian system had been found to work best when full-time Indian Department employees were used as agents: no one wished to repeat the experience that was then occurring in the maritimes. British Columbia's J. W. Trutch used his reply to the proposal as an opportunity to launch an attack on Indian missionaries while extolling the virtues of his own province's system. Claiming that Indian missions in the province had generally not been successful, with the possible exceptions of those at Metlakatla and St. Mary's, Trutch proceeded to describe provincial Indian policy in glowing terms, citing the lack of Indian disturbances there as proof of success:

We have a well-considered system, ably devised by experienced men specially interested in favour of the Indians, to suit the circumstances of this Country, and consistently carried out so far as

⁴⁸ BCP, p. 98. Bishop of Columbia to colonial secretary, May 27, 1871.

the pecuniary means at command would admit.

He had conveniently forgotten the Fraser and Chilcotin incidents. Trutch concluded his remarks in a way that looked both to the past and the future. He suggested that the province's system needed money instead of reform, a complaint which had a long history in British Columbia. More surprising was his suggestion that the dominion should keep strict control of the province's Indians, because it seemed to contradict the proud provincialism which he had always displayed. It almost appeared as though Trutch's canny instinct for political survival had made him reject the old order in favour of the new. He was, after all, by this time Macdonald's choice as the new province's first lieutenant-governor.

The Indian Department, as the first step in establishing an administrative arm on the west coast, selected Dr. Israel Wood Powell as Indian commissioner for British Columbia. The choice was a good one, for this Ontario physician was to prove one of the most capable administrators in the new addition to the dominion. A personal friend of the prime minister and a staunch confederationist,⁵⁰ Powell's selection was governed as much by politics as by ability. His familiarity with Indians had been

⁴⁹ Ibid. Trutch to Canadian secretary of state for the provinces, September 26, 1871.

⁵⁰ Ormsby, op. cit., p. 227.

largely confined to the medical treatment of tribesmen from the Songhees Reserve near Victoria; nonetheless, he entered upon his duties with vigour, noting the primary needs of his division as being organization and a set policy.⁵¹ As for the Indians, Powell's immediate ambition was the suppression of the illicit liquor trade, the deleterious effects of which he had often witnessed in his medical capacity.⁵² The doctor evidently felt that little could be done until he had an adequate staff and an adequate salary; he continued to maintain his medical practice in Victoria for several years, keeping regular office hours after four o'clock each day when not out of town on Department business.⁵³

Powell first turned his attention to the appointment of Indian agents from among the various names submitted by politicians, church men and prominent citizens.⁵⁴ It was the dominion government's intention to establish the Ontario system on the west coast, and the eastern method of dispensing political patronage was therefore followed. The British Columbia government had no objection to the

⁵¹ SP, 1873, No. 23. Powell's report.

⁵² Idem.

⁵³ PAC, MacP, 293. Powell to Macdonald (confidential), May 7, 1881.

⁵⁴ PAC, RG10. Powell's list of nominees for B.C. Indian agencies, 1880.

initiation of local agencies, for James Douglas had attempted something similar in the preceding decade when he had appointed agents and commissioners to the Indians in the southern part of Vancouver Island.⁵⁵ This attempt at administrative reorganization was, however, short-lived. The agent to the Indians of the island's southwest coast died in office in 1862 and was not replaced, while the office of the three commissioners for the management of the Songhees reserve simply withered away through disuse.⁵⁶ Powell thus had to overcome this tradition of administrative inertia by selecting capable and active officers who would exercise their functions wisely and firmly. In this he was reasonably successful, attracting men like W. H. Lomas into the Indian Department's service.

Political consistency was a necessity if the Department's operations were to commence successfully on the west coast. The Pacific Scandal of 1873 and the ensuing change of government denied this at the time it was most needed. The Liberals had strong ideas regarding the twin evils of high government expenses and political patronage, to both of which the Indian Department seemed to be subject. Dr. Powell had scarcely begun to build an administration for British Columbia when the new dominion

⁵⁵ Shankel, op. cit., pp. 37-38.

⁵⁶ Idem.

government decided that changes should be made for the sake of economy and political morality. By an order-in-council of February 9, 1874, control of Indian affairs in British Columbia was placed under a board of Indian commissioners consisting of Lieutenant-Governor Trutch, Indian Commissioner Powell, and a third man who was selected by Ottawa, James Lenihan of Toronto.⁵⁷ Just as Powell was beginning to demonstrate the expertise and organization needed to implement dominion policies successfully, his powers had been curtailed. Those with whom he was forced to consult were not entirely wise choices. Trutch's views of the nuisance caused by the Indian presence were well known. Lenihan, an outsider, would scarcely be of much use. A promising administrative beginning in British Columbia had been cut short.

But something was at stake in British Columbia that was far more fundamental for the conduct of Indian-White relations than the type of bureaucracy that was to be established. The government stated that the function of the new Indian board should be to suggest general Indian policy for the province and the means for its implementation.⁵⁸ This was a significant departure from usual dominion procedure for several reasons: The traditional method of deciding Indian policy was a centralist one--the

⁵⁷ SP, 1875, No. 8. Introduction.

⁵⁸ Idem.

government imposing a policy for local interests to follow, after it had examined local conditions. The board's terms of reference seemed to suggest that the Mackenzie administration in this case was willing to allow local interests to determine their own Indian policy. More alarming, these terms appeared to imply that the dominion government thought of itself as having no fixed Indian policy at all, except what had been pragmatically developed in different regions of the country. In effect, the government was denying that it had inherited a two-century-old tradition as the protector of Indian tribesmen.

The probable reason for this decision was not concerned with Indian welfare per se. In fact, the government presumably did not realize the long-range implications of its action in giving such sweeping powers to the British Columbia Indian board. It was concerned only to keep the westernmost province mollified with a minimum of dominion expense. The grumblings over the completion of a Pacific railway were worrisome enough; the best way to keep the Indian issue from becoming a major factor in the growth of secessionist feeling was to let the province sort out its own policy in the matter. Mackenzie and company would thereby be saved much trouble, the union would be preserved, and a successful solution to the involved British Columbia Indian situation might be found.

Several things, however, were wrong with this

too-neat solution. Both Lieutenant-Governor Trutch and Indian Commissioner Powell were Tories, and could be expected to feel uncomfortable under a Grit administration. Trutch would certainly be happy at the chance to dispose of the Indian problem in the most convenient way for the development of his province, but his political position precluded his having much direct influence in the conduct of Indian administration. Powell, in whose hands such influence lay, was genuinely concerned to see that justice for the province's Indian population should be a basic part of any administrative system that was finally established. In any case, the doctor was angry at the sudden discontinuance of the policies which he had been carefully following prior to the change in government in Ottawa. Liberal hopes for a quiet arrangement in British Columbia were to be dashed by such personal and political antagonisms.

But the ultimate failure of the Indian board was assured by the appointment of its third member, James Lenihan.⁵⁹ A Roman Catholic dry-goods merchant in Toronto, he was appointed in February, 1874, but was given until May to set his business affairs in order. Originally made joint Indian commissioner and stationed at Victoria with an annual salary of \$2,400, when the board

⁵⁹ Lenihan's career is outlined in PAC, RG10, BS 17514:1.

was dissolved Lenihan became interior superintendent at New Westminster. As the decade progressed, his career regressed: assigned as local agent on the Fraser River, he was, for a time, demoted to accountant in the office at Victoria, while Hamilton Moffatt, the former accountant there, assumed Lenihan's duties. This arrangement proved unworkable when Lenihan proved incapable of book-keeping and Moffatt of horseback-riding. Restored to his former agency for a short time, Lenihan was finally discharged on March 23, 1881, with a gratuity of one month's pay for each year's service.

Lenihan's appointment was singularly unhappy, for he possessed an unstable personality and was unable to keep on good terms with his colleagues. Powell felt that he should never have entered the Indian service,⁶⁰ while Trutch regarded him as "worse than useless."⁶¹ Though this last remark might be less than just, given its source, the picture of Lenihan which emerges is that of a bumbling incompetent who lacked the firmness and tact necessary to deal with Indians. He continually overspent the funds at his disposal, being too naive to discriminate between real Indian needs and outright frauds. As his realization that he was "an average man attempting the

⁶⁰ Ibid. Powell to superintendent-general, November 30, 1880.

⁶¹ Ibid. Trutch to Macdonald, July 6, 1880.

impossible"⁶² grew, Lenihan became subject to a variety of physical and mental ills, finally suffering what amounted to a complete nervous collapse. Dr. T. R. McInnes certified him as being "utterly unfit" for further service⁶³ and this comment provided the immediate reason for his discharge.

Why was Lenihan appointed to the Indian board? His failings were obvious from an early date, and, coupled with his total lack of experience, they made him a singularly unsuitable candidate for the position. The appointment becomes even more difficult to understand in the light of Mackenzie's campaign against patronage as a central factor in civil service appointments. Lenihan himself maintained he had been unjustly treated, and as late as May, 1891, was petitioning the government for redress of his business losses which he claimed were caused by his entering the government's service.⁶⁴ It would appear that Lenihan's religious affiliation was the decisive factor in securing his appointment. Bishop D'Herbomez, the vicar apostolic for British Columbia, was constantly urging the appointment of Roman Catholic agents

⁶² The phrase is that of W. H. Auden in his poem, "The Average."

⁶³ PAC, RG10, BS 17,514:1. Powell to superintendent-general, November 30, 1880.

⁶⁴ Ibid. Petition of James Lenihan and twenty-eight others.

for those bands whose majority adhered to that religion. The bishop continued to support Lenihan's employment until November, 1880.⁶⁵ Lenihan also had support from Hector Langevin, who may have been acting at the request of church authorities.⁶⁶ Its protestations notwithstanding, the Mackenzie regime was also willing to make appointments to the Indian Department solely for political purposes, in this case to satisfy the Roman Catholic church and part of the population in British Columbia. Macdonald did the same thing, but his appointments were generally more intelligent than those of the Liberals.

At the Indian board's first meeting in 1874, Trutch showed himself unwilling to share equal authority with the other two members and embarked on a virtual boycott.⁶⁷ The lieutenant-governor had good reason for this: he obviously did not want dominion officials discovering the parsimonious and unjust policies hitherto practised in British Columbia, for which he had been responsible as commissioner of lands and works.⁶⁸ The confusion he was able to create worked precisely as he hoped it would: the

⁶⁵ PAC, RG10. Powell's list of applicants for positions in British Columbia.

⁶⁶ Idem.

⁶⁷ Shankel, op. cit., pp. 171-72.

⁶⁸ Robin Fisher has scathingly denounced Trutch's actions in "Joseph Trutch and Indian Land Policy," BC Studies, No. 12 (Winter, 1971-72), pp. 3-33.

dominion remained ignorant of the real Indian situation in the province until the late 1870's. In the midst of such disruptive forces, the Indian board was a failure, and Interior Minister Laird was forced to admit this.⁶⁹ It was not replaced by the Ontario system, however, for the Indian land question in British Columbia had come to a head, despite Trutch's attempts to mask it. For the last half of the 1870's, the Indian land question and departmental administration in the province were to remain intertwined.

IV. The Indian Land Question and the Commission of 1876

The question of Indian reserves had become important during the 1860's, with the repudiation of Sir James Douglas' generous policies by racist politicians like J. W. Trutch.⁷⁰ Douglas had instructed his surveyors to give the Indians the land they requested, never granting less than ten acres per family of five.⁷¹ Trutch continu-

⁶⁹ Shankel, op. cit., p. 172.

⁷⁰ The word 'racist' is one which has been greatly overused recently and for that reason has almost become a piece of political jargon. Here it is used in its original sense of one who assumes the superiority of his own race and/or the inferiority of another. Trutch's comments on Indians were ample evidence of these views. Cf. Jean Usher, "William Duncan of Metlakatla" (Ph.D. thesis, University of British Columbia, 1969), p. 384; Fisher, op. cit., p. 5.

⁷¹ Shankel, op. cit., p. 51; Fisher, op. cit., pp. 13-14.

ally distorted Douglas' record to provide a defence for his own parsimony and to deny the validity of various Indian land claims.⁷² As early as 1865, he began to plan the reduction of Indian holdings, many of which were already insufficient for their population. By 1867 the reserves at Kamloops and Shuswap had been reduced considerably,⁷³ causing an increase in Indian unrest.

Indeed, the Indian population of British Columbia had not stood idly by while their lands were taken from them. Contrary to Trutch's impressions, they placed a high value on their holdings, and moreover had some idea of their value in the eyes of the Whites. After Douglas' retirement, the antics of Trutch caused feelings of hostility to grow steadily. Indian hopes that confederation might bring them relief were frustrated by the delays created by the confrontation between the two governments. By 1874, Dr. Powell felt that an uprising in the interior was imminent, but his warnings were ignored by the provincial government which seemed to have become the victim of its own myth regarding the liberal nature of its Indian policy.⁷⁴ The commissioner's warnings took a more substantive form when Indian unrest the next year forced him to cancel all official visitations to the province's

⁷² Fisher, op. cit., p. 14.

⁷³ Usher, op. cit., p. 384; Fisher, op. cit., p. 10.

⁷⁴ BCP, p. 127., Ash to Powell, January 30, 1874.

interior.⁷⁵

Gradually, dominion officials became aware of the hoax perpetrated in clause thirteen of the terms of union. In November, 1874, Interior Minister Laird decried British Columbia's 'liberal' policy, claiming that the only reason there had not been a general Indian war was the lack of unity among the tribesmen and the dominion's expenditure of \$54,000 on their affairs over the preceding two years.⁷⁶ For the entire population of some 40,000 Indians, only 28,437 acres of reserve land had been set aside by the time of confederation.⁷⁷ Of that amount 5,302 acres were located on Vancouver Island.⁷⁸ No reserves had been located north of Comox on the island or Burrard Inlet on the mainland, except William Duncan's experimental community at Metlakatla.⁷⁹

The first specific topic which caused disagreement between the governments was the size of reserves. The dominion was granting 160 acres for each family of five Indians in the prairies, an allowance that was shortly increased to 640 acres. Before 1867 the eastern Indians had commonly been allowed 80 acres per family of five and

⁷⁵ SP, 1876, No. 9. Powell's report.

⁷⁶ PAC, RG10, BS 1353. Laird to governor-general, November 2, 1874.

⁷⁷ Shankel, op. cit., pp. 100-101.

⁷⁸ Idem.

⁷⁹ Idem.

this was the figure Ottawa proposed to introduce as the basis for Indian allotments in British Columbia.⁸⁰ The provincial government, accustomed to Trutch's policy of no Indian land rights, objected strongly to this, for under the terms of union, it had to convey the public lands for the reserves to the dominion which then turned them over to the Indians. The absence of accurate surveys and the impermanence of markers that had been set out, made the selection of reserves an extremely complicated task. Much of the land the Indians regarded as rightfully theirs had been pre-empted by White settlers while Trutch was commissioner of land and works. He had glorified his non-policy with the name of "synchronous surveys," stating that Indian reserves were laid out at the same time as neighbouring holdings were being laid out for White settlement.⁸¹ Trutch claimed that this method saved a great deal of government expense by avoiding the necessity of two surveys and that it worked better, pleasing both Indians and Whites.⁸² Of the first claim there could be no doubt, nor of half of the second, but to claim the Indians liked the scheme was absurd. It was simply a method of guaranteeing large amounts of the best land for White settlement, while relegating the Indians to

⁸⁰ SP, 1875, No. 8. Powell's report of February 4, 1875.

⁸¹ BCP, pp. 102-103.

⁸² Idem.

scattered patches of swamp or mountain slope. Trutch seemed incapable of realizing that Indians who were confined to less than ten acres would be bitterly resentful at the four-hundred-acre holdings granted to their White neighbours.

For any British Columbia government depending on the White electorate to have acceded to the eighty-acre request of Ottawa would have been political suicide. Lands already granted to Whites would have had to be resumed for Indian use. To settle the land issue with all the tribes of the province on such a basis would have bankrupted the provincial government. Faced with this dilemma, Trutch devised a novel defence for his policies. Clause thirteen was now turned upside down, the province arguing that since its Indians were happy with their "generous" ten-acre lots, it saw no reason to surrender more than ten acres per family.⁸³ Thus what Sir James Douglas had regarded as an absolute minimum became the allowable maximum Indian holding in the eyes of his successors. The clause that had appeared to guarantee justice to the province's Indians now became the legal vehicle by which British Columbia sought to preserve its traditional policies in the face of the dominion's greater (if scarcely better informed) generosity.

This dispute placed Dr. Powell in an intolerable

⁸³ Shankel, op. cit., pp. 103-105.

position. Until some agreement was reached, he could not lay out reserves which the Indians were increasingly anxious to receive. After much prodding on his part, the provincial government finally increased the amount of land which it was willing to surrender. On July 25, 1873, it rejected the eighty-acre standard but agreed on one of twenty acres.⁸⁴ Three days later, Powell was informed of this decision and managed to wring one more concession from the government. On August 1, it agreed to interpret the 'family of five' phrase liberally, so that twenty acres would be made available for every five members of the total Indian population.⁸⁵ The dominion, weary of the debate, accepted this proposal, which was embodied in an order-in-council of March 1, 1874.⁸⁶

The settlement was short-lived. Regretting its moment of generosity, the province again changed its position. When Powell told his surveyors to proceed on the twenty-acre standard and to enlarge existing reserves to meet it, he was informed that this was not what British Columbia intended. The province would transfer title to the dominion only if he was prepared to reduce those reserves where the population had declined.⁸⁷ In any case, enlargement of present reserves was impossible, for

⁸⁴ BCP, pp. 118-20.

⁸⁵ Idem.

⁸⁶ Shankel, op. cit., p. 105.

⁸⁷ Ibid., p. 106.

the province intended that the twenty-acre standard would apply only to future Indian holdings.⁸⁸ These tactics were, of course, designed to delay the actual process of title transfer as long as possible, and they succeeded. Powell was unable to lay out any reserves during the 1874 season. The provincial government thus averted unrest among its White land-owning electors.

In an attempt to settle this new disagreement, the two governments turned to William Duncan, the widely known C.M.S. missionary at Metlakatla. He suggested a four-point approach to the land problem: no fixed acreage should be settled upon as the standard for all reserves, but each tribe should be dealt with individually in the light of its own particular claims by representatives of both governments. Finally, when population decreases caused the reduction of reserves, such parcels of land should revert to provincial jurisdiction.⁸⁹ Duncan's findings were significant. While they were not accepted by either government in their entirety, the provincial administration eagerly seized on two points, the removal of fixed standards for plotting reserves and the reversion of discarded Indian land to itself. Astonishingly, the dominion agreed to these: the question of reversionary right was to plague relations between the two governments for forty years until the dominion successfully reasserted

⁸⁸ Ibid., p. 107.

⁸⁹ Ibid., p. 108.

its claim.

But appearances, once again, were deceiving. No sooner had accord been reached, when Ottawa began to have second thoughts. Specifically, federal authorities were concerned that while the twenty-acre standard might be successful among the coastal tribes who were dependent on the sea for their livelihood, it would not likely be adequate for the landlocked ranching tribes of the interior. Alerted by Powell's warnings, the dominion pressed for a larger land allowance for the interior tribes.⁹⁰ It received strong support in this more from missionaries and others who had worked with the Indians of the districts in question.⁹¹

Under steady dominion pressure during the winter of 1874-75, the British Columbia government finally had a committee of the legislative assembly on Indian affairs appointed to investigate and report fully on the problem.⁹² It appeared that some progress in resolving the impasse might finally be made. But Premier Walkem and Robert Beaven soon proved the mistaken nature of such hopes. Both were members of the six-man committee and both repeatedly stayed away from meetings. When a final report, unfavourable to British Columbia, was prepared, through the skilful misuse of parliamentary procedures

⁹⁰ Ibid., p. 109.

⁹¹ Notably C. J. Grandidier.

⁹² PAC, RG10, BS 4825.

they prevented it from reaching the floor of the assembly.⁹³ On April 20, 1875, the report was referred back to the committee without having been heard.⁹⁴ British Columbia had clearly regarded the whole business as a piece of window-dressing.

This piece of blatant political trickery roused the ire of both the dominion and the Colonial Office:⁹⁵

It appears that these British Columbians who have been delighting their hearts of late with making charges which they could not sustain, of faith and promise breaking against the Dominion Government, have been now for some time openly and shamefully violating their own treaties with the native tribes, bringing scandal on the Queen's rule and name, and doing irreparable damage to the best cause that man ever espoused. . . . It cannot be tolerated that a single province should have in its power to deprive the Dominion of its character for good faith or to reduce the English name and rule to the level in the regard of Republican filibusterers.⁹⁶

In the face of such attacks, the resourceful provincial politicians reverted to a previously rejected idea in order to give the appearance of generosity to the Indians while actually keeping as much land for white settlement as possible. They now asked the dominion to make a completely new beginning regarding reserve policy, surrendering all the old reserves and replacing them with new,

⁹³ Ibid. Clipping from Victoria Daily British Colonist, May 9, 1875.

⁹⁴ Idem.

⁹⁵ Shankel, op. cit., pp. 116-17.

⁹⁶ Victoria Daily British Colonist, June 3, 1875.

larger ones.⁹⁷ In short, the province was now supporting the idea of large, compact reserves which Trutch had rejected. There was ample motive for this seeming inconsistency. Many of the small reserves were situated in the heart of fertile countryside and had developed into active farming operations. The province wanted to move the Indian population out of these areas in order to open them for White settlement. The whole process amounted to an exchange of rich agricultural land which would be used to benefit Whites in return for wild remote holdings upon which the Indians were expected to live. As G. E. Shankel has remarked, the province used legitimate points in unfair ways in an attempt to achieve illegitimate ends.⁹⁸

Instead of acceding to this provincial demand, the dominion came forth with a counter-proposal of its own. On November 5, 1875, Acting Minister of the Interior R. W. Scott proposed that a joint commission of three members be formed to study and act upon the British Columbia reserve problem.⁹⁹ Both parties to the dispute would appoint one member each, the third commissioner being a joint appointment. On January 8, 1876, the British Columbia government, doubtless thinking that it could control two of the commissioners, agreed to this proposal.¹⁰⁰ Early in May,

⁹⁷ Shankel, op. cit., p. 120.

⁹⁸ Ibid., p. 121.

⁹⁹ SP, 1876, No. 9. Appendix F.

¹⁰⁰ Shankel, op. cit., p. 122.

Alexander C. Anderson of North Saanich, British Columbia, was selected by the dominion as its representative.¹⁰¹ Characteristically, the province delayed making its nominations until August when it selected Archibald McKinley of Lac la Hache as its commissioner and nominated G. M. Sproat of Victoria as joint commissioner.¹⁰² The dominion accepted Sproat's nomination on August 15 and issued the necessary commissions eight days later.¹⁰³ On August 25, the commissioners held their first meeting.¹⁰⁴

The terms by which the joint commission functioned were based on William Duncan's four proposals. No set acreage was to be surrendered, each Indian nation's needs and claims being judged separately. Most importantly, the province retained a revisionary right to surplus Indian lands. The dominion government has been severely criticized for allowing these terms to stand.¹⁰⁵ The dominion was in a position of strength, the argument runs, and should not have surrendered to terms so favourable to the province. There is some justice in these statements. Nonetheless, the dominion showed itself consistent in one important respect. Throughout the dispute it had wanted a speedy settlement so that Indian frustration might be

¹⁰¹ SP, 1877, No. 11. Introduction.

¹⁰² Idem.

¹⁰³ Idem.

¹⁰⁴ Shankel, op. cit., p. 126.

¹⁰⁵ Ibid., pp. 123-24.

relieved; its action in accepting the commission's terms of reference was the result of that attitude. The dominion's motives throughout stood in marked contrast to those of the province, which was guided only by White self-interest.

While the joint commission was being established, the dominion moved to end the administrative hiatus which had existed since the failure of the Indian board of 1874. On February 1, 1876, British Columbia was divided into two superintendencies, Dr. P. W. Powell being responsible for that of Victoria and stationed at the capital, and J. Lenihan for the Fraser division, at New Westminster.¹⁰⁶

While this new arrangement resembled the Canadian administrative system, it did not completely follow that pattern. The superintendents, having very few subordinates, were almost completely responsible for their areas themselves; they resembled most closely the old resident superintendents of Canada West in the early 1840's. Nor were their jurisdictions very clear, especially with respect to the joint commission which reported its findings directly to the two governments. This led to overlapping sets of authority which were sometimes confusing. Even the application of the Indian Act of 1876 in British Columbia was modified to accommodate the powers of the joint

¹⁰⁶ PAC, RG10, BS 5506.

commission.¹⁰⁷

These were not the only difficulties faced by the joint commission in its first few months. Governor-General Lord Dufferin, while in the course of a tour of the province, delivered an independent, highly publicized speech at Victoria on September 20, 1876, which was extremely critical of British Columbia's attitude towards its Indian population.¹⁰⁸ The provincial government was angered and alarmed while Ottawa was unhappy at the governor-general's ill-timed remarks. Three days later Joint Commissioner G. M. Sproat raised the issue of aboriginal land titles, arguing convincingly that a clear understanding of this principle was vital before any real progress could be made in the settlement of the Indian land question.¹⁰⁹ The appointment of David Mills, the Ontario legalist, as dominion minister of the interior later in the fall, caused the British Columbian officials even greater misgivings about the joint commission's eventual findings. Having agreed to its creation because they felt they could control it, now they attempted to stop its work once they foresaw it becoming too independent. The events of the autumn of 1876 convinced provincial

¹⁰⁷ SP, 1877, No. 11. Introduction.

¹⁰⁸ Shankel, op cit., pp. 129-30.

¹⁰⁹ Ibid., p. 131.

politicians that the initiative was passing from them in their struggle with the dominion. They were quite prepared to sabotage the joint commission rather than have it bring down decisions favourable to Ottawa's position.

V. The Work of the Joint Commission, 1876-1879

The joint commission began its work under conditions that were scarcely ideal. The government of British Columbia was hostile. The dominion authorities to whom the commission had to turn for advice were thousands of miles away and unfamiliar with the details of the Indian situation on the Pacific slope. The Indian Department had virtually suspended its operations in the province pending the findings of the commission.¹¹⁰ Finally, the Indians themselves were in a state of expectant unrest. They had heard of the generous settlements being made with the Plains tribes and were becoming disquieted at the continual frustration of their own dealings with White governments.¹¹¹ Smallpox had devastated their numbers, and the 1876 floods on the lower Fraser had made life more than usually difficult for many of them.¹¹² Their annual production of furs, fish oil, and cranberries had fallen by

¹¹⁰ SP, 1877, No. 11: Powell's report.

¹¹¹ Idem.

¹¹² SP, 1877, No. 11. Lenihan's report.

almost half that year.¹¹³ It was not surprising that advocates of confederate Indian action against the Whites should be heard ~~more sympathetically~~ than before, or that efforts of American tribes like the Nez Percés to resist White encroachment should be watched with increasing interest.¹¹⁴

Despite these sources of tension, the commission began its work in the fall of 1876. During the winter months, the mainland coast from Burrard Inlet to Jarvis Inlet was surveyed, as was the eastern coast of Vancouver Island southwards from Comox.¹¹⁵ Leasing a small steamer, the Leonora, at seventeen dollars per day, the commission proceeded to lay out reserves in various locations along the two coasts.¹¹⁶ By March, 1877, when this phase had been completed, it had found that much of its work consisted of restoring lands that had first been granted by Governor Douglas, then reduced by Governor Seymour. This had in its turn caused a great increase in the commission's expenses, for in many cases such restoration involved the buying out of White improvements. British Columbia was naturally not pleased by this development.

During the spring of 1877 in the southern part of

¹¹³ Ibid. Powell's report
¹¹⁴ SP, 1878; No. 10. Lenihan's report.
¹¹⁵ Ibid. - Report of joint commission.
¹¹⁶ Idem.

Vancouver Island reserves were agreed upon without serious incident.¹¹⁷ This was fortunate, as the Indian situation in the interior of the mainland showed signs of deteriorating into open violence. The Kamloops area Indians were particularly restless, and during June rumours of an impending anti-White rising in that region began to be noised abroad.¹¹⁸ The Shuswaps attempted to organize a meeting of representatives from all the tribes in the province at Lake Okanagan in July and this caused panic among the White population of the interior.¹¹⁹ Settlers had always reassured themselves in times of trouble by remembering the tremendous ethnic diversity among neighbouring Indians and their seeming incapacity to work together for a common cause. The Shuswaps' attempt to organize a pan-Indian conference had burdened the White mind with doubt; Whites could no longer fully believe their own myths about Indian political incapacity.

In the light of these potential troubles, the commissioners left Vancouver Island for the mainland on June 12, 1877.¹²⁰ During the summer months, they travelled over 2,000 miles on horseback, dealing primarily with Indians

117 Idem.

118 SP, 1878, No. 10. Lenihan's report.

119 Idem.

120 SP, 1878, No. 10. Report of joint commission.

in the most troubled areas.¹²¹ They quickly found that the rumours of a general Indian war in the southern interior had some substance and telegraphed the minister of the interior for immediate help.¹²² The Indian situation was grave in the entire area between Kamloops and the American border. American government agents were said to be at work capitalizing on Indian attempts to confederate in order to undermine Canadian authority. Seeing immediate action and absolute secrecy as urgent priorities, the commissioners asked Ottawa to send one hundred police secretly to Kamloops via Yellowhead Pass.¹²³ The near-panic of these findings was echoed by Justices of the Peace Tait and Mara who informed the commissioners that Indian leaders were in active contact with the Nez Percé and Spokane tribes in the United States, both of whom were at war with the American government.¹²⁴

This serious threat of an Indian uprising was averted largely because of the diligence of the joint commissioners without any extraordinary steps being needed by either government. Hastening to the centre of the troubled area, they were able to settle the grievances of several of the

121 Idem.

122 PAC, RG10, BS 1754:1. Mackinlay and Sproat to Mills, July 13, 1877.

123 Idem.

124 PAC, RG10, BS 1754:1. Tait and Mara to Commissioners, July 13, 1877.

tribes most involved in the agitation, leaving the remainder in greatly weakened political condition.¹²⁵ For this alone, the commission's existence had proved worthwhile.

But if the Indians were pacified, white politicians were not. As early as February, 1877, British Columbia had objected that the commission was badly organized and that its expenses were far too high.¹²⁶ The province had suggested that the commission work only in areas where Indian grievances were most urgent and that it be dissolved as soon as practicable. It was felt that local agents could then finish the task of allocating reserves in their respective areas.¹²⁷ The province's tone became more frantic when it later suggested that the commission's operations be suspended for 1877 and that county court judges be assigned the task of reserve allocation.¹²⁸ The province informed its commissioner, Archibald McKinley, not to begin work in the spring of 1877 until these prospective changes had been sorted out.¹²⁹

The dominion's reaction to this provincial demand was mixed. When the first complaint was sent from Victoria, early in 1877, the federal government went so far as to

¹²⁵ PAC, RG10, BS 1353. Sprout's report.

¹²⁶ Shankel, op. cit., p. 132.

¹²⁷ Idem.

¹²⁸ Ibid., p. 133.

¹²⁹ Idem.

pass an order-in-council dissolving the commission, but it was not issued for a year.¹³⁰ Interior Minister David Mills rejected the use of county judges and, indeed, began to move away from the original terms under which the commission had been established, to assume a position very close to that of Ottawa when British Columbia had first joined confederation, suggesting a certain minimum acreage per capita as the basis of any reserve settlement.¹³¹ In a scathing letter to Sproat, Premier A. C. Elliott of British Columbia denounced Mills' interference as the action of a man who was thousands of miles away and knew nothing of the actual situation. Claiming that Mills, and by implication Ottawa, had undermined the commission's work, Elliott concluded that Indians were better off in British Columbia than anywhere else.¹³²

This outburst was followed by a second provincial request to dissolve the commission, something to which the dominion was entirely opposed.¹³³ Ottawa proposed instead that G. M. Sproat become sole joint commissioner and that his action be accepted as final by both governments.¹³⁴ The province agreed, since the cost of Sproat's activities

¹³⁰ Ibid., p. 132.

¹³¹ Ibid., p. 134.

¹³² Idem. PAC, RG10, BS 1353. Elliott to Sproat, September 27, 1877.

¹³³ Shankel, op. cit., pp. 134-35.

¹³⁴ Ibid., p. 135. PAC, RG10, BS 18,019. F. G. Vernon's memorandum of December, 1879.

would be borne by the dominion but added the rider that its commissioner of lands and works should have the right of approval.¹³⁵ In the event of disagreement, a justice of the British Columbia Supreme Court would act as referee, his expenses being divided equally between the two governments.¹³⁶ The order-in-council of February, 1877, was revised and reissued on March 8, 1878, making G. M. Sproat sole joint commissioner for British Columbia Indian lands.¹³⁷

The antics of the province had resulted in a great reduction of the commission's capacity, but this would have happened even if the "troika" arrangement had been retained, for bad feeling among the commissioners had become obvious during the summer of 1877. The new arrangement would tax Sproat's powers to the utmost, but he would not have to contend with the arguments of his colleagues. McKinley, in his capacity as provincial commissioner, had been especially troublesome after being told not to embark on any new work in the spring of 1877. When the commission was involved that summer in the delicate negotiation with the interior tribesmen, McKinley had communicated freely with local Whites before final

¹³⁵ SP, 1879, No. 7. Introduction. Shankel, op. cit. p. 136. Vernon, op. cit.

¹³⁶ SP, 1879, No. 7. Introduction.

¹³⁷ Idem.

agreement had been reached. Such behaviour smacked of collusion, and did nothing to convince the Indians of the commission's impartiality. Sproat peremptorily ordered McKinley to cease such behaviour;¹³⁸ the bad feeling thus engendered produced a lengthy series of charges and counter-charges during the autumn of 1877.¹³⁹

Shortly before his retirement, McKinley overcame his personal animosity towards Sproat to make several worthwhile suggestions regarding the reserve commission's future work. Unless surveyors and Indian agents quickly followed up the commission's findings, the value of its work would be lost. Secondly, the commission should be confined strictly to land matters, as dealing with other aspects of Indian affairs only led to overwork and conflict with the employees of the Indian Department.¹⁴⁰ These were sound proposals which the dominion was to follow two years later.

Sproat, however, found it difficult to divorce the land position from other aspects of the Indian question. While arguing that the attempt to organize the Indian Department in British Columbia had been 'premature' because the question of land title had not been settled,

¹³⁸ PAC, RG10, BS 1353. Sproat to McKinley, September 21, 1877.

¹³⁹ Ibid. Sproat's submission of November 1, 1877.

¹⁴⁰ Shankel, op. cit., p. 135.

he made a wide range of suggestions covering various aspects of the Department's role.¹⁴¹ Castigating what he termed 'hit and miss' policies, Sproat made several recommendations for administrative reorganization, including the abolition of the dual superintendencies in favour of a single head supported by an officer who would be in sole charge of Department funds. The practice of dispensing Indian gifts should be abolished, except for granting agricultural implements and tools to tribes which needed them. Provincial headquarters should be located at Hope, a suggestion supported by Edgar Dewdney, the Yale M.P. who shortly afterwards became Indian commissioner in the North-West Territories. From that location, Sproat suggested that the Indian population could be managed by five sub-agents who would report directly to the Indian superintendent and who might themselves be Indians. The object of the whole scheme was to encourage the Indians to manage their own affairs; to this end, Sproat wanted them to contribute to their medical and educational costs, though both endeavours would also be bolstered by government grants-in-aid. Sproat's scheme resembled the policy endorsed by the dominion since 1871, the implementation in British Columbia of the Ontario pattern of Indian administration.

¹⁴¹ PAC, RG10, BS 10,898. Sproat's report of December 15, 1878.

In many ways these proposals were vague. Sproat had suggested that reserves should be surveyed, but not by regular surveyors, leaving the specifics of the task to unnamed appointees. In matters of health, he stressed the importance of a vaccination program, but again offered no concrete proposal for implementing the idea, contenting himself with the statement; "Get all the people vaccinated somehow." These last suggestions served no other purpose than to rouse the ire of that long-suffering civil servant, Dr. I. W. Powell. They were too vague to be of very practical use, and they overlooked Powell's own medical work among the coastal Indians during the previous six years. Since his appointment Powell had been continually frustrated, first by the dilatory tactics of the provincial government, then by the administrative limbo to which he had been consigned after the failure of the Indian board of 1874 and the establishment of the reserve commission two years later. Sproat's implicit criticism must have been a bitter pill indeed.

Relations among the reserve commission, the Indian superintendents, and the provincial government deteriorated rapidly during Sproat's two years in office. A man of wide knowledge and of no mean intelligence, Sproat was constantly making suggestions which met the disapproval of one or both of these other parties. Finding the task of visiting all the Indians of the interior too great, Sproat

arranged for the Indians to come to him. This meeting, arranged at Lytton in the late summer of 1879, aroused tremendous fear in the White community. Mindful of the Indians' own attempt to confederate two years before, leading citizens of the province denounced Sproat's scheme. One petition accused him of trying to organize the interior tribes politically.¹⁴² Using terms such as "savages" and "uncivilized aborigines," the petitioners asked the provincial government to ensure the safety of the White population. The frantic tone of this document is somewhat surprising when the names of some of the signers are taken into consideration: William Duncan, the noted missionary, Anderson and McKinley, the former reserve commissioners, and Dr. W. F. Tolmie, were not at all representative of the more vigorous type of racial zealot that sometimes flourished in the Pacific province.

For Dr. Powell, the occasion was a great opportunity to vent the rage which Sproat had earlier aroused. In a letter to the superintendent-general of Indian affairs, he agreed with local criticism of the reserve commissioner's actions.¹⁴³ Pointing out that many of the province's leading experts on Indians had opposed the Lytton scheme, Powell emphasized the matter of safety for settlers in the

¹⁴² PAC, RG10, BS 10,691. Petition of A. C. Anderson and others to G. A. Walkem, September 25, 1879.

¹⁴³ Ibid. Powell to Vankoughnet, September 29, 1879.

interior, and also criticized Sproat for not consulting sufficiently with him while moving from tribe to tribe. The reserve commissioner had apparently made a trip to the Indians of the north-west coast area without mentioning his plans to the Indian superintendent.¹⁴⁴ This lack of protocol, which was typical of Sproat's behaviour, may well have been the real reason for Powell's anger. In any case, the good doctor had his revenge: Deputy Superintendent-General Lawrence Vankoughnet officially reprimanded Sproat for his action,¹⁴⁵ and the prime minister wrote to Powell supporting his criticism.¹⁴⁶

For his part, Sproat replied spiritedly to these charges, denying them completely. The Lytton meeting had simply been a convenient way of dealing quickly with a large number of claims, rather than an attempt to form a pan-Indian alliance in British Columbia.¹⁴⁷ Such ridiculous charges only proved the extent to which race prejudice had blinded British Columbians to Indian realities. Using phraseology that resembled that of the mid-twentieth century, the reserve commissioner charged that the entire history of Indian relations in the province since the time

¹⁴⁴ Idem.

¹⁴⁵ Idem. Vankoughnet's pencilled notation.

¹⁴⁶ PAC, RG10, BS 10,691. Macdonald to Powell, November 20, 1879.

¹⁴⁷ Ibid. Sproat to Vankoughnet, November 10, 1879.

of Sir James Douglas had been marred by racial prejudice.¹⁴⁸ Sproat's pique was understandable because of the frustration of his official position. He became even more angry when an Anglican missionary, the Reverend J. B. Good, who had worked for fourteen years among the interior tribes, assumed responsibility for the Lytton meeting.¹⁴⁹

It was quite clear that British Columbians had overreacted to the Lytton meeting out of fear of the Indians, or out of personal animosity towards Sproat. But, mistaken or not, the ill-feeling that had been engendered made settlement of the Indian land question almost impossible. During 1879, the Indian Department abolished its two British Columbia superintendencies in favour of a system of local agents under a visiting superintendent stationed at Victoria.¹⁵⁰ It also clarified the relationship between the superintendent and the reserve commissioner, by making the latter subordinate to the former.¹⁵¹ Since Dr. Powell was appointed the visiting superintendent, Sproat's position was rendered virtually untenable owing to the bad feeling between the two men. He resigned as reserve commissioner in March, 1880.¹⁵²

¹⁴⁸ Idem.

¹⁴⁹ PAC, RG10, BS 10,691. Good's letter of November, 1879.

¹⁵⁰ SP, 1880, No. 4. Introduction.

¹⁵¹ Idem.

¹⁵² Shankel, op. cit., p. 141.

Sproat was a difficult person to work with because of his great confidence in his intellectual powers. His outspoken criticisms of those who disagreed with him made the commission the centre of the stormy debate on British Columbia Indian policy. Despite this lack of tact, his tenure as commissioner was valuable both for the point of view he brought to his work, and the energy with which he accomplished his assigned tasks. Sproat's views on the Indians possess a modern ring, for he was convinced that the basic problem in the province was one of racial prejudice. When a violent Indian outbreak threatened in the late summer of 1879 on the north-west coast, Dr. Powell despatched a gunboat to quell it. Sproat protested volubly against such a course, claiming that the Indian Department's success in the past had been built on the process of peaceful negotiation and that only a schooner should be sent to the scene of the trouble, if the Department wished to maintain its reputation among the coastal tribes.¹⁵³ This stand was ridiculed by those who favoured the use of force.¹⁵⁴

Towards the end of his official tenure, Sproat summed up the frustration of his position in a letter to

¹⁵³ PAC, RG10, BS 15,927. Sproat to superintendent-general, September, 1879.

¹⁵⁴ Ibid. Powell to Vankoughnet, September, 1879.

Ottawa.¹⁵⁵ He demonstrated how well behaved he had found the Indians and suggested that the provincial government should treat them with more respect since they formed a majority of the province's population and contributed substantially to its economy.¹⁵⁶ Instead, they had been ignored and oppressed. White squatters had been told by their lawyers to retain possession of their holdings by force if necessary. The provincial government ignored Indian matters upon which it had to decide for as much as nineteen months at a time:

after two years and a half of this Reserve Commission work . . . the indifference and inaction of the Provincial Government are great difficulties in the way: . . . They will simply do nothing, but opposed a passive resistance. One government is the same as another: They all are manifestly influenced (I dare say unconsciously) by deep race prejudice . . . prompt attention is given to any letter of a white settler but letter after letter . . . on Indian matters of great importance are [sic] left for indefinite periods without answer or even acknowledgment. Officials neither say what they will do or will not do. . . .¹⁵⁷

Sproat's disillusionment was so complete that it extended to the entire White population. "I begin to think that people here believe that Indians have no rights and that they cannot acquire them."¹⁵⁸

¹⁵⁵ PAC, RG10, BS 10,769. Sproat to superintendent-general, November 26, 1878.

¹⁵⁶ This was reiterated by Penihan in his report of November 27, 1877.

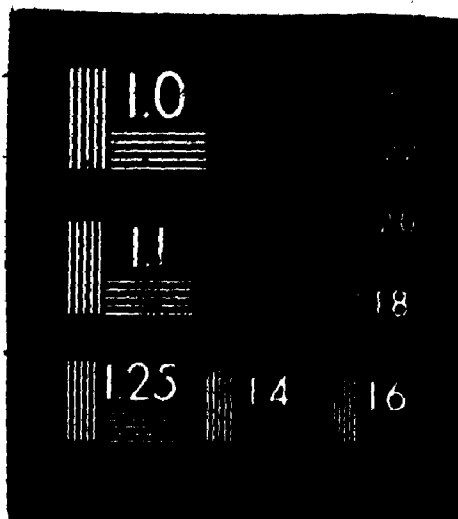
¹⁵⁷ PAC, RG10, BS 10,769. Sproat to superintendent-general, November 26, 1878.

¹⁵⁸ Idem.

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In the face of such attitudes, Sproat accomplished a good deal of work. By the time of his resignation, reserves had been laid out for some distance from Lytton along both the Fraser and Thompson Rivers.¹⁵⁹ The entire southern portion of the mainland except the Rock Creek and Kootenay regions had been similarly surveyed.¹⁶⁰ Yet much remained to be done. The provincial government as late as 1879 had not officially conveyed the titles of lands surveyed to the dominion so the Indians might in turn receive them.¹⁶¹ In the absence of legal authority, the province, to prevent the implementation of a just Indian land policy which it regarded as excessively costly, resorted to the official procrastination of which Sproat complained.

VI. Indian Education in British Columbia

In British Columbia, as in eastern Canada, the key to 'civilizing' the Indian population was the establishment of an Indian school system. "It is manifest," wrote Superintendent Powell in 1877, "that barbarism can only be cured by education. . . ."¹⁶² His hopes regarding the

¹⁵⁹ PAC, RG10, BS 1353. Sproat's report of July 10, 1880.

¹⁶⁰ Idem.

¹⁶¹ PAC, RG10, BS 18,019. F. G. Vernon's memorandum of December, 1879.

¹⁶² SP, 1877, No. 11. Powell's report.

Indian Department. Many of the locations in question showed good prospects for development as mining sites: Vankoughnet felt that the benefits to the Indians of such development would equal those of Powell's proposal.

British Columbia's mining regulations restricted each mine owner to 480 acres of land, which he thought adequate to protect Indian lands against wholesale White intrusion. Vankoughnet, however, also proposed that the Department allow Indian lands to be rented, each lease lasting a maximum of twenty-one years, and being renewable only on terms laid down by federal authorities.³¹

These suggestions made good sense only from the head office's point of view. Designed to save the Department money and to consolidate its west coast operations, they were not adequate answers to the controversy regarding the use and misuse of Indian lands. Vankoughnet's priorities had become mixed: in his mind, the Indians were not to be served by the Department until they had conformed to the government's administrative machinery. This desire for efficient administration was understandable in the mind of a long-term civil servant, but its effects on the Indians of British Columbia were unfortunate.

31 Idem.

schools' impact as harbingers of White values. Recruiting teachers was always difficult, and finances were a perennial problem. Indian schools remained marginal institutions, academically and fiscally.

Dominion authorities attempted to dispense some financial relief, but it was not sufficiently generous to be really effective. Schools with a minimum population of 30 students were eligible for an annual grant of three hundred dollars, though the government was prepared to support no more than seven schools in this way.¹⁶⁴ In addition, the Metlakatla school received five hundred dollars annually. By 1875, eight schools with a total student population of 640 were operating in British Columbia.¹⁶⁵ Only Ontario, with approximately 1,000 more pupils, had a larger Indian educational system.

The uncertainty and inadequacy of these efforts was readily apparent. Three mission schools were forced to close their doors in 1876 because they could not bring their attendance up to the minimum standard to qualify for government grants. The Wesleyan school at Nanaimo closed the following year. By the end of the decade, ten schools were operating, though their combined student population was only slightly more than 600, virtually unchanged from

¹⁶⁴ SP, 1875, No. 7.

¹⁶⁵ Ibid., return 'H.'

ten years earlier.¹⁶⁶ The industrial schools at Metlakatla and St. Mary's remained the only truly successful Indian schools in the province.

Superintendent Powell pleaded constantly for the establishment of more such schools and for more funds, but to no avail. The political difficulties between the provincial and federal governments, the unwillingness of the Mackenzie administration to spend large sums and the economic uncertainty of the times combined to frustrate Powell's hopes. Without increased funding, Indian education in British Columbia remained haphazard and ineffective. In the absence of educational initiatives the Indian population of the province remained caught between the anvil of ancient ways that were increasingly irrelevant, and the hammer of new and foreign ways they could not fully comprehend.

Despite the province's claims to the contrary, British Columbia's attitude towards its Indians was cynical and its policy was repressive. It retained Douglas' ideal of Indian self-help but vitiated the means of realizing it. Dominion officials had unwittingly abetted the province after 1871 by their naive acceptance of its protestations of a generous Indian policy and by

¹⁶⁶ SP, 1880, No. 4.

their ignorance of actual conditions on the coast. A decade passed before Canadian Indian policy and administration were properly introduced, and over half a century before settlement of the Indian land question occurred--if indeed it has been completed.

Successful Indian policy depended on a quick and just settlement of Indian land title, the establishment of reserves sufficiently large to ensure a viable Indian economy, and instruction in skills and attitudes necessary to help the Indian survive in White society, as well as strict government supervision of initial White-Indian contacts. In British Columbia none of these conditions prevailed. What emerged there instead of traditional Canadian Indian policy was one which resembled that of the western United States.

CHAPTER XIII

BRITISH COLUMBIA 1880-1890

I. Administrative Changes

As the 1870's came to an end, the conduct of Indian affairs in British Columbia began to undergo several changes. Over the decade, the dominion had become increasingly familiar with the realities of the Indian situation on the west coast, and the naive blunders which had characterized its early activities there had become a "thing" of the past. Ottawa retained few illusions regarding Victoria. Then too, the entire economic and political situation had changed. Good times had banished the depression and Macdonald had replaced Mackenzie. The time was ripe for improvements in the administration of Indian affairs.

The Conservative government had been in office little more than a year when it introduced a system of agents similar to that of Ontario. Administratively, the two former superintendencies were abolished and replaced by a single office located at Victoria.¹ The new appointees were to be literate, intelligent, honest men, who were physically capable of covering long distances on mountain trails while cooking for themselves and maintaining their horses and equipment. They had to understand the process of vaccination and be able to dispense medicines. Finally, they had to be fluent in at least one Indian

¹ PAC, RG10, BS 17,514:1. Vankoughnet to Powell, December 30, 1878.

language and be able to gain the full confidence of the Indians to whom they were sent.² Ottawa was clearly trying to prevent inept political appointees like James Lenihan from entering the Indian Department. Political appointments would doubtless be made, but only if most of these criteria were met as well.

The duties of these men were arduous. They were to suppress the illicit traffic in liquor among the Indians, and to abolish the "foolish, wasteful and demoralizing" custom of potlatching.³ The system of present-giving to the tribesmen was to be done away with entirely. Only those in need were to be given relief: the able-bodied were to receive nothing. Even agricultural implements were to be loaned where needed, instead of being given as presents.⁴ Indian agents would not handle any funds, as there were no treaty payments in British Columbia. They were to work solely on behalf of the Indians of their respective agencies.⁵

In many respects these new policies were admirable; they expressed concern for Indians as people and stressed the importance of the relations between them and their agents. But the prime reason for their creation was not disinterested humanitarianism. By making local agents responsible for a wide variety of tasks, by consolidating

² Idem.

⁴ Idem.

³ Idem.

⁵ Idem.

administrative procedures and by cancelling the issue of presents, the government would be saved a great deal of money. Lawrence Vankoughnet even ordered that reserves should in future be subdivided by the Indians themselves, thus reducing the costs of surveying to those involved in the location of external boundaries.⁶

The Department's new agents were selected with both political and professional care. Joseph Trutch, who in late 1880 was acting as the confidential agent of the dominion government in British Columbia, suggested that appointments be deferred until the spring of 1881 in order to save expenditure on salaries.⁷ This idea met with the approval of the cost-conscious Macdonald government. From the list of names prepared by Powell, the prime minister selected nine possibilities,⁸ keeping in mind the request of Bishop d'Herbomez that Roman Catholic Indian agents be chosen for bands of that faith,⁹ and the pressure of the provincial government on behalf of men it favoured. The province's case was not helped by over-zealous politicians who recommended men about whom they knew nothing. George Walkem recommended one individual whom he could not even

⁶ Idem.

⁷ PAC, RG10, BS 17,514:2. Trutch to Macdonald, November 20, 1880.

⁸ Idem.

⁹ Ibid. d'Herbomez to McPherson, June 29, 1881.

name or locate precisely. Macdonald, on the advice of Lawrence Vankoughnet, wisely refused his endorsement.¹⁰

In March, 1881, six agencies were established in the province, including three on Vancouver Island. Of the latter, Cowichan was placed under William Stewart of Nanaimo, the west coast under George Blenkinsop of Victoria, and the Kwah-Kewlth agency under W. H. Lomas of Cowichan.¹¹ The mainland agencies included that of the Fraser River under P. McTiernan of Victoria, Kamloops under Henry Cornwall of Ashcroft, and Okanagan under A. E. Howse of Nicola.¹² Salaries ranged between \$1,000 and \$1,250 per year. The reserves in the vicinity of Victoria were placed under Visiting Superintendent Powell, but provision was made for the creation of new agencies as the need arose.¹³ The new appointees were competent men, though political considerations played a significant part in their selection, notably in the case of Henry Cornwall, the brother of Clement F. Cornwall, an influential politician who became a senator and lieutenant-governor of the province.¹⁴ Not all of them were happy with their post-

¹⁰ PAC, MacP, 293. Vankoughnet to Macdonald, December 22, 1881, enclosing G. A. Walkem to Macdonald, December 9, 1881.

¹¹ PAC, RG10, BS 17,514:1. Memo to Privy Council, March 26, 1881.

¹² Idem.

¹³ Idem.

¹⁴ PAC, RG10, BS 17,514:2. Powell to Vankoughnet, June 20, 1880.

ings. By mid-1882, Stewart had resigned, while Lomas and Blenkinsop and a newcomer, Harry Guillod, had shuffled positions.¹⁵

This long delay in reorganizing the Indian Department in British Columbia caused difficulties. Veteran administrators like Powell refused to act with vigour until they knew precisely what policies they were to enforce, who their subordinates were to be, and how much money they were to have at their disposal. Joseph Trutch noted in mid-1880 that nothing was being done save office work. Some small survey parties had been sent out, and Dr. Powell had made a three-day trip along the coast of the mainland that year, but Trutch regarded this as highly unsatisfactory.¹⁶ These views were not surprising, given the situation, but that Trutch should be the one to express them most forcefully was unusual. His own performance in Indian administration was far from vigorous, a fact which largely nullified the impact of his remark that the Department needed "more life and earnestness."¹⁷ It was small wonder that Dr. Powell maintained his Victoria medical practice. Until concrete reforms were undertaken, he could do little in his capacity as visiting superintendent.

¹⁵ Ibid. Trutch to Macdonald, November 20, 1880.

¹⁶ Ibid. Trutch to Macdonald, July 6, 1880.

¹⁷ Idem.

II. The Land Question

The establishment of agencies had been the first step in rendering the Indian Department effective: Macdonald was aware that more needed to be done. The prime minister's greatest need was for accurate information. Trutch's impartiality was questionable, and more sources were needed in any case. In the summer of 1883, the prime minister utilized a western trip by the federal minister of justice, Alexander Campbell, to gain firsthand information about the Indian situation in the Pacific province. Campbell's report was extremely optimistic about the future of its Indian peoples, and at the same time highly critical of the Indian Department. Feeling that British Columbia Indians could readily take care of themselves, Campbell saw "no reason for their being in tutelage."¹⁸ The only need that demanded government attention was the protection of certain reserves against the encroachment of rapacious Whites.¹⁹ Indian agents were of little use: Campbell felt their tasks could be handled adequately by two or three magistrates.²⁰ He was not impressed with the calibre of the Department's employees, describing Dr. Powell as "an inert, querulous, unsatisfactory sort of man" who was "of no great account."²¹ Indian schooling in

¹⁸ PAC, RG10, BS 9916. Campbell to Macdonald, August 22, 1883.

¹⁹ Idem.

²⁰ Idem.

²¹ Idem.

the province appeared to have suffered from a surfeit of missionary supervision which should be reduced as quickly as possible. Campbell thought that such academic institutions should be replaced by industrial schools, of which there were only two in the area.²²

Campbell's report was dangerously misleading. It was true that British Columbia Indians were economically more self-sufficient than their prairie counterparts, but this happy state was neither general nor the result of enlightened Indian policy. The coastal bands had shown themselves highly adaptable in finding places in White industries such as fish canneries and timber operations. In addition, markets were readily available for the whale oil, cranberries and furs which they obtained in their own time-honoured ways. This prosperity did not mean, as Campbell thought, that all the tribesmen were content. They were deeply concerned about the gradual erosion of their traditions. The tribes of the interior, who were not as economically secure as their coastal cousins, suffered greatly because of the lack of an effective reserve policy and of protection for their tribal landholdings.

There were several reasons for this difference. The coastal tribes were obviously not wholly dependent on their lands for their livelihood: the interior tribes

²² Idem.

were. The latter were more vulnerable to the establishment of land-hungry White communities, especially in the rich valleys of the southern interior. Here White trespassing was at its worst. Indian burial grounds were desecrated and turned into farmland. Boundary lines previously agreed upon were ignored, and wooden markers were unhesitatingly destroyed. Lands which had been reserved for Indian use by Commissioner G. M. Sproat in the late 1870's were sold by the federal Dominion Lands Branch to White buyers.²³ This misconduct was not a conscious attempt on the part of the government to defraud the Indians. It was the result, instead, of a lack of communication between government departments and the absence of accurate maps. In addition, in certain areas Sproat had set up what he termed 'temporary reserves' pending permanent settlement, and the lack of legal status for these areas only further complicated matters. That White settlers were all too willing to profit from this confusion was abundantly clear. It was not in their interest to have large sections of arable land alienated to Indian use. Bitter local disputes often broke out over the ownership of particularly desirable parcels, one such being the argument between a certain Williams and the Little Shuswap Indians over a sixty-acre meadow.²⁴

²³ PAC, RG10, BS 39,675 contains many examples.

²⁴ Ibid.

To its credit, the local Indian office attempted a vigorous defence of Indian lands, but was largely frustrated by federal uncertainty and inaction. In 1879, the greater portion of lands which had been reserved at Osoyoos for Indian use was sold to J. C. Haynes, who was conscious of the potential illegality of the sale. The provincial government, which had permitted the sale and needed the political support of the White community, did nothing. Dr. Powell pressed for a test case, but close scrutiny of the situation demonstrated that Haynes' possession was valid in law because of the carelessness of the original Indian land commission.²⁵ A similar case at Eagle Pass in 1884 brought similar results, again owing to the vague descriptions of the property given by the land commission.²⁶ Other cases at Keremeos and Okanagan Lake demonstrated the culpability of the provincial government: in each of these areas it had knowingly sold the major portions of land originally reserved for Indian use.²⁷

The hostility of the province was not the only difficulty facing Powell. Peter O'Reilly, G. M. Sproat's successor as Indian reserve commissioner, had suffered a long illness during 1883-84, which had left him unable to engage in the field-work necessary to protect Indian lands

²⁵ PAC, RG10, BS 38,675:1.

²⁶ Idem.

²⁷ Idem.

effectively.²⁸ Hopes that he would soon be back at work were dashed when he suffered a serious accident and was unable to take to the field in 1885.²⁹ This meant that nothing was being done to delineate Indian land boundaries at the very time when the reserves were most threatened by alienation to Whites. Nor could the Indians obtain redress for their grievances in the absence of the land commissioner, for the local agents had no power to undertake surveys. Indian frustration over these abuses grew rapidly in the early 1880's, just as it did inside the Department.

Dr. Powell made several suggestions for solving the problems he saw arising, but on most occasions these met with official indifference. He was greatly concerned to find a long-term answer to the problem of Indian economic independence, and felt that the best hope for this lay in the proper use and sale of Indian land. Rather than simply selling surrendered lands for ten dollars per acre, as was current practice, Powell suggested payments based on a royalty system which would ensure long-term benefits to Indian communities.³⁰ This sound approach was rejected by the eternally cost-conscious administrative head of the

²⁸ SP, 1884, No. 4.

²⁹ SP, 1886, No. 4.

³⁰ PAC, MacP, 289. Vankoughnet to Macdonald, July 23, 1883.

Indian Department. Many of the locations in question showed good prospects for development as mining sites. Vankoughnet felt that the benefits to the Indians of such development would equal those of Powell's proposal. British Columbia's mining regulations restricted each mine owner to 480 acres of land, which he thought adequate to protect Indian lands against wholesale White intrusion. Vankoughnet, however, also proposed that the Department allow Indian lands to be rented, each lease lasting a maximum of twenty-one years, and being renewable only on terms laid down by federal authorities.³¹

These suggestions made good sense only from the head office's point of view. Designed to save the Department money and to consolidate its west coast operations, they were not adequate answers to the controversy regarding the use and misuse of Indian lands. Vankoughnet's priorities had become mixed: in his mind, the Indians were not to be served by the Department until they had conformed to the government's administrative machinery. This desire for efficient administration was understandable in the mind of a long-term civil servant, but its effects on the Indians of British Columbia were unfortunate.

³¹ Idem.

III. Indian Unrest

The slow development of the Indian Department's administrative apparatus in British Columbia was only one of the problems it faced there. As the 1880's passed, little light and much heat was generated regarding the nature of the Department's operations in the coastal province. Its Indians, who had previously displayed knowledgeability regarding both land values and the inadequacy of the treatment they were receiving from the government as compared with what the prairie tribesmen were receiving,³² began to display signs of impatience. The Chilcotin 'massacre' of the 1860's and the agitations of the late 1870's had given them some notion of what could be accomplished by 'direct action.' The White community had nearly panicked in 1877-78, and some Indian leaders felt that a repetition of such 'scare' tactics would force the provincial and federal authorities to bury their differences and arrive at a workable solution.

In the spring of 1881 some Kootenay Indians had severely beaten their resident Roman Catholic missionary, Father Joseph Fouquet. The authorities, sensing that the incident was symptomatic of deep-seated frustration with the entire White community--or perhaps out of Protestant bigotry--did not seek out the culprits. Indian feelings

³² Cumming and Mickenberg, op. cit., pp. 188 ff.

were considered dangerously high and the government had no wish to touch off an uprising. This failure to act roused the resentment of the district's White population. When Father Fouquet vainly attempted to obtain redress at the Victoria office, the New Westminster Dominion Pacific Herald painted a black picture of the future unless "justice were done." The editorial was appropriately entitled "Pandemonium."³³

Feelings between the Kootenays and their White neighbours remained tense for some time. The advent of the C.P.R. in the 1880's only added another cause of grievance. That some Kootenays did not favour modern methods of transport was shown when they murdered two employees of the railway, Hilton and Kemp, late in 1885.³⁴ In the course of his investigation of the affair, A. W. Vowell, the district agent, was appalled to find that many Kootenays were armed with rifles "of the latest equipment."³⁵ Fearing an uprising at any moment, he urged Superintendent Powell to take effective action as quickly as possible.³⁶ The superintendent refused to be unduly ruffled by this intelligence, however, and informed his minister that Vowell was a highly excitable individual who

³³ PAC, Dominion Pacific Herald, New Westminster, June 29, 1881.

³⁴ PAC, RG10, BS 22,673. A. W. Vowell to I. W. Powell, November 27, 1885.

³⁵ Idem.

³⁶ Idem.

was simply exaggerating the situation.³⁷

Other tribes displayed signs of irritation with land-grabbing by White settlers and the apparent apathy of White governments. "I have the honour to point out to you," wrote Robert Beaven to Superintendent Powell in December, 1883, "that certain Indians in Cowichan District have threatened to shoot a respectable settler, Mr. A. Dods, in consequence of his residing upon Section 2, Range 2, Cowichan District, and to suggest to you whether it would not be advisable to prevent a recurrence."³⁸

More serious was an incident which occurred the following year in the neighbouring state of Washington. An American mob, incited by the murder of a White man, hanged an Indian lad whom they presumed guilty of the crime. Their victim was an innocent visitor from Canada, whose death roused his people to seek revenge by crossing the international boundary to murder some Americans. Only with the greatest difficulty was their agent able to prevent them from following this course.³⁹

The White population of British Columbia was greatly concerned at the rising amount of Indian unrest, fearing as always, the danger of an Indian confederation and

³⁷ PAC, RG10, BS 22,673: Powell to superintendent-general, December 15, 1885.

³⁸ PAC, MacP, 289. Beaven to Powell, December 14, 1883.

³⁹ SP, 1885, No. 3. Powell's report.

general uprising. It had been a small comfort in the 1870's to realize that such dangers were generally confined to the tribes of the southern interior, where the White population was most concentrated and land disputes most frequent. As the 1880's opened and developed, even this relief was denied, for all was not well on the North-West coast or even at the model Indian community of Metlakatla.

IV. The North-West Coast and Metlakatla

Because of their environment and their isolation from the main centres of White settlement the coastal tribesmen had been better able to preserve their ancient ways than the interior bands. Fiercely proud of their traditions, prepared to resist any attempt at cultural interference, the Haida, Tsimpshean, Kwakiutl and others had long been known for their resolute stand against White domination. Only by 'gunboat diplomacy' had Britain been able to enforce her will upon them.⁴⁰ As the focus of White-Indian relations in the coast province turned inland during the 1870's, the tribes living along the coast north of Vancouver Island and on the Queen Charlotte Islands, found themselves largely ignored by White authorities. This state was happy enough while it lasted, but the new

⁴⁰ Gough, "The Power to Compel," deals with this problem.

decade saw its end. When real problems did arise in the area, the government was not prepared to deal with them;

Particularly acrimonious was the controversy surrounding the future of Matlakatla and its founder-missionary, William Duncan. During the late 1870's and early 1880's, his once-cordial relations with the bureaucracy of the Anglican church began to break down. The bitter division between the tractarian and the evangelical wings of Anglicanism which had begun earlier in the nineteenth century, reached British Columbia at the opening of the eighties. Duncan, always a zealous evangelical, was drawn into the vortex of the conflict. He had staunchly refused to teach his Indian converts sacramental doctrine, arguing this would only confuse them and bring about a return to ceremonial cannibalism which he had laboured for so long to end. Diocesan authorities felt otherwise. The upshot of the dispute was Duncan's estrangement from the local church hierarchy and the removal of the sponsorship by the Church Missionary Society (CMS), which had originally despatched him to North America. When the diocese attempted to exert authority in Metlakatla, and the Society tried to replace him and assume control over the property to which it held legal title, violence and destruction occurred. The primary loyalty of the majority of the Indians was to their missionary, and they were prepared to use violence against the forces which opposed

him.⁴¹

In December, 1882, the Indians loyal to Duncan ripped down the CMS store which stood on a two-acre plot of land belonging to the society, and rebuilt the structure on general reserve property. The store's supplies were removed as well.⁴² The CMS, determined to oust its former missionary, planned to turn the schoolhouse into a church where Duncan's successor could officiate. This would have meant the creation of two establishments, for Duncan refused to leave and his Indians continued to worship in the structure which they had built under his direction. However, the CMS halted its plans momentarily when the Indians threatened the schoolhouse with the same fate as had been suffered by the store.⁴³ [

The Indian Department did what it could to ease the tensions in the district. Superintendent Powell recommended that the CMS abandon the area so that tranquillity might return.⁴⁴ He rightly sensed that the society's

⁴¹ Usher, "William Duncan of Metlakatla," gives a detailed account of Duncan's career. See also her "Duncan of Metlakatla" in W. L. Morton, ed., The Shield of Achilles (Toronto: McClelland and Stewart, 1968), pp. 286-310.

Morris Zaslow, "The Missionary as Social Reformer: The Case of William Duncan" in Journal of the Canadian Church Historical Society, VIII (1966), 52-69, presents a very attractive picture of Duncan and his work in the earlier period.

⁴² SP, 1884, No. 4. Report on Matlakatla.

⁴³ Ibid.

⁴⁴ Ibid.

efforts would be in vain so long as the bulk of the Indian population remained loyal to Duncan. In the summer of 1883, the Department attempted to strengthen its position in the area by appointing an agent for the North-West Coast. Superintendent Powell hoped to accompany the newly-appointed Agent McKay to Metlakatla to ensure his peaceful reception so that the dispute might be settled quickly through the latter's good offices.⁴⁵

The superintendent's hopes were premature. Indeed, tension had become so great at Metlakatla at this point that the government considered the use of armed force to quiet the situation. No British ships were available and when Captain Hodder of the U.S. revenue cutter Oliver Wolcott volunteered his services they were gladly accepted. A commission of three, consisting of A. C. Anderson, the former land commissioner who was now a justice of the peace, Charles Todd, the superintendent of police at Victoria, and Indian Superintendent Powell, sailed to Metlakatla on the Wolcott. After some discussion, it was decided that the presence of Agent McKay should be sufficient to control the situation.⁴⁶ But the commission had seriously underestimated the depth of the rift between Duncan and church officials, or the extent of

⁴⁵ PAC, MacP, 289. Vankoughnet to Macdonald, October 21, 1883.

⁴⁶ SP, 1884, No. 4. Report on Metlakatla.

the Indians' loyalty to their preceptor.

This stalemate continued throughout 1884, neither side giving way while the dispute attained international notoriety. The government, confused as to what the best course of action might be, played a largely passive role. The prime minister in far-off Ottawa, seeing William Duncan as the central figure in the dispute, attempted to mollify him by offering the embattled missionary the Indian superintendency of the entire British Columbia coast,⁴⁷ the offer being contingent upon the settlement of the property dispute between Duncan's Indians and the CMS.⁴⁸ Macdonald's shrewd judgment of people seemed correct, as usual. Early in 1885, the deputy superintendent-general wrote to him, ". . . it would appear that [Duncan] is now . . . disposed to aid the Department in the management of the Indians on the North-West Coast."⁴⁹

Several things happened in 1885 and 1886 which dampened this promising initiative, however. The second Riel rebellion caused great unrest among the tribes of British Columbia, for they faced a set of difficulties similar to those of the Plains tribes. The growing threat of White pre-emption of Indian lands and the failure of

⁴⁷ PAC, MacP, 291. Vankoughnet to Macdonald, May 3, 1886.

⁴⁸ Ibid.

⁴⁹ PAC, MacP, 290. Vankoughnet to Macdonald, January 16, 1885.

the government to develop a clear-cut policy to protect Indian lands, had been undermining Indian-White relations in the coastal province for years. The events of the spring of 1885 in Saskatchewan determined many bands to press for their rights with renewed vigour. The Indians of Matlakatla began to insist that the two acres of land in their reserve that the CMS claimed, were their own property; in the wake of the new militancy any promise of amicable settlement disappeared.

The tremors arising from the Territories were felt also by the federal government, which hastened to overcome its previously neglectful posture towards western Indians. Survey crews appeared whose function was to map Indian lands accurately: it was thought that this action would allay some of the fears which had contributed to the rebellion. In Metlakatla, however, the appearance of surveyors only served to revive fears that the Indians would somehow be cheated out of their lands. These suspicions reached a peak in the summer of 1886, when Duncan was absent in London taking his problems before the Aborigines' Protection Society and the CMS. An uncautious surveyor, disregarding his instructions from the Indian Department, had attempted to explain the purpose of his visit to some Indians in the area but had only succeeded in giving them the impression that their rights would be sacrificed.⁵⁰

⁵⁰ PAC, MacP, 291. Vankoughnet memo of August 30, 1886.

The resulting uproar angered Lawrence Vankoughnet because the survey was expressly intended to prevent the type of unrest which in this case it had helped to cause.⁵¹

Following Duncan's return to his people, the Metlakatla situation was resolved by yet another solution opened by well-wishing Americans--the voluntary removal of the veteran missionary and his followers to Annette Island off the south-west coast of Alaska.⁵² This was American territory: Duncan had ended the controversy by leaving Canadian jurisdiction and establishing New Metlakatla where he hoped to reconstruct an ideal society free of unwarranted bureaucratic intrusions.

The Indian Department was relieved at this turn of events. The controversy surrounding Duncan had lasted the better part of a decade, defying the Department's efforts to settle it or even to quieten it. But the officials who felt such relief at the end of the Metlakatla affair were content with superficialities. Metlakatla had demonstrated the Department's incapability to control effectively relations between Indians, Whites, and other organizations concerned with Indian welfare. Despite the repeated efforts of some of its best men, the Department could claim no credit for the resolution of Duncan's differences with others of the Anglican communion. His

⁵¹ Idem.

⁵² SP, 1888, No. 15. Report on British Columbia.

removal to Alaska was probably his wisest course, since his relations within the church had deteriorated so much that he could have accomplished very little for 'his' Indians by remaining in the same ecclesiastical jurisdiction. But it was his own realization of the situation that caused him to move, not any efforts at persuasion through the good offices of the Indian Department. Officers of the Department might be pleased that Duncan was gone, but they could take little pride in their own part in the settlement of the dispute.

The removal of Duncan and his followers caused unrest among the tribesmen of the Port Simpson area over land policy. The old fears were reinforced by the vacuum resulting from the sundering of the Metlakatla community. Some tribesmen refused to allow surveyors entry into their traditional holdings, necessitating the despatch of HMS Cormorant to the area in 1887. Aboard the gunboat were a stipendiary magistrate, the Victoria chief of police, and a posse of constables. Eight Indian leaders were arrested, tried and imprisoned for their part in the episode. The prime minister blamed outsiders for inciting the Indians, and implied that William Duncan was partly responsible as well.⁵³

While the crisis continued, a special intergovernmental commission was established to investigate any

⁵³ SP, 1887, No. 6. Report on Metlakatla.

conflicting claims and to do what it could to assuage the unrest. The dominion representative on the two-man commission was Clement F. Cornwall, while J. P. Planta represented the province of British Columbia. Their work in 1886 and 1887 was largely successful, heading off any serious trouble over land ownership in the region.⁵⁴

Rumblings continued to come from Metlakatla for the next decade, but these were mostly concerned with the behaviour of Indian agents there, notably Charles Todd.⁵⁵ With the end of Duncan's era, however, old Metlakatla became part of the usual pattern of departmental business.

V. Whisky, Potlatches and Other Problems

The Department faced other difficulties in British Columbia besides the perennial ones of land ownership and relations with churches and missionaries. The illicit liquor traffic was a vigorous one, bootleggers being able to conduct their business on a large scale because of the mountainous country, the long coastline and inadequate policing by the province. British Columbia's Indians became avid consumers: American whisky traders--and some from Victoria--were only too happy to meet the needs of new customers. Illegal liquor poured into the province at

⁵⁴ Idem. Report of special commissioners.

⁵⁵ For complaints about Todd, see PAC, RG10, BS 78,547.

an ever-increasing rate from Washington Territory.

The Indian Department did what it could to curb the traffic, but its shortage of manpower meant that its successes were few. "You will readily understand," wrote Mackenzie Bowell to Macdonald, "[that] it could require an army to prevent Indians smuggling liquor from Washington Territory into British Columbia."⁵⁶ When smugglers were interrupted, violent confrontations were the usual result. Early in 1873 two Indians were killed in a gun-battle with provincial police which arose when the latter tried to seize some liquor.⁵⁷ The situation was not helped when both federal and provincial authorities tried to make the other responsible for the enforcement of the laws pertaining to the illicit manufacture and sale of liquor.⁵⁸ Despite helpful suggestions, such as the idea that a gun-boat be placed at Superintendent Powell's disposal, the Indian Department remained largely powerless to stop the smuggling of 'booze.' Liquor continued to flow in unchecked, especially when a large potlatch was in the offing.

No issue was more vexing or more misunderstood among

⁵⁶ PAC, MacP, 291. Bowell to Macdonald, February 5, 1886.

⁵⁷ PAC, RG10, BS 1794. Privy Council report, May 12, 1873.

⁵⁸ PAC, MacP, 291. Bowell to Macdonald, February 5, 1886.

the White population than that of the potlatch. An ancient custom among the tribes of the west coast, the potlatch was a great feast given by one man to as many of his fellow tribesmen as could attend. As a mark of his stature, the host gave his guests all the wealth which he had been able to accumulate for the occasion, usually in the form of food, blankets, and Indian 'coppers.' The potlatch was a means of maintaining or improving one's social standing via the amount of goods that were distributed. Failure to distribute the amount expected or owed to others resulted in loss of status.

In order to amass sufficient resources for such an occasion, Indian families would save all they could for a year or more. Necessities of life were gone without, so that greater savings could be made to buy non-essential potlatch goods. Tremendous debts would be run up, both among relatives and at White trading posts, so that the final display of wealth might be as ostentatious as possible. Wives and daughters turned to prostitution to increase the family's buying power. It was the abuses arising from this sometimes-frantic search for wealth--and its wastefulness--which attracted the attention of the White community, especially missionaries and Indian Department officials.

There was a constructive purpose in potlatching which escaped the notice of most White observers. The receipt

of items at a potlatch obligated the guest to repay his host at least an equivalent amount--plus high interest--on a future occasion. While potlatching was something of a scramble after status, it was more than that: it provided the Indian population with a primitive system of social and economic security. It was to some extent an early form of bank system. The more debts owed to a person, the greater his long-term economic security, and the higher his social status. The usual process was to build up as many credits as one could in as short a period as possible, in order to provide security for one's family when its members were without support or for one's old age, when an active contribution to community life was no longer possible.

The occasion of a potlatch was usually cause for wild revelry lasting several days, a scene made-to-order for the illicit whisky-runners. Mass drunkenness and sexual licence (by conventional White standards) were not uncommon. White authorities had an additional reason for wanting to stop the practice of potlatching. The congregating of so many Indians often led to discussions of grievances, fomenting of wild, intemperate speaking, and resulting hot feelings that sometimes led to threats of violence. It was these more visible activities which the White community attached to the idea of potlatching, and which caused many of its leaders to advocate suppressing the custom.

The federal government had been concerned for some time with the 'social evils that accompanied potlatching, and had made various efforts to curb them. Reserve constables attempted to halt prostitution, and discouraged gambling for high stakes by burning playing cards.⁵⁹ Attempts to stop the illicit liquor traffic have already been mentioned. Indian Department officials in British Columbia had suggested that if potlatches were outlawed, the incidence of these other undesirable activities would decline, and Ottawa gradually accepted this view. In 1883 an order-in-council forbidding potlatches was passed, and legislation was prepared to make the practice illegal.⁶⁰

This suppression of potlatching received a mixed reception. Those who regarded the practice as barbarous were delighted. Others who saw it as a deliberate attempt to hasten the destruction of Indian culture, paving the way for assimilation, were delighted too. There is little doubt that government officials did not really comprehend the place the potlatch occupied in native society or consider how it might be "reformed." They were familiar with the abuses which accompanied it, and their desire to end these led to outlawing the potlatch itself. To accuse the government of deliberately annihilating native culture simply so that White exploitation could proceed without

⁵⁹ op., 1884, No. 4. Report on British Columbia.

⁶⁰ Idem.

native hindrance is to be both ignorant and unjust for the government's aim was to assist Indian economic and social betterment. In any case the practice continued on a clandestine basis (which probably meant the grossest abuses were dropped) for many years despite the official ban.

As the province grew during the 1880's, there were signs that the earlier tensions between the indigenous population and the White settlers were beginning to abate. The Indians living on the west coast of Vancouver Island had once been "notorious wreckers," plundering ships that foundered on the rocky shore and murdering any crew members who managed to reach land. Yet by the middle of the decade, they were beginning to rescue such unfortunate sailors. One band even received the warm thanks of the president of the United States for giving proper burial to the crew of the American vessel Malleville, when that ship went down. None of the crew had survived and the Indians had looked after the matter at their own expense.⁶¹ Indians began to function in White society, earning their living as cowboys on the ranches of the interior or by working in the canneries.⁶² White employees eagerly turned to the province's Indian population as a cheap source of skilled labour: by the 1880's they had discovered the intelligence and natural mechanical ability observed by others in the preceding decade. For their

⁶¹ Idem.

⁶² Idem.

part, the Indians needed new ways of making a living: employment in a cannery was not totally removed from fishing and ranch work resembled in some ways the traditional life-style of several interior tribes.

There were basically two sets of reasons for this stabilization in Indian-White relations. Missionaries and Indian Department officials had been able to extend their influence among the tribes, significantly modifying Indian attitudes and behaviour. Roman Catholicism had enjoyed great success in the interior⁶³ while Anglicans and Methodists had been active among the coastal tribes. The establishment of local Indian agencies also meant that local problems could be rapidly settled before they became the cause of major confrontations. Diseases which had come with White settlement were being treated more effectively by White medicine. Whooping-cough and measles remained severe risks, though the Indian Department did its best to provide what medicine it could. The interior was very difficult to service, however, because of the rough terrain and the scattered Indian population. As a result, Indian spirit-doctors and shamans retained much of their authority in such areas despite the departmental campaign Agent Harry Guilloid led against them.⁶⁴ Nonethe-

⁶³ PAC, MacP, 292. Vankoughnet to Macdonald, September 20, 1887 (private and confidential).

⁶⁴ Idem.

less, many Indians became appreciatively aware that at least some Whites were trying to do things for them rather than to them, which had been the case too often in the past.

The second set of reasons for the stabilization of Indian-White relations related to the changing socio-economic character of provincial development. At least in some regions, the great rush for land had ended, to be replaced by a more sedate, and orderly developmental pattern that meant a more stable relationship between Indians and Whites. Economic growth also meant that Indians could find alternatives to their traditional ways of making a living. The proximity of large numbers of Whites no longer meant starvation as well as cultural shock. Even this shock was not as severe as it once had been, the waves produced by initial contact having subsided to some degree. By the 1880's, both Indians and Whites were becoming accustomed to one another's ways. This did not mean that many contentious issues had disappeared: a legacy of hostility, mistrust and violence remained to be overcome. But the atmosphere of intercultural relationships had grown more conducive to a proper working-out of differences.

VI. Inter-Governmental Friction Regarding Indians

Relations between British Columbia and the dominion government had never been easy. The early promise of a

transcontinental railway had been one source of friction, the conduct of relations with the Indians another. Though Indian affairs had not attracted the same public attention as the construction of the Pacific railway, the political implications of the dispute were just as serious. British Columbia would not accept the philosophical basis of the policy developed by Canada in the eastern half of the country--based on aboriginal rights and early treaties--and in the decade following the union of 1871 did everything possible to impede the work of the Indian Department. The principal subject of disagreement was the allotment and extent of Indian reserve lands. Despite repeated attempts to settle the difficulty, such as the creation of the Indian land commission in the late 1870's, these differences had persisted.

During the early 1880's, there were signs that the two governments might at last reach an accord. An ever-increasing volume of correspondence between Ottawa and Victoria failed, however, to get to the heart of the difficulties. In the light of this continual frustration, Ottawa proposed that British Columbia send a delegate to the federal capital to enable discussions to take place. Where letters had failed, it was hoped that personal confrontation would succeed. In late September, 1887, John Robson, British Columbia's provincial secretary, was

appointed to present the province's case in Ottawa.⁶⁵

A month later, Robson began a series of meetings in Ottawa with Minister of the Interior Thomas White, who acted as the federal government's representative. The most complex issue was that of Indian lands. In some areas of the province, such as Soda Creek, Douglas Portage and along the Old Cariboo Road, all the former crown lands had been granted to White settlers, leaving the local Indian population in dire straits. Interior bands sometimes found their sources of water controlled by Whites, and wanted written assurances of irrigation rights. At Osoyoos, Eagle Pass, Similkameen, and Shuswap and Little Shuswap Lakes, the provincial government had illegally sold Indian lands and retained the profits, leaving open the question of financial settlement with the bands involved. Finally, the issue of dominion title to reserves set aside by Indian Land Commissioners Sproat and O'Reilly had to be settled.

The second broad area of disagreement was the conduct and enforcement of the law on reserve lands. The province wanted each reserve to have its own 'lock-up' and force of constables. The primary motive for this was financial: if such arrangements were instituted, their costs would be borne by the Indian Department, through the use of federal

⁶⁵ PAC, RG10, BS 39,675:1. Lt.-Gov. Hugh Nelson to secretary of state, September 29, 1884. SP, 1888, No. 15.

and Indian band funds. The usual custom in Indian cases was to utilize provincial courts and jails, a process which British Columbia considered too costly and unfair, since the bands were a federal responsibility. While the province wanted to lessen its expenses by disclaiming responsibilities, it tried to increase its income by claiming the right to collect all Indian fines connected with the manufacture and sale of illicit liquor.⁶⁶

Several items in this second area were settled quickly.⁶⁷ Robson agreed the province should assume the cost of administration of justice and preservation of peace among the Indians, while the federal government yielded the right to collect liquor fines to the province. It was agreed that the cost of investigating the disturbances at Metlakatla would be borne equally by both parties.

The difficulties concerning Indian lands were not so easily resolved. Robson tried to reassure White about the purity of British Columbia's intentions, for the federal government in view of the province's past record was not eager to accept them as such. Robson claimed that his government intended to enact legislation that would enable Indian agents to obtain water rights for their bands on a

⁶⁶ PAC, RG10, BS 39,675:1 provides an outline of all these issues.

⁶⁷ Ibid. White to Robson, October 20, 1887.

basis similar to those of White landowners.⁶⁸ While this was an advance over the earlier attitude that the Indians had no water rights, it still was not sufficiently specific to be really useful. Were the rights so acquired to be vested in the band or in the agent? Much abuse could be made of the law if it followed the latter course.

Robson also tried to reassure the interior minister regarding the question of reserve allotment and dominion title. He suggested that when no more land was available for Indian occupancy in areas of heavy settlement the province was prepared to grant them new reserves in lightly settled districts.⁶⁹ Proper application, however, would have to be made through the reserve commissioner. Again, this proposal was so general that it was almost meaningless; nothing was said about the size of reserves or about any time limits for implementing the proposal. The proceeding smacked of Joseph's Trutch's tactics a decade before. The federal government had seen the effect of accepting pleasant-sounding ideas from the province that were never put into force. Robson, having successfully settled many of the smaller difficulties, departed for home in February, 1888, leaving land problems still very much undecided. Not until the McKenna-McBride Commission was appointed to look into the matter in 1913 was the

⁶⁸ Ibid. Robson to White, October, 1887.

⁶⁹ Idem.

Indian land problem adequately studied and even then agreement between the governments was not obtained until 1924.⁷⁰

Conclusions

The decade of the 1880's was a transitional period in the conduct of Indian relations in British Columbia, and in the relations between the federal and provincial governments which coloured them so highly. Little was accomplished that was definitive or enduring. Rather, there was a steady movement towards the resolution of difficulties, particularly in the area of federal-provincial relations, that promised better results for the Indians. The administrative problems encountered by the Indian Department were partially improved, as may be seen in the decisions regarding the administration of justice. But the long-term needs of the Indians--a declared and viable policy on lands, and a policy regarding the status of aboriginal rights--were passed over for another forty years. As the confusions and frustrations of the Indian Department in British Columbia gradually lessened, those of the Indians themselves, if anything, slowly increased.

The basic reason for this situation was the absence of a fundamentally British tradition in British Columbia's

⁷⁰ Cumming and Mickenberg, op. cit., p. 184.

view of Indians and their rights that sharply differentiated the province from the rest of Canada. Unlike eastern Canada and even the Prairies, where the approach to the Indians was based on late-eighteenth-century British experience, the attitude of the Pacific province was essentially derived from that of the American frontier. In the former pattern, government intervention and control preceded large-scale settlement; in the latter, the white frontier population was expected to evolve its own system before the government assumed control of an area. This usually meant total disregard of the needs of the Indian population and no admission of any Indian rights. It was this type of thinking which caused bad relations between the province and the federal authority, as well as violent Indian-White confrontations and generally poor relations between the provincial government and the Indian population.

The visit of John Robson to Ottawa helped pave the way for resolving the political difficulties surrounding the conduct of Indian matters in British Columbia, but did little to allay the deep-seated fears of the Indian population. Indian grievances were left to fester until the twentieth century, when the tribes in British Columbia pioneered in efforts to take aboriginal claims before the courts and the general public.

CHAPTER XIV

THE BUREAUCRACY AT WORK

While momentous changes had been taking place in the North-West Territories and British Columbia, equally important developments occurred in Ottawa. The two decades between 1870 and 1890 brought important changes in senior Indian Department personnel, the consolidation of Indian legislation and promulgation of new legislation, and a greatly expanded role for the Department's central office in Ottawa. Finally, this period marked the Department's attainment of bureaucratic maturity: its day-to-day 'nuts and bolts' procedures became both smooth and elaborate.

I. Indian Legislation and the Indian Department

Nineteenth-century Indian legislation was haphazard and confusing. There were no consolidated 'Indian Acts': rather, Indians were affected by a variety of legislative 'bits and pieces' especially those concerning land and timber. This situation began to change after the political union of 1841. The Commissions of 1842-44 and 1858 drew attention to the need for a more systematic approach to Indian problems, but little was done until the decade following Confederation. The opening of the North-West necessitated a more comprehensive legislative and bureaucratic approach to the control and administration of Indian affairs. The economic depression of 1873-78 and

the resignation of the Macdonald government in the aftermath of the Pacific Scandal of 1873 increased the pressure for change. The Mackenzie administration duly produced the Indian Act of 1876 as its elaboration of the government's policy towards the Indian population.¹

This act set the pattern for others, notably those of 1880, 1886, and even that of 1951. The term "Indian" was carefully defined for legal purposes. Only members, and the descendants of males, of bands who had signed treaties or who had a recognized relationship with the government, were given Indian status. Accurate census taking at treaty-time and the careful maintenance of band lists thereafter became of the utmost importance. The children of an Indian male who married a non-Indian but who continued to live on a reserve were considered to have Indian status, but the reverse was not the case. Indian women who married Whites lost their Indian status as did their children regardless of their domicile or way of life. Hence the growth of the difference between the legal and biological uses of the term 'Indian' which has plagued governments, band councils and individuals down to the present day. The 1876 act made crucial the role of the band council, for through its control of band lists, it could determine who held band membership and Indian status and who did not. Local politics on reserves thus became

¹ Canada, Statutes, 39 Vic (1876), c. 18.

vitaly important to every band member.

Besides the normal band relationship to the government, the act recognized 'irregular bands' and 'special reserves.' Irregular bands were those who possessed no reserves or who had undertaken no treaty arrangements with the crown. Special reserves were lands set aside for Indian use but whose title was held by a corporation (such as a religious order) other than the crown. Several groups of Indians fell into these categories, notably those who had not yet signed treaties. The Indian population of Quebec province also was affected by these clauses, because the French system of Indian administration had set the pattern there. Reserves had been granted to intermediaries for Indian use and no treaties of land surrender had been signed. This sometimes led to legal difficulties, as in the case of the Oka reserve, where the Indians and the Sulpician order came to loggerheads. The distinction between the 'reserve' and 'special reserve,' 'band' and 'irregular band' was purely a legal one, as the same regulations applied to each category.

Only Indians were allowed to use reserves. Trespassers were to be ejected by local law officers under the direction of the county sheriff upon complaint of the band council. Fines of up to twenty dollars and jail terms of up to thirty days could be imposed in each case. Theft of timber or minerals was punishable by similar fines and

jail sentences of up to three months. Illegal timber cutting was subject in addition to a fine of three dollars per tree.

The provisions regarding finances clearly demonstrated the concept of the Indian as a legal minor. All income for the sale or lease of band resources was to be paid over to the federal receiver-general, who then credited it to the band's capital account. Interest from this money could be used by the band for purposes approved by the superintendent-general of Indian affairs. Approved uses usually included the building of schools and churches or the purchase of agricultural equipment. Deductions were made from time to time to cover the Indian Department's costs in administering the reserve, or for such things as the payment of school fees and the building of roads. The rate of such deductions was to be determined by the superintendent-general.

The act laid down the principles by which chiefs and band councils were to operate. Life chiefs--chiefs selected by traditional tribal means--were to continue in office, but provision was made for the election of councillors as well. Any male Indian over twenty-one could vote or hold office, the latter being restricted by the local agent's estimate of the Indian's sobriety and reliability. Office-holders could be removed before the end of their three-year terms, if, in the judgement of the

superintendent-general, they were unfit for their respective positions. Councils were empowered to pass regulations respecting public health, the maintenance of public order, the suppression of liquor, road and bridge maintenance, the construction of public buildings, the control of dogs at large, and the location of individual landholding on reserves. But all such regulations were subject to the crown's approval.

The act described the privileges and disabilities of Indian status. Indians paid no taxes except on lands they owned outside their reserves; such lands were subject to all taxes in their respective localities. Liens or mortgages could be placed only against such taxed lands. Indians could sue other parties in court, but were virtually unsuable themselves, since their reserve lands and possessions could not be seized for debt. Anyone who illegally obtained Indian property was liable to a fine of \$200 and a six-month term in reformatory or county jail. On the other side of the ledger Indians were excluded from the provisions of the Homestead Act in Manitoba and the North-West Territories: they could not acquire land as freely as could White settlers because the reserves were considered sufficient for their immediate needs. Imprisoned Indians lost all their privileges during the length of their prison terms, though the crown could redirect annuity payments and other benefits to their

families during that time. Any Indian who deserted his or her family was subject to the same stoppage of benefits.

Finally, the Indian Act of 1876 described regulations for the control of the illegal liquor traffic on reserves and made provision for Indian enfranchisement. The liquor regulations aimed basically at keeping alcohol and the Indian population entirely apart. Severe penalties were provided for those engaging in the traffic: the liquor itself was to be confiscated, as were the means of transporting it. Fines of fifty to one hundred dollars and jail sentences of two to six months were provided for those found guilty of trafficking. Any Indian found in an intoxicated state would be jailed without due process of law until sober: if found guilty of drunkenness, he was liable to a further sentence of up to thirty days.

The franchise could be extended to any Indian over the age of twenty-one, excluding married women. The band council had to petition the superintendent-general to make a grant of land in fee simple to the individual in question. If the superintendent-general was convinced of the sober and industrious nature of the person, such permission would be given for a provisional three-year period. If "integrity, morality and sobriety" continued in evidence during that time, letters patent would be issued. The enfranchised Indian then chose the name and surname by which he wished to be known and ceased in every way except

descent to be an Indian. Interestingly, any Indian who graduated from university or who became a lawyer, doctor, or clergyman was automatically enfranchised under this act.

David Laird, the Liberal minister of the interior, introduced the proposed legislation to the House of Commons on March 2, 1876. Debate was not lengthy, though the House's examination was thorough, and the act received royal assent on April 12. In his comments, Laird clearly indicated that the new legislation embodied the assumptions and precepts that had guided the conduct of affairs in the eastern part of the country for half a century: assimilation into White society was still the touchstone of government policy towards the Indian. The rights of enfranchised Indians in their reserves were to be protected by allowing such Indians to leave their reserve lands to their heirs. Whole bands could also apply for enfranchisement: following six years of good behaviour after enfranchisement, such bands would obtain patents to their lands. Laird hoped that this provision would be an incentive for bands to seek such enfranchisement. Then they "would cease in every respect to be Indians according to the acceptation of the laws of Canada relating to Indians." Laird stated, following which "we will then have nothing more to do with their affairs, except as ordinary

subjects . . ."² Here was the old dream, originally derived from Christian idealism, of the Indians joining the mainstream of Canadian society, ending the necessity for the maintenance of a separate Indian Department. This vision has not yet disappeared, the 1969 White Paper being a noted contemporary example: it proposes "to Parliament that the Indian Act be repealed and . . . such legislative steps as may be necessary [be taken] to enable Indians to control Indian lands and to acquire title to them."³

The Indian Department's relationship to Indian legislation was at once immediate and marginal. It was directly responsible for the day-to-day implementation of many clauses, especially those dealing with local Indian-White relations and with the distribution of money and land. Yet the Department played a minimal role in enforcing other aspects of the legislation. Criminal cases were handled by regular court procedures in which the Department of Justice was ultimately more important than Indian Affairs. Indians working and living outside the reserves had little need for the Department's services and the Department gave little attention to this group. The Department did not even have the primary influence over the legislation under which it operated, though its

² Canada, House of Commons, Debates, March 2, 1876.

³ "The Statement of the Government of Canada on Indian Policy" (Ottawa: 1969).

advice was generally sought, and its officials were usually involved in the extensive paperwork associated with any bill affecting Indians. The Department's business was solely with the Indians themselves. Matters outside the multitudinous but mundane daily tasks of such a role rested with other government agencies. Fundamental challenges to the conduct of Indian affairs sometimes came from these other federal agencies. Often they came from rival governments, especially during the last two decades of the nineteenth century which saw dominion-provincial conflicts in several areas. Some of the most famous conflicts occurred in the area of temperance legislation, the Hodge and Russell cases being well-known examples. One conflict which had important overtones for the conduct of Indian affairs was the St. Catherine's Milling Case.

II. An Example: The St. Catherine's Milling Case

The St. Catherine's Milling Case remained before the courts from 1885 to 1889. The St. Catherine's Milling and Lumber Company had applied to dominion authorities for timber rights on land that had been surrendered by the Saulteaux branch of the Ojibway tribe under the provisions of Treaty Three of 1873.⁴ The licence was granted

⁴ Cumming and Mickenberg, eds., op. cit., p. 33; E. A. Driedger, A Consolidation of the British North America Acts, 1867 to 1960 (Ottawa: Queen's Printer, 1960), pp. 33-34.

by Ottawa and the company proceeded to begin operations in the area. The Ontario government also claimed jurisdiction in the region and prosecuted the company for cutting timber without a provincial licence.⁵ Because of vigorous dominion-provincial rivalry in this period, the case became a test of the whole concept of Indian surrenders to the crown as represented by Ottawa. Both Lawrence Vankoughnet and Sir John Macdonald were subpoenaed as witnesses, although it was agreed only the former need actually appear.⁶ Taking the relevant documents with him --the case was heard in Toronto--the deputy superintendent-general duly testified in the latter part of May, 1885.⁷

The province based its stand on Section 109 of the British North America Act, which guarantees provincial ownership of all lands lying within the boundaries of the various provinces, subject to trusts or other interest in these lands.⁸ The dominion argued that it held title in fee simple to the lands in question as the result of Indian surrenders under Treaty Three. As with several other legal cases in this period, the province was upheld by both the Supreme Court of Canada and the Judicial

⁵ PAC, MacP, 290, Vankoughnet to Pope, May 22, 1885.

⁶ Ibid., Robert Sinclair to Macdonald, May 18, 1885.

⁷ Idem.

⁸ Cumming and Mickenberg, eds., op. cit., p. 33.

Committee of the British Privy Council.⁹ The Judicial Committee of the Privy Council ruled that the Royal Proclamation of 1763 meant that Indian land ownership was split: the crown held the underlying legal fee, in which the Indians possessed a "personal and usufructory right" of occupancy.¹⁰ Upon Confederation, the crown in right of the provinces became possessed of the underlying proprietary title, which title became one of full crown ownership (plenum dominium) upon the surrender of the Indian title.¹¹ Though in the past it had been little referred to--and then mainly for its impact on dominion-provincial relations--the case has again aroused some contemporary interest because of its bearing on the theory of aboriginal land claims.

The St. Catherine's Milling Case might have undermined the whole notion of Indian surrenders to the dominion followed by government disposal of the lands surrendered. This did not happen because the courts upheld the limitations on aboriginal title: aboriginal land titles, which were only partial titles, were capable of extinguishment by the crown alone, and only the crown could alienate such lands.¹² The practice of a century and a half in dealing with Indian lands had been upheld.

Consequently, the effect of the case upon the Indian

⁹ Idem.

¹¹ Idem.

¹⁰ Idem.

¹² Ibid., p. 40.

Department's operations was negligible. Its function remained unchanged. More importantly, the St. Catherine's case demonstrated how far removed the Department was from basic government policy-making. Until 1860, it had been the servant of British masters. The transfer of final authority on Indian matters to Canada did not mean that its servant role was changed: only the source of the directions it received had changed. Lawrence Vankoughnet was asked to appear in the case not because he was an expert on Indian policy, but because he was the particular civil servant entrusted with the custody of the legal documents relevant to the issues in the case raised. The Indian Department in 1890 was what it had always been, the government's Indian caretaker.

Its role in the St. Catherine's Milling Case was incidental as was the case's impact on Indian affairs. Both governments involved saw the case only in terms of the limits of their respective jurisdictions. The case was fundamentally an exercise in dominion-provincial relations.

III. The Evolution of the Ottawa Office

Proper quarters for the Indian Department's head office had always been a sore point with its senior officers. As a subordinate and small agency during much of its existence, the Indian Department usually received

scant attention when office space was allocated. Its staff, too, was kept to a minimum. In the 1840's, for example, the chief superintendent for Upper Canada had to carry out his duties with the assistance of only a single clerk. Forty years later, to administer some 100,000 Indians scattered over half a continent, the head office at Ottawa boasted a total staff--including part-time clerical help--of thirty-eight.¹³ Proper quarters still remained something of a problem, however. Housed in the East Block of the Parliament Buildings at Confederation, the Indian Department became the temporary victim of government overcrowding in the early 1880's. Deputy Minister of the Interior Lindsay Russell, needing more office space, roused the alarm and ire of Deputy Superintendent-General of Indian Affairs Lawrence Vankoughnet when he suggested that the older records of the Indian Department be removed and burned to provide the required space. Vankoughnet's twelve-page reply to Sir John Macdonald, at that time the ministerial superior of both deputies, suggested Russell could solve his own problem merely by sharing an office with his personal stenographer.¹⁴ The upshot, however, was that the Indian Department moved for a year to the former offices of the

¹³ SP, 1886, No. 4.

¹⁴ PAC, MacP, 293, Vankoughnet to Macdonald, January 26, 1882.

St. Lawrence and Ottawa Railway until additional government accommodation became available.¹⁵ Eventually the Department found itself back in its East Block home.

The incidents surrounding this episode revealed several things about the Indian Department. Civil servants who worked outside it had little notion of its functions or importance and held it in low professional esteem. Even Lindsay Russell, who worked in the same ministry and indeed, in the same building for some time, blithely assumed that Indian Department records were of no real consequence--certainly not on a par with his branch's land survey and other records. Ministerial decisions frequently displayed low regard for the needs of the Indian Department. Thus no one in authority seems to have been unduly concerned over the difficulties that two moves in a short period inflicted on the Department, or about the effects of isolating the Department from other government offices. The prime minister himself worried only that the costs of the moves be kept as low as possible.¹⁶ Clearly, in the eyes of the government and most federal employees, the Indian Department remained as it had been in the past, the "White man's Albatross."¹⁷

¹⁵ Ibid., D. Daly to Macdonald, February 4, 1882.

¹⁶ Ibid., Macdonald to Vankoughnet, n.d. [February, 1882].

¹⁷ Hodgetts, op. cit., p. 205.

This low regard meant the Indian Department did not attract the best candidates from among those who joined the federal civil service. The Ottawa office was headed by the deputy superintendent-general, assisted by a chief clerk, an accountant, and a small clerical staff. Many of the more than thirty positions in the office during the 1880's were filled by unskilled persons: messengers, box-packers, and janitors, who did not need any special training to carry out their assigned tasks. Most of the clerks did little more than copy voluminous correspondence into letter-books, a process carried out in time-consuming longhand until the advent of the typewriter in the mid-1880's. The real power of decision-making was firmly entrenched in the hands of the deputy superintendent-general. Whenever he was absent from the office for any period, important matters were held in abeyance to await his decision. When Deputy Superintendent-General Lawrence Vankoughnet took his holidays in August or September--as he usually did--all major decisions were deferred until his return.¹⁸ Only rarely was a matter of extreme urgency referred to his ministerial superior. Hence, the lesser personnel in the Ottawa office occupied themselves daily with inconsequential and boring routine matters.

Employees reacted to this stultifying existence in a

¹⁸ PAC, MacP, 289, Vankoughnet to Macdonald, July 24, 1883.

variety of ways. Absences were not infrequent. In 1885, for example, F. R. Byshe, the messenger and box-packer in the office, requested a leave of absence on medical grounds. After Byshe had been granted leave, Vankoughnet found that he really wanted the time to build an addition to his house.¹⁹ Two years later, when Byshe tried to take an extra day off claiming he needed to write civil service examinations, Vankoughnet deducted his pay for one day.²⁰ Byshe appealed directly to the prime minister against this extreme treatment, but his appeal was not granted.²¹ He was kept on the Indian Department payroll, however; evidently Vankoughnet feared that any replacement might be worse.

Feigning sickness was the usual method employed to obtain illicit time off work. Senior Department officials, aware of this, demanded medical certificates on such occasions. Their efforts to reduce the amount of lost time were not helped by the presence of practitioners like a certain Dr. A. Church who readily signed such documents.²² One of Vankoughnet's clerks, J. T. Coffey, who had a drinking problem, was frequently absent under

¹⁹ PAC, MacP, 290, Sinclair to Vankoughnet, June 3, 1885.

²⁰ Ibid., see the exchange of letters between Vankoughnet and Macdonald in May, 1887.

²¹ Idem.

²² Ibid., Vankoughnet to Macdonald, April 17, 1884.

such questionable "medical" circumstances. "I know that Coffey's habits are most unsteady," wrote Vankoughnet during one such episode, "and I have not the least doubt in my mind that he has been on a debauch since the 16th instant."²³ Such incidents occurred with sufficient frequency to hamper the Ottawa office from dealing efficiently with the volume of business which confronted it.

At times the Department showed surprising concern for government employees. Michael Corrigan, who was responsible for the furnaces in the winter, was usually released each spring by the Department of Public Works as his services were not required until the succeeding autumn. In 1883, when he was in dire financial straits, Corrigan pleaded with Vankoughnet to keep him employed during the summer months in some other capacity. Corrigan was duly employed as a temporary messenger, though a telegram to the deputy minister of public works was needed to complete the arrangement.²⁴

So eager was head office to secure competent, efficient employees that serious shortcomings sometimes were overlooked in order to obtain such persons. A certain William Richardson had been forced to resign his post over suspected financial irregularities. Vankoughnet was

²³ Ibid., Vankoughnet to Macdonald, April 24, 1884.

²⁴ PAC, MacP, 289, Vankoughnet to Macdonald, July 19, 1883.

anxious to rehire Richardson, for he was an exceptionally able employee and Richardson, too, was willing. When some of Richardson's friends later made good the loss and helped clear his name, Vankoughnet enlisted Prime Minister Macdonald's aid in obtaining Richardson's reinstatement.²⁵ Macdonald endorsed Vankoughnet's request and urged Mackenzie Bowell, the minister responsible for the Treasury Board, to "push Richardson through."²⁶

Politics, too, played their part in Indian Department appointments. The Tory outlook of the Department, so marked in its earlier history, did not disappear in an age which felt that government should be served by its friends and vice versa. The case of the Ross brothers illustrated how political influence operated in the area of hiring employees. W. R. Ross, a Conservative of good standing, had two sons who received probationary appointments in the Ottawa office. The senior Ross asked that his son Frank be given a permanent post without having to write the regular civil service tests. Vankoughnet refused to accede to the request because he had found the young Ross unsatisfactory. He was prepared, however, to appoint his brother Thomas, who had proved a model employee, to a

²⁵ Ibid., 292, Vankoughnet to Macdonald, December 31, 1887.

²⁶ Idem, Macdonald's marginal notation.

second-class clerkship.²⁷ Obviously, politics could be an important aid in obtaining employment in the Ottawa office, but just as obviously, there were limits to political patronage in appointments.

The Indian Department also had to deal with an extensive outside service. By 1890, its far-flung operations required the services of some 460 employees in the field. Many of these people were part-time workers who worked for the Indian Department during its busy seasons when presents were being distributed or various funds were being disbursed. Since the Department usually employed clergymen as agents in the Maritimes and Quebec, agents there were usually part-time employees. The total costs of such widely extended operations were high. In 1890, travel expenses totalled \$25,812.96 while salaries accounted for \$211,421.02, and total operational expenses for the year came to slightly more than \$2,106,000.²⁸

Barely one-tenth of this over-all amount was met from Indian funds. The capital in the Consolidated Indian Fund in 1890 of just over \$3,345,000 generated an annual income of \$328,000. From this annual increment the Indians' share of the Department expenses--some \$281,000 in 1890--was met. The remainder of the total amount--some

²⁷ PAC, MacP, 291, Vankoughnet to Macdonald, May 29, 1886.

²⁸ SP, 1891, Auditor-General's Report, pp. C195-C202.

\$1,778,000--had to be raised by government grant.

A regional breakdown of total expenses reveals much about the Indian Department's priorities. The table for 1890 was as follows:

Prince Edward Island	\$ 2,490.84
Nova Scotia	6,216.03
New Brunswick	6,518.47
Ontario and Quebec (together)	50,262.81
Manitoba and the North-West	940,261.72
British Columbia	102,074.44

The western provinces were clearly uppermost in departmental thinking at this period. The eastern provinces, where fundamental problems had been worked out long before, did not require the massive expenditure of the west.

Lawrence Vankoughnet's desire for economy is more readily understandable in the light of these figures. Cutting expenditure saved both the government and the Indian Fund considerable sums. Vankoughnet's compulsion to economize, always evident, could sometimes produce rather strange appointments in the Outside Service. The hiring of Indian Agent W. M. Tyre at St. Regis, near Cornwall, Ontario, was a good example. When the post became vacant in 1884, Tyre applied for it, though he already acted as customs agent at St. Regis and evidently was

nearly eighty years old.²⁹ Though the prime minister had grave doubts about the appointment, Vankoughnet supported it, citing Tyre's spryness--he arose each morning at 5:00 a.m. to inspect the Montreal-bound steamer--and the money the Indian Department would save through not having to erect its own buildings. Tyre was appointed, and served in his dual capacity until his death early in 1887.³⁰

Other changes were made in the 1880's in attempts to streamline departmental operations. William Plummer who had served as central superintendent from 1873 to 1882 was brought to Ottawa as commissioner of Indian lands when his former post was abolished.³¹ Though there was work for Plummer in Ottawa, his title was largely honorific, being designed to cushion the loss of his former position in Toronto.³² By 1885, Plummer's health had broken, even under his reduced workload, and he finally retired in 1887.³³ Jasper T. Gilkison, the long-time Six Nations

²⁹ PAC, MacP, 290, Vankoughnet to Macdonald, July 30, 1884.

³⁰ Ibid., 292, Vankoughnet to Macdonald, March 5, 1887.

³¹ SP, 1883, No. 5. By an order-in-council of July 27, 1882, the central superintendency was abolished and replaced by a system of local agents.

³² PAC, MacP, 292, Vankoughnet to Macdonald, February 2, 1887.

³³ Ibid., 290, J. D. McLean to Pope (private), May 9, 1885; 292, Vankoughnet to Macdonald, February 2, 1887.

superintendent, also was clearly incapacitated by the later 1880's, and efforts were made to dislodge him. When some Indian funds went astray, Vankoughnet ordered a thorough investigation into the Brantford office over Gilkison's strenuous objections.³⁴ He thought the Department "would be well rid of [Gilkison]." The prime minister seemed to agree and instructed the Six Nations superintendent that he was in danger of being discharged without superannuation.³⁵ Despite this pressure, however, Gilkison did not retire on pension until 1891.³⁶

Politics was an important consideration in the letting of Indian Department contracts. As with departmental appointments, however, political loyalty was not sufficient by itself to guarantee a successful tender, though it often helped. To avoid collusion between prospective bidders, tenders were usually kept open as long as possible.³⁷ Firms that were known to have opposed the government, however, were likely to find their bids rejected unless they were far below those of other more favoured firms. In 1891, for example, when the Department

³⁴ Ibid., 290, Vankoughnet to Macdonald, June 29, 1885.

³⁵ Ibid., 292, Vankoughnet to Macdonald (private), February 3, 1887.

³⁶ PAC, RG10, Preliminary Inventory (June, 1951), v.

³⁷ For example, see PAC, MacP, 290, Vankoughnet to Macdonald, May 10, 1884.

called for tenders on large quantities of farm machinery, a number of Ontario companies responded, among them the Brantford Mower Company, Frost and Wood of Smiths' Falls, the American Plough Company of Ayr, Massey Manufacturing Company of Toronto, and the Toronto Mower Company. Before compiling his final list, Lawrence Vankoughnet discreetly enquired of the prime minister's secretary whether any of these firms had opposed the government at the last election.³⁸

These examples demonstrate the departmental emphasis on economy, efficiency and political loyalty in operations as well as two other qualities. Great difficulty was encountered in discharging incompetent employees who possessed substantial amounts of seniority or who had rendered political services in the past. The obduracy of Jasper T. Gilkison in the late 1880's is a case in point; despite his advancing senility, he kept his post though under some pressure to resign from both the ministerial and civil service levels of administration. Gilkison, of course, possessed nearly thirty years' seniority, and he had a long-standing connection with Upper Canadian Toryism, having begun his career as a protégé of Sir Allen^e Napier MacNab in the 1840's and 1850's. Rather than create undue administrative or political disturbance, Vankoughnet and Macdonald simply left Gilkison alone,

³⁸ PAC, MacP, 292, Vankoughnet to Pope, March 9, 1891.

realizing he would soon have to retire in any case because of physical incapacity. Though events seemed to prove the wisdom of this decision, the Indian Department's operations in the important Brantford area were nonetheless hampered for some five years. At times, the interests of the Department and its Indian clients seemed to be secondary factors in the eyes of those who made decisions in Ottawa.

The second factor these examples illustrate was the pre-eminence the deputy superintendent-general had attained by the 1880's. During this period all decisions of consequence, whether great or small, tended to become the prerogative of one man. Centralized authority had been the logical outcome of the changes occasioned by the transfer of the Indian Department to Canadian authority in 1860, and by Confederation. But the chief reasons for the growth of such authority lay in the personalities and aims of the two successive deputy superintendents-general after 1862. William Spragge, after his accession to office in 1862, had set out to make the Indian Department a model of civil service bureaucracy. His successor, Lawrence Vankoughnet, was temperamentally incapable of allowing autonomous decision-making by subordinates. This has led one authority to dismiss him as a "niggling administrator."³⁹ Be that as it may, because of Vankoughnet's key importance

³⁹ Waite, op. cit., p. 147.

a brief examination of his career and attitudes is necessary in comprehending the Indian Department's condition during the final part of the period of this study.

IV. Lawrence Vankoughnet and the Indian Department

Lawrence Vankoughnet was born at Cornwall, Upper Canada, on October 7, 1836.⁴⁰ The Vankoughnets, an old Loyalist family, were firmly Tory in their politics, and they possessed good connections with those in power, both Oliver Mowat and John A. Macdonald being numbered among their friends.⁴¹ After receiving his education at the Cornwall Grammar School and Trinity College, Toronto, Lawrence joined the Canadian civil service on February 13, 1861, as a junior clerk in the Indian Department.⁴² In the spring of 1873, at the time of William Spragge's death, Vankoughnet had become chief clerk, so he was the logical choice to succeed his late chief as deputy superintendent-general. Spragge's death in April had been fortuitous in view of Vankoughnet's political connections; the Conservatives were not forced from office by the

⁴⁰ C. H. Mackintosh, ed., The Canadian Parliamentary Guide and Annual Register (Ottawa: Citizen Printing Co., 1881), pp. 30-31.

⁴¹ D. G. Creighton, John A. Macdonald: The Young Politician (Toronto: University of Toronto Press, 1953), pp. 257, 279, 303.

⁴² Mackintosh, op. cit., pp. 30-31.

Pacific Scandal until the autumn of that year.

Because his family was long acquainted with John A. Macdonald, and because of his own gratitude, Lawrence Vankoughnet made the prime minister his lifelong political hero. This became a particularly important element in the administrative relationship of the two men after 1878, when Macdonald was Vankoughnet's minister. The civil servant was always careful to defer to the wishes of the politician. Macdonald found the arrangement convenient in another way. He was notorious for paying scant attention to the day-to-day operations of the government departments in his charge. In Vankoughnet, he knew he had a loyal and conscientious deputy who could manage the Indian Department with a minimum of supervision. Accordingly, Macdonald's intervention was usually confined to problems with distinct political overtones.

Macdonald's confidence in Vankoughnet was justified. He was exceedingly regular in his habits and excessively conscientious in administrative practice. His zeal to oversee every facet of the Department's operations at times caused serious difficulties. Vankoughnet's desire to read everything personally considerably slowed all important correspondence with agents in the field. Decisions were not made as quickly as they might have been had the office been less centralized. On more than one occasion, Vankoughnet became the victim of his near

perfectionism, suffering ill-health and consequent absences from work. Early in 1883, for example, he collapsed from overwork, and his doctor diagnosed "a disordered nervous system."⁴³ An immediate change to a warmer climate was suggested as the only cure. When a two-week stay in Charleston, South Carolina, did not produce the expected improvement, Vankoughnet moved to Jacksonville, Florida, until the end of April.⁴⁴ This long absence must have galled him, however, for he considered himself indispensable, and the feeling retarded his recovery to full health. Certainly the Department was adversely affected by the three-and-a-half-month absence of its permanent head.

Other personal problems beset Vankoughnet during this period, putting him under even greater strain. He had become estranged from his eldest son, who married and moved to Toronto, then became fatally ill late in 1887. The emotional impact of this family situation greatly affected Vankoughnet, as a private letter to Sir John Macdonald in June 1888 indicated.⁴⁵ Such personal pressures probably contributed to the rigidity so

⁴³ PAC, MacP, 289, Vankoughnet to Macdonald, January 13, 1883.

⁴⁴ His first correspondence with Macdonald after his return is dated May 8.

⁴⁵ PAC, MacP, 292, Vankoughnet to Macdonald (private), early June 1888.

characteristic of the Department's decision-making processes just when it needed to be as flexible as possible, particularly in regard to the Plains Indians. Not all the blame for the Department's lack of sensitivity to local needs can be laid at Vankoughnet's feet, however: he inherited a tradition of centralized authority which stretched back to the Johnson regimes. But he cannot be completely absolved of responsibility for the Department's failings either. His personal inflexibility, his attitude of administration 'by the book' left little room for common humanity.

The administration of Indian affairs in the prairies felt the effects of Vankoughnet's personality and policies most fully. As we have seen, the early 1880's were a time of great hardship for most western Indian bands, when the buffalo disappeared and White settlers continued to multiply.⁴⁶ Administrators in the field often were strongly sympathetic to the Indians' plight but they seemed able to get little cooperation from Ottawa.⁴⁷ The early eighties were marked by a general economic depression which, combined with Vankoughnet's tendencies towards economy and centralized control, meant that serious western needs often were ignored.

Vankoughnet cut back expenses wherever possible,

⁴⁶ See chapters ten and eleven for a detailed account.

⁴⁷ Thomas, op. cit., p. 103.

keeping staff and salaries to a minimum. He was particularly emphatic that the telegraph should be used only in cases of emergency, so that communications costs would be minimal.⁴⁸ The arrangement was adequate for Ontario and Quebec, because mail service to Ottawa was fairly quick. But for officers stationed in the Maritimes, and especially in the west, mail communication was entirely inadequate. By the time Vankoughnet had despatched orders dealing with a given situation, conditions had frequently altered, making the instructions obsolete. Consequently, departmental employees in the west were allowed greater freedom than their eastern counterparts in their use of the telegraph.⁴⁹ But nonetheless, communications remained a great barrier between Ottawa and its representatives in the field.

Even more significant was the Department's handling of rations to Indians in need. The disappearance of the buffalo and the lean crop years in the early 1880's meant large quantities of supplementary rations frequently had to be issued, and abuses sometimes crept into this practice. Indians sometimes even got more than they needed and sold or wasted the surplus. Vankoughnet was fearful that the Department was being propelled into excessive

⁴⁸ PAC, MacP, 293, Macdonald to Vankoughnet, March 7, 1882.

⁴⁹ Idem.

expenditure, and imposed strict quotas for supplementary rations. Per diem allowances for individuals of thirteen and a half ounces of flour, three and a half ounces of bacon, and six ounces of beef, were ordered reduced.⁵⁰

This niggardliness regarding food quotas did more to alienate western tribesmen before the North-West Rebellion than almost anything else.

Parsimony was evident elsewhere as well. Various learned societies in the 1880's had expressed interest in the cultures of the Plains Indians and approached Vankoughnet to make contact with leading Indian figures.⁵¹

Other persons asked the Department for help in assembling and studying Indian artifacts as well.⁵² Before 1885 help was given, only grudgingly; Vankoughnet allowed one of his clerks to assist a collector of Indian artifacts--but only outside the regular office hours.⁵³ The Department was interested only if such projects cost nothing in time and money.

The events of 1885 brought a pronounced change in this pernicious, secretive attitude. Responding to criticism over its Indian policies before the rebellion, the

⁵⁰ PAC, RG10, BS 33,711, marginal notation.

⁵¹ PAC, MacP, 290, Sinclair to Macdonald, September 17, 1886.

⁵² Ibid., Vankoughnet to Macdonald, January 27, 1885.

⁵³ Idem.

government after 1885 was anxious to give wide publicity to Indian leaders who had remained loyal during the unrest. When Father Albert Lacombe suggested a trip east for Chief Crowfoot, the authorities were happy to comply, especially as the noted missionary thought he could arrange free return passage on the Canadian Pacific Railway which had its own reasons for favouring the proposal.⁵⁴ Vankoughnet was so enthusiastic over the latter condition that he authorized the trip without even waiting for the prime minister's approval. He urged Lacombe to choose the members of the party making the trip with great care lest they become "saucy" on their return home.⁵⁵ Crowfoot, Three Bulls, Red Crow, Star Blanket and several other chiefs travelled east in the autumn of 1886 and visited several eastern Indian reserves as well as Ottawa before they returned home. The Indian Department in the same year represented the adventure as being its own reward to the chiefs for their loyalty.⁵⁶

The episode did not mean that Vankoughnet changed his views on the expenses question. A proposal that some of the western chiefs should visit England at departmental expense was curtly and unceremoniously dismissed. ". . .

⁵⁴ PAC, MacP, 291, Vankoughnet to Macdonald, September 17, 1886.

⁵⁵ Idem.

⁵⁶ SP, 1887, No. 6, Macdonald's introduction.

I do not see that much good would come of such a scheme. . . . It would cost a very large amount of money. . . ."⁵⁷
 Clearly, the Canadian Pacific Railway's offer of free transportation accounted for Vankoughnet's permission for the trip to eastern Canada.

It is tempting to explain away Vankoughnet's narrow views regarding the Indian problems in the west as the result of his ignorance of conditions there. But Vankoughnet did make efforts to familiarize himself with prairie conditions, including undertaking an extensive western trip in the late summer and early autumn of 1883.⁵⁸ He was personally acquainted with most of his senior western officers, such as Edgar Dewdney and Hayter Reed, who were in a position to advise him closely on matters there. Yet, despite such knowledge and personal acquaintance, he made incredibly wrong-headed decisions. In 1883, for example, he suggested that one way of cutting western expenses was to release all unnecessary help on the model farms during the winter months.⁵⁹ This might have been fiscally sound for the Department, but it did nothing to alleviate the faltering economy of a reserve.

⁵⁷ PAC, MacP, 291, Vankoughnet to Macdonald, February 6, 1886; Sir John Carling to Macdonald, February 19, 1886.

⁵⁸ Ibid., 289, Vankoughnet to Macdonald, August 4, 1883.

⁵⁹ Ibid., Vankoughnet to Macdonald, December 10, 1883.

One is forced to the conclusion that for Vankoughnet, fiscal considerations came ahead of human ones.

Not all his ideas were impractical or devoid of human concern, however. Realizing that language was often a great barrier between Indians and Department officials, Vankoughnet supported two dictionary projects, one a Blackfoot-English volume prepared by Father Lacombe, the other a Cree-English work.⁶⁰ Individual Indians whom Vankoughnet considered deserving could count on his help. When Thomas D. Green, a Six Nations Indian who had obtained a diploma in civil engineering from McGill University and was employed in the drafting room of the Dominion Lands Branch, expressed interest in obtaining a position with the C.P.R., Vankoughnet gladly endorsed him to the prime minister, asking Macdonald to put in a good word with George Stephen in Montreal.⁶¹

Vankoughnet's attitude towards Indians seems to have been the typical one for that time. He was more than willing to help individuals, as in Green's case, when he had reason to feel they would make good use of any opportunity they were given. Indians who settled down to farming, worked hard and became respectable self-supporting members of society, deserved any help the Department

⁶⁰ PAC, MacP, 291, Vankoughnet to Macdonald, July 6, 1886.

⁶¹ Ibid., 290, Vankoughnet to Macdonald, March 11, 1884.

could give them. Vankoughnet believed that successful Indian farmers should enjoy the same rights as their White neighbours, especially the franchise.⁶² Whatever his failings, he was no racial bigot. Like most nineteenth-century Europeans, he simply could not understand why some Indians preferred the old ways, when White society offered them a more comfortable and rewarding life-style. The only explanation of such behaviour that he could accept was that of Indian indifference or laziness. And then he wiped his hands of them--if such Indians would not help themselves, there was nothing the Department could do for them.

Here was the root of the Indian Department's difficulties at the close of the nineteenth century; for such attitudes were widely shared at the time. Though there were occasional expressions of public concern and sympathy, there was no great public understanding of the Indian situation. The public saw the Indian as a 'brown White man,' assuming the factors which made for White advancement would meet Indian needs too. White institutions, notably the Christian religion, with their innate sense of superiority, sanctioned such attitudes. In any case, the Indian's difficulties were scarcely of prime public interest. As western Canada was opened to White

⁶² Ibid., 293, Vankoughnet to Macdonald, February 3, 1879.

settlement, exploitation and development were the dominant forces in the minds of both government and people. The image of the Indian in the popular mind was usually that of the noble red man, the romantic mounted warrior of Scott's medieval novels transferred to a different time and place; or the hapless, menacing nuisance, a hindrance to orderly development who had to be removed humanely but expeditiously for the nation's good and the higher ends of civilization. Once the rebellion of 1885 had passed and the fear of Indian attacks disappeared, Indians became little more than objects of curiosity for academics or romantics. There is an air of pathos about the eastern trip of Crowfoot and his colleagues in 1886.

If Indians remained far in the back recesses of the popular mind, so did the Indian Department. It must have irked VanKoughnet that his Department remained very much a governmental backwater, occupying a very lowly position in contrast with Public Works or Railways and Canals. Other divisions of government often paid little heed to the needs of the Indian Department, encumbering its administrative machinery despite the most valiant efforts of its head. It was not uncommon, for example, for other departments to misplace Indian Department correspondence. The prime minister's office frequently did this, even though Macdonald's ministerial responsibilities (for a time) included the Indian Department. In one extreme case, a

departmental file remained misplaced among Sir John's papers for thirty-two years.⁶³

By 1896, the Indian Department was both better and worse than it had been half a century before when the United Province of Canada had come into being. It was far more efficient and enjoyed the services of many competent persons. But it had become much less sensitive to local situations and needs than the old provincial department had been. In its attempt to seek greater economy and efficiency, the Ottawa office had become insulated against reality. The pattern for twentieth-century Indian relations in Canada had been set.

⁶³ PAC, MacP, 290, Pope to D. C. Scott, April 4, 1916, enclosing file RS 52,378.

CHAPTER XV

CONCLUSION

The nineteenth century marked momentous changes in British Indian policy and consequently in the status and functions of the Canadian Indian Department. An eighteenth-century creation with roots in the Caroline age, the Indian Department was originally the British government's vehicle for establishing and maintaining sound diplomatic connections with its Indian allies in North America. In an age of imperial rivalry military connections received high priority. The territorial changes caused by the American Revolution marked the beginning of a functional change for the Indian Department as well, for only one major American war between rival European powers occurred in the following century. Whereas previously the Indian Department had been interested only in maintaining Indian goodwill and left Indians alone to lead their own lives, the Department by 1840 was acting as the agent for the orderly surrender and development of Indian lands and the assimilation of the tribesmen into the economic and social mainstream of British North America. The nineteenth century, with its emphasis on frontier settlement and development, changed the earlier priorities: the basis of a long-term Indian-White relationship had to be established. The Canadian Indian Department, charged with this responsibility, took most of the century to work out its new role.

The British North American colonies of the pre-

confederation period did not protest the retention of the Indian Department by imperial authorities. Such an arrangement meant fewer bureaucratic responsibilities and lower expenses for them. In any case, Indians were not a priority with local governments who were politically sensitive to the needs and concerns of their White constituents. The Province of Canada, for example, assumed responsibility for Indians only when Britain insisted on a transfer of authority in 1860. These attitudes persisted after 1867: the provinces of the new Dominion of Canada were only too happy to leave the expense and bother of Indian affairs to the federal government. Only when Indians or federal Indian policy threatened local ambitions, as in British Columbia after 1871, and to some extent in Ontario in the 1880's, did local governments object to the tradition of centralized (and somewhat remote) control.

Several themes are evident in a study of the development of Indian policy in Canada during the nineteenth century. Probably the most pervasive is the growth of central authority: by 1890, effective control of policy-making and its implementation was in Ottawa's hands. The framework for such a pattern had existed from the mid-eighteenth century, but the continuance of imperial control to 1860 meant that local officers acquired de facto wide discretionary powers in the conduct of Indian

relations. The advent of Canadian responsibility for Indian affairs and the emergence of the vigorous administrators William Spragge and Lawrence Vankoughnet ended this period of local autonomy. Both were men of strong convictions regarding the structure of the Indian Department, who were determined to mould it as they saw fit. Quebec City and then Ottawa were far better suited for such an approach than far-off London. The days of ramshackle administration and quasi-independent superintendencies ended rapidly after 1862, though as late as the 1870's officers like Alexander Morris of Manitoba and Israel Wood Powell of British Columbia functioned in a virtually free manner.

The growth of centralized authority over its Indian clients became the Department's hallmark in the period following Confederation. The great task which it faced during this time--like all federal departments--was expansion inside the contours of the still-growing Canada. The North-West and British Columbia were particularly challenging. The great series of numbered western treaties, commenced in August 1871, eventually covered all of the prairies and parts of Ontario, British Columbia and the territories to the north. The policies pursued during this time, even the pattern of the treaties themselves, were based upon those developed in the Province of Canada before Confederation. Applying to the prairie tribes

policies which had been worked out among the mainly agricultural Indians of the eastern woodlands, caused some friction, and contributed to the sharp rise of Indian resentment in the years just before the outbreak of the rebellion of 1885. British Columbia experienced some Indian unrest as well, though never so much as envisioned by some of its citizens' more fertile imaginations.

Indian affairs sometimes played an important role in Canadian intergovernmental relations. The St. Catherine's Milling Company Case occasioned controversy between Ontario and the federal government in the 1880's. British Columbia had begun to develop its own Indian policy before entering Confederation in 1871, and the resulting conflict with Canadian policy contributed to a major crisis in federal-provincial relations which took half a century to settle. The Indian Department weathered these difficulties, though not always very successfully, so that by the close of the Macdonald era, its policies and operations followed a fairly standard pattern from coast to coast which would be intensified in the next two decades.

A sense of administrative continuity, of tradition, also marked the Indian Department during this period. Several signs of this were visible. The strong sense of family service which dated from the Johnson era was retained by groups like the Andersons, the Givinses, the Ironsides, and even, to a lesser degree, the Vankoughnets.

There was also a strong sense of loyalty to the Department among most of its permanent employees. This sense of tradition and loyalty had its origin in the low status of the Indian Department within the general organization of government. It was very much an administrative backwater, largely ignored by other departments and leading civil servants and politicians. Nor was it often in the public eye--in contrast to its modern situation--for its operations were largely matters of daily routine, rather than original or spectacular solutions to urgent problems. Even in times of crisis, such as the mid-1880's, the Indian Department tended to occupy a secondary role, while other units like Militia or Defence or Justice occupied the headlines. Yet the Indian Department had a larger continuous history than any other division of the Canadian government, for the American Revolution and the political turmoil of the early nineteenth century had scarcely disturbed its normal operations. Its long-term employees made up for their lack of recognition by steeping themselves in its traditions and administrative peculiarities. This introversion sometimes rendered the Indian Department insensitive to changing Indian needs.

The low regard in which the Indian Department was held originated in the early nineteenth-century belief that it--and its Indian clients--would eventually disappear. Through most of the period of this study, the

Indian population of Canada was declining. This demographic trend, in combination with the dream of ultimate assimilation, caused many government officials to predict a steadily declining role for the Indian Department until its eventual demise. Such views provided a direct contrast with other departments of the federal government: they were growing and developing, keeping pace with the young country itself.

Yet the Indian Department--and its clients--survived and prospered. This very survival was in a sense the vindication of the Department's policies. Canada's current Indian population, which is generally thought to be equal to that of the sixteenth century, is beginning to benefit from some of the long-term policies--education being probably the prime example--begun a century and more ago.

A third theme became particularly visible during the period of the United Province of Canada, as the Indian Department's role changed. With the decision of 1830 that the Indians should be 'improved,' should have the benefits of European civilization brought to them, the Indian Department became the vehicle by which this transition from primitiveness to civilized society was to be accomplished. The administrative changes of the early 1840's and late 1850's altered the Department's procedures with this end in mind. The appointment of a permanent head in 1862 completed this process. The five years of experience

gained before Confederation meant that the new dominion government acquired an administrative unit whose policies and machinery were already established and operating. For the Indian Department, Confederation meant primarily that its responsibilities had been extended. It remained very much a product of the age of the United Province.

The policy which it had to enforce remained constant throughout the period, the undeviating goal being the assimilation of the Indian population into the mainstream of British North American life. The only arguments which occurred concerned the pace at which assimilation should proceed, or the methods which should be attempted in its attainment. Sir Francis Bond Head's policy of removal, the establishment of model communities, and the introduction of vocational training were all predicated upon the single objective of assimilation. The end remained the same even though the means varied.

Scholars have tended to overlook this formative period between 1841 and 1867. S. F. Wise has probed Indian policies and procedures at the time of the American Revolution and beyond.¹ Reginald Horsman has written on the period before the War of 1812 as well.² But the

¹ S. F. Wise, "The Indian Diplomacy of John Graves Simcoe," C.H.A.R., 1953, pp. 36-44.

² R. Horsman, Expansion and American Indian Policy, 1783-1812 (East Lansing: Michigan State University Press, 1967); Matthew Elliott, British Indian Agent (Detroit: Wayne State University Press, 1964).

history of Indian-White relations until the 1880's is then virtually ignored. The writings of G. F. G. Stanley³ and several recent theses⁴ have explored the period of the North-West Rebellion. The only works which deal with the middle of the nineteenth century are D. C. Scott's essays in Canada and Its Provinces, now more than sixty years old, and the more recent works by R. J. Surtees,⁵ J. E. Hodgetts and Morris Zaslow.⁶ The reason for this lack of interest would appear to be that which Bishop Stubbs warned against in his Constitutional History of England;⁷ "drum and trumpet" history has always attracted much scholarly and popular attention, often obscuring less spectacular changes and events which are no less important. Administrative history, like its constitutional

³ G. F. G. Stanley, The Birth of Western Canada (Toronto: University of Toronto Press, 1960). Professor Stanley has also written on the period covered by Wise and Horsman.

⁴ Cf. S. E. Bingeman, "The North-West Rebellion Trials, 1885," M.A. Thesis, University of Saskatchewan, Regina, 1971; J. J. Kennedy, "Qu'Appelle Industrial School," M.A. Thesis, Carleton University, 1970. See bibliography for other examples.

⁵ R. J. Surtees, "Indian Reserve Policy in Upper Canada 1830-1845," M.A. Thesis, Carleton University, 1966.

⁶ J. E. Hodgetts, Pioneer Public Service (Toronto: University of Toronto Press, 1955); M. Zaslow, The Opening of the Canadian North 1870-1914 (Toronto: McClelland and Stewart, 1972).

⁷ W. Stubbs, Constitutional History of England (Oxford: Clarendon Press, 1874-78), I, iii.

counterpart, is worthy of study.

A final theme is evident throughout the period of this thesis: the extent to which the Indian Department remained deeply influenced by economic and political considerations. The desire of British officials to cut down colonial expenditures was matched after the imperial transfer of 1860 by the parsimony of Canadian politicians. The personal political influences of the 1830's and 1840's were succeeded by the party considerations of Lawrence Vankoughnet's time. Yet there is no question that by 1890 the Indian Department was operating in a more nonpartisan way than it had half a century earlier. Competence was by no means the only criterion demanded of departmental employees under Vankoughnet's leadership, but it was the one indispensable requisite for employment.

Given these conditions in the Indian Department, how successful was Canadian Indian policy during this period? Contemporaries often compared it to its American counterpart, usually to the detriment of the latter.⁸ And by comparison, the conduct of Indian relations in Canada did appear to be orderly and peaceable. There had been no

⁸ For examples, see: PAC, RG10, BS 10,754, clipping from San Francisco Chronicle, November 25, 1878; PAC, MacP, 292, E. R. Humphreys to A. H. McNeill, June 29, 1887 (extract).

Sand Creeks or Little Big Horns to mark Canadian-Indian relations, though there had been some violence. The Cariboo gold rush period in British Columbia, the poaching on reserves and the Manitoulin confrontation of 1863 in Ontario, and the simmering western Indian discontent that had erupted at Frog Lake during the North-West Rebellion of 1885, all demonstrated that violence was not very far below the surface of White-Indian relations in Canada. Why had it not burst forth in a manner similar to that of the American west?

Part of the answer harked back to the American Revolution. That event unleashed a tide of westward migration in the United States that did not really end for more than a century, and released a potent form of individualism that came to be identified as particularly American. Both were evil portents for American Indians. The Indians stood in the way of rapid western development and so were regarded as either a menace or a nuisance. Because the political development of the United States was predicated upon the establishment of autonomous White communities, frontiersmen in the early stages felt free to dispose of Indians in whatever manner they chose. That usually meant recourse to force on both sides and the physical defeat of the Indians through the long series of frontier Indian wars. As the experiences of both Indians and Blacks demonstrated, American 'democracy' was clearly

intended only for Whites.

The United States government had realized the nature of the frontier problem fairly early but could produce no satisfactory solution to it. Western influence in Congress opposed anything that appeared to be a surrender of the rights of White frontiersmen. In fact, as the nineteenth century wore on, western influence became decisive in the formulation of United States Indian policy.⁹ The nature of American political democracy made it so. Indian policy became a matter of sectional attitudes rather than of partisan politics.¹⁰ The Jacksonian idea of enforced migration to the empty lands of the west postponed the necessity for working out a viable long-term policy, but the time thus bought did nothing whatever to improve the situation.¹¹ The tragedy for United States Indians was that no such policy was produced. As late as the 1880's, in the United States, the Indian Department was still divided over questions that should have been settled long before. Should Indians be controlled by civilian or military authorities? What roles ought churches and missionary societies to play in the execution

⁹ H. E. Fritz, The Movement for Indian Assimilation 1860-1890 (Philadelphia: University of Pennsylvania Press, 1963), pp. 163 ff.

¹⁰ Idem

¹¹ F. P. Prucha, American Indian Policy in the Formative Years (Cambridge: Harvard University Press, 1962), pp. 274-75.

of policy? How should a federal Indian department be organized? These difficulties had long been resolved-- whatever one might think of the solutions--in Canada.¹²

The westward tide of migration in nineteenth-century United States established its own de facto Indian policy, leaving Washington nothing but the production of an overall philosophical approach to Indian-White relations.

Canadian Indian policy was philosophically consistent and more enlightened than any of its North American counterparts. As suggested above, the speed of American expansion caused the government of the United States to ignore the development of a consistent Indian policy. The French and the Spanish--like the British--regarded Indians in their natural state as minors, as people incapable of taking a full part in colonial society. But the great Catholic nations seemed content to leave matters there. The French in Canada never organized a separate government department to administer Indian affairs, leaving the task of conversion and assimilation to the haphazard efforts of missionary orders. The Spanish simply exploited Indians as a ready source of slave labour on the great ranches of colonial Mexico. In both cases, Indian people were reduced to a wretched economic and social element living

¹² L. B. Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy 1865-1887 (New Brunswick, N.J.: Rutgers University Press, 1942), pp. 15-27, 28 ff.

on the urban fringes of colonial societies or in regions remote from settlement, with little hope of betterment.

The combination of Protestant Christianity and the British policy of having governmental authority precede settlement resulted in different emphases in Canadian Indian policy. In Canada the traditional British policy of centralized control became the norm in Indian relations after the American Revolution. On the model of the Royal Proclamation of 1763, government officials negotiated with Indian bands before large-scale White settlement entered their areas. As early as 1783-84, Governor Haldimand negotiated the surrender of two tracts of land from the Mississaugas for, and granted them to, dispossessed, loyal Mohawks in what was shortly to become Upper Canada. Although this was apparently done as much out of fear of the Indians as anything else, it became the pattern followed in Upper Canada during the 1820's and 1830's, and eventually was extended over much of the new dominion after Confederation. The great series of numbered western treaties was the direct descendant of this pattern.

Canadian authorities were aided in this development by the slower rate of growth in Canada, as contrasted with that of the United States. Indian negotiations tended to move forward at a healthy pace, slightly in advance of large-scale White settlement. The area where this was not the case, British Columbia, experienced some violence and

a century of uneasy Indian-White relations. The dominion government's foresight in creating the North-West Mounted Police and retaining federal ownership of the land and its resources was an important factor in controlling Indian-White relations as well. A large part of the 'success' of Canadian Indian policy must be laid at the feet of those political, social, and economic factors.

Yet the Indian Department deserves its share of credit too. Its officers were often underpaid, ill-clothed and badly housed. Despite these hardships, most of them were conscientious and humane men, trying to bring the bands for whom they were responsible into comfortable contact with White British American society. Not the least of their trials was the narrow-mindedness of Ottawa bureaucrats--including some in their own head office--who could not see beyond a governmental balance-sheet to the very real needs of local situations.

The greatest fault displayed by the Indian Department was an unwillingness to consult with its own agents and its Indian clients about their future. This was regrettable, but it was perfectly consistent with the mid-nineteenth-century philosophical view that Indians were children, minors in the eyes of the law, who had to be brought to real 'adulthood' before they could be expected (or allowed) to make important decisions for themselves. The Indian Department made a double mistake: it overlooked

the Indians' ability (and right) to decide certain things for themselves, and it failed to define satisfactorily just how it would determine when Indian 'adulthood' had been achieved. Nor had it decided on its proper role once the Indian population had been brought to the 'adult' level. These errors help to explain the failure of the policy of enfranchisement.

It may be objected, too, that despite the difference in the Canadian approach to Indians, the net results have been similar to those in other countries. Canadian Indians seem to be just as much a fringe people as the Indians of the United States or Mexico. Such simple comparisons do not stand the test of close scrutiny. Historically, Indians have contributed richly to Canada's development. Their historic military role has continued through the Nile Expedition of the 1880's and the two world conflicts of the twentieth century. They have graced our literature, theatre and sports and have been the principal force behind at least one fraternal order. They have contributed enormously in recent times to political debate regarding this country's future priorities. Their provincial and national organizations currently possess leaders who are young and extremely capable: Harold Cardinal of Alberta and James Wah-shee of the Northwest Territories are two examples.

The struggles in which men like these are presently

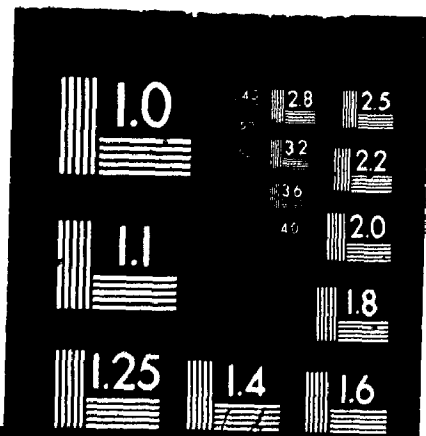
involved display both the strengths and weaknesses of nineteenth-century Canadian Indian policy. The economic development necessary to create independent Indian communities occurred very unevenly. The Six Nations community near Brantford and the great Blackfoot reserve in southern Alberta were examples of potential prosperity, but they were not as typical as the small and neglected reserves of Quebec and the Maritimes. Indian people are consequently still very concerned about opportunities for economic development. Nineteenth-century policy, with its emphasis on treaty arrangements and close Indian-government contact, has provided the framework inside which twentieth-century Indian grievances are being explored. The nineteenth-century emphasis on Indian education and training has ultimately produced Indian leaders who understand the nature of White politics and can thereby benefit their people. The tradition of Indian-government consultations has meant that Indian-White relations in twentieth-century Canada have continued to be more peaceful than those in other countries. Our history possesses no Wounded Knee massacre: our current situation has not seen a Wounded Knee occupation. Tension and violence exist, as the recent Kenora sit-in demonstrated, but they do so in lesser degree than elsewhere: when they do appear, they are often 'imported.' It is a measure of the Indian Department's success in the half-century

surrounding Confederation that much current Indian unrest is based, not upon negation of its goals, but upon an insistence that the treaties for which it was responsible and the rights which it acknowledged must now be met by current authorities.

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