

**SEEING WITH TWO EYES:  
COLONIAL POLICY, THE HURON TRACT TREATY AND CHANGES IN  
THE LAND IN LAMBTON COUNTY, 1780-1867**

**KAREN JEAN TRAVERS**

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## ABSTRACT

This dissertation explores the histories of Walpole Island (Bkejwanong), Sarnia (Aamjiwnaang), and Kettle and Stoney Point (Wiiwkwedong and Aazhoodena) between 1790 and 1867 in what became Lambton County, Ontario. Anishinabe peoples faced tremendous challenges during this crucial period in their histories stemming from the loss of the Ohio Valley, non-native settlement, and intense pressure to surrender the land and settle permanently on reserves. With few exceptions, literature on the subject of Upper Canadian history and Indian policy largely accepts the decline of Anishinabe communities as an inevitable consequence of demilitarization after the War of 1812. The fact that Anishinabe peoples continue to live in these same communities as they have for hundreds of years, complicates such analyses. Through the lens of ‘two-eyed seeing’ I interrogate this contradiction and explore the many ways that the Anishinabeg sought to combine Indigenous knowledge and worldviews with the tools to survive in Eurocanadian economies between 1790 and 1867. While this story is not one of swift decline, I argue that Indigenous leaders sought a future for themselves that differed fundamentally from the one that unfolded in the years before Confederation.

This study uses petitions, Indian Affairs and municipal documents to explore the confluence of local processes that undermined Anishinabe attempts to co-exist with Eurocanadians. While it is true that Great Britain no longer needed its ‘Indian allies’ after the War of 1812, this does not sufficiently explain why fellow Loyalists and settlers did not accept Anishinabe peoples as partners in a province that both communities helped establish. While policy is an important part of this process, it is only a part of this story. My focus is on the relationships established between two peoples, and the construction, devolution, and

disintegration of these relationships. Plans made by Anishinabe Chiefs to create a self-sufficient and independent future in Upper Canada were gradually undone by a combination of politics, policy, land and economics. These coalesced over the first half of the nineteenth century to radically transform their vision to one that by Confederation, increasingly sought to confine and define 'Indians' as legal wards.

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## LIST OF ABBREVIATIONS

AANDC	Aboriginal and Northern Development Canada (Formerly Indian and Northern Affairs Canada or INAC)
AO	Archives of Ontario
APS	Aborigines Protection Society
BAO	Bureau of Archives Report for the Province of Ontario
BHC	Burton Historical Collection, Detroit Public Library
BPP	British Parliamentary Papers
CHR	Canadian Historical Review
DCB	Dictionary of Canadian Biography
DPL	Detroit Public Library
F.C.R	Federal Court Reports (Canada)
JLAPC	Journals of the Legislative Assembly of the Province of Canada
LAC	Library and Archives Canada
LCA	Lambton County Archives
MPHS	Michigan Pioneer and Historical Society
NYCD	Documentary History of the State of New York
OHSPR	Ontario Historical Society Papers and Records
OLRI	Ontario Land Records Index
RCAP	Royal Commission on Aboriginal Peoples
RG	Record Group (Library and Archives Canada)
WJLB	William Jones Letter Books
U.C.C.P	Upper Canada Court of Common Pleas
U.C.L.J	Upper Canada Law Journal
UCLP	Upper Canada Land Petitions
U.C.Q.B	Upper Canada Queen's Bench (Reports, (O.S). Old Series)

## INTRODUCTION

I have not the least doubt of the sincerity of our love to promulgate the happiness and prosperity of Indians; but it happens sometimes with the affairs of men, that out of the purest motives to do good, there will be an error in judgement and practice, which will produce a reaction, and consequently a bad ending.

Peter Jones, 7 July, 1830<sup>1</sup>

In 1827, Anishinabe peoples<sup>2</sup> in southwestern Upper Canada transferred more than two and a half million acres of land to the British Crown in the Huron Tract Treaty.<sup>3</sup> With the exception of Walpole Island (Chenail Ecarté) and land reserved at Sarnia (Upper Reserve), St. Clair (Lower Reserve) and Kettle and Stony Point, this agreement was the last in a series of treaties negotiated in the region between 1790 and 1827.<sup>4</sup> A little more than ten years later, Quakgwan, a War of 1812 veteran and Chippewa Chief<sup>5</sup> would petition the Governor General for a deed to one hundred acres of land near the Ausable (or Sable) River in Bosanquet Township which he purchased in common with others in 1840.<sup>6</sup> Quakgwan's 'band' cleared the land and established farms on this lot, located just southeast of Stony Point. Some lived in log homes and had extensive improvements.<sup>7</sup> In the language of the day, and according to the

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<sup>1</sup> Library and Archives Canada, Record Group 10: Indian Affairs, Volume 438, Peter Jones, River Credit to J.B. Clench, Carradoc, 7 July, 1830, 769-71. (hereafter cited as LAC, RG 10/Volume)

<sup>2</sup> See glossary in Appendix A.

<sup>3</sup> Robert Surtees, "Indian Land Surrenders in Ontario, 1763-1867," Treaties and Historical Research Centre (Ottawa: Indian and Northern Affairs Canada, 1984), 44.

<sup>4</sup> Walpole Island Chiefs were not parties to any of these agreements and the territory remains unceded today.

<sup>5</sup> Quakgwan (spelled Quakegon, Qua-ke-gone and Equaikegon), means "Feather." Born c. 1790 in Michigan, he is identified in the documents as a Chippewa Chief. Greg Curnoe, *Deeds/Nations*, Occasional Publications of the London Chapter, Ontario Archaeological Society, #4 (London: Coach House, 1996), "Q"; Major John Richardson, *Tecumseh and Richardson: The Story of a Trip to Walpole Island and Port Sarnia* (1849, Reprint, Toronto: Ontario Book Co., 1924), Appendix.

<sup>6</sup> Known by the French as the Rivière aux Sables or au Sable River.

<sup>7</sup> See glossary in Appendix A. for a definition of 'band' and 'improvement.' "Stony" Point is the official spelling of the reserve registered with the Department of Aboriginal Affairs and Northern Development (AANDC). The community uses the name "Stoney Point" or Aazhoodena. The Federal government expropriated the Stony Point Reserve under the War Measures Act in 1942 and the community merged with Kettle Point.

ideological aims of British policymakers, they were becoming ‘civilized.’ Despite their success, Quakgwan’s community no longer exists on the lot in Bosanquet. In 1850 the Indian Department sold the land to Allen Kennedy, a sawmill operator and local official, and the residents of the landless community resettled on Walpole Island and in the Sarnia Indian Village. Quakgwan intended to relocate to a lot on Walpole Island, but died before he could make the journey.

Quakgwan and other “traditional patriarchs”<sup>8</sup> of his generation, challenge many established notions about the relationships between Eurocanadians and Indigenous peoples in nineteenth century Upper Canada. We know for instance that Aboriginal people became legal wards after 1857, and most certainly upon passage of the 1876 Indian Act.<sup>9</sup> However, Quakgwan’s life and those of Anishinabe peoples in southwestern Ontario between 1790 and 1867, tell us that it was not always this way.

This dissertation seeks to explore a common contradiction in the settlement of southwestern Ontario. On the one hand, histories of this period, in the words of archaeologist Neil Ferris, suggest that Anishinabe peoples faced “decline and ruin” after the War of 1812.<sup>10</sup> On the other, their continued habitation on the lands they reserved in the nineteenth century, as distinct cultural entities suggests that an alternative narrative is necessary. British Indian policy provided the impetus to settle Aboriginal people on reserves in Upper Canada but policy is really only one side of the story. By 1850, Quakgwan and his community had molded a way of

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<sup>8</sup> Victor Gulewitsch, *The Chippewas of Kettle & Stony Point: A Brief History* (Chippewas of Kettle & Stony Point Historical Claims Research Office, 1995), 18.

<sup>9</sup> 20 Vict. c. 26. *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857 in *Statutes of the Province of Canada* (Toronto: Stewart Derbyshire & George Desbarats, 1857), 84-88; 39; Vict. c. 18. *An Act to amend and consolidate the laws respecting Indians*, 12 April, 1876. Available Online at AANDC, [https://www.aadnc-aandc.gc.ca/.../1876c18\\_1100100010253\\_eng.pdf](https://www.aadnc-aandc.gc.ca/.../1876c18_1100100010253_eng.pdf). The 1876 Act defines a ‘person’ as an “individual other than an Indian.”

<sup>10</sup> Neal Ferris, *The Archaeology of Native-Lived Colonialism: Challenging History in the Great Lakes* (Tucson: University of Arizona Press, 2009), 2.

life that worked in both Indigenous and European worlds and envisioned a future that was fundamentally different than the one that unfolded between 1790 and 1867.

The differences between the expectations of leaders like Quakgwan and the reality that confronted them are the subjects of this study. For much of the early nineteenth century, Anishinabe leaders including Quakgwan and Walpole Island Chief Peterwegeshig<sup>11</sup> negotiated the complexities of two worlds by ‘seeing with two eyes,’ or in the words of Ojibwe author Edward Benton-Banai, by “balance[ing] the knowledge of modern survival with the knowledge of native culture and spirituality.”<sup>12</sup> Sustaining balance and recognizing one’s place and “responsibility in maintaining the goodness and beauty of Creation” are key to the Anishinabe philosophy of *Mino-Bimaadziwin*, a path to living a Good Life of health, happiness and well-being.<sup>13</sup> Thus, the treaties signed by Anishinabe peoples at the turn of the nineteenth century and the actions taken by individuals such as Quakgwan, were part of a deliberate plan to acquire the best of both worlds and coexist with Eurocanadians in a mutually-beneficial, balanced and culturally meaningful manner.

In order to survive in northeastern North America Aboriginal peoples continually revised and re-evaluated their relationships with Europeans.<sup>14</sup> For much of the eighteenth century, Indigenous systems of knowledge, when applied to the growing problems created by war, displacement and re-settlement, protected the land and facilitated communication and

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<sup>11</sup> Curnoe, *Deeds/Nations*, 100. Born near Swan Creek, Peterwegeshig or “In Between Dawn” [c.1811-1920] lived on Walpole Island.

<sup>12</sup> Sheldon Krasowski, “‘A Numiany’ (The Prayer People) and the Pagans of Walpole Island First Nation: Resistance to the Anglican Church, 1845-1885” (M.A. Thesis, Trent University, 1999), 54; Edward Benton-Banai, *The Mishomis Book: Voice of the Ojibway People* (Red School House, Hayward, WI: Indian Country Communications, Inc., 1988), 112.

<sup>13</sup> D’Arcy *Ishpeming’enzaabid* Rheault, “Anishinaabe Mino-Bimaadziwin,” (M.A. Thesis, Trent University, 1998), xxv, 112.

<sup>14</sup> Colin Calloway, *New Worlds for All: Indians, Europeans and the Remaking of Early America* (Baltimore: Johns Hopkins University Press, 1997), xiii.

understanding between their confederacies and colonial representatives. Utilizing the diplomatic conventions of the Covenant Chain, Anishinabe peoples allied themselves with the French and then the British throughout the “sixty years war for the Great Lakes,”<sup>15</sup> to defend the land; to secure a consistent supply of European trade goods, and maintain a relationship of co-existence with settlers and their governments.

In the nineteenth century, Peter Jones described the Covenant Chain as a “treaty of peace and friendship,” in which participants “solemnly covenanted, by going through the usual forms of burying the tomahawk, smoking the pipe of peace, and locking their hands and arms together.” While the Chain seems to have its origins among the Mohawk in the Hudson Valley, it was extended to many nations in the Great Lakes Borderlands including the Western Anishinabe at the Great Peace of Montréal in 1701.<sup>16</sup> At Niagara in 1764, the English “entered into a treaty of friendship with the Ojebways” and united them with a silver chain.<sup>17</sup> In conjunction with written copies of documents, wampum belts served as mnemonic aids to “jog [the] memory,” transmitting the oral understandings of the chain among the multiple parties.<sup>18</sup> British and Indigenous speakers exchanged large and elaborate Covenant Chain wampum belts portraying figures holding hands or illustrating individual ‘links’ in the chain.<sup>19</sup> The Two-Row Wampum or Gus-Wen-Tah (Kahswentha) shown in Figure 1 below, is often referred to as a treaty because it symbolizes the nation-to-nation or sovereign status of First Nations in their diplomatic relations

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<sup>15</sup> David Curtis Skaggs and Larry L. Nelson eds., *The Sixty Years' War for the Great Lakes, 1754-1814* (Lansing: Michigan State University Press, 2001).

<sup>16</sup> See Gilles Havard, *The Great Peace of 1701: French-Native Diplomacy in the Seventeenth Century*. Trans. by Phyllis Aronoff and Howard Scott (Montreal-Kingston: McGill-Queen's University Press, 2001).

<sup>17</sup> Peter Jones and G. Osborn, *A History of the Ojebway Indians With Especial Reference to Their Conversion to Christianity* (London: A.W. Bennett, 1861), 113 & 129.

<sup>18</sup> Norman Jacobs (Haudenosaunee) in *Legend and Memory: Ontario's First Nations*, directed by Dean Henry and David Hawkins (Toronto, ON: TV Ontario, Visual Education Centre, Ltd., 2002), VHS.

<sup>19</sup> The number of links in the chain generally corresponded to the number of nations pledged to the alliance. See also figure 9.

with the Crown, its representatives and subjects. “Counterbalancing” the two parallel rows of purple beads symbolizing the two polities are three rows of white beads representing “peace, friendship, and respect.” The middle row balances political sovereignty within a broader relationship of “interdependence,” caring and support. Taken together, John Borrows writes the belts, including those exchanged at Niagara (see also Figure 9) “support a notion of citizenship that encourages autonomy and at the same time unifies and connects us to one another, and to the lands we rely on.”<sup>20</sup>

**Figure 1: Gus-Wen-Tah (Kahswentha) or Two-Row Wampum**



Though the Covenant Chain never mythologically linked the Western Confederacy or the British to them in peace and tranquility, legal historian Mark Walters notes that the spiritual significance of the Covenant Chain cannot be ignored. “The chain metaphor implied notional links of kinship, an extrapolation of the clan unit that was the basic building block of local, national and confederal aboriginal political organizations.”<sup>21</sup> Walters suggests the Chain created a “*normative* foundation” or “common conceptual ground” which the British understood, respected and acknowledged with pledges of mutual aid and presents.<sup>22</sup> Though the Chain had the potential to mitigate some of the effects of colonial power brokering, historian Richard White

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<sup>20</sup> John Borrows, *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002), 149-50.

<sup>21</sup> See glossary for First Nations in the Western Confederacy. Mark D. Walters, “Brightening the Covenant Chain: Aboriginal Treaty Meanings in Law and History after Marshall,” *24 Dalhousie Law Journal*, 75(2001): 81.

<sup>22</sup> Walters, “Brightening the Covenant Chain,” 88-89.

points out that “as a single grand alliance” it “was a myth.”<sup>23</sup> The British were often uncaring and did not ‘polish’ the chain sufficiently with wampum and support in the form of presents. It ‘broke’ several times as a result. In 1754 Hendrick told the Lieutenant-Governor of New York James De Lancey that cordial relations between the two nations were in peril. The Mohawk “thought the Covenant Chain was broken because we were neglected.”<sup>24</sup>

Though the Covenant Chain was not infallible it could be repaired, and Hendrick and Pontiac both used it as a vehicle to restore balance to the Covenant Chain diplomatic relationship. Arrogant and disrespectful British officials increasingly failed to observe Covenant Chain protocols after the defeat of France. Fearing that the British planned to “take their land and enslave them,”<sup>25</sup> Pontiac and several hundred warriors took all but two of the British forts in the Great Lakes region in the spring of 1763 and redistributed much needed guns, ammunition and foodstuffs to their villages. Each nation interpreted their relationship and position within the Covenant Chain alliance differently and as a consequence, support and agreement with Pontiac’s methodology was by no means universal. Nonetheless, enough leaders recognized that their ability to shape British policy largely depended upon their capacity to muster a unified response.<sup>26</sup> In future, when Indigenous leaders in the Great Lakes met British officials in council to discuss critical issues concerning sovereignty, trade and land, they would do so as representatives of a Western Confederacy. If British officials wished to avoid further conflict thereafter, they had to renew the Covenant Chain with presents, fair trade, and assist the Western

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<sup>23</sup> Richard White, *The Middle Ground: Indians, Empires and Republics in the Great Lakes Region, 1650-1815* (Cambridge: University of Cambridge Press, 1991), 225.

<sup>24</sup> E.B. O’Callaghan, ed., *Documents Relative to the Colonial History of the State of New York*, Vol. 6, (Albany: Weed, Parsons & Co., 1855), “Council held at Albany, 28 June, 1754,” 867; LAC, RG 10 Series 2/1, “Meeting of the Commissioners of Indian Affairs, Albany, 28 September, 1744.”

<sup>25</sup> Gregory Evans Dowd, *War Under Heaven: Pontiac, the Indian Nations, and the British Empire* (Baltimore: Johns Hopkins University Press, 2002), 66 & 78.

<sup>26</sup> Dowd, *War Under Heaven*, 53.

Nations to protect their territories from encroachment.

In an effort to curb “great frauds and abuses” associated with non-Aboriginal settlement, the *Proclamation of 1763* specifically stated that Aboriginal people were not to be “molested or disturbed,” in the sovereign enjoyment of their territory west of the Appalachian Mountains, including the Great Lakes Basin. A licensing system restricted traders to the posts and empowered only the Crown to purchase Aboriginal land at councils called for that purpose and attended by representatives of both nations.<sup>27</sup> The Board of Trade and Plantations, responsible for colonial administration, hoped the Proclamation would curb the behavior of abusive traders and settlers, limit the number of fraudulent transactions, and contain settlement to that which could reasonably be managed and afforded.

Greeted with much hope and promise by Indigenous peoples and officials in the Indian Department, Sir William Johnson, Alexander McKee and others received copies of the Proclamation in 1764 and immediately set about informing Aboriginal people, traders and settlers of the provisions.<sup>28</sup> As Borrows writes, that summer at Niagara, Johnson bound two thousand peoples from twenty-four Nations with the English and the *Proclamation of 1763* became a treaty.<sup>29</sup> Even so, the language used in the *Proclamation of 1763* is vague and contradictory. It clearly states that “the several Nations or Tribes of Indians” were “connected” to, and under the “Protection” of Great Britain, but these sections remain separate from clauses pertaining to European settlements.<sup>30</sup> Referring to Indigenous peoples as “Nations” and “Tribes,”

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<sup>27</sup> *The Royal Proclamation*, 7 October, 1763, in *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*, ed., Ian A.L. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), 29-38.

<sup>28</sup> *The Papers of Sir William Johnson*, ed. James Sullivan, Vol. 4 (Albany: University of the State of New York, 1925), Lords of Trade to Indian Superintendents, 10 October, 1763, 214.

<sup>29</sup> John Borrows, “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government,” in *Aboriginal and Treaty Rights in Canada*, ed. Michael Asch (Vancouver: UBC Press, 1997), 161 & 163.

<sup>30</sup> See glossary in Appendix A for an explanation of the word ‘tribe.’ *The Royal Proclamation*, 7 October, 1763 in



but not “subjects,” the Proclamation clearly distinguishes between their territories and colonies where non-Aboriginal settlement existed. By prohibiting non-natives from being in the Indian Territory without license or permission, it recognizes the policy of “non-interference” expressed by the Two Row Wampum since Aboriginal laws and customs by default must have prevailed.<sup>31</sup> But the Proclamation also contained a procedure for surrendering these rights that was unclear and unenforceable, and that officials and settlers later found ways to abuse. The British Crown neither acknowledged the sovereign status of Aboriginal peoples nor sanctioned the supremacy of Indigenous law in the Indian Territory. Though they lacked the tools to assume such a monumental task, Crown officials assumed an intermediary role between the conflicting aspirations of settlers and Aboriginal people.<sup>32</sup> The 1774 Quebec Act folded the Indian Territory north of the Ohio River (essentially the Great Lakes Basin), into the newly created Province of Quebec and again banned settlement beyond the posts. Casting off the restrictions contained in the *Proclamation of 1763* and subsequent Quebec Act, the American colonies ultimately took lands in the Indian Territory as “the fruits of independence.”<sup>33</sup> Though attempts to restore the balance of power in the Great Lakes basin ultimately failed, combining western ways of ‘doing,’ with Indigenous ways of ‘knowing’ continued to inform and guide Anishinabe communities in their relationships with non-Aboriginal neighbours.

Although the treaties signed in the period between 1790 and 1827 swallowed most of southwestern Ontario, they represent a continuum in evolving Covenant Chain diplomacy. Thirty

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*As Long as the Sun Shines and Water Flows*, ed. Getty and Lussier, 29-38.

<sup>31</sup> Borrows, “Wampum at Niagara,” 159.

<sup>32</sup> Paul McHugh, “The Politics of Historiography and the Taxonomies of the Colonial Past,” in *Making Legal History: Approaches and Methodologies*, ed. Anthony Musson and Chantal Stebbings (Cambridge: Cambridge University Press, 2012), 176.

<sup>33</sup> Woody Holton, *Forced Founders: Indians, Debtors, Slaves and the Making of the American Revolution* (Chapel Hill: University of North Carolina Press, 1999), 211.

years after the *Proclamation of 1763*, and within the lifetimes of many present at the Council at Niagara in 1764, the St. Clair Chiefs signed the 1790 McKee, 1796 Chenail Ecarté and 1818-1827 Huron Tract agreements. Surrenders of this magnitude necessitated that leaders provide for the future prosperity of their communities. Their intentions can be described clearly as 'two-eyed seeing,' and after 1790, treaties were a part of their plan to cultivate and maintain a balanced, “peaceful co-existence” with Europeans.<sup>34</sup>

In 1818 twenty-three Anishinabeg leaders gathered at Amherstburg to present their terms for the surrender of their territories to Superintendent John Askin. Bear Creek Chief Chawme [also Chawne, d. c1823]<sup>35</sup> explained that they wanted reserves in locations of their choosing, and sufficient land for agricultural and hunting purposes. The chiefs requested payment for the land, “half in hard money and half in cloathing,” for fifty years, separate and in addition to any pensions or presents already received. They wanted a blacksmith and husbandman paid out of their annuities to repair their tools and teach them to farm. These terms enabled Anishinabe reserve communities to build relationships with their Eurocanadian neighbours, engage in commerce as sovereign entities, retain use of their territories, and control the proceeds of their land sales. They agreed to a limited term of fifty years because they expected to be self-sufficient when the land payments expired in 1868.<sup>36</sup> If the British kept their end of the bargain and protected Anishinabe lands from encroachment, the acreage in the treaties would have been immaterial and the funds raised from sales and leasing would have facilitated economic development. While Anishinabe communities did build relationships with local Eurocanadian

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<sup>34</sup> Gulewitsch, *The Chippewas of Kettle & Stony Point*, 16.

<sup>35</sup> See Appendix A for Bear Creek.

<sup>36</sup> LAC, MG 19 F1, Claus Papers, Vol. 11, “Minutes of a Council held at Amherstburg, 16<sup>th</sup> October 1818 between John Askin Esq. Superintendent of Indian Affairs and...Chippewa Chiefs and Leaders of the Chenaille Ecarte, River St. Clair, Sable & Thames and Bear Creek,” 95-96.

settlers and officials, the partnership ultimately failed on multiple levels. By 1868, independent communities under the stewardship of leaders like Quakgwan should have become the norm, not the exception.

Indigenous communities in southwestern Ontario responded and adapted to the imposition of settlers and officials; so much so that Ferris argues they “maintained a traditional livelihood well into the 19th century.”<sup>37</sup> The degree to which Anishinabe communities in southwestern Ontario maintained their cultures and economies is directly related to their isolation and much of it occurred at the expense of the vision of ‘two eyed seeing.’ Indigenous and European economies were not necessarily contradictory in the nineteenth century and the loss of the former did not have to be a prerequisite to engage in the latter.<sup>38</sup> If Aboriginal people had been able to coexist and interact with Eurocanadian society on their own terms, the best of both worlds was indeed within their grasp.

Using both archaeological and documentary evidence, Ferris contends that Indigenous leaders did not preside over communities in “decline and ruin.”<sup>39</sup> At the same time, the Anishinabek could also not accept policy as a neutral factor in their lives. Elemental in establishing a history of encounters on their own terms, Western District Chiefs viewed ‘civilization’ policy in the context of the treaties, as a social and political alliance between sovereigns and a program of economic development.<sup>40</sup> Like their neighbours, the chiefs engaged in spirited debate about the best ways to pursue their goals. Although they did not always see ‘eye-to-eye,’ they shared common assumptions about the way they expected their futures to

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<sup>37</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 34.

<sup>38</sup> John Lutz. *Makúk: A New History of Aboriginal-White Relations* (Vancouver: UBC Press, 2008), 23.

<sup>39</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 2.

<sup>40</sup> Douglas Leighton, “Historical Development of the Walpole Island Community,” Occasional Paper No. 22, Huron College (Wallaceburg, ON: Walpole Island Research Centre, March 1986), 26.

unfold. ‘Seeing with two eyes,’ required control of the land and access to resources, political sovereignty and strategic partnerships with Eurocanadians.

In 1829, the Bishop of Quebec agreed, informing Governor-General James Kempt that “little can be accomplished in the civilization of the Indians without their concurrence and aid.”<sup>41</sup>

But Anishinabe reserves, surrounded by non-Aboriginal communities largely hostile to their sovereignty and independence, soon faced a complex bureaucracy they did not anticipate.

Walpole Island Chief Bauzhigeshigwashekum wished to educate Anishinabe children “so that they may learn to read, put words on paper, and count, so that the white traders might not cheat them,” and Sarnia Chief Joshua Wawanosh voiced a similar refrain, hoping that their children

could learn “to live like white people.”<sup>42</sup> But as Figure 2 below illustrates, living ‘like white people’ meant earning an independent living while retaining their own culture; not ridding

themselves of one and adopting another, wholesale. The residential school grounded in the

pedagogy of cultural replacement perverted the Chief’s desire for education. While historian

David Nock writes that he had a change of heart later in life, in 1873 Sarnia’s Missionary E.F.

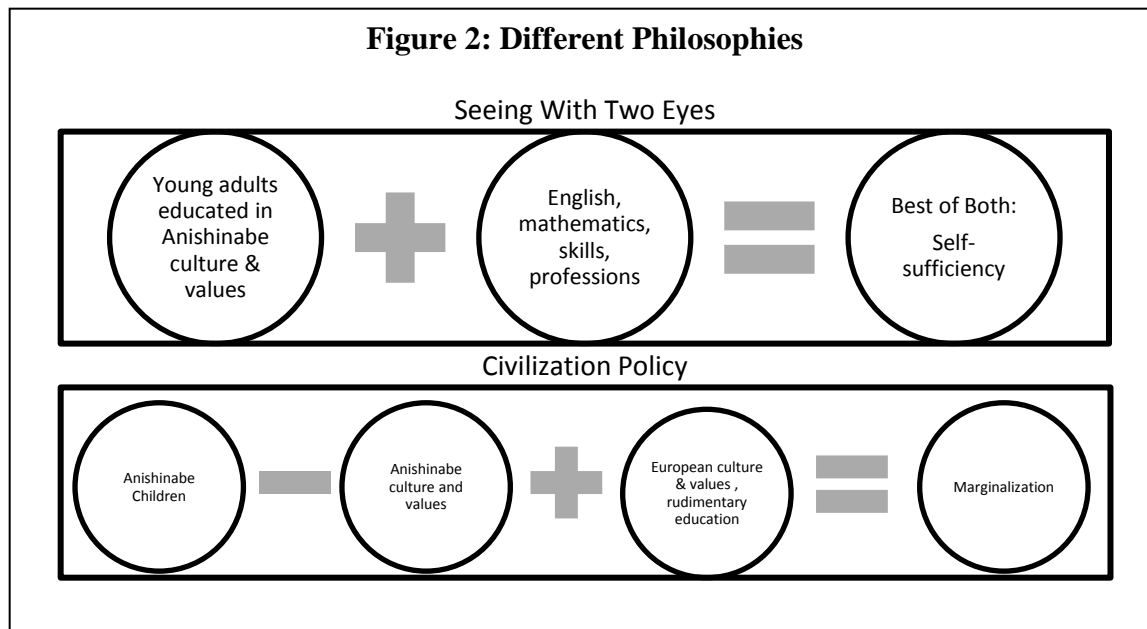
Wilson opened the Wawanosh Home for Girls (near the Shingwauk Residential School in Sault

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<sup>41</sup> *British Parliamentary Papers, Correspondence and Other Papers relating to Aboriginal Tribes in British Possessions, 1834*, no. 617 (London, 1834), Enclosure No. 13, Extract of a Letter from the Lord Bishop of Quebec to Sir James Kempt, 22 April, 1829, 52. (Hereafter BPP, no. 617, 1834)

<sup>42</sup> Donald B. Smith, “Bauzhi-Geezhig-Waeshikum,” in *DCB Online*, University of Toronto/Université Laval, 2003–, accessed March 31, 2013, <http://www.biographi.ca>; Curnoe, *Deeds/Nations*, 96-7, 157-8; Hereditary Chief Bauzhigeshigwashekum (Pazhegeezegwahekum var. spellings) or “He who makes footsteps in” or “steps over the sky” [c.1770-1841] was born on the Maumee River. It is believed Wawanosh (later Joshua) [c.1786-1879] came to Sarnia from the Sault Ste. Marie area.

**Figure 2: Different Philosophies**



Ste. Marie) with the intent “to produce children who would be interchangeable with white children except for colour.”<sup>43</sup> The St. Clair Chiefs refused to surrender their culture, language and spiritual beliefs and because they did not acquiesce to their demands, officials and residents of the Town of Sarnia described them as obstinate and increasingly blamed them for retarding the progress of their communities. Wawanosh and Bauzhigeeshigwashekum sought a balance between two extremes, approaching their relationships with Eurocanadians on their own terms while pursuing a place for their communities in the region’s future. In this context, the Anishinabeg formulated responses to policy that ultimately strengthened their culture and enabled them to survive. This is a story of “suivance,” and not domination and ruin.<sup>44</sup>

### **Scope and Methodology**

Anishinabe peoples survived by re-inventing themselves and their communities in a

<sup>43</sup> David A. Nock, *A Victorian Missionary and Canadian Indian Policy: Cultural Synthesis vs Cultural Replacement*. (Waterloo, ON: Wilfred Laurier University Press, 1988), 76-79.

<sup>44</sup> Vizenor tells “Native stories of survivance” which he describes as “renunciations of dominance, tragedy and victimry.” See Gerald Vizenor, *Manifest Manners: Narratives on Postindian Survivance* (Lincoln: University of Nebraska Press, 1999), vii.

geographical region that brought both “imposition and innovation”<sup>45</sup> Though they came together in larger groupings for certain social, economic and political activities and had a collective interest in the land desired for settlement, Anishinabe peoples in the Western District borderlands were otherwise independent entities possessing their own cultures and beliefs. Their choice of reserve locations in 1818, and where they currently reside corresponds with these historic demarcations.<sup>46</sup> This study focuses on the histories of Walpole Island (Bkejwanong), Sarnia (Aamjiwnaang), and Kettle and Stoney Point (Wiiwkwedong and Aazhoodena), and Eurocanadians between 1790 and 1867 in what became Lambton County. Originally known as the District of Hesse, Lambton County was carved out of the Western District in 1849. It is bounded in the west by Lake St. Clair and the St. Clair River, in the north by the southwestern shore of Lake Huron, in the east by the Sable River and in the south by the County of Chatham-Kent. (Figure 3 below). These *Lines Drawn Upon the Water*,<sup>47</sup> between the Townships, across the County, and around the reserves solidified as the nineteenth century advanced. Before Lambton County, Anishinabe peoples found themselves bounded only by their proximity to other nations, their ancestral territories and the seasonal availability of resources within. Wyandotte Chief Peter Dooyentate Clarke simply wrote that “the Great and Good Spirit made us, and placed us here.”<sup>48</sup> Undoubtedly, the potential for human occupation in southwestern Ontario extends to at least 10,000 years B.P. but the role the Detroit-St. Clair River system played as the major drainage outlet between the upper and lower Great Lakes eradicates evidence

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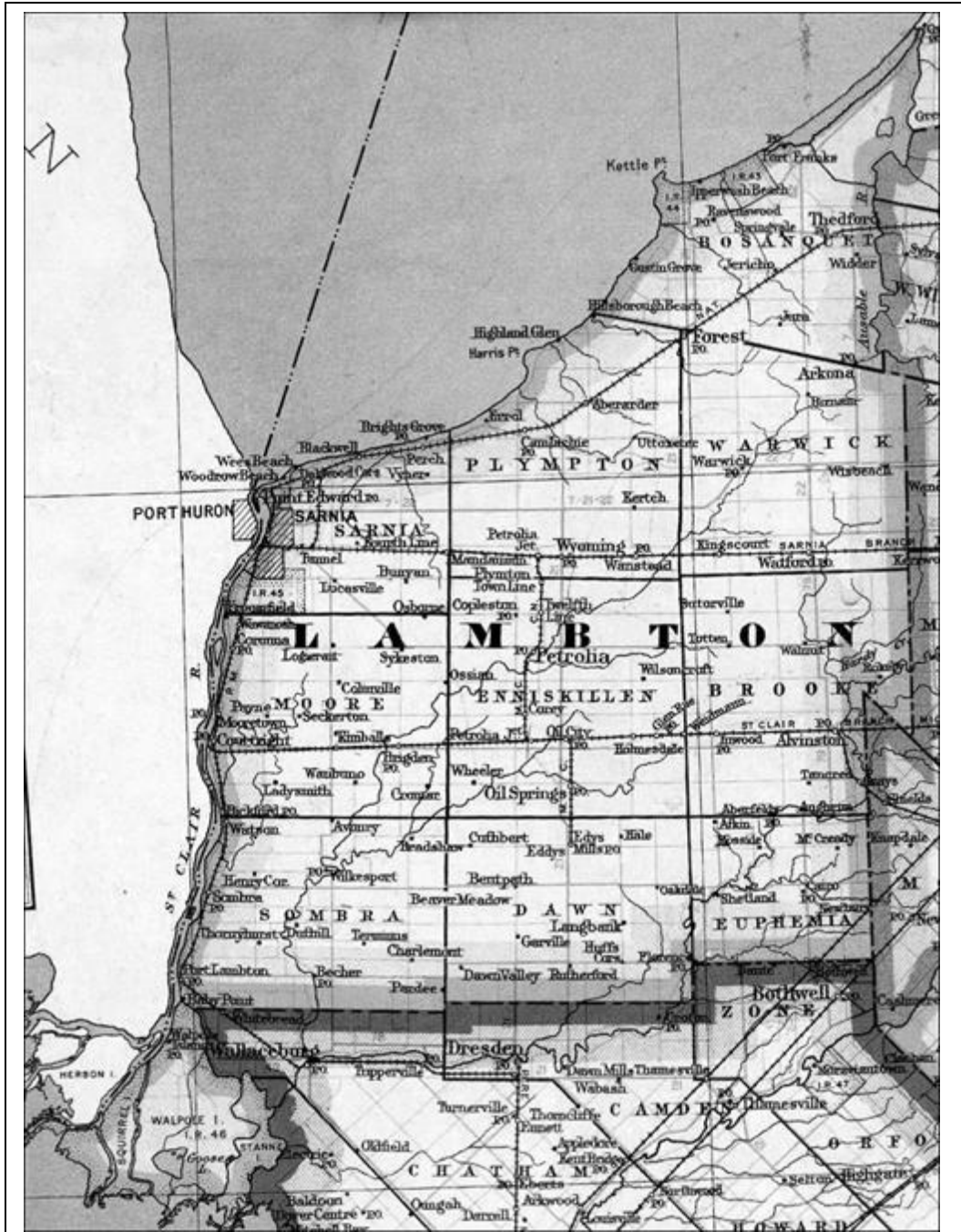
<sup>45</sup> Gulewitsch, *Chippewas of Kettle and Stony Point: A History*, 7.

<sup>46</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 38-39.

<sup>47</sup> See Karl S. Hele ed., *Lines Drawn Upon the Water: First Nations and the Great Lakes Borders and Borderlands* (Waterloo, ON: Wilfrid Laurier University Press, 2008).

<sup>48</sup> The grandson of Wyandotte hereditary Chief Adam Brown, Peter Dooyentate Clarke [1819-1893] wrote, *The Origin and Traditional History of the Wyandotts and Sketches of other Tribes of North America...* (Toronto: Hunter, Rose and Co., 1870), v & 38-39.

Figure 3: Lambton County



**Source:** County of Lambton, C. Tarling and Co., Map Mounters and Publishers, Toronto, c. 1940-1951, *Archives of Ontario*, “The Changing Shape of Ontario,” accessed 29 June 2012, <http://www.archives.gov.on.ca/en/maps/counties/lambtonbig.aspx>

and complicates dating.<sup>49</sup> The modern shoreline of Lake Huron appeared approximately 6000 years ago,<sup>50</sup> but underwater archaeological expeditions suggest that habitations several thousand years older lie beneath the waters of Lakes Huron and Michigan.<sup>51</sup> Certainly 3000 to 4000 years ago, archaic hunter-gatherers camped along the shores of Lake Huron and Lake St. Clair and along the St. Clair, Thames, Sydenham and Ausable Rivers. By the early Woodland Period 3000 to 2000 years ago, shells, metals, and flint travelled a well-worn trade route along the Mississippi River through the Detroit borderlands to the upper Great Lakes.<sup>52</sup>

The first Anishinabek, meaning “spontaneous”<sup>53</sup> or Original Man,<sup>54</sup> traveled from the east to the Great Lakes Basin. A Midewiwin *We-kaun* or priest told Ojibwe historian William Warren that over the course 200 years, “the great Megis (sea-shell) [which] showed itself above the surface of the great water,” led their “forefathers” from the Atlantic Ocean along the St. Lawrence River into the heart of the continent. Until separating at Michilimackinac in 1525, the Ojibway, Odawah and Potawatomi, known later as the Three Fires, considered themselves to be one people.<sup>55</sup> While research concerning the ancestral origins of the Anishinabek remains

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<sup>49</sup> Grahame Larson and Randall Schaetzl, “Review: Origin and Evolution of the Great Lakes,” *Journal of Great Lakes Research*, Vol. 27, No. 4 (2001): 518-546; P.F. Karrow & B.B. Warner, “The Geological and Biological Environment for Human Occupation in Southern Ontario,” in *The Archaeology of Southern Ontario to A.D. 1650*, ed. Chris J. Ellis & Neal Ferris, Occasional Publications of the London Chapter (Ontario Archaeological Society Inc., 1990), 5-36., esp. p. 21.

<sup>50</sup> Dean M. Jacobs, “‘We have but our hearts and the traditions of our old men:’ Understanding the Traditions and History of Bkejwanong,” in *Gin Das Winan: Documenting Aboriginal History in Ontario*, ed. Dale Standen and David McNab (Occasional Papers. Toronto: The Champlain Society, 1996), 1.

<sup>51</sup> Diane Swanbrow, “Prehistoric caribou hunting structure discovered beneath Lake Huron,” *Michigan News*, April 28, 2014, University of Michigan, accessed 20 July, 2014, <http://ns.umich.edu/new/releases/22155>.

<sup>52</sup> Nin.da.waab.jig, *Minishenhying Anishinaabe-Aki: Walpole Island: The Soul of Indian Territory* (Wallaceburg, ON: Walpole Island Heritage Centre, 1987), 3.

<sup>53</sup> William Warren, *History of the Ojibway People* (1885, reprint, St. Paul, Minnesota: Minnesota Historical Society, 1984), 56.

<sup>54</sup> Benton-Banai, *The Mishomis Book*, 5.

<sup>55</sup> Warren, *History of the Ojibway People*, 81-82, 90-1; R. David Edmunds, *The Potawatomis: Keepers of the Fire* (Norman: University of Oklahoma Press, 1978), 3-4.



constantly in flux, archaeological evidence complements these oral histories.<sup>56</sup>

Approximately 2000 years ago, pottery designs suggest that two distinct cultural trends developed on either side of the Grand River in southwestern Ontario. Ontario Iroquoian peoples emerged in the east while what are known as Western Basin Tradition peoples occupied the Thames River Valley and extreme southwestward portion of the Ontario peninsula into Michigan. Western Basin Tradition lifestyles closely mirror those of Algonquian peoples (Cree, Ojibwe and Algonquin) who lived in semi-permanent summer villages and utilized local resources in seasonal patterns throughout the Great Lakes.<sup>57</sup> They maintained gardens and grew Indian corn on the mainland around Walpole Island and along the St. Clair and Sarnia flats.<sup>58</sup> While there are no definitive links between earlier archaic and woodland peoples, without evidence to the contrary, there is no reason why the Anishinabeg would not be “descended from various...cultures that had occupied the region previously.”<sup>59</sup> These ancestral Anishinabeg peoples coalesced into groups occupying territories along the northern shores of Lakes Huron, Superior and St. Clair as well as inland rivers until approximately 1000 years ago when Ontario Iroquoians expanded into their territories.

Iroquoian-speaking peoples like the Wyandotte (Huron) and Petun, occupied lands between Lakes Simcoe and Georgian Bay and the Neutral or Attawandaron inhabited the north shore of Lake Erie. By the 1550s, Neutral villages reached Chatham and pushed the emergent

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<sup>56</sup> Phil Bellfy, *Three Fires Unity, The Anishinaabeg of the Lake Huron Borderlands* (University of Nebraska, 2011), xxxiv.

<sup>57</sup> James V. Wright, “Before European Contact,” in *Aboriginal Ontario: Historical Perspectives on First Nations*, ed. Edward S. Rogers and Donald B. Smith (Toronto: Dundurn Press, 1994), 33; Ferris, *Archaeology of Native-Lived Colonialism*, 6.

<sup>58</sup> Carl Murphy and Neal Ferris. “The Late Woodland Western Basin Tradition of Southwestern Ontario” in *The Archaeology of Southern Ontario to A.D. 1650*, ed. Chris J. Ellis & Neal Ferris, Occasional Publications of the London Chapter (London, ON: Ontario Archaeological Society Inc. 1990), 261-2.

<sup>59</sup> Quimby quoted in David S. Brose, “Late Prehistory of the Upper Great Lakes Area,” in *Handbook of North American Indians, Vol. 15: Northeast*, ed. Bruce G. Trigger, (Washington, Smithsonian Institution, 1978), 582.

Western Anishinabe into the Detroit-Michigan borderlands.<sup>60</sup> Never entirely peaceful to begin with, relations between Anishinabe and Haudenosaunee peoples (Six Nations after the 1700s)<sup>61</sup> deteriorated in the second half of the seventeenth century. By the 1650s, the Haudenosaunee had displaced the Wyandotte, destroyed Petun and Neutral villages in southwestern Ontario and driven some Anishinabe as far west as Wisconsin, and east to villages on the north shore of Lakes Huron and Superior.<sup>62</sup>

French documents note the presence of Saulteaux and Mississauga villages on Harsen's Island (adjacent to Walpole Island First Nation) and along the north shore of Lake St. Clair as early as 1603 and record the steady presence of Anishinabe peoples in the region from the 1640s onwards.<sup>63</sup> In the early 1700s, Odawa, Wyandotte, Miami and Potawatomi villages along with a number of voyageur traders and a small settlement of farming families from New France settled the Detroit River region.<sup>64</sup>

In the eighteenth century, Anishinabe and Haudenosaunee leaders creatively worked to strengthen their relations with French and British colonial officials through the Covenant Chain. In the nineteenth century, Peter Jones explained that one hundred years earlier, "...the Nahdooways, [Haudenosaunee] acknowledging they were conquered, freely gave up their country; at the same time agreeing ever after to call each other "*Brother*."<sup>65</sup> In 1700, Haudenosaunee and Algonquian representatives met at Onondaga where the Algonquians told the Five Nations "wee desire to have free liberty of trade; wee make a firme league with ye Five

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<sup>60</sup> Nin.da.waab.jig, *Minishenhying Anishinabe-Aki*, 4. See glossary in Appendix A for Wyandotte.

<sup>61</sup> See glossary in Appendix A.

<sup>62</sup> Huron or Wyandotte ([W]Ouendat), Petun and Neutral in the more southerly portion of the province fled westward into Michigan as far as Madeline Island, Wisconsin. They re-settled around Detroit in the eighteenth century. David D. Plain, *The Plains of Aamjiwnaang* (Victoria, BC: Trafford Publishing, 2007), 4 & 9.

<sup>63</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 35.

<sup>64</sup> Plain, *Plains of Aamjiwnaang*, 19.

<sup>65</sup> Jones and Osborn, *History of the Ojebway Indians*, 32.

Nations and...desire to be united in ye Covenant Chain, our hunting places to be one, and to boile in one kettle, eat out of one dish, and with one spoon, and so be one..."<sup>66</sup> After meeting again in Montréal in 1701, Aboriginal peoples negotiated Dish with One Spoon agreements with greater frequency as increasing settlement placed stress on fur and food bearing animals. Between 1701 and 1755 the number of "Detroit Indians" increased as Chippewa (Ojibwe) from the St. Mary's River and Lake Superior, Odawa from Michilimackinac, and Potawatomi from St. Joseph moved back into southwestern Ontario.<sup>67</sup> According to Wyandotte Chief Peter Clarke, the four nations at Detroit agreed to occupy and share the territory and its resources. The Wyandotte used the area between the Thames River and Lake Erie while the Chippewa utilized the area north from the Thames to "the shores of Lake Huron and beyond." The Ottawa settled the St. Clair River region and northwestern Michigan to Michilimackinac, while the Potawatomi established themselves southwest of Detroit. Sealed with wampum, "it was understood among them...that each of the four nations should have the privilege of hunting in one another's territory."<sup>68</sup>

Populations in the borderlands remained relatively stable after the 1770s enabling observers to associate various nations with particular regions. Moravian missionary John Heckewelder's estimate of the number of warriors west of the Mississippi made in the 1770s included 350 Potawatomi near Detroit, 300 Wendat near Lake Erie and 900 Ottawa around Lake Superior.<sup>69</sup> Estimates of Chippewa (Ojibwa) warriors in the St. Clair borderlands ranged

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<sup>66</sup> Quoted in Victor Lytwyn, "A Dish with One Spoon: The Shared Hunting Grounds Agreement in the Great Lakes and St. Lawrence Valley Region," in *Papers of the Twenty-Eighth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba Press, 1997), 216-17.

<sup>67</sup> Helen Hornbeck Tanner, "The Chippewa of Eastern Lower Michigan," in *American Indian Ethnohistory*, ed. David Agee Horr, Vol. 5. (New York: Garland Publishing, 1974), 351-2; Plain, *Plains of Aamjiwnaang*, 10, 17-21.

<sup>68</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 17-18.

<sup>69</sup> Archives of Ontario (AO), F4337 A.E. Williams Papers, file F4337-2-0-1, 18<sup>th</sup> Century Various Documents,

between 3000 and 5000 in the same period suggesting as that more than 30,000 people resided there.<sup>70</sup> By 1800, approximately five groups utilized hunting territories around seasonal camps or villages located at Lake St. Clair (St. Clair River), Kettle Point (Ausable River), Bear Creek (Sydenham R.), Anderdon (Detroit River) and on the Thames River (Muncey). Each community comprised of smaller interrelated extended families or clans, had total populations of 150 to 300 people.<sup>71</sup> For instance, a census taken in the 1790s records 167 “Indian settlers” or 48 men, 61 women and 58 children living in 20 houses at the Chenail Ecarté and 4 on Harsen’s Island.<sup>72</sup> Among these “semi-autonomous” groups, “a common language, a common history, and a common culture” united them.<sup>73</sup> Nevertheless, given the seasonality of Algonquian settlement and the presence of peoples of mixed European and Indigenous ancestry, adoptees and refugees, it is extremely difficult to link cultural groups to precise locations at specific times.<sup>74</sup> By the 1800s, Wyandotte and Anishinabe peoples had lived in the region for well over one hundred years, working out agreements amongst themselves and with small European settlements nearby, to share the land, waters, and resources.<sup>75</sup>

After 1800, Missionaries, surveyors and others encountered the Anishinabek in semi-permanent summer villages at the St. Clair rapids and Chenail Ecarte, and inland along Big Bear

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excerpt taken from James Buchanan, *Sketches of the North American Indians: History, Manner & Customs* (London: Black, Young & Young, 1824), 155-157. Heckewelder [1743-1823] lived in Pennsylvania.

<sup>70</sup> AO/F4337-2-0-1, Heckewelder estimated that one-third of the 5000 were old men and suggested a multiple of six to calculate family size. The estimate of 3000 is from a 1777 Spanish Census taken from Fort St. Louis (Mississippi and Missouri Rivers) of Indigenous peoples in the area who received presents cited in Plain, *Plains of Aamjiwnaang*, 21-22.

<sup>71</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 36-38.

<sup>72</sup> *Report of the Michigan Pioneer and Historical Society*, Vol. 20, (Lansing: Robert Smith & Co., 1892), Lt. Thomas Fraser to Captain H. McLean, 26 October, 1797 enclosing a Return of Indian Settlers at the Chenail Ecarte and Harsen’s Island, 564-565. (hereafter cited as *MPHS/Volume*)

<sup>73</sup> Bellfy, *Three Fires Unity*, 14 & 135.

<sup>74</sup> Dean Jacobs, “Indian Land Surrenders,” 61 in *The Western District: Papers from the Western District Conference*, ed. K.G. Pryke and LL. Kulisek (Windsor, ON: University of Windsor Press, 1983), 61.

<sup>75</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 35.

Creek<sup>76</sup> and the Sable River. Indian Agent William Jones wrote that:

The chief Hunting Grounds of these Indians that occupy the Upper Reserve are the unsettled Parts of the Townships of Sarnia and Moore, but they depend much on Fishing; the Hunting Grounds of the Walpole or Chenail Ecarte Indians are the unsettled Parts of Sombra or Dover, and in the Marshes of the Islands, where they kill great Numbers of Musk Rats, Ducks, and other Game; the Channels abound also with Fish; the Indians of the river Aux Sables hunt chiefly over the unsettled Parts of the Canada Company's Tract.<sup>77</sup>

From these larger villages, smaller parties of three to six families travelled to hunting camps in the winter and to interior maple sugar camps in early spring.<sup>78</sup> Between October and February, missionaries and officials often found the St. Clair Anishinabe away hunting in Michigan.<sup>79</sup> Wawanosh and several families had a village on the southern shore of Lake Huron at the rapids (Sarnia), while Ashkebahgahnequod and Wahpagas camped near Kettle and Stony Point. Their people hunted from Goderich to Saginaw.<sup>80</sup> In the early 1800s, Moravian missionary Christian Denke noticed that Anishinabe on the St. Clair planted crops of Indian corn and squash annually at the Chenail Ecarté. Further along the river, Indian agent George Ironside Sr. described this land as “already cleared” and surveyor Mahlon Burwell discovered fields of Indian corn, pumpkins and beans inland at the Sable.<sup>81</sup> In late summer and early fall, individuals snared small game and gathered fruit, nuts, berries, and medicinal plants in preparation for

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<sup>76</sup> See glossary in Appendix A.

<sup>77</sup> *BPP*, no. 323, (1839), William Jones, 12 May, 1837, 141.

<sup>78</sup> David D. Plain, *Ways of Our Grandfathers: Our Traditions and Culture* (Victoria, BC: Trafford Publishing, 2007), 29, 31.

<sup>79</sup> Elizabeth Graham, *From Medicine Man to Missionary: Missionaries as Agents of Change among the Indians of Southern Ontario, 1784-1867* (Toronto: Peter Martin Associates, 1975), 12-13.

<sup>80</sup> Ashkebahgahnequod or Shawawanoo was also known as Chemokomon or John Big Knife. Plain, *Plains of Aamjiwnaang*, 2-3; Gulewitsch, *Chippewas of Kettle & Stony Point*, 3.

<sup>81</sup> LAC, RG 10/569, George Ironside Letterbooks, Ironside to Givins, 5 May 1830, 8; LAC, RG 1, Series CB-1, Survey Diaries, Field Notes and Reports, Box 16, Mahlon Burwell, Survey Diary, Chippewa Indian Reserves in London and Western Districts, October, 5-8, 1826, 9-14. George Ironside Senior acted as superintendent at Amherstburg between 1820 and 1825 while his son, George Junior, took over in 1826.

extended journeys to winter hunting camps.<sup>82</sup> Oftentimes the sick, elderly and children stayed behind in the permanent summer settlements where they stored food in caches and pits and where small game hunting, fishing and gathering mitigated scarcity when hunts were less successful.<sup>83</sup> As non-Aboriginal agricultural settlement, deforestation and drainage in the district increased, the seasonal availability of resources from year to year became less certain and predictable.

Anishinabe communities were a visible presence in the region and their residents played an important role in the economic life in the colony. They traded with their neighbours who at this time were primarily French families like the Laforges at Sarnia, the Babys' on the St. Clair and discharged British soldiers and loyalists residing on the Thames and Sydenham Rivers.<sup>84</sup> While travelling from York to Detroit, Lieutenant-Governor John Graves Simcoe relied extensively on the expertise of Indigenous guides to feed and shelter his party. Anishinabe people traded fish, fowl and game, cranberries, pitch, chestnuts and medical treatments<sup>85</sup> for goods of European origin such as "pork, flour, potatoes or clothing."<sup>86</sup> Until wagon roads were cut and inns and taverns built along them, Aboriginal villages were the only places of respite along the waterways and narrow trails that traversed the district.<sup>87</sup> At the turn of the century,

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<sup>82</sup> Neal Ferris, "A Consideration of the Location of Bear Creek Ojibwa Reserve, Sydenham River, Ontario," (Thamesville, ON: Chippewa of the Thames First Nation, May 20, 2009), 5 & Figure 2, p.6; Nin.da.waab.jig, *Minishenhying Anishinabe-Aki*, 2.

<sup>83</sup> Ferris, *Archaeology of Native Lived Colonialism*, 42-50; Plain, *Ways of our Grandfathers*, 31.

<sup>84</sup> See Appendix A for use of the term 'loyalist' and the Sydenham River (Bear Creek). Jean Turnbull Elford, *Canada West's Last Frontier: A History of Lambton* (Sarnia, ON: Lambton County Historical Society, 1982), 54 & 142.

<sup>85</sup> J. Ross Robertson, *The Diary of Mrs. John Graves Simcoe* (1911, reprint, Toronto: Prospero Canadian Collection, 2001), 161, 139, 148, 151, 155, 209, 234; Anna Brownell Jameson, *Winter Studies and Summer Rambles in Canada* (Toronto: McClelland and Stewart, 2008), 151; Fred Coyne Hamil, *The Valley of the Lower Thames, 1640-1850* (Toronto: University of Toronto Press, 1951), 164 & 173.

<sup>86</sup> Charlotte Gray, *Sisters in the Wilderness: The Lives of Susanna Moodie and Catherine Parr Trail* (Toronto: Penguin, 1999), 108.

<sup>87</sup> Hamil, *Valley of the Lower Thames*, 164; Alan Taylor, *Divided Ground: Indians, Settlers, and the Northern*

Richard Cartwright estimated that the more than 5800 packs of furs traded in the northwest were worth £87,390 to the British colonial economy. In 1812 alone, more than 15,000 furs and skins from fifteen varieties of animals sent from the Northwest left the Port of Quebec for England.<sup>88</sup> Officials deliberately encouraged the Western Nations to settle near the towns of Malden and Amherstburg to supply the local garrison, traders and settlers.<sup>89</sup> These circumstances changed in the nineteenth century as British troops withdrew, and peacetime markets gradually excluded the products of Anishinabe labour.

The reserves all fronted superior fishing sites, but each had different and culturally and economically valuable attributes that Chawme and the St. Clair Chiefs sought to protect from encroaching settlement in 1818.<sup>90</sup> Walpole Island contained a diverse ecosystem of Carolinian forest, oak prairies, and marsh delta.<sup>91</sup> The denser hardwood forests punctuated by marshes in the reserved areas of Moore, Shawanoe, and Bear Creek were used for gathering wild rice, maple sugaring, hunting deer and trapping small game.<sup>92</sup> A seven thousand acre wetland near Lake Wawanosh contained two acres of cranberry marsh east of Point Edward and the Sarnia “flats” where the Anishinabe camped and planted corn.<sup>93</sup> Less suitable for agriculture but abundant in

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*Borderland of the American Revolution* (New York, Vintage Books, 2007), 129.

<sup>88</sup> H.A. Innis and A.R.M. Lower eds., *Select Documents in Canadian Economic History, 1783-1885* (Toronto: University of Toronto Press, 1933), Memorandum, Enclosure in Russell to Portland, May 18, 1799, 225-7; No. 2, Richard Cartwright, Value of Returns in Peltries from the American Territory for the year 1797 and A Year's Complete Trade:--Exports and Imports for 1812, 229-30.

<sup>89</sup> Robert Leslie Jones, *A History of Agriculture*, (Toronto: University of Toronto Press, 1977), 23-24.

<sup>90</sup> Heidi Bohaker, “Anishinabe Toodaims: Contexts for Politics, Kinship, and Identity in the Eastern Great Lakes,” in *Gathering Places: Aboriginal and Fur Trade Histories*, ed. Carolyn Podruchny and Laura Peers (Vancouver: UBC Press, 2010), 110.

<sup>91</sup> Walpole Island is not included in the Huron Tract Treaty. Jacobs, “We have but our hearts and the traditions of our old men,” 1; Leighton, “Historical Development of the Walpole Island Community,” 3.

<sup>92</sup> See Appendix A for ‘Shawanoe.’ *BPP*, no. 323, (1839), William Jones, 12 May, 1837, 142; Allan K. McDougall and Lisa Philips Valentine, “Treaty 29: Why Moore Became Less” in *Papers of the 34th Algonquian Conference*, ed. H.C. Wolfart (Winnipeg: University of Manitoba, 2003), 254.

<sup>93</sup> LAC, RG 1, Series CB-1, Box 16, Burwell Survey Diary, Chippewa Indian Reserves, Tuesday 3 October, 1826, 8; Ross Wilson, “Blackwell Marsh Agricultural Study” (Harry Cummings and Associates, 2010), *The Corporation Of*

cedar and pine and sub-surface resources like gravel and salt, the sand plains of Kettle and Stony Point led to interior hunting grounds but remained close enough to establish thriving barter economies with settlers.<sup>94</sup> All the reserves had been important sites of pre-contact trade and settlement, and the fact that they were situated along vital waterways guaranteed access to transportation throughout the entire Great Lakes Basin. Protecting them by treaty was a necessary step in preserving Anishinabe economies.

Subsistence patterns identified with specific groups made economic and social sense when repeated on a yearly basis and the localized ecological and environmental expertise enabled village residents to make rapid changes and correctives in the event of abundance or scarcity.<sup>95</sup> Local foodstuffs, when historically plentiful, or available through trade meant that permanent villages centered on a wheat or corn-based economy made little economic sense. In this environment, agriculture on a small scale was only needed to supplement or complement existing resources. Only over the course of the nineteenth century, as European settlement increased and various resources failed did Anishinabe peoples seek alternatives. When they did, they continued to do so in a way that integrated trade, agriculture and wage labour into this seasonal cycle.<sup>96</sup>

### **Borders and Boundaries**

Anishinabe peoples did not all arrive willingly or at once but were part of a great movement of Indigenous people east of the Mississippi displaced by war and settlement.

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*The City of Sarnia*, accessed 10 June 2013, <http://www.city.sarnia.on.ca/pdf/Blackwell Marsh Area Soils Assessment Aug 2010.pdf>. Lake Wawanosh was slowly drained via the Cull Drain. Now known as the Blackwell Marsh, the area is between Highway 402 and the Lake Huron Shoreline bounded on the west by Murphy Road and on the east by Brigden Road.

<sup>94</sup> Gulewitsch, "Chippewas of Kettle and Stony Point," 3-5.

<sup>95</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 48.

<sup>96</sup> Ferris, "Consideration of the Bear Creek Ojibwa Reserve," 5.



Consequently, the Detroit River region and what would become known as southwestern Ontario retains a unique history as a result of the “Indian Territory” outlined in the *Proclamation of 1763*.<sup>97</sup> By 1763, settlers in the American colonies outnumbered the French by a ratio of 20 to 1 and in the decades after, immigration to eastern North America tripled. Settlement once limited to the Atlantic seaboard, spread over the Appalachian Mountains eroding the territories of Indigenous peoples in the process (Figure 4 below).<sup>98</sup> Pushed westward, the Shawnee, along with the Haudenosaunee and Moravian Delaware (Leni Lenape), met Miami and Potawatomi peoples moving eastward from the Midwest into the vast Indian Territory, west of the Appalachian Mountains. Ojibwe and Odawah from Wisconsin and Minnesota ventured south to join the Mississauga in Ontario.

The Revolution Calloway deemed “a disaster” for Indigenous peoples became a catastrophe as displaced and war-weary Ohio Valley nations confronted conflicting and contradictory policies of two countries on their lands.<sup>99</sup> While some came to Upper Canada as loyalists in the 1780s, others remained in the borderlands between Michigan and Upper Canada, in an effort to hold the northwest Indian Territory in the presence of American settlement. The boundary established in 1783 remained unsurveyed until after the War of 1812 and much to the annoyance of the American government, the British manned and maintained the forts of Niagara, Detroit and Michilimackinac in what was now American territory.<sup>100</sup> Though British officials

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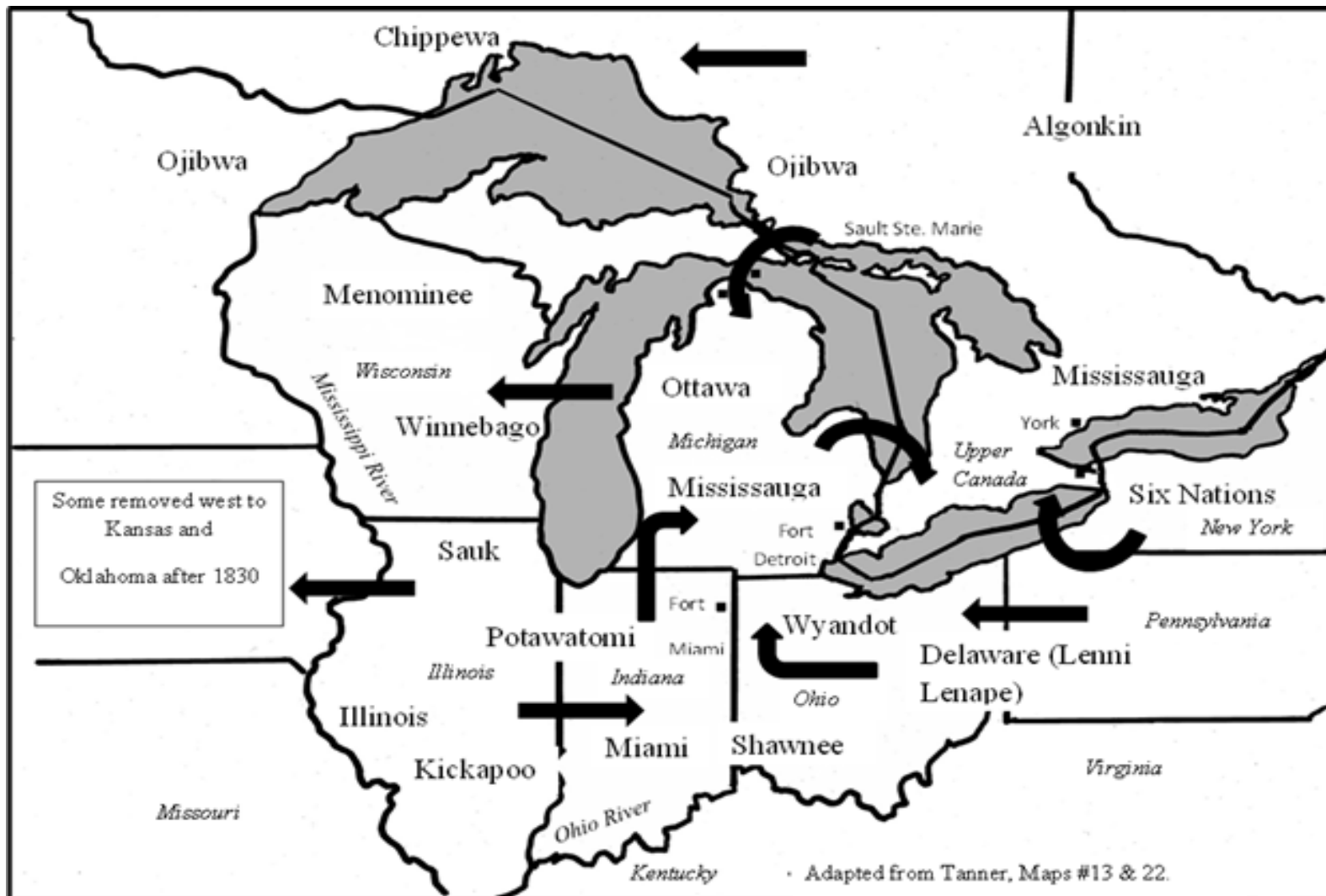
<sup>97</sup> Colin Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (New York: Oxford, 2006), 39.

<sup>98</sup> James T. Lemon, “Colonial America in the Eighteenth Century,” in *North America: The Historical Geography of a Changing Continent*, ed. Thomas F. McIlwraith and Edward K. Muller, 2<sup>nd</sup> ed. (Boston: Rowman & Littlefield, 2001), 122.

<sup>99</sup> Colin Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge University Press, 2005), 64.

<sup>100</sup> Between 1820 and 1822 the International Boundary Commission surveyed the waters and islands and assigned them to either the United States or Great Britain. The process was never formally completed or ratified.

Figure 4: Indigenous Territories Advancing West



remained uninterested and Americans considered the Ohio Valley “a den for Indians and traitors,”<sup>1</sup> encroaching settlement at the same time reduced the Indian Territory in stages until the 1814 Treaty of Ghent all but confirmed the volatile Detroit River boundary.

Borderlands between peoples transitioned to boundaries between nation-states and their effect on Indigenous peoples in the northwest is well-recognized in the literature.<sup>2</sup> In the words of Tecumseh, “The Great Spirit above has appointed this place for us, on which to light our fires, and here we will remain. As to boundaries, the Great Spirit above knows no boundaries, nor will his red people acknowledge any.”<sup>3</sup> The territories utilized by Anishinabe peoples, Ojibwa, Odawa and Potawatomi defy political and international boundaries established after 1763,<sup>4</sup> leading historians to study Aboriginal people in Ontario by Nation or Confederacy,<sup>5</sup> by reserve community, or treaty.<sup>6</sup> I adopt the concept of the “treaty region” used by Brian Alan Baker and similarly adapted by historians Phil Bellfy, Karl Hele, and Edmund Danziger, to address the spatial and temporal challenges faced by borderlands peoples.<sup>7</sup> Despite the presence of the

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<sup>1</sup> Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels and Indian Allies* (Toronto: Random House, 2010), 266.

<sup>2</sup> Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History,” *American Historical Review*, Vol. 104, No. 3 (Jun., 1999): 814-16; Roger L. Nichols, “The Canada-US Border and Indigenous Peoples in the Nineteenth Century,” *American Review of Canadian Studies*, Vol. 40, No. 3, (September 2010): 416-28.

<sup>3</sup> Quoted in Herbert C.W. Goltz, “Tecumseh,” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 30 May 2012, [http://www.biographi.ca/en/bio/tecumseh\\_5E.html](http://www.biographi.ca/en/bio/tecumseh_5E.html).

<sup>4</sup> See glossary.

<sup>5</sup> See for instance, Peter S. Schmalz, *The Ojibwa of Southern Ontario* (Toronto: University of Toronto Press, 1991); Daniel K. Richter, *Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization* (Chapel Hill: University of North Carolina Press, 1992); Bruce Trigger, *Children of Aataentsic: A History of the Huron People to 1660* (1976, reprint, Montreal-Kingston: McGill-Queen’s University Press, 1987).

<sup>6</sup> Smith, *Sacred Feathers*, Leo A. Johnson, “The Mississauga-Lake Ontario Land Surrender of 1805,” *Ontario History*, Vol. 83, No. 3 (September 1990): 233-53; John S. Long, *Treaty No. 9: Making the Agreement to Share the Land* (Montreal-Kingston: McGill-Queen’s University Press, 2010).

<sup>7</sup> Brian Alan Baker compares treaty regions in “A Nation in Two States: The Anishinabeg in the United States and Canada, 1837-1991” (Ph.D. Dissertation, Stanford University, 1996); Bellfy, *Three Fires Unity*, xxii-xxvii; Karl Hele, “‘By the Rapids’: The Anishinabeg-Missionary Encounter at Bawating (Sault Ste. Marie), c. 1821-1871” (PhD Thesis, McGill University, 2002); Edmund Danziger Jr. “The Historical Importance of Great Lakes Aboriginal Borders” in *Aboriginal Cultural Landscapes*, ed. Jill Oakes et. al (Winnipeg: Aboriginal Issues Press, 2004), 1-9.

international boundary, its waters connected peoples in the western Great Lakes and they shared common cultural backgrounds and outlooks as a result. Permanent villages established in Upper Canada remained the centre of larger territories in what became the United States.<sup>8</sup>

Irrespective of confederacy style government, mobility over wide swaths of territory actually mitigated scarcity and maintained kinship-based connections and sovereignty. Documents from the region consistently assign geographical specificity to the major *dodem* (totem) families: evidence which Johnston and Bohaker suggests represents continuous occupation of the western Great Lakes region by Anishinabek peoples, despite the presence of conflicting names of French and British origin. Clan-based *dodems* and other forms of kinship, according to Bohaker, are structures of governance that Anishinabe peoples integrated into the systemic seasonal exploitation of local resources.<sup>9</sup> Warfare and Canadian and American policies of removal and retrenchment in the late 1830s and 1840s forced some Anishinabe and Wyandotte peoples to migrate to Michigan and Kansas and others to seek asylum in Canada.<sup>10</sup> While European observers later viewed Anishinabe mobility as a cultural flaw or weakness, it was a strategy of survival made necessary by colonial policy and settler behavior.

The ‘treaty region’ therefore, enables me to study communities reserved in the 1827 Huron Tract Treaty individually and as a broader collective of Indigenous peoples in the Great Lakes Basin. This perspective highlights important unifying characteristics as well as differences

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<sup>8</sup> David T. McNab, “‘Borders of Water and Fire: Islands as Sacred Places and as Meeting Grounds,” in *Aboriginal Cultural Landscapes*, 39-44.

<sup>9</sup> See glossary in Appendix A for ‘*dodem*.’ Darlene Johnston, “Connecting People to Place: Great Lakes Aboriginal History in a Cultural Context,” 12, Report prepared for the Ipperwash Inquiry, 2006. *Ipperwash Inquiry* Archive, last updated 6 June, 2007, <http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/history.html>; Heidi Bohaker, “‘Nindoodemag’: The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600-1701” *William and Mary Quarterly*, 3<sup>rd</sup> Series, Vol. 63, No. 1 (Jan. 2006): 23-52, esp. 103.

<sup>10</sup> James A. Clifton, *A Place of Refuge for all Time: Migration of the Potawatomi into Upper Canada, 1830-1850*, National Museum of Man Mercury Series, Canadian Ethnology Paper No. 26 (Ottawa: National Museums of Canada, 1975).

in their histories and development that otherwise might go unnoticed.<sup>11</sup> Before arriving at an agreement the chiefs were willing to sign, parties to the Huron Tract Treaty negotiated over a span of nearly ten years. Throughout this process, several councils are well documented, as are complaints about the context and implementation of the treaty in later decades. These records show that Anishinabe Chiefs repeatedly communicated the needs and desires of their communities to British officials, allowing me to write about a people with a clearly articulated vision of their future and to discuss what happened to them during the crucial years of Upper Canada's economic, social and political formation.

## **Methodology**

Aboriginal people defined the shape and appearance of British policy in their communities.<sup>12</sup> Records of the Department of Indian Affairs and Western Superintendency contain thousands of documents written by, for, and about Anishinabe people.<sup>13</sup> Countless petitions, council speeches, letters and memorials contain a counter-narrative to a history of generalized decline. Anishinabe Chiefs signed the Huron Treaty with the Crown intending to preserve their relationship with its representatives and settlers in surrounding communities. Both context and intent “appear in correspondence surrounding the treaties and in subsequent complaints by the Indian leadership when obligations were not met.”<sup>14</sup> Most Anishinabe adults in the first half of the nineteenth century never learned to speak or write in English, and non-elites in general did not write in the colonial period. Despite this, chiefs found locals willing to assist

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<sup>11</sup> Michael D. Blackstock, “Trust Us: A Case Study in Colonial Social Relations Based on Documents Prepared by the Aborigines Protection Society, 1836-1912,” in *With Good Intentions: Euro-Canadian & Aboriginal Relations in Colonial Canada*, ed. Celia Haig-Brown and David A. Nock (Vancouver: UBC Press, 2006), 57.

<sup>12</sup> David T. McNab, *No Place for Fairness: Indigenous Land Rights and Policy in the Bear Island Case and Beyond* (Montreal & Kingston: McGill-Queen's University Press, 2009), 25.

<sup>13</sup> See glossary for an explanation of the Superintendency system.

<sup>14</sup> Ian V.B. Johnson, *Pre-Confederation Crown Responsibilities: A Preliminary Historical Overview* (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1984), 67.

them and wrote their own letters and petitions in Ojibway and English. In many instances the dearth of sources is alleviated by consulting these documents.

The act of petitioning represented an important method of political participation for the disenfranchised.<sup>15</sup> In Upper Canada, a “great majority of petitioners were ordinary people”<sup>16</sup> and hundreds of petitions and memorials written by Anishinabe peoples to their agents, Governor-Generals and the Crown lie in the files of the Western Superintendency. According to Ravi de Costa, petitions are an important form of Indigenous activism and identity formation,<sup>17</sup> and should be recognized as the principal means through which the Anishinabe made issues of concern to them known to government and society at large in the nineteenth century. Containing the same council rhetoric utilized by Indigenous speakers in colonial America, Upper Canadian petitions sent by Anishinabe people are an extension of the Covenant Chain alliance and an example of adaptive two-eyed seeing.

Over the course of the nineteenth century, the fact that British officials “lost their understanding of how the terminology worked” is, according to J.R. Miller, “one of the striking features” of European-Indigenous relations.<sup>18</sup> Indeed, by the 1840s, officials appear to have ‘forgotten’ all aspects of the Covenant Chain alliance. In the many investigations into Indian Affairs conducted between 1828 and 1858, colonial and Crown officials consciously ignored

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<sup>15</sup> Carol Wilton, *Popular Politics and Political Culture in Upper Canada, 1800-1850* (Montreal-Kingston: McGill-Queen’s University Press, 2001); Gail G. Campbell, “Disfranchised but not Quiescent: Women Petitioners in New Brunswick in the Mid-19<sup>th</sup> Century,” *Acadiensis*, Vol. 18, No. 2 (Spring 1989): 23.

<sup>16</sup> J.K. Johnson, “‘Claims of Equity and Justice’: Petitions and Petitioners in Upper Canada 1815-1814,” *Histoire sociale/Social History*, Vol. 28 (1995): 222.

<sup>17</sup> Ravi De Costa, “Identity, Authority, and the Moral World of Indigenous Petitions,” *Comparative Studies in Society and History*, Vol. 48, No. 3 (July 2006): 670-1.

<sup>18</sup> J.R. Miller, “Petitioning the Great White Mother: First Nations’ Organizations and Lobbying in London,” in *Reflections on Native-Newcomer Relations: Selected Essays* (Toronto, University of Toronto Press, 2004), 219.

documentation created prior to the War of 1812.<sup>19</sup> Responding to this new protocol, in 1819 Western Confederacy Nations assembled at the Huron Reserve in Anderdon (Windsor), where they officially lit their Council Fire and voiced their first collective petition to the Duke of Richmond.<sup>20</sup> One chief rose to tell the interpreter, “[w]e find that our ancient mode of conveying our ideas in wampum, has no more effect.” He hoped that by handing him a written memorial, their concerns would “appear” to the Duke “...as a serious matter.”<sup>21</sup> Norman Shields writes that General Indian Councils were imperative in the formation of a province-wide resistance to coercive aspects of policy after 1840. Anishinabe Chiefs also used petitions to access the political process decades earlier.<sup>22</sup> While on the surface it appears that Indigenous peoples lacked influence in the formation of policy, Anishinabe leaders vigorously petitioned participants, officials and commissioners, before the largest and most contentious inquiries into their affairs held in 1844 and 1858.<sup>23</sup>

Reworking the deferential and reverential language of European petitions allowed chiefs to communicate Covenant Chain metaphors to the Crown.<sup>24</sup> In a petition to their superintendent about several issues of concern on Walpole Island, Peterwegeshig concluded; “Father~ You have

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<sup>19</sup> See the preamble to the report of Charles Bagot, Report on the Affairs of the Indians in Canada, Appendix E.E.E. in *Journals of the Legislative Assembly of the Province of Canada* Appendix 2 to the 4th Volume, (Montreal: R. Campbell, 1845), unpaginated. (hereafter *JLAPC*, 1844-5 Bagot Report) and ‘Introduction,’ Report of the Special Commissioners to Investigate Indian Affairs in Canada, Appendix 21 in *JLAPC*, (Toronto: Stewart Derbishire & George Desbarats, 1858) unpaginated. (hereafter *JLAPC*, 1858 Pennefather Report).

<sup>20</sup> Charles Lennox, the 4<sup>th</sup> Duke of Richmond unexpectedly died of rabies while on tour in Upper Canada three days before this Council. George F.G. Stanley, “Lennox, Charles, 4<sup>th</sup> Duke of Richmond and Lennox,” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed March 10, 2013, <http://www.biographi.ca>.

<sup>21</sup> LAC, RG 10/36, “Petition to the Duke of Richmond,” 31 August 1819, 20903-14. Wyandotte, Moravians, Chippewa, Ottawa, Potawatomi, Sauk, Fox, Kickapoo, Delaware, Munsee and Miami War and Village Chiefs all attended this large and important council.

<sup>22</sup> Norman D. Shields, “Anishinabek Political Alliance in the Post-Confederation Period: The Grand General Indian Council of Ontario, 1870-1936” (M.A. Thesis, Queen’s University, 2001): 4.

<sup>23</sup> Ted Binnema, “Protecting Indian Lands by Defining Indian: 1850-76,” *Journal of Canadian Studies*, Vol. 48, No. 2 (Spring 2014): 6. Western Superintendent Froome Talfourd, along with Richard T. Pennefather and Thomas Worthington were appointed Commissioners to conduct the 1856-8 inquiry.

<sup>24</sup> De Costa, “Identity, Authority, and the Moral World of Indigenous Petitions,” 673.

all my words at present, and now I give you my hand of friendship, and when you see our Great Father the Governor General, I, through you, heartily shake his hand. I have the honor to be your Most Obed[ient] servant. Pe ter we ge shigh [his mark]”<sup>25</sup> The St. Clair Chiefs communicated with their agents, the government and the Crown through these “paper talks”<sup>26</sup> and they are an important aspect of the relationship between Anishinabe peoples and the British and Canadian governments.

The importance of this method of communication can be seen in an elaborate address given to the Governor General, His Excellency the Right Honourable Earl of Dufferin in 1874 (Figure 5 below). Together with their “white Brethren,” Walpole Island First Nation welcomed him to their territory and reaffirmed their “fealty and attachment” to the Crown through Queen Victoria. Signed by Peterwegeshig, who was then seventy-five years old, and a number of chiefs, councilors and their descendants, the document is a classic example of what De Costa calls an “‘indigenize[d]’...petitionary form.”<sup>27</sup> Combining Western and Indigenous cultural symbols, the petition includes portraits of Aboriginal leaders and village landscapes surrounded by decorative gold leaf and architectural columns. When petitions alone were insufficient to garner action from Indian Department officials, leaders like Peter Jones in the 1830s and Peterwegeshig and Wawanosh in the 1840s corresponded covertly in Ojibway and raised funds to present their petitions to the Governor General and the Queen in England.<sup>28</sup> Radforth argues that in 1860, the eighty chiefs and warriors and 200 to 400 Anishinabe people who appeared before the Prince of

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<sup>25</sup> LAC, RG 10/438, 1846 Petition from Peterwegeshick to Clench, 378-81.

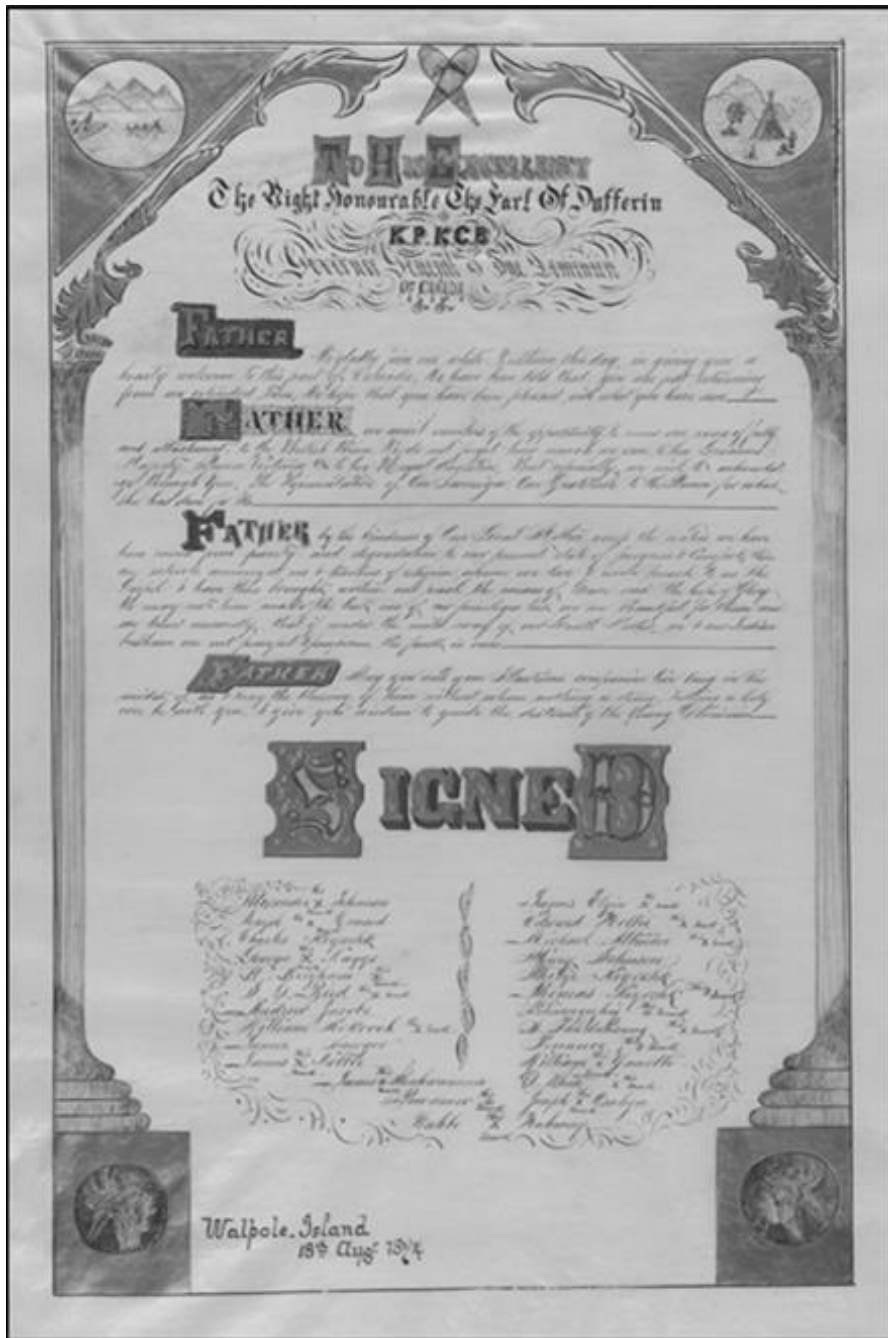
<sup>26</sup> LAC, RG 10/121, Sarnia Petition to the Governor General, 13 December, 1844, 5084-86.

<sup>27</sup> De Costa, “Identity, Authority, and the Moral World of Indigenous Petitions,” 690.

<sup>28</sup> LAC, RG 10/438, Higginson to Clench, 23 July, 1845, 112-17.



Figure 5: 1874 Walpole Island Address to the Earl of Dufferin



Source: The Dufferin Addresses, 1872-1878; Vol. I, Book 319, 18 August, 1874, watercolour, black ink, gouache & gold paint, 49 x 74.2 cm. Library and Archives Canada, Accession. No. 1978-49-179.

Wales in Lambton County used the event to bring attention to their own issues.<sup>29</sup> As the provincial legislature drew closer to achieving responsible government, chiefs turned to political organization and public appearances in an effort to circumvent the colonial government and ‘speak’ directly to the Crown.<sup>30</sup> They did not remain silent about their circumstances.

In addition to six commissions of Inquiry conducted between 1828 and 1858, documents kept by the Indian Department including requisitions for supplies, census returns, school reports and merchant receipts are a window into the lives of Anishinabe people prior to 1867. In what Calloway calls “zones of interaction,” Indigenous people wrote about their circumstances in letters to the department, or in letters written by others at their behest.<sup>31</sup> I have supplemented these with papers from the Western District, the municipal records of Sarnia and township records of Kent and Lambton, Crown lands and survey records, gazetteers and the observations of contemporary observers contained in local newspapers, travel diaries, memoirs and missionary reports. It is my intention to weave the histories of Aboriginal peoples and Eurocanadians together.

Places and spaces where contact is absent often remain in darkness. A dearth of documents in the early history of Upper Canada is a universal problem and extant documents in European and Indigenous communities in particular, are neither uniform nor complete.<sup>32</sup> These factors notwithstanding, Indian Agents William Jones and Superintendent Joseph Clench for instance displayed a surprising level of ignorance about the people and communities under their

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<sup>29</sup> LAC, RG 10/436, Rev. J. Carey, Munceytown to Clench, 6 May, 1848, 514-15; Ian Radforth, “Performance, Politics and Representation: Aboriginal People and the Royal Tour of 1860,” *CHR*, Vol. 84, No. 1 (March 2003): 6 & 11.

<sup>30</sup> Douglas E. Sanders quoted in De Costa, “Identity, Authority, and the Moral World of Indigenous Petitions,” 681.  
<sup>31</sup> Colin G. Calloway, *One Vast Winter Count: The Native American West Before Lewis and Clark* (Lincoln and London: University of Nebraska Press, 2003), xiii.

<sup>32</sup> J.K. Johnson, *In Duty Bound: Men, Women and the State in Upper Canada, 1783-1841* (Montreal: McGill-Queen’s University Press, 2014), 3.

direct superintendence and of the laws and policies they were supposed to enforce. The Indian Department executive complicated matters by treating all the Huron Tract communities as one administrative unit until 1862 when after decades of petitioning, Walpole Island separated their council. Kettle and Stony Point remained part of the Sarnia ‘band’ until 1919, and officials included or excluded them, along with families residing at Moore and Enniskillen, from Sarnia’s censuses and agricultural data without explanation. Data for individual communities is sometimes erratic and inconsistent as a result. According to Robert Berkhofer, the people who “managed “Indian policy” determined what it became.<sup>33</sup> The Western or Sarnia Superintendency suffered disproportionately from a number of incompetent Indian agents and superintendents formally accused of neglect and breach of duty.<sup>34</sup> In some cases, unresolved issues documented for decades are scattered throughout the files of department employees. The volume of correspondence required to discuss them says much about the bureaucracy’s complexity and focus on documenting problems rather than dealing with people. In other cases, the opposite is true and silence speaks to the neglect Huron Tract communities experienced at a crucial point in their history.

Bonita Lawrence writes that it is vital to “document...[the] processes of colonization from the perspectives of those who experienced it.” John Borrows suggests this can be accomplished by uniting European documents with Indigenous “speeches, symbols, and conduct.”<sup>35</sup> Anishinabe peoples utilized “a wide range of media,” “asserting...their collective

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<sup>33</sup> Robert F. Berkhofer, Jr. *The White Man’s Indian: Images of the American Indian from Columbus to the Present* (New York: Vintage Books, 1979), 141.

<sup>34</sup> Leighton, “The Development of a Federal Indian Policy,” 56.

<sup>35</sup> Bonita Lawrence, “Rewriting Histories of the Land: Colonization and Resistance in Eastern Canada,” in *Race, Space and the Law: Unmapping a Settler Society*, ed. Sherene H. Razack (Toronto: Between the Lines Press, 2002), 25; Borrows, “Wampum at Niagara, 155-6.

and individual identities” in kinship relations, council proceedings, memoirs and oral histories.<sup>36</sup> Sarnia historians Aylmer and David Plain and members of the Walpole Island, Kettle and Stony Point First Nations write their own histories that combine oral and family histories, genealogies, art, and culture, with documents. While community histories are primarily for scholarly and community purposes, outside researchers produce others for the specific claims process. These, unfortunately, can and do remain privileged and inaccessible.<sup>37</sup> Ameliorating these conditions requires outside funding, extensive consultation, and long-term partnerships between researchers and First Nations communities.<sup>38</sup>

Academic studies in the last thirty years overwhelmingly show that Canadian Indian policy from its inception to the present has, with rare exceptions, ignored the view and needs of the very people it claims to serve. According to Susan Dion, “historical amnesia” continues to dominate the early history of the Province of Ontario, contributing to a discourse that in legal and policy terms, considers Aboriginal self-determination to be a relatively modern phenomenon.<sup>39</sup> Aboriginal people experienced “continuity” and “change” at various times and responded with both “accommodation and resistance.”<sup>40</sup> Anishinabe scholar Leanne Betasamosake Simpson reminds us that “it is not impossible to have plans and strategy in the

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<sup>36</sup> Bohaker, “Nindoodemag,” 51; Catherine Sims, “Exploring Ojibwa History through Documentary Sources: An Outline of the Life of Chief John Assance” in *Gin Das Winan: Documenting Aboriginal History in Ontario*, ed. Dale Standen and David McNab (Toronto: Champlain Society, 1996), 35-47.

<sup>37</sup> See for example, Clara Thomas Archives and Special Collections, York University, Aylmer A. Plain, *A History of the Sarnia Indian Reserve based on the Personal Reminiscences of the Author* (Bright's Grove, ON: G. Smith, 1975); David D. Plain, *The Plains of Aamjiwnaang and Ways of Our Grandfather*; Nin Da Waab Jig, *Minishenhying Anishinaabe-aki*; Aazhoodena, “The History of Stoney Point First Nation,” (Project of Aazhoodena and George Family Group for the Ipperwash Inquiry, June 30, 2006).

<sup>38</sup> Lawrence, “Rewriting Histories of the Land,” 25-6.

<sup>39</sup> Susan D. Dion, *Braiding Histories: Learning from Aboriginal Peoples' Experiences and Perspectives* (Vancouver, UBC Press, 2009), 3.

<sup>40</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 1; Edmund Jefferson Danziger, Jr., *Great Lakes Accommodation & Resistance During the Early Reservation Years, 1850-1900* (Ann Arbor: University of Michigan Press, 2009).

face of injustice.”<sup>41</sup> This study seeks to explore the issues faced by Anishinabe peoples and the strategies they used in their attempts to ‘see with two eyes’ in Lambton County.

## **Historiography**

The period between the American Revolution and 1812 attracts intense historical interest, and the history of southwestern Ontario remains contested space as a result. In particular, it is now recognized that Anishinabe and Haudenosaunee participation in the War of 1812 connects to a broader struggle to regain the Ohio Valley after the American Revolution.<sup>42</sup> Afterwards, intermittent warfare in the form of brutal backcountry raids destabilized and dislocated Anishinabe villages. Many Anishinabe families who eventually settled in Upper Canada, had not experienced a stable period of peace for thirty years or more. The Western District’s proximity to the border with the United States ensured that residents remained in a state of uneasy alert, long after eastern Upper Canada returned to peace and security. These events disproportionately affected Anishinabe peoples and interfered with their ability to establish communities in Upper Canada in the post-treaty period.

Historians interpret the cessation of hostilities after 1815 and the expansion of Eurocanadian agricultural settlement as the beginning of a period of decline for Anishinabe communities. Consequently, Upper Canadian Aboriginal histories are dwarfed by intense historical interest in the post-Confederation period, when passage of the 1876 Indian Act and resistance in Western Canada attracted national attention. Despite the fact that Anishinabe

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<sup>41</sup> Leanne Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbeiter Ring Publishing, 2011), 72.

<sup>42</sup> James Laxer, *Tecumseh and Brock: The War of 1812* (Toronto: House of Anansi Press, 2012), 1-6; James Paxton, “The Myth of the Loyalist Iroquois: Joseph Brant and the Invention of a Canadian Tradition,” Paper presented at the Iroquois Research Conference (Rensselaerville, N.Y.: Rensselaerville Institute, 6 October, 2002), unpaginated, accessed 12 December 2011, [www.wampumchronicles.com/josephbrant.html](http://www.wampumchronicles.com/josephbrant.html).

peoples and Eurocanadians inhabited the same space, Upper Canadian history is largely fractured into two traditions: one that focuses on Aboriginal peoples and policy and a separate history tracing rural, Eurocanadian settlement. Combining them reveals many histories waiting to be told and a great deal of understanding yet to be gained. We know for instance, that Anishinabe communities did not develop in the same way as their adjacent non-Aboriginal neighbours during what was a crucial time in the expansion of Upper Canada's economy and government. Therefore, if officials and settlers viewed Anishinabe communities as antithetical to that process, then British 'Indian' policy is only one aspect of a complex story.

Tony Hall notes that Indian policy, as it appeared on the Canadian plains in the late nineteenth century, originated in Upper Canada.<sup>43</sup> Paradoxically, the use of top-down approaches in most policy studies tends to conceal the outcomes in Indigenous communities. Tobias, for instance, notes that the British intended to “protect” Aboriginal peoples from 1763 to the War of 1812, yet, these years witnessed the largest losses of Aboriginal lands in North American history.<sup>44</sup> While the literature recognizes the abject failure of British policy, this is attributed to legislation passed in 1850 and after. This study suggests that long before 1850, relationships and cooperative agreements between Anishinabe people and non-Aboriginal settlers broke down. This occurred in an era of limited legislation and in the utter absence of ‘protection.’<sup>45</sup>

Contemporary literature on Indian policy as it unfolded in southern Ontario is virtually non-existent. Several dissertations and articles examining British colonial policy initiated by

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<sup>43</sup> Anthony J. Hall, “The Red Man’s Burden: Land, Law, and the Lord in the Indian Affairs of Upper Canada, 1791-1858” (PhD Thesis, University of Toronto, 1984), 21.

<sup>44</sup> John L. Tobias, "Protection, Civilization, Assimilation: An Outline of Canada's Indian Policy," 40. *The Royal Proclamation*, 7 October 1763, 29-38, both in *As Long as the Sun Shines and Water Flows*, ed., Getty and Lussier.

<sup>45</sup> 13 & 14 Vic., Cap. 74. *An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury*, 10 August 1850, in *Acts Relating to Indian Matters in the Province of Canada* (Toronto: S. Derbishire & G. Desbarats, 1858), 10-16.

McNab, Milloy, Leighton and Upton in the 1970s remain broad in scope and largely unpublished.<sup>46</sup> These studies focus on documents produced in the administration of Indian Affairs, primarily through the British Colonial Office, Office of the Secretary of State for the Colonies and the Lieutenant-Governor in Canada. To this, John Leslie added his investigation of the six inquiries into the nature and direction of the Indian Department, but from the perspective that Aboriginal peoples did not contribute to policy development or implementation.<sup>47</sup> While these studies identified important goals and objectives of British colonial policy, as McNab and others argue, until recently, the effects of this policy as a “process on the ground” in Indigenous communities remained largely understudied.<sup>48</sup>

The development of chronological studies of particular policy goals unintentionally creates a ‘taxonomy’ of Aboriginal decline. Historians attribute the decline to various policies and events and disagree as to when and why it occurred. Surtees and Johnson suggest the inadequacy of the treaty system precipitated economic and social decline while Upton attributes it to Bond Head's forced surrenders and removal policy which destroyed what little goodwill remained after 1836. Boyce Richardson proposes that the Union of the Canadas in 1841 centralized bureaucracy, enabling settlers to dominate and override Aboriginal concerns while Milloy argues that this occurred only after the transfer of authority of Indian Affairs to the

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<sup>46</sup> Leighton, *The Development of Federal Indian Policy in Canada*; John F. Leslie, “Assimilation, Integration or Termination?: The Development of Canadian Indian Policy, 1943-1963” (PhD Thesis, Carleton University, 1999); David T. McNab, “Herman Merivale and the British Empire, 1806-1874” (Ph.D. dissertation, University of Lancaster, 1978); John Sheridan Milloy, “The Era of Civilization-British Policy for the Indians of Canada, 1830-1860” (Ph.D. dissertation, University of Oxford, 1978); L.F.S. Upton, “The Origins of Canadian Indian Policy,” *Journal of Canadian Studies*, Vol. 8, No. 4 (November 1973): 51-61.

<sup>47</sup> John F. Leslie, “Commissions of Inquiry into Indian affairs in the Canadas, 1828–1858: Evolving a Corporate memory for the Indian Department” (Ottawa: Indian Affairs and Northern Development Canada, Treaties and Historical Research Centre, 1985) and “The Bagot Commission: Developing a Corporate Memory for the Indian Department,” CHA, *Historical Papers*, Vol. 17, No. 1 (1982): 31-52.

<sup>48</sup> McNab, *No Place for Fairness*, 7; William C. Wicken, *The Colonization of Mi'kmaw Memory and History, 1794-1928* (Toronto: University of Toronto Press, 2012), 160.

colonies in 1860.<sup>49</sup> After examining the material culture of nineteenth-century villages in southwestern Ontario, archaeologist Neal Ferris criticizes historians as a whole, for telling what he believes are tales of decline that begin with contact.<sup>50</sup>

The fact that historians disagree as to the timing and overall impact of colonial policy, suggests the effects were uneven in Aboriginal communities, and that studying policy broadly is ineffective in determining outcomes.<sup>51</sup> Authors of policy studies do not dispute the fact that successive British and Canadian administrations refused to allow Aboriginal peoples to be ‘Indian’ *and* citizens regardless of the nomenclature used to distinguish specific policy paradigms. Yet policymakers, political scientists and historians do simultaneously refer to them as civilization, assimilation, termination, integration, protection, and a myriad of other descriptors. This indicates that local circumstances played a greater role than previously assumed and that more research needs to be done to uncover the impact of policy in communities.

Howlett suggests the periodic “paradigm” shifts identified by Leslie, Tobias, Milloy and others conceal an underlying policy of assimilation that from the end of the War of 1812 to the present, remains fundamentally unchanged.<sup>52</sup> As a consequence, self-determination is articulated by Indigenous academics and leaders as an antidote to historic and current assimilative policies

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<sup>49</sup> See Upton, “The Origins of Canadian Indian Policy” & Milloy, “The Era of Civilization,” as well as Robert J. Surtees “The Development of an Indian Reserve Policy in Canada.” *Ontario Historical Society*, Vol. 61 (1969): 87-98; Leo Johnson, “The Mississauga–Lake Ontario Land Surrender of 1805,” 233–53; Boyce Richardson, “Kind Hearts or Forked Tongues? The Indian Ordeal: A Century of Decline,” *The Beaver* (Feb./Mar. 1987): 16-41.

<sup>50</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 10. Emphasis on dependency and decline present in older studies portraying Aboriginal people as victims of progress reappears in Marxist and systems-theory analyses implicating the world-wide shift to capitalism in the subjugation of Indigenous peoples. E. Palmer Patterson, *The Canadian Indian: A History Since 1500* (Don Mills, ON: Collier-MacMillan, 1972), 72; Denys Delâge, *Bitter Feast: Amerindians and Europeans in Northeastern North America, 1600-64*, trans. Jane Brierley (Vancouver: UBC Press, 1993).

<sup>51</sup> David T. McNab, “Herman Merivale and Colonial Office Indian Policy,” in *As Long as the Sun Shines and Water Flows*, ed. Getty and Lussier, 85-103.

<sup>52</sup> Michael Howlett, “Policy Paradigms and Policy Change. Lessons from the Old and New Canadian Policies towards Aboriginal Peoples,” *Policy Studies Journal*, Vol. 22, No. 4 (Winter 1994): 631-2.



in the Department of Aboriginal Affairs.<sup>53</sup> Current conflict between Indigenous peoples and the Canadian State, Weaver and Howlett suggest, is the outcome of a new paradigm of self-determination and coexistence, consequences of the failed 1969 White Paper and recommendations of the 1996 Royal Commission on Aboriginal Peoples (RCAP).<sup>54</sup> The RCAP, precipitated by the controversial and vague inclusion of “Indians, Inuit and Métis peoples” in the 1982 Constitution, four failed first minister’s Conferences, and a decade of Indigenous protest, recommended a renewed relationship between Aboriginal peoples and the Canadian state.<sup>55</sup> Nearly twenty years later, if there is to be a new policy paradigm recognizing Indigenous self-determination, it is crucial that the origins and methods by which it was undermined in the nineteenth century are understood.<sup>56</sup> These origins will not be found in the metropole alone but in the colonies and communities where it came to fruition.<sup>57</sup>

According to Catherine Hall, colony and metropole influenced each other through ideological exchanges such that one cannot be studied to the exclusion of the other.<sup>58</sup> Yet even

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<sup>53</sup> Harold Cardinal, *The Unjust Society* (Toronto: Douglas and McIntyre, 1999); Leroy Little Bear, Menno Boldt and J. Anthony Long, *Pathways to Self-Determination: Canadian Indians and the Canadian State* (Toronto: University of Toronto Press, 1984); Frank Cassidy, ed. *Aboriginal Self-Determination* (Institute for Research on Public Policy, Lantzville, BC: Oolichan Books, 1992); Menno Boldt, *Surviving as Indians: The Challenge of Self-Government* (Toronto: University of Toronto Press, 1993).

<sup>54</sup> Howlett, “Policy Paradigms and Policy Change,” 631. Sally M. Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press, 1981), 170-189; Assembly of First Nations, “Royal Commission on Aboriginal People at 10 Years: A Report Card,” (Ottawa: Assembly of First Nations, 2006), *CBC News*, accessed 8 May 2010, [http://www.cbc.ca/news/background/aboriginals/pdf/afn\\_rcap](http://www.cbc.ca/news/background/aboriginals/pdf/afn_rcap).

<sup>55</sup> The 1982 Constitution Act, Section 35. (1) states that “[t]he existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” Subsection (2) defines ‘aboriginal peoples’ as “Indian, Inuit and Métis.” Constitutional documents are available online at the Department of Justice website <http://laws-lois.justice.gc.ca>

<sup>56</sup> British or Canadian governments did not entertain any policy alternatives such as “two-eyed seeing”, “self-determination”, differentiated or “dual citizenship,” or “co-existence.” See Doug Kane, “Aboriginal Citizenship in Transition.” (Queen's University, MPA Thesis, 2000).

<sup>57</sup> John MacKenzie, “A Meditation on Environmental History,” in *The Nature of Empires and the Empires of Nature: Indigenous Peoples and the Great Lakes Environment*, ed. Karl Hele (Waterloo, ON: Wilfrid Laurier University Press, 2013), 5.

<sup>58</sup> Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Chicago: University of Chicago Press, 2002), 8 & 12.

within these structures, “the state is not a separate 'level' from civil society, but a part of it, evolving and legitimizing the rules and framework within which social life is structured.”<sup>59</sup> Thus, officials, missionaries and settlers who, on the surface appear to share similar philosophies, differed quite markedly in their motives and behavior, and Elbourne cautions historians who might over-stress humanitarianism's influence on British Indian policy.<sup>60</sup> British parliamentarians perhaps regretted the effects of colonization, but like their Canadian counterparts today, they would not sacrifice economic expansion or progress for the moral reformation of Indigenous peoples.<sup>61</sup> Perhaps closest to the truth was Sir John Seeley who in 1883 concluded that Great Britain “conquered and peopled half the world in a fit of absence of mind.”<sup>62</sup> As a consequence, I use the terms ‘British policy’ and ‘empire’ frequently but with caution, and with the understanding that they are not monolithic.<sup>63</sup>

Political scientists and legal historians who continue to explore the implications of policy for state and judicial purposes, utilize major policy statements like the several commissions of inquiry into Indian Affairs and Indian Act legislation. Conversely, cultural and social historians shifted focus to post-colonial studies of ‘nation’ and ‘empire’ as ideas or discourses.<sup>64</sup> A lack of sources for this kind of analysis in the early nineteenth century naturally draws researchers from various disciplines to the late Victorian period when literacy rates and the institutionalization of

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<sup>59</sup> K.J. Anderson, “Cultural Hegemony and the Race-definition Process in Chinatown, Vancouver: 1880-1980,” *Environment and Planning D: Society and Space*, Vol. 6 (1988): 131.

<sup>60</sup> Elizabeth Elbourne, “The Sin of the Settler: The 1835-36 Select Committee on Aborigines and Debates Over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire,” *Journal of Colonialism and Colonial History*, Vol. 4, No. 3 (2003): 8.

<sup>61</sup> Michael D. Blackstock, “The Aborigines Report (1837): A Case Study in the Slow Change of Colonial Social Relations,” *Canadian Journal of Native Studies*, XX, 1 (2000): 68.

<sup>62</sup> Klaus E. Knorr, *British Colonial Theories 1570-1850* (Toronto: University of Toronto Press, 1944), 250.

<sup>63</sup> Linda Colley, *Britons: Forging the Nation, 1707-1737* (London: Vintage Books, 1996), ix.

<sup>64</sup> Anderson, “Cultural Hegemony and the Race-definition Process”; Adele Perry, *On the Edge of Empire: Gender, Race and the Making of British Columbia, 1849-1871* (Toronto: University of Toronto Press, 2001); Jennifer Reid, *Louis Riel and the Creation of Modern Canada: Mythic Discourse and the Creation of the Modern State* (Winnipeg: University of Manitoba Press, 2012).

religion, science and education, created intellectual elites and commonsensical acceptance of progress and improvement.<sup>65</sup> Valverde and others suggest that by 1880, these circumstances led many to believe that complex social problems caused by increasing immigration and urbanization could be ameliorated through reform.<sup>66</sup> The dominance of the post-1880s era in colonial and Indigenous studies in general, is deceptive. Because of its tendency to overshadow the multifaceted and contradictory nature of the earlier part of the century, Francis, contends that the term ‘Victorian’ is a misnomer. The Victorian sense of empire, with its attendant moral and biological superiorities, if it ever existed, differed markedly to the era of civilization-assimilation and the period before 1860.<sup>67</sup>

Epitomized by British officials like Herman Merivale, reformers earlier in the century deemed ‘civilization’ a culturally and developmentally acquired trait and the amalgamation of the empire’s diverse populations, a virtual certainty.<sup>68</sup> While almost every generation after 1815 looked to labour, progress and technology to lead them to a prosperous future, until the post-Confederation period, these were largely informal sentiments limited to the vision and resources of local private interests.<sup>69</sup> This is very different from what is understood as late nineteenth century ‘Victorian Imperialism,’ promulgated by the middle-class, influenced by a post-

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<sup>65</sup> A.B. McKillop, *A Disciplined Intelligence: Critical Inquiry and Canadian Thought in the Victorian Era* (Montreal: McGill-Queen’s, 2001). Constance Backhouse is an exception but her focus is limited to the application of law.

<sup>66</sup> According to Westfall, the decline of popular Methodism and rise of an urban, Protestant middle class are important factors in the development of the reform movement. William Westfall, *Two Worlds: The Protestant Culture of Nineteenth-Century Ontario* (Kingston: McGill-Queen’s, 1989); Lynne Marks, *Revivals and Roller Rinks: Religion, Leisure and Identity in Late-Nineteenth-Century Small-Town Ontario* (Toronto: University of Toronto Press, 1996); Mariana Valverde, *The Age of Light, Soap and Water: Moral Reform in English Canada, 1885-1925* (Toronto: McClelland and Stewart, 1991), 15-18.

<sup>67</sup> Mark Francis, “The ‘Civilizing of Indigenous People in Nineteenth-Century Canada,” *Journal of World History*, Vol. 9, No. 1 (1998): 51-52.

<sup>68</sup> MacKenzie, “A Meditation on Environmental History,” 1.

<sup>69</sup> Daniel Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester: Manchester University Press, 2006), 169, 206-7.

Confederation relationship with Great Britain, and facilitated by Macdonald's National Policy.<sup>70</sup> Macdonald, who as Attorney General, introduced the 1857 Gradual Civilization Act, and nationalized Canada's Indian policy in the 1870s, was familiar with Anishinabe and Haudenosaunee peoples in Ontario. While he believed in the inviolable superiority of British culture and institutions and the need to assimilate Indigenous peoples into colonial society, his papers, according to Smith and Evans, do not suggest that biological determinism or cultural essentialism shaped earlier approaches to Aboriginal policy or law in Upper Canada.<sup>71</sup>

The tendency to project uniform ideologies onto EuroCanadian "colonizers," in earlier decades of the nineteenth century, as Westcott notes, oversimplifies complex and varied sets of beliefs in the colonizing process.<sup>72</sup> On an individual basis, EuroCanadians and Anishinabe peoples struggled with the intersection of Indigeneity and empire. On the one hand, Haig-Brown and Nock explore the stories of a number of individuals who sought to assist and advocate on behalf of Aboriginal people where they could, and on the other, Smith's *Mississauga Portraits* reveals that Anishinabe who rose to prominent roles were often caught between the conflicting expectations of two cultures.<sup>73</sup> In this role, a discussion of miscegenation or métissage is crucial

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<sup>70</sup> MacKenzie, "A Meditation on Environmental History," 1. The 1879 National Policy, premised on the completion of the trans-continental railway and agricultural settlement, can be viewed as the colonization of Western Canada by eastern business interests.

<sup>71</sup> 20 Vict. c. 26. *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857 in *Statutes of the Province of Canada* (Toronto: Stewart Derbyshire & George Desbarats, 1857), 84-88; Donald B. Smith, "Macdonald's Relationship with Aboriginal Peoples," in *Macdonald at 200: New Reflections and Legacies*, ed. Patrice Dutil & Roger Hall (Toronto: Dundurn, 2014), 65 & 67 and discussion during a meeting of the Toronto Area Political History Reading Group, University of Toronto, 25 November, 2014. Julie Evans et. al, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830s-1910* (Vancouver, UBC Press, 2003), 117-18

<sup>72</sup> For a generalized use of the term "colonizer" see Radforth, "Performance, Politics and Representation." Robyn Westcott problematizes "Britishness" in "The Uses of (An)other History: A Digression from Linda Colley's Britishness and Otherness: An Argument," *Humanities Research*, vol. XIII, no. 1 (2006): 5-16.

<sup>73</sup> Celia Haig-Brown and David A. Nock eds. *With Good Intentions: Euro-Canadian & Aboriginal Relations in Colonial Canada* (Vancouver: UBC Press, 2006), 2; Donald B. Smith, *Mississauga Portraits: Ojibwe Voices from Nineteenth Century Canada* (Toronto: University of Toronto Press, 2013).

for not only did trading and military families marry into local Anishinabe communities, but new emigrants and settlers who followed did not necessarily share similar beliefs and experiences.<sup>74</sup> In the upper ranks of the Indian Department, “a prevailing ideology” and “a set of shared attitudes and assumptions about Indians” existed, but the ‘domestic’ side of the colonial equation complicates culturist analyses. As Sarah Carter notes, it is difficult to determine the degree to which local agents and settlers internalized or applied the “official mind,” without examining their actions in the local community.<sup>75</sup> In the remotest corner of Upper Canada, unintended consequences and the absence of policy and action are as important as its deliberate imposition in other locales.

The “Inconvenient Indian,” made famous most recently by Thomas King, has a long history in British policy circles.<sup>76</sup> There is no doubt that officials reconciled the moral philosophy to “civilize” Aboriginal peoples with a parsimonious policy based on practical expediency. Nevertheless, demographic, political and technological developments in the second half of the nineteenth century enabled the Colonial Office to “govern at a distance” empowering Eurocanadians to interfere in the lives of Indigenous peoples in formerly unimaginable ways.<sup>77</sup> In this respect, recent studies of the instruments or “softwares”<sup>78</sup> of Empire are vital to

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<sup>74</sup> See glossary for use of the term “Métissage.” More recently, writers in the fields of education, environmental studies and literature have embraced the term “métissage” to refer to instances where ideas and cultural boundaries are blurred, shared or fluid. For a critique see Chris Andersen, “From Nation to Population: The Racialization of ‘Métis’ in the Canadian Census,” *Nations and Nationalism*, Vol. 14, No. 2 (2008): 347–368; Jacqueline Peterson, “Many roads to Red River: Métis genesis in the Great Lakes region, 1680-1815,” in *The New Peoples: Being and Becoming Métis in North America*, ed. Jacqueline Peterson and Jennifer S.H. Brown (Winnipeg: University of Manitoba Press, 1985), 53.

<sup>75</sup> Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal & Kingston: McGill-Queen’s University Press, 1990), 51.

<sup>76</sup> Thomas King, *The Inconvenient Indian: A Curious Account of Native People in North America* (Toronto: Doubleday, 2012).

<sup>77</sup> Dean Neu and Cameron Graham, “Birth of a Nation: Accounting and Canada’s First Nations, 1860-1900,” *Accounting, Organizations and Society*, No. 31 (2006): 49.

<sup>78</sup> Dean Neu, “Accounting and Accountability Relations: Colonization, Genocide and Canada’s First Nations,”

understanding reserve life in Upper Canada. Neu, Gettler and Curtis for instance demonstrate that the ability to transform people and places into ‘meaningful’ data, and “manipulate” that data in order to achieve particular policy goals, had profound consequences for the development of state bureaucracy in Upper Canada.<sup>79</sup> On the one hand, agents increased their control of reserve economies and residency in concert with the replacement of barter and credit (goods) with currency (annuities). Counting, accounting and censuses enabled department officials to transform what was once a discourse of treaty and other entitlements into charity, and its recipients into a declining number of ‘deserving Indians.’<sup>80</sup> On the other hand, settlers who squatted on Indian lands, Indian agents who falsified leases and pilfered band accounts and magistrates who refused to prosecute them were not utilizing the “technology of government”<sup>81</sup> or furthering the greater glory of the empirical project. They were simply trying to improve their own immediate economic circumstances and that of their families.

Tracing the development of internal colonialism and structures that facilitated the expropriation of Aboriginal lands, resources and labour for the benefit of an emerging Canadian state, is vital. The resurgence of political economy in studies by Daschuk and Lutz recognizes the interconnectedness of a number of factors in the study of the “changing material circumstances,” or “conditions” of Aboriginal communities in response to Eurocanadian settlement. Like Sarah Carter before them, these authors are primarily drawn to Western Canada

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*Accounting, Auditing & Accountability Journal*, Vol. 13, No. 3 (2000): 268-9.

<sup>79</sup> Neu, “Accounting and Accountability;” 268-88; Brian Gettler, “Colonialism’s Currency: A Political History of First Nations Money-Use in Quebec and Ontario, 1820-1950” ( PhD Dissertation, Université du Québec à Montréal, 2011); Bruce Curtis, *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840-1875* (Toronto: University of Toronto Press, 2001).

<sup>80</sup> Michelle A. Hamilton, “‘Anyone on the list might as well be dead’: Aboriginal Peoples and the Census of Canada, 1851-1916,” *Journal of the CHA*, New Series, Vol. 18, No. 1, 2007): 57-79.

<sup>81</sup> Neu, “Accounting and Accountability,” 11.

in the latter half of the nineteenth century.<sup>82</sup> While Lutz sees hope and survival in economies on the West Coast, hopelessness and dependency haunt Shewell's study of welfare policy.<sup>83</sup> Beyond the devastation wrought on the prairies, the cyclical intersection between land and culture whereby "economic and ecological imperialisms reinforced each other" also contextualizes development in Upper Canada.<sup>84</sup> Fifty years before similar circumstances unfolded on the plains, cholera<sup>85</sup> and the Great Western Railway tore through Lambton County. The town of Sarnia's expanding "urban frontier,"<sup>86</sup> had far reaching effects on the surrounding rural landscape. Viewed as a hinterland ripe for agricultural, timber and resource exploitation, technological advances in drainage followed the railway and marshlands, lakes, and formerly uninhabitable swamps disappeared. Many of the primary fowling, fishing and gathering locations the Anishinabe had used for centuries took mere decades to obliterate.<sup>87</sup> Aside from several resource studies, the "new" political economy has yet to reach Upper Canada in the period before 1867 in a substantive way.<sup>88</sup>

Indeed many of the processes discussed here represent the breakdown of the relationship

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<sup>82</sup> James, Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), x ; Lutz, *Makúk*; 4; Victor Satzewich and Terry Wotherspoon, *First Nations: Race, Class and Gender Relations* (Saskatoon: Houghton Boston, 2000), 7-8.

<sup>83</sup> Hugh Shewell, *Enough to Keep them Alive, Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), x & 4.

<sup>84</sup> William Cronon, *Changes in the Land: Colonists and the Ecology of New England* (New York: Hill and Wang, 2003), 162.

<sup>85</sup> See Appendix A.

<sup>86</sup> Penelope Edmonds, *Urbanizing Frontiers: Indigenous Peoples and Settlers in 19<sup>th</sup>-Century Pacific Rim Cities* (Vancouver: UBC Press, 2010).

<sup>87</sup> J. David Wood, *Making Ontario: Agricultural Colonization and Landscape Re-Creation Before the Railway* (Montreal and Kingston: McGill-Queen's University Press, 2000), xvii.

<sup>88</sup> Christina Burr, "'Oil Mania': Colonial Land Policy, Land Speculation, and Settlement in Enniskillen Township, 1830s-1860s," *Histoire sociale/ Social History*, Vol. 38, No. 76 (2005): 267-306; Rhonda Telford, "The Sound of the Rustling of the Gold is Under my Feet Where I Stand, We Have a Rich Country: A History of Aboriginal Resources in Ontario" (PhD dissertation, University of Toronto, 1995); J. Michael Thoms, "Ojibwa Fishing Grounds: A History of Ontario Fisheries Law, Science, and the Sportsmen's Challenge to Aboriginal Treaty Rights, 1650-1900" (PhD dissertation, University of British Columbia, 2004) ; Tim E. Holzkamm, Victor P. Lytwyn and Leo G. Waisburg, "Rainy River Sturgeon: An Ojibway Resource in the Fur Trade Economy." *The Canadian Geographer* Vol. 32, No. 3 (1988): 194-205.

between Anishinabe peoples and Eurocanadians on a local level by individuals who could not appreciate the totality of their actions. Literature on entertaining and socializing in Upper Canada suggests interactions between Indian agents, officials and Anishinabe peoples occurred frequently and informally in the first decades of the nineteenth century. Whether in public or private, entertainment and socializing were important ways that Eurocanadians and Anishinabe peoples cemented economic and political alliances. Paxton argues that in the wake of the American Revolution, battlefield and blood connections created a “multi-ethnic military community” at Niagara and Julia Roberts similarly discovered individuals of mixed ancestry socializing in the Western District’s taverns.<sup>89</sup> While these relationships deteriorated, the causes for what became mistrust and eventual legal segregation are complex.

Europeans often recreated the circumstances of their own oppression and “inflicted” them on Indigenous peoples in the colonies.<sup>90</sup> Karsten agrees noting that “resistance to authority and defiance of legal rules” are “recurrent themes” in the histories of emigrants from the British Isles.<sup>91</sup> In such an environment, Indian agents faced formidable local opposition whenever they appeared to advance Indigenous interests over those of merchants and farmers. By the twentieth century, some agents in Ontario had abandoned advocacy altogether.<sup>92</sup> As Hayes and Brownlie illustrate, through the use of sanctions and threats to withdraw government programs and funds, Indian agents influenced collective and individual decision-making, effectively turning reserves

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<sup>89</sup>James W. Paxton, “Merrymaking and Militia Musters: Mohawks, Loyalists and the (Re)Construction of Community and Identity in Upper Canada,” *Ontario History*, Vol. CII, No. 2 (Autumn 2010): 219; Julia Roberts, “A Mixed Assemblage of Persons’: Race and Tavern Space in Upper Canada.” *CHR*, Vol. 83, No. 1, (March 2002): 1-16.

<sup>90</sup> MacKenzie, “A Meditation on Environmental History,” 5.

<sup>91</sup> Peter Karsten, *Between Law and Custom: “High” and “Low” Legal Cultures in the Lands of the British Diaspora—The United States, Canada, Australia, and New Zealand, 1600-1900* (Cambridge: Cambridge University Press, 2002), 2.

<sup>92</sup> Douglas Leighton, “The Compact Tory as Bureaucrat: Samuel Peters Jarvis and the Indian Department, 1837-1845.” *Ontario History* 73, no. 1 (March 1981):42-3.



into their own personal fiefdoms.<sup>93</sup> Rhonda Telford's explorations into the life of William Keating and George Ironside similarly highlighted the fact that many contemporary struggles waged by Aboriginal peoples are rooted in the "nefarious" behaviors of their Indian agents.<sup>94</sup> Unfortunately a majority of studies focus on Northern Ontario after 1850 and Western Canada in the post-Confederation period leaving the lives of other Indian Agents in the early reserve period largely unknown.<sup>95</sup>

State formation in Upper Canada is a source of debate largely because historians understand 'government' in terms of centralized bureaucracy.<sup>96</sup> Academic interest in the development of responsible government and Upper Canada's path to Confederation dwarf research into the growth of municipal government and institutions. Much of Lambton and Kent County's administrative history remains the purview of a handful of local historians contributing to the impression that absent and incompetent governments remained the norm for much of the first half of the nineteenth century. To the contrary, Johnson argues that settlers had a good understanding of the workings of government and that various regulations concerning land, pensions, charity, employment and immigration affected their lives in appreciable ways. In terms

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<sup>93</sup> Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power and Aboriginal Resistance in Ontario, 1918-1939* (Toronto: University of Toronto Press, 2003); Adrian Hayes, *Francis Pegahmagahbow: Life Long Warrior* (Toronto: Butterfly Books, 2009).

<sup>94</sup> Rhonda Telford, "The Nefarious and Far-Ranging Interests of Indian Agent and Surveyor John William Keating, 1837-1869," in *Papers of the Twenty-Eighth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba, 1997), 372-402 and "How the West Was Won: Land Transactions Between the Anishinabe, the Huron and the Crown in Southwestern Ontario," in *Papers of the Twenty-Ninth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba, 1998), 352-367.

<sup>95</sup> In addition to Sarah Carter see Brian E. Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986); Helen Buckley, *From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces* (Montreal-Kingston: McGill-Queen's University Press, 1993); Leo G. Waisburg and Tim E. Holzkamm, "A Tendency to Discourage them from Cultivating': Ojibwa Agriculture and Indian Affairs Administration in Northwestern Ontario." *Ethnohistory* Vol. 40, No. 2 (Spring, 1993): 175-211.

<sup>96</sup> J.E. Hodgetts, *Pioneer Public Service: An Administrative History of the Canadas, 1841-1867* (Toronto: University of Toronto Press, 1956).

of race, class and gender, the petitioning process in particular permitted equal access, though perhaps not consideration, to the seat of government for the purposes of grieving one's condition.<sup>97</sup> The Western District's distance relative to the seat of power as well as the reach of the Upper Canada Assembly to a town such as Sarnia necessitates a broader understanding of 'government' and in particular the role of municipal government and local power structures in the lives of Anishinabe peoples. From the 1790s onwards, the process of state formation as it developed in Upper Canada gradually eroded the choices available to Indigenous peoples.<sup>98</sup>

Aitchison suggests the other side of responsible government was "home rule." If the Royal Proclamation was the 'Indian Magna Carta,' Aitchison argues the 1849 Municipal Act was the "Municipal Magna Carta" giving local elected officials immense power to decide the future shape of their communities.<sup>99</sup> Municipal councils based their decisions on the philosophy of "the common good."<sup>100</sup> Officeholders however, tended to come from the earliest settlers, administrators and soldiers or their descendants. These men settled on military or Indian land grants and reaped the greatest rewards, becoming "persisters" who extended their political and economic influence in concert with the growth of the towns around them.<sup>101</sup> Conversely, Anishinabe Chiefs and the villages once connected to them saw their social and economic fortunes decline in proportion as the nineteenth century progressed. Individual property ownership, the payment of taxes and exercise of the franchise became foundations of municipal

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<sup>97</sup> Johnson, *In Duty Bound*, 134; David V. J. Bell, "The Loyalist tradition in Canada," *Journal of Canadian Studies*, Vol. 5, No. 2 (May 1970): 26 & 28.

<sup>98</sup> Ian McKay, "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History," *CHR*, Vol. 81, No. 4 (2000): 637.

<sup>99</sup> J.H. Aitchison, "The *Municipal Corporations Act* of 1849," *CHR*, Vol. 30, No. 2, (1949): 110, 122.

<sup>100</sup> George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills, ON: Collier-Macmillan Canada Ltd, 1974), 60.

<sup>101</sup> Randy Widdis, "Generations, Mobility and Persistence: A View From Genealogies;" *Histoire sociale/Social History*, Vol. 25, No. 49 (May 1992): 129; Herbert J. Mays, "A Place to Stand: Families, Land and Permanence in Toronto Gore Township, 1820-1890," *Historical Papers*, Vol. 15, No. 1 (1980): 185-211.

citizenship in this period. Settlers remained aware of the differences between Aboriginal people and themselves in this regard. However after 1849, they and their administrators grew increasingly intolerant under misconceived notions that cultural characteristics and 'special treatment' rather than historical differences were the reasons why Aboriginal people did not do their civic duty or pay their 'fair' share.<sup>102</sup> Social constructions of citizenship and the failure to accommodate these differences as Great Britain transferred control of administrative affairs to Canada are important factors contributing to Indigenous marginalization. Legislated wardship imposed on Anishinabe peoples after 1850 effectively rendered them 'aliens' in their own lands.<sup>103</sup>

In the second half of the nineteenth-century; unlike their Eurocanadian neighbours, Anishinabe people in Canada were expected to be contained and self-sufficient on their reserves. Though officials promised the chiefs continued use of off reserve territories in the treaties, access became impossible as farmers enclosed them behind fences. The much-mythologized independent yeoman farmer remains problematic on an economic level, negating the communal nature of rural societies and the relationships formed in the day-to-day effort to eke out an existence in Upper Canada.<sup>104</sup> Parr writes that few, if any farmers could clear the land and establish themselves successfully without resorting to wage labour, either by working for pay or hiring labourers to assist them in clearing their own land.<sup>105</sup> But rural historians have not examined early reserve economies in Upper Canada, nor have they situated them in the broader

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<sup>102</sup> Leslie, "Assimilation, Integration or Termination," 333. Kane, "Aboriginal Citizenship in Transition." 2.

<sup>103</sup> The 1947 Citizenship Act omitted Status Indians and they remained unable to vote until 1960.

<sup>104</sup> Carter, *Lost Harvests*, 217; E. Reginald Good, "Colonizing a People: Mennonite Settlement in Waterloo Township," in *Earth, Water, Air and Fire: Studies in Canadian Ethnohistory*, David T. McNab, ed. (Waterloo, ON: Wilfrid Laurier, University Press, 1998), 145-7.

<sup>105</sup> Joy Parr, "Hired Men: Ontario Wage Labour in Historical Perspective," *Labour/Le Travail*, Vol. 40, No. 1 (1985): 91.

economic, social or political developments in the province.

It is Ferris' contention that the effects of a “catastrophic bureaucracy” did not begin to successfully undermine the economic and political functioning of Indigenous communities in southwestern Ontario until the latter decades of the nineteenth century. However, this is in respect to their own modes of subsistence. Internal modifications necessary to cope with change around them were primarily material in nature and not externally imposed.<sup>106</sup> Lutz similarly argues that First Nations in British Columbia “never became irrelevant, not even in the twentieth century.” They instead integrated “work for pay” into a “moditional economy” combining several strategies.<sup>107</sup> Lutz however, does not address the fact that a “moditional economy” in most cases, did not include opportunities to increase socioeconomic status beyond that of a wage labourer. This may be because, as many contend, Indigenous peoples neither desired nor needed to expand their earning power beyond the satisfaction of basic needs. Research instead suggests that First Nations place greater value on community well-being and approach business development from a balanced perspective that does not permit profit to be the sole motivating factor driving development on their lands. Rather, the benefits of wages, employment and training are only fully realized in the community when self-determination, “culture, traditions and values” are prioritized.<sup>108</sup> As Leslie points out, “[t]rue integration should have been a two-way street in which both Natives and non-Natives made appropriate adjustments to accommodate the other.”<sup>109</sup> Enfranchisement provisions illustrate the “sharp divisions” drawn

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<sup>106</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 2 & 57.

<sup>107</sup> Lutz, *Makúk*, 7-9 & 23; Edward J. Hedican, *Applied Anthropology in Canada: Understanding Aboriginal Issues* (Toronto: University of Toronto Press, 1995), 117.

<sup>108</sup> Robert B. Anderson & Robert M. Bone, “First Nations Economic Development: A Contingency Perspective,” *Canadian Geographer*, Vol. 39, Issue 2 (June 1995): 122-3.

<sup>109</sup> Leslie, *Assimilation, Integration or Termination*, 407. See also Hedican, *Applied Anthropology in Canada*, 158.

“between subsistence and market economies,” legally entrenching folk ideologies that deemed 'Indian' status incompatible with European socioeconomic success.<sup>110</sup> In the early nineteenth century, what Anishinabe people could salvage and maintain of their 'traditional economies' was by way of necessity, and in direct proportion to what they could not acquire in the broader settler economy. It is a common refrain that the government no longer needed Anishinabe peoples as allies and this largely contributes to their location on the margins of a historiography that sees them as victims. But according to officials, they were needed after the War of 1812, not only for title to their lands and resources, which is most often studied, but also as passive consumers of goods made by non-Aboriginal settlers.

Canadian and Aboriginal histories often exist in terms of two separate historical traditions—to the detriment of our shared experience and collective understanding.<sup>111</sup> This study seeks to contribute to a well-established dialogue that attempts to incorporate Indigenous perspectives and experiences into the history of Canada and reject the paradigm of decline that so often dominated studies of Aboriginal history in Ontario. Through *Seven Generations*, the Anishinabe in Ontario have shared interwoven ancestries and histories with Europeans that transcend mere policy analysis. Through treaty promises are most often recognized in the breach, the impact of that breach cannot be well understood if the original expectations are not known.<sup>112</sup>

## **Chapter Summaries**

Two eyed seeing is not a conceptual framework crafted in response to the presence of

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<sup>110</sup> See glossary in Appendix A for an explanation of enfranchisement. Rauna Kuokkanen, “Indigenous Economies, Theories of Subsistence, and Women,” *American Indian Quarterly*, Vol. 35, No. 2 (Spring 2011): 222.

<sup>111</sup> Erik Anderson, Jean-Pierre Morin and Jerry White, “Introduction to Aboriginal Policy Research: History of Treaties and Policies,” in *Aboriginal Policy Research*, Vol. 7, ed. Jerry P. White et. al (Toronto: Thompson Publishing, 2010), xii.

<sup>112</sup> Leonard Ian Rotman, *Parallel Paths: Fiduciary Doctrine and the Crown-Native Relationship in Canada* (Toronto: University of Toronto Press, 1996), 15; Miller, *Compact, Contract, Covenant*, xi-xii.

Europeans. This “philosophy of interconnectedness” balanced past and present, and physical and spiritual knowledge, necessary to live a good life.<sup>113</sup> Moreover, this balanced approach provided the foundation that enabled the Anishinabeg to meet changing political and environmental realities in the Great Lakes Basin. From this perspective, chapters one and two discuss the aftermath of the American Revolution and War of 1812. Chapter one argues that the pre-contact resource sharing agreements and diplomatic alliances like the Covenant Chain shaped understandings and informed future peacetime relationships between the Anishinabe and officials in Upper Canada. After two contentious wars, the Treaty of Ghent signalled a future in which neither Indigenous nor European loyalists could return home. But the *Proclamation of 1763*, conceptualized Indigenous nationhood in terms of a separate Indian Territory. When Anishinabe and Loyalists of European ancestry competed for the same land for settlement in Upper Canada, it quickly became apparent that not all British allies were created equal. An examination of 1783 Loyalist and War of 1812 claims demonstrates that while non-Aboriginals received compensation in the form of Anishinabe land, Anishinabe peoples bore much of the blame for loyalist suffering. Indigenous leaders held British officials to their promises of assistance however chapter two argues that few Anishinabe families received it. Indigenous loyalists faced extreme difficulties claiming these entitlements and the parsimony of the military and Indian Department directly affected treaty negotiations and the transition to village settlement.

Nine years after Chawme’s council speech Anishinabe leaders thought that Treaty 29 or the 1827 Huron Tract Treaty guaranteed them political independence, continued access to their territories, and provisions for future training and assistance. Their requirements cannot be found

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<sup>113</sup> Rheault, “Anishinabe Mino-Bimaadiziwin,” 33 & 94; Benton-Banai, *The Mishomis Book*, 112;

in the treaty text and their carefully laid plans gradually went awry as a result. Despite passage of the 1839 Crown Lands Act, chapter three chronicles how officials and settlers used petitions and claims of loyalty to gradually undermine Anishinabe attempts to protect their land on Walpole Island and the Lower Reserve. Chapter four suggests Anishinabe and European economies on the St. Clair were once complementary but credit prohibitions, ill-crafted policies and an incompetent agent angered merchants and thwarted reserve development. These chapters allow us to see the effects of colonial Indian policy as it unfolded on the St. Clair. Over time, Anishinabe peoples became increasingly isolated from the communities around them and their neighbours viewed the reserves as impediments to future economic development. Legislators crafted the first comprehensive Indian Act in 1850, which combined these land and credit restrictions, on the premise that reserve settlement had been an abject failure.

In preparation for the transition to responsible government in Canada, the British Colonial Office withdrew assistance. On the eve of Confederation, the Upper Canadian assembly inherited and then proceeded to develop Indian policy on the premise that Aboriginal people were dying out. As Chapter 5 suggests, when the data did not align with their objectives, officials shifted their efforts to limit and ultimately deny treaty and other promised entitlements to ‘Indians’ by withdrawing assistance and attempting to eliminate them as distinct peoples. Anishinabe peoples found ways to ‘see with two eyes’ but in a climate of shrinking entitlements and growing demands, many of their options to do so declined after 1850. Chapter six is a case study focusing on the life of Quakgwan, an Anishinabe leader who purchased land with funds raised independent of the Indian Department. Guided by his Anishinabe upbringing, Quakgwan successfully navigated Eurocanadian political and economic society. Quakgwan lived the events

discussed in previous chapters and ‘saw with two eyes’ until 1850 when the Indian Department used their newly acquired legislative powers to disperse the community. Decades later, his children’s inquiry into the final years of their father’s life starkly reveals how legislative authority after 1850 became unrelenting and absolute in the hands of the Indian Department. In conclusion, I posit that had officials made concerted efforts to honour the Huron Tract Treaty, the plans Anishinabe “patriarchs” made for their people would have led to self-sufficiency. This study offers a counter-narrative to the story of swift and inevitable decline most often presented in the post-war period. It offers hope for future treaty implementation in the Province of Ontario, another promise made in the wake of the death of Dudley George at Ipperwash Provincial Park in September 1995.

Linda Tuhiwai Smith argues for a “reframing” of approaches to Indigenous studies, criticizing governments for “fail[ing] to see many indigenous social problems as being related to any sort of history.”<sup>114</sup> I began my graduate studies shortly before the release of Justice Sidney Linden’s report on Ipperwash. That same year barricades went up in Caledonia. I was teaching during the housing crisis at Attawapiskat and discussing Idle No More protests with my students. While I was writing, clan mothers walked the Great Lakes demanding clean water for their communities and as I finish my conclusion, Aboriginal leaders across Canada are demanding an inquiry into an incomprehensible number of missing and murdered women from First Nations communities. My students gave me very simple research questions for this study. They asked why and how do such things happen in Ontario? Where did it all begin? Where did things go wrong? My hope is that this is a small contribution towards finding the answers.

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<sup>114</sup> Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (Dunedin, N.Z.: University of Otago Press, 2006), 153.



## Chapter 1: Loyalists of another Kind

The *Proclamation of 1763* changed the fundamental understanding of the geographical extent of Indigenous sovereignty. From a force or authority encompassing the entire continent, the Proclamation linked it to a distinctive “Indian Territory” demarcated on maps, and bounded not by the extent of Indigenous territories but by the geographical limits of European claims. By doing so, the Proclamation created a visual representation of Indigenous sovereignty, tied only to the area north of the Ohio River after 1768. As the Proclamation line receded, the political strength of Anishinabe peoples to resist incursions on their lands eroded with it. With their homeland part of the United States after 1783, fellow loyalists and their governments did not see them as sovereign and independent peoples, nor did they consider them deserving of accommodation. Instead settlers in Upper Canada viewed Anishinabe peoples as another group of claimants and as competitors for favour and local resources.<sup>1</sup>

So long as British subjects received copious grants of Aboriginal land as compensation for the losses they sustained in colonial wars, the Anishinabe appeared morally, if not legally, culpable for the crimes and debts European nations accrued by fighting them. In the tradition of the “suffering traders” of the 1750s and 1760s, revolutionary “American sufferers” and Western District settlers; whose farms and businesses were ransacked during the War of 1812, lobbied intensely for land to compensate them for the personal sacrifices they made in the cause of empire. In this sense, loyalism is a major contributing factor to the creation of a settler identity in Upper Canada, and to a process of exclusion that prevented Aboriginal people from receiving similar consideration as Loyalists who fought for their homeland too.

The Revolution and War of 1812 reluctantly drew Indigenous nations into the conflict on

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<sup>1</sup> Nin.Da.Waab.Jig, *Minishenhying Anishinaabe Aki*, 21.

both sides, and they were perceived as enemies and allies at the same time as a result. Analogous to their non-Aboriginal loyalist brethren, the identities and the roles required of ‘Indians,’ ‘Canadians,’ ‘loyalists,’ ‘Patriots,’ ‘Americans,’ ‘British,’ and those of mixed ancestry were complex and often conflicting. Individual claims made to boards established to hear and compensate Loyalists and settlers who suffered as a result of the Revolution and War of 1812 highlight the problem of shifting identities in the colonial period and demonstrate how the Western Confederacy and “Indians” in general came to be viewed as enemies in peace to the very people they helped defend in war. They were loyal in the sense that they made sacrifices and suffered losses as a direct result of their alliance with Great Britain. At the same time however, it was clear that Anishinabe peoples were not the same as the settlers around them. As Fellows argues, the American Revolution opened up a new era of victimhood and suffering and “Loyalists...use[d] their Myth as a weapon in their power struggle with the prior inhabitants of the country.”<sup>2</sup> Officials favoured those who could appeal to wartime service and prove property losses which were sometimes the result of British policies and Indigenous resistance to them.<sup>3</sup> Aboriginal peoples had to see with two eyes to survive when their lands and villages were targeted. They chose their alliances carefully, negotiated treaties to protect their territories, and sought alternative sources to supply themselves with food and necessities.

### **Western Confederacy Loyalists**

The story of Indigenous loyalism in Ontario is most often told through the histories of Joseph Brant and Haudenosaunee peoples who settled along the Grand River in present-day

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<sup>2</sup> Jo-Ann Fellows, “The Loyalist Myth in Canada,” *Canadian Historical Association Historical Papers*, Vol. 6, No. 1 (1971): 107.

<sup>3</sup> R.O. MacFarlane, “The Loyalist Migrations: A Social and Economic Movement,” in *Manitoba Essays*, ed. R.C. Lodge (Toronto: MacMillan, 1937), 111.

Brantford and near Quinte Ontario. Granted lands in consequence of their loyalty by Governor Haldimand in 1784, The Six Nations are by no means representative of the experiences of other Aboriginal peoples who came to British North America.<sup>4</sup> As pacifists, the Christian and ‘civilized’ Moravian Delaware, occupied an awkward position as neither loyalists nor rebels.<sup>5</sup> Like the Haudenosaunee, the Western Confederacy fought and died alongside the Redcoats. Having sacrificed their lands and villages in the northwest, they suffered devastating losses in similar measure to their Euroamerican counterparts. Colonial administrators encouraged them to form an Indian buffer state in the Western District’s borderlands preserving the fur trade and acting as a bulwark against further American aggression.<sup>6</sup> The Western Confederacy were not only Loyalists in their own right, but loyalists of another kind.

Though Western Confederacy leaders sought a future based on a history of coexistence, displacement and confinement continued with the extension of British and American jurisdiction on each side of an international boundary dividing the waters and their ancestral territories. The Ninth Article of the Treaty of Ghent restored the “possessions, rights and, privileges” enjoyed by Indigenous peoples to their 1783 status but the Treaty of Paris had ‘omitted’ Aboriginal peoples entirely.<sup>7</sup> The Crown eventually recognized the Western Confederacy with medals and presents, but for economic and political reasons, British officials treated the Anishinabeg differently than

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<sup>4</sup> Paxton, “The Myth of Iroquois Loyalism,” np.

<sup>5</sup> See ‘Moravians’ in Appendix A.

<sup>6</sup> Reginald Horsman, “McKee, Alexander,” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed March 30, 2015, <http://www.biographi.ca>

<sup>7</sup>; Olive P. Dickason & David T. McNab, *Canada’s First Nations: A History of Founding Peoples from Earliest Times*, 4<sup>th</sup> ed. (Oxford University Press, 2009), 192. *Treaty of Peace and Amity between His Britannic Majesty and the United States of America*, 24 December, 1814 and *The Paris Peace Treaty*, September 30, 1783 both in *Treaties and Other International Acts of the United States of America*, Vol. 2, ed. Hunter Miller (Washington: Government Printing Office, 1931, available online at *The Avalon Project*, Yale Law School, accessed 24 November, 2011, <http://avalon.law.yale.edu>

the Haudenosaunee.<sup>8</sup> In an effort to stave off a united Indian uprising over their omission in the 1783 Treaty, British policy-makers utilized a ‘divide and conquer’ strategy. Arguing that Western Nations lost personal but not real property, British officials maintained that their territories in the Northwest had only undergone a temporary change of administration.<sup>9</sup>

Officials also believed the Western Nations required less assistance because they ‘wandered,’ and did not live in permanent settlements like the Haudenosaunee or Moravians. Maintaining their hunting, trapping and fishing lifestyle was sufficient aid accomplished by retaining the Western posts of Detroit and Michilimackinac and the trade based around them. The British used the possibility that they might well regain the northwest as a key strategy to keep the Western Nations allied to them until 1815.<sup>10</sup> By 1785, several thousand Haudenosaunee, Delaware, Mingo, Creek, Cherokee and some Anishinabe settled in Canada.<sup>11</sup> But for the vast majority, who did not leave, their losses were no less catastrophic; they were simply postponed to a time when the landscape of Upper Canada was very different and far less hospitable.

The inclusion of Indigenous peoples under the moniker of ‘Loyalist’ was and is problematic because of the multifaceted understandings of the term. In her study, Jo-Ann Fellows characterizes “the Loyalist Myth,” particularly as it appeared in literary form, was primarily an upper class phenomenon, firmly rooted in notions of “great sacrifice and suffering, union with Great Britain, grievance and betrayal.” By the late nineteenth century the myth celebrated Loyalists as “The Founders of the Nation” and justified the continued

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<sup>8</sup> Schmalz, *Ojibwa of Southern Ontario*, 118.

<sup>9</sup> R. David Edmunds, *Tecumseh and the Quest for Indian Leadership* (New York: Harper Collins, 1984), 26.

<sup>10</sup> Taylor, *Civil War of 1812*, 15.

<sup>11</sup> Bruce G. Wilson, *As She Began: An Illustrated Introduction to Loyalist Ontario* (Toronto, ON.: Dundurn, 1981), 18.

institutionalization of their perceived values.<sup>12</sup> But these were not Indigenous Loyalists. In the years following the American Revolution, it was not entirely problematic for Aboriginal peoples to be independent sovereign allies *and* loyalists. Indigenous loyalism was an extension of the Covenant Chain alliance and economically and politically based. Anishinabe peoples, but also the Haudenosaunee and Moravian Delaware, occupied positions reflecting the complex, international status of their homeland in the Great Lakes Borderlands. While Paxton clearly states that Joseph “Brant was no loyalist,” Kelsay describes him as a “Loyalist and rebel.”<sup>13</sup> Unlike colonists, who had to choose between two European powers, Indigenous peoples maintained simultaneous affinities to their own nations and to whichever European power would best support them.<sup>14</sup> Consequently, balancing the “two worlds” that Brant and other leaders negotiated was the only way to survive. Indigenous loyalism reflects a fluidity of identities existing at the time when certain choices did not always have to be made one way or the other and particular individuals could cross many boundaries between.

### **Upper Canadian Loyalism**

Only a small percentage of individuals touched by the Revolution and torn by political, economic or social allegiances in the Thirteen Colonies physically relocated but those who did profoundly influenced the places they later called home.<sup>15</sup> Recent literature on British sympathizers who resettled in Quebec (later Upper and Lower Canada) creates a complex and diverse portrait of loyalism.<sup>16</sup> The individuals typically referred to as ‘Loyalists’ based their

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<sup>12</sup> Fellows, “The Loyalist Myth in Canada,” 101 & 104.

<sup>13</sup> Paxton argues that Brant is not a Loyalist because he fought for the Haudenosaunee Nation and not for the British Empire. Paxton, “Myth of the Loyalist Iroquois,” np; Isabel Kelsay, *Joseph Brant, 1743-1807: Man of Two Worlds* (New York: Syracuse University Press, 1984), 138.

<sup>14</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 93.

<sup>15</sup> Wilson, *As She Began*, 10.

<sup>16</sup> David A. Wilson, “The Ambivalent Loyalists,” *Acadiensis* Vol. 14, No. 1 (Autumn 1984): 137.

decision to remain or flee on many factors including philosophical principles, notions of personal and financial survival and risk to life, property and livelihood.<sup>17</sup> Though they share a common spatial and temporal emigration experience, the estimated 6000 ‘Loyalists’ who settled between Montreal and Detroit do not otherwise exist as a monolithic group.<sup>18</sup>

Some general similarities can be observed among those who settled in the Western District. As Table 1 below illustrates, merchants from Virginia, officials from Pennsylvania and farmers from the Mohawk Valley of New York and New Jersey formed the majority.<sup>19</sup> Prior to the Revolution, traders and merchants like Frederick Fisher, supplied goods to Aboriginal people and information to the British. The Indian Department hired them as assistant deputies, interpreters and storekeepers when it reorganized after the death of Sir William Johnson in 1774.<sup>20</sup> In the Revolutionary period, they assumed the rank and roles of British officials, Indian Officers, soldiers and militia and fought in Loyalist regiments like Butler’s Rangers alongside the Western Nations. Men with commercial and official interests depended upon the largesse of British government appointments and contracts and stood to take a significant reduction in status and profits if the Revolution proved successful.<sup>21</sup>

Farmers from the western limits of the colonies and former ‘frontier’ squatters, who had spilled over the Appalachians into the Indian Territory, also claimed to be ‘loyalists.’ Many

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<sup>17</sup> MacFarlane, “The Loyalist Migrations,” 120.

<sup>18</sup> J. J. Talman, “The United Empire Loyalists,” in *Profiles of a Province: Studies in the History of Ontario*, ed. Edith G. Firth (Toronto: Ontario Historical Society, 1967), 4.

<sup>19</sup> Robert Gourlay, *Statistical Account of Upper Canada*, ed. S.R. Mealing (1822, reprint, Toronto: McClelland and Stewart, 1974), 115; Wallace Brown, *The King’s Friends: The Composition and Motives of the American Loyalist Claimants* (Providence, R.I.: Brown University Press, 1965), Appendix: Statistical Tables, 287-344. Most were Scottish, Irish, English, German, Dutch and French although several families intermarried with Indigenous peoples or were of mixed descent themselves.

<sup>20</sup> Edmunds, *Tecumseh and the Quest for Indian Leadership*, 113; Lajeunesse, *Windsor Border Region*, “List of Disbanded Troops and Loyalists to be Settled on the North Side of Lake Erie...”, 169.

<sup>21</sup> Sandy Antal, *A Wampum Denied: Procter’s War of 1812* (Ottawa: Carleton University Press, 1997), 10; Brown, *The King’s Friends*, 139-40.

illegal settlers held questionable allegiances and fled to Canada only after being expelled by Indigenous peoples alone or in concert with Rangers and British troops in targeted frontier raids. Individuals allied with the Western Nations along with their enemies and victims settled together in the Western District and in many respects, they make the region unique in terms of European-Indigenous relations in the years that followed.<sup>22</sup>

### **The “Inquisition”**

Entrusted with the responsibility for hearing claims, the “Commission to enquire into the Losses and Services of all such persons who have suffered...” or the Loyalist Claims Commission contributed to the construction of a Loyalist ethos in Upper Canada and to the exclusion of Aboriginal peoples from sharing in the distinction.<sup>23</sup> Though the ‘Loyalist Myth’ in later decades was cloaked in the garb of duty and sacrifice, in the aftermath of the Revolution, loyalists primarily concerned themselves with securing relief followed by compensation. Initially reluctant to offer compensation to anyone on a broad scale, the British government hoped support would be temporary. Individual states, though obliged under Article Five of the Treaty of Paris to offer restitution to British Loyalists, passed edicts at the beginning of the conflict subjecting those with Tory leanings to various punishments. While mob violence was rare (See Table 1 below), it was not uncommon for ‘patriots’ in urban areas to monitor suspected loyalists, make them publicly swear oaths, and confiscate or destroy their property.<sup>24</sup> After November 1777, the Continental Congress advocated confiscating property belonging to suspected loyalists.

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<sup>22</sup> Stuart Salmon, “The Loyalist Regiments of the Revolutionary War, 1775-1783” (PhD Dissertation, University of Sterling, 1990), 322, 367.

<sup>23</sup> Loyalist claims along with the final report were reprinted in the *Second Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser, 2 Vols. (Toronto: L.K. Cameron, 1905). (hereafter cited as *Second BOA Report*).

<sup>24</sup> L.H. Tasker, ed., *The United Empire Loyalist Settlement at Long Point, Lake Erie, Ontario Historical Society Papers and Records*, Vol. 2 (Toronto: William Briggs, 1900), 19-21; Wilson, *As She Began*, 21.

**Table 1: Characteristics of Loyalist Claimants**

	New York	Pennsylvania	New Jersey	Virginia	North Carolina
# of Claims analyzed	1106	206	239	130	153
Merchants/commerce	17.7%	42.0%	28.0	64.0%	39.0%
Farmers	74.7%	33.5%	50.1	12.8%	46.5%
Officials	3.9%	13.0%	10.4	7.2%	11.0%
Professionals	3.7%	11.5%	11.5	16.0%	3.5%
Majority Claim Value £	-1000 (77.5%)	-2000 (73%)	-2000 (72.6%)	-5000 (71.6%)	-5000 (65.5%)
Killed/Injured/Imprisoned	349 (31.8%)	69 (32.9%)	91 (38%)	50 (38.3%)	91 (59.4%)

These states (colonies) supplied the majority of Loyalist Claimants in the Western District.

**Source:** Adapted from Wallace Brown, *The King's Friends: The Composition and Motives of the American Loyalist Claimants* (Providence, R.I.: Brown University Press, 1965), Appendix: Statistical Tables, 284-344.

While the 1783 Treaty suggested property be returned to “real British subjects” and “Loyalists who had not borne arms,” many states sold them anyway.<sup>25</sup> Officials initially thought that temporary relief payments would suffice until refugees could reclaim their property.

Confiscation quickly made it apparent that policy would have to change from recovery to compensation.<sup>26</sup>

The British government realized it had to settle loyalists in Canada on a more permanent basis as the number and amount of claims mounted. In July 1783, the British government hired Sir John Eardley-Wilmot, a former Chief Justice and Justice of the Privy Council to head an inquiry into the losses.<sup>27</sup> But rewarding loyalty would not be uppermost in the minds of

<sup>25</sup> “United Empire Loyalists: Enquiry into the losses and Services in Consequence of their Loyalty,” *Second BOA Report*, Vol. 1, 11; Tasker, *The United Empire Loyalist Settlement at Long Point, Lake Erie*, 20-21.

<sup>26</sup> John Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists...at the Close of the War Between Great Britain and her Colonies in 1783* (London: J. Nichols, Son, and Bentley, 1815), 16.

<sup>27</sup> Also appointed were Daniel Parker Coke, Colonel Robert Kingston, Colonel Thomas Dundas and John Marsh. Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists*, 16, 44; James Oldham, “Wilmot, Sir John Eardley (1709–1792)”, *Oxford Dictionary of National Biography*, (Oxford University Press, 2004), accessed 27 June 2014, <http://www.oxforddnb.com>



commissioners. It was instead hoped the commission would limit the number eligible for monetary compensation and settlement assistance in the form of provisions and agricultural tools, to the most needy and desperate. The burden of proof would be high and in the event the board approved a monetary award, it would only be a partial or token amount of their “lost fortunes.”<sup>28</sup> Though the board vigorously investigated and assessed early claims for settlement assistance, definitions of ‘Loyalism’ broadened as the crisis faded and land could be substituted as a reward for “service” to the Crown.<sup>29</sup>

Board members initially employed strict criteria to determine the deservedness of claims. However, commissioners soon realized that neither loyalty nor losses could be verified with any real certainty, forcing them to judge most claims on their own merit.<sup>30</sup> Outward expressions of loyalty varied from those who actively assisted or supplied British forces to “soft Loyalists” who merely stayed home and refrained from overt acts of partisanship.<sup>31</sup> Irrespective of their own allegiance, widows and children sometimes became targets because of the behavior of spouses and relatives while others admittedly supported rebel activity by force or error.<sup>32</sup> Although some certainly “misled” the Commission,<sup>33</sup> an examination of claims made to the board shows that at least 30 to 40% of Western District claimants arrived after suffering imprisonment, injury or the death of family members. (See Table 1 above).<sup>34</sup> Recognition, in any form, assured these

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<sup>28</sup> *Second BOA Report*, Vol. 1, 12.

<sup>29</sup> Wilson, *As She Began*, 103-4.

<sup>30</sup> Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists*, 51-2, 189.

<sup>31</sup> Taylor, *Civil War of 1812*, 53. *Second BOA Report*, Vol. 1. “Evidence in the Canadian Claims,” Ralph Falkner never “joined the rebels...never bore arms” and “took an oath of Neutrality,” 416.

<sup>32</sup> Wallace Brown, *The King’s Friends*, 131.

<sup>33</sup> Eardly-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists...at the Close of the War Between Great Britain and her Colonies in 1783*, 13.

<sup>34</sup> *Second BOA Report*, Vol. 1. Mary Browster, 477; *Second BOA Report*, Vol. 2: Archibald/Elizabeth Macneil, 918; John/Deborah Friel, 959; Margaret/John Hare, 970; Elizabeth Cline, 1028. This is especially true of widows who

individuals that their losses were not in vain.

Though the claims represent an important source for investigating individuals and the circumstances motivating their migration, they do not create a cohesive portrait of the ‘Loyalist’ or define the loyalist experience. It is estimated that about 16% of the total American population opposed independence and fewer than 1% of the population of any given colony submitted claims, suggesting the greater number of British sympathizers in the Thirteen Colonies quietly remained neutral until and unless they were forced to choose a side.<sup>35</sup> Moreover, given the chaotic circumstances, many eligible claimants simply may not have had the opportunity to appear before the board. British Indian agent Matthew Elliott is one of several claimants who filed late. Forced to flee into remote regions in the northwest, he remained unaware of the Commission’s hearings.<sup>36</sup> Sessions were held only as far west as Niagara and most were in Montreal, Halifax and St. John. If an agent of the Crown like Elliot could not file, others might not have heard of the Commission at all. Consequently, while the Commission initially demanded evidence of service to the Crown, Commissioners found it necessary to relax their standards if they were going to quell demand and dispense any assistance at all.

Even by broadly defining ‘loyalty, not every eligible person received compensation and even fewer found it adequate. A successful claimant had to present “the very best Evidence which the nature and circumstances of each Case would admit...” and those lacking personal testimony, witnesses and documentation, found themselves suspect. Even though the claims process was not specifically structured to disqualify or favour a particular class, certain kinds of

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fled to Canada with young children.

<sup>35</sup> Wilson, *As She Began*, 13. Estimates in these and other sources cited herein range between 15 and 20%.

<sup>36</sup> *Second BOA Report*, Vol. 2: Matthew Elliott, 985; Reginald Horsman, “Elliott, Matthew.” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 30 June 2010. <http://www.biographi.ca>

loyalists received the maximum compensation. The most successful presented proof of losses consisting mainly of property, income and entitlements.<sup>37</sup> This was evident in the first Commissioner's report in 1784 which approved 2063 claims worth \$47,250,000. Claims totalling \$35,000,000 in real and personal property accounted for more than 75% of this amount and another \$443,000 represented lost incomes.<sup>38</sup> Literate individuals possessing documentary proof of their losses with credible witnesses to testify to their value received the most favourable reception from the Commissioners.

Many kinds of losses could not be proven and Commissioners deemed them inadmissible. These included: coin or paper notes, some Crown grants, rents, estimated profits and debts from trade, unpaid wages, and appropriation or damage that occurred in the course of the war.<sup>39</sup> Despite these distinctions, the Commission reported that it remained extremely difficult to assign monetary amounts to allowable losses, even when the claimant possessed deeds or receipts. Loss and depreciation through use or neglect as well as the additional value of improvements made to property and possessions were really subject to the opinion of Commissioners and to inflation by claimants. Though the Commission cross-examined witnesses for this purpose and went to some effort to investigate and compare like properties, admittedly "no fixed standard or mode of estimate" existed.<sup>40</sup> While claimants frequently complained that the commissioners undervalued their losses, Commissioners complained that such a response was necessary to combat inflated claims. Estimates were commonplace and the value of loyalist losses; much like loyalist sentiments could not be determined with any real accuracy.

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<sup>37</sup> Claims could be made on behalf of deceased loyalists. *Second BOA Report*, Vol. 1, 17. Lt. Col. John Connolly, 1144. Claims could be made on behalf of deceased loyalists.

<sup>38</sup> *Second BOA Report*, Vol. 1, 14.

<sup>39</sup> *Second BOA Report*, Vol. 1, 16-17.

<sup>40</sup> *Ibid.*, 18.

Claimants with similar but considerable differences in the amount of their awards accused the Commissioners of favouritism and abuse.<sup>41</sup> Indeed, in the absence of documentation, commissioners evaluated individuals on a set of unwritten rules based on their respectability, connections, appearance and character, or what they called “the belief of the Claimant, and other oral testimony.”<sup>42</sup> One person judged to be a “suspicious character,” and another, a “drunken Irishman,” saw their claims reduced while individuals with small amounts were most likely to earn comments in the margins indicating the claimant was “a good man” or “a fair man.”<sup>43</sup> It is no coincidence that investigations into one’s character intensified in proportion to the monetary value of the claim, leading some to call it “The Inquisition.”<sup>44</sup>

Following the Commission’s final sitting in 1790, the Board to investigate loyalist losses reportedly heard more than 4000 claims worth approximately £8,000,000 and allowed more than £3,300,000.<sup>45</sup> Of this number, \$2,745,000 (£686,250) went to 1400 Canadian claimants, a fraction of the more than 10,000 Loyalists who arrived in Upper Canada in the early 1780s.<sup>46</sup> The military and other British officials received 40% of their original claims while others, on average received 30%.<sup>47</sup> Whether claimants succeeded, failed or avoided the process altogether, the Commissions’ influence was far reaching.

Although Western District loyalists share common characteristics and experiences, the

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<sup>41</sup> Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists*, 63-5.

<sup>42</sup> *Second BOA Report*, Vol. 1, 19; *Second BOA Report*, Vol. 2; Richard Philips, 964; Philip Buck, 974-5.

<sup>43</sup> *Second BOA Report*, Vol. 2, Samuel Hindman, 1063; James Mackim, 1023.

<sup>44</sup> W. Stewart Wallace, *The United Empire Loyalists: A Chronicle of the Great Migration*, vol. 13, *Chronicles of Canada*, ed. George M. Wrong and H.H. Langton (Toronto: Glasgow, Brook & Co., 1914), 30.

<sup>45</sup> Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists*, Appendix IX: General Statement or Summary of Claims, 199.

<sup>46</sup> Numbers from Upper Canada do not include officials who registered their claims in Britain but do include Late Loyalists and many who returned to the United States. *Second BOA Report*, Vol. 1, 20, 12.

<sup>47</sup> *Second BOA Report*, Vol. 1., 21.

claims process paints a complex picture of loyalist sentiments and behaviors from the anguished to the indifferent. All came to Upper Canada with individual notions of their own sense of sacrifice and entitlement as well as what they felt to be adequate compensation in return. The subjective and exclusive nature of the claims process fueled some to petition the commissioners while others, who felt their sacrifice and loyalty remained unrewarded, requested various accommodations from governments in the future.<sup>48</sup>

A toxic combination of Indigenous ancestry and sympathies, combined with a healthy dose of loyalist entitlement, made British Indian Officers and those connected to them in the military and merchant trade, a unique group of “American sufferers.”<sup>49</sup> Brown’s study shows that these officials represented fewer than four percent of claims overall, but became the “most active and powerful class of Loyalists” as a result of their combined virtues of service, sacrifice and loss.<sup>50</sup> They could vouch for each other’s character and loyalty and testify to each other’s losses, thereby gaining the most from the commission in terms of process and procedure. They also possessed the ‘right’ kind of losses such as commissions to various offices, government supply contracts and pension income they easily documented. Claimants with connections to the most influential members of these classes gained respectability and were more likely to be believed by commissioners. They also, on average, received a larger percentage of the amount they claimed.

The Johnsons, who evacuated their estates in the Mohawk Valley in 1775 and 1776, are

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<sup>48</sup> Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists* 60-62.

<sup>49</sup> Eardley-Wilmot uses the term throughout the report. Salmon, “Loyalist Regiments of the Revolutionary War,” 367.

<sup>50</sup> First Class Loyalists rendered services, Second Class bore arms and the Third Class were uniformly Loyal. Fourth, Fifth and Sixth Classes resided in Britain or initially supported the rebels and recanted. Brown, *The King’s Friends*, 90; Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and Claims, of the American Loyalists*, 57.

perhaps the best example of this phenomenon. John Johnson, heir to Sir William's New York landholdings, commanded the King's Royal Regiment, a militia he formed in 1776 from more than one hundred tenants who he later brought to Quebec as Loyalists.<sup>51</sup> By vouching for each other, individuals with overlapping ties to the Johnsons, Butlers and other officials acquired through tenancy, military service and commerce successfully claimed what should have been inadmissible losses of currency and undocumented goods.<sup>52</sup> Guy Johnson, Sir William's son John, and others with large estates, competed for lucrative offices by pleading their cases directly in England on the basis of their indisputable reputations for service, sacrifice and loss to the British cause.<sup>53</sup> While the average claimant received compensation in the amount of £178 (\$700), John Johnson received the largest amount of £55,000 or \$221,000.<sup>54</sup> The Johnsons were only one example of British Indian department and military officials who possessed extensive estates and grants in what became the United States. Some were Crown gifts awarded for military and civil service but others such as the tens of thousands of acres held by Alexander McKee and George Croghan were deeded illegally after 1763 in consideration of their familial connections to influential Indigenous leaders.<sup>55</sup> Initially, much of it was confined to areas of settlement and trade in New York and around Forts Albany, Pitt, and Detroit, but in the years prior to the Revolution, officials became much bolder.

Southern merchants and officials who sustained large financial losses as a result of

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<sup>51</sup> Salmon, "Loyalist Regiments of the Revolutionary War, Appendix 2.

<sup>52</sup> *Second BOA Report*, Vol.2, William Wallace, 1101; Adam Young, 998-1000; Daniel Servos, 957.

<sup>53</sup> Jonathan G. Rossie, "Johnson, Guy," and Earle Thomas, "Johnson, Sir John," both in *DCB Online*, University of Toronto/Université Laval, 2003–, accessed March 31, 2015, <http://www.biographi.ca>

<sup>54</sup> See glossary in Appendix A for currency conversions. Wilson, *As She Began*, 108; *Second BOA Report*, Vol. 1, 21.

<sup>55</sup> *Second BOA Report*, Vol. 1. Joseph Jessup, 377; *Second BOA Report*, Vol. 1, David Colden, 855.

British policy, historically engaged in large illegal land deals.<sup>56</sup> Beginning in the 1740s, settler violence, the Seven Years War and Pontiac's Resistance cost traders dearly not only in the value of goods taken, but in out-of-pocket expenses and lost profits.<sup>57</sup> While Amherst assured merchants terrorized by Pontiac's warriors that they would be "amply paid for their loss," he did not follow through on his promise.<sup>58</sup> Traders estimated that they lost no less than £100,000 and their most vocal representative, George Croghan, who personally lost his home and £2000 in trade goods, led the "suffering traders" in their fight for compensation.<sup>59</sup> When his visit to London failed, it was Croghan who orchestrated schemes to acquire Indian lands to recoup some of their losses.<sup>60</sup> Mohawk leaders, at Johnson and Croghan's behest, confirmed 127,000 acres of grants to merchants and officials connected with the Indian Department at the Treaty of Fort Stanwix (Rome, N.Y) in 1768, before they officially transferred the land to the Crown.<sup>61</sup> Upon renewing the Covenant Chain, Johnson assured them that the surrender, which pushed the southern limit of the Indian Territory to the Ohio River, would satiate unending requests for land in the Thirteen Colonies.<sup>62</sup> Johnson, Croghan and McKee also planned to settle large portions of the territory west of the limits of Pennsylvania and Virginia, including a fourteenth colony to be named Vandalia. The \$6000 spent on Vandalia alone, along with other schemes to settle land

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<sup>56</sup> See Table 1. The majority from New York, New Jersey and Pennsylvania claimed less than £1000 and £2000 respectively. In Virginia and North Carolina, this amount was £5000.

<sup>57</sup> Walter S. Dunn, *Frontier Profit and Loss: The British Army and the Fur Traders, 1760-1764* (Westport, CT: Greenwood Press, 1998), 159-176. Dunn argues that British policies favouring the French and restricting interior trade after 1763 compelled merchants, traders and officials to acquire land instead.

<sup>58</sup> Lajeunesse, *Windsor Border Region*, Major Henry Gladwin to Amherst, 1 November, 1763, 98-99.

<sup>59</sup> Nicholas B. Wainwright, *George Croghan: Wilderness Diplomat* (Chapel Hill: University of North Carolina Press, 1959), 197-99.

<sup>60</sup> *Papers of Sir William Johnson*, vol. 4, "From George Croghan," 12 July 1764, 462-464. Wainwright, *George Croghan*, 211.

<sup>61</sup> See glossary for Stanwix. Nelson, *A Man of Distinction Among Them*, 62-3; *NYCD*, vol. 8 "Proceedings...at Fort Stanwix to Settle a Boundary Line," 111-137; *Papers of Sir William Johnson*, vol. 7; "From Thomas Gage," 23 July 1769, 65-67.

<sup>62</sup> *NYCD*, vol. 8: "Proceedings...at Fort Stanwix to Settle a Boundary Line," 111-137.

outside the legal boundaries of the colonies were not eligible for compensation according to instructions issued to the Loyalist Board of Claims.<sup>63</sup> McKee and his associates not only lost the money expended on these schemes but all of their potential profits.

From the 1760s onwards, landholding was a source of livelihood and wealth but for those with the right connections, large acquisitions served as a form of insurance against the perils of colonial life. Land leased or sold enabled the British Government, officials, merchants, traders and settlers to recoup losses and repay debts. Accordingly the circumstances, sentiment and sense of entitlement of the “suffering traders” of the 1760s and the “American sufferers” of the 1780s represented a continuum of well-established behaviours cultivated long before the Revolution. Whether real or imagined, merchants and officials possessed an engrossed sense of entitlement and a heightened sense of loss, manifesting itself most notably in the demand for surrenders of Aboriginal lands to compensate Loyalists after the American Revolution.

### **Re-visioning the Northwest**

Observation of Covenant Chain protocol produced trade, alliance and resource sharing agreements negotiated for mutual co-operation and benefit. Indigenous leaders consented to the Vandalia Colony only in exchange for promise that McKee and Croghan would delay settlement for fifteen years and would personally select tenants thereafter.<sup>64</sup> Using these agreements to manage the pace and nature of colonial expansion,<sup>65</sup> Western Nations and British officials and settlers arranged similar trusts in the form of deeds for land in the Northwest and Upper Canada. In 1771 Gage sent terse directives to the Commandant at Detroit banning all private purchases and prohibiting settlement without express authorization from the King, but the Lieutenant-

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<sup>63</sup> See glossary for ‘Vandalia. Wainwright, *George Croghan*, 293; *Second BOA Report*, Vol. 1, 16.

<sup>64</sup> Wainwright, *George Croghan*, 293.

<sup>65</sup> Taylor, *Divided Ground*, 10.



Governor permitted at least 321 families to settle in the Detroit River region long before any loyalists arrived. By 1782 a census recorded more than 2000 people living ‘temporarily’ on the south shore of the Detroit River alone.<sup>66</sup> The largest settlement belonged to French Canadians dating from the establishment of Fort Detroit and a number of other grantees settled under agreements made with local Wyandotte and Anishinabe leaders. Anishinabe peoples in the Detroit River borderlands exploited the process of selective shared settlement not only to protect their territories in the Northwest from American settlers but also to prevent such circumstances from reoccurring in Canada.

The evacuation of loyalists and subsequent American claim to the Ohio Valley forced a re-evaluation and restructuring of the Covenant Chain alliance.<sup>67</sup> In “one of the most striking oversights in the whole history of British imperial policy,” Great Britain ceded the Ohio Valley in the 1783 Treaty of Paris and with it, the commitment to preserve the Indian Territory outlined at Stanwix in 1768.<sup>68</sup> Article Two of the Treaty of Paris positioned the international boundary equal distance from the shore through the middle of the Detroit and St. Clair Rivers, dividing Anishinabe peoples and their lands and waters in the Great Lakes Basin and placing the Northwest squarely in American Territory.<sup>69</sup> Along with several thousand Aboriginal people, many of the 7000 Loyalists who found themselves in Upper Canada were British officers and employees of the Indian Department, a generation that embodied the underlying philosophies of

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<sup>66</sup> Lajeunesse, *Windsor Border Region*, “General Gage to Commander at Detroit, New York, 8 April, 1771,”; “Lieutenant-Governor Hamilton to General Haldimand, Detroit, 9 September, 1778” and “Census State of the Settlement of Detroit taken on the 20<sup>th</sup> of July 1782,” 64-67 & 74.

<sup>67</sup> Calloway, *New Worlds for All*, xiii.

<sup>68</sup> Robert S. Allen, “The British Indian Department and the Frontier in North America,” *Canadian Historic Sites: Occasional Papers in Archaeology and History*, no. 14. (Ottawa: Parks Canada, Indian and Northern Affairs Ottawa, 1975), 29.

<sup>69</sup> *The Paris Peace Treaty*, September 30, 1783, in *Treaties and Other International Acts of the United States of America*, Vol. 2, ed. Hunter Miller (Washington: Government Printing Office, 1931, available online at *The Avalon Project*, Yale Law School, accessed 24 November, 2011, <http://avalon.law.yale.edu>

the Covenant Chain and represented the Crown in its dealings with Aboriginal people.<sup>70</sup> Yet at the same time, they possessed close-knit social, economic and political ties to local Indigenous leaders and their communities occupying a dual and often conflicting role, in which the personal and professional blurred. These circumstances combined with actions taken by the British government, including the creation of Upper Canada in 1791, suggested there would be ample room in the emergent province for *all* allies of the Crown.<sup>71</sup>

The personal and the professional blurred as early as 1783 when Indian Department Captains McKee, Elliott, Caldwell and Bird negotiated a surrender for seven square miles of land called the “New Settlement,” where the towns of Malden and Amherstburg would be established (Figure 6 below).<sup>72</sup> At the same time, Jacob Schieffelin, a secretary of the Indian Department, obtained a deed for the same land. A conflict ensued and the Indian Officers accused Schieffelin of obtaining the deed “in a Clandestine manner from a few drunken Indians” who did not have the authority to surrender it.<sup>73</sup> Neither Schieffelin nor the officers possessed the authority to make a surrender and Haldimand reminded them that “Deeds of Gift” to individuals were illegal.<sup>74</sup> But unlike Schieffelin, Caldwell and the other officers could appeal to their service to the Crown, relationships with local Indigenous peoples and the usefulness of the settlement to the defense of the province to gain advantage.

Aware of the need to settle refugees, Caldwell accused Schieffelin of speculation while referring

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<sup>70</sup> Surtees, “Indian Land Surrenders in Ontario,” 4.

<sup>71</sup> Danziger, “The Historical Importance of Great Lakes Aboriginal Borders,” 3.

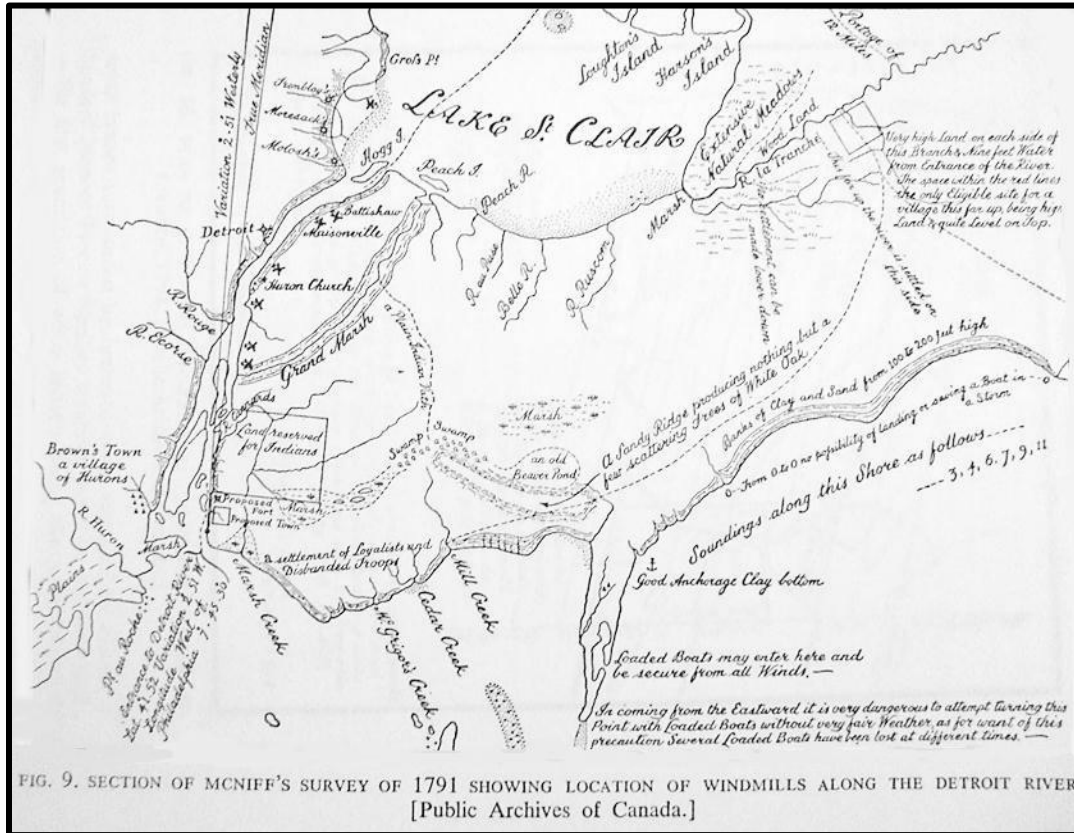
<sup>72</sup> Surtees, “Indian Land Surrenders in Ontario,” 26.

<sup>73</sup> Lajeunesse, *Windsor Border Region*, Alexander McKee to Sir John Johnson, Detroit, 11 October, 1783, 155-156; Surtees, “Indian Land Surrenders in Ontario,” 26-27.

<sup>74</sup> Victor Lytwyn and Dean Jacobs, “‘For Good Will and Affection’: The Detroit Indian Deeds and British Land Policy, 1760-1827,” *Ontario History*, Vol. XCII, No. 2 (Spring 2000): 21-22.

to his lands as a Loyalist settlement.<sup>75</sup> Anishinabe Chiefs deeded the land to Schieffelin

**Figure 6: Indian Officer's Grant and Caldwell Grant**



**Source:** Ernest Lajeunesse, *Windsor Border Region: Canada's Southernmost Frontier* (Champlain Society. Toronto: University of Toronto Press, 1960), lxxiii.

“for...affection and esteem,” but his motives remain unknown. While McKee questioned Schieffelin’s intent and character, the agents admitted they would have gladly included him as a “proprietor,” had he supported them in their endeavours.<sup>76</sup> As White surmises, British authorities

<sup>75</sup> Lajeunesse, *Windsor Border Region*, McKee to Johnson, 11 October, 1783, 156; Caldwell was a Captain in Butler’s Rangers and he stated his intention to settle his unit on the land. Nelson, *A Man of Distinction Among Them*, 136-7; Kulisek, “Caldwell, William (d.1822),” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 30 March 2010, <http://www.biographi.ca>

<sup>76</sup> Lajeunesse, *Windsor Border Region*, “Indian Deed to Jacob Schieffelin, 13 October, 1783,” 154-5; Captain Bird to Captain Matthews, River’s Mouth, 15 October, 1783, 156-7.

“obviously did not regard all cessions and settlements as encroachments”<sup>77</sup> and character and connections help to explain why officials approved the 1784 deed to Caldwell and McKee and denied it to Jacob Schieffelin. The Indian Officers promoted their acquisition as a “proper” Loyalist settlement (Figure 6 above), and officials granted McKee permission to negotiate a legitimate surrender in 1786 as a result.<sup>78</sup>

The contradictory language of the “official” agreement produced in 1786 highlights discrepancies embedded in the treaty process that would only worsen. The text granted the land to “His Majesty George the Third” but “in consideration of the goodwill, friendship and affection,” the Ottawa and Chippewa Nations of Detroit had for Alexander McKee.<sup>79</sup> Anishinabe and Wyandotte Chiefs agreed to the settlement because they appreciated the British Crown’s assistance during the Revolutionary War, but McKee personified the Crown. They negotiated the treaty because he fought alongside them “against the enemy during the late war...” not because they wished to permanently surrender all their rights to strangers.<sup>80</sup> For the future defence and settlement of the province, the gift to McKee was part of a broader understanding that Indigenous and non-Aboriginal loyalists would settle together.

Treaties negotiated in the Western District were too late to effectively regulate settlement and by their acquisitive behavior, Indian officers directly contributed to a problem they were charged with preventing. In July 1784, Detroit’s lieutenant-governor informed Haldimand that settlers claimed “almost all the Land between the Lakes Erie and Huron on both sides of the

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<sup>77</sup> White, *Middle Ground*, 308.

<sup>78</sup> Lajeunesse, *Windsor Border Region*, “McKee to Johnson,” 11, October, 1783, 156.

<sup>79</sup> Canada, *Indian Treaties and Surrenders*, Vol. 1. (Toronto: Coles Publishing Co., 1971), No. 116, 272.

<sup>80</sup> Canada, *Indian Treaties and Surrenders*, Vol. 1, No.116, 272.

Streight...” and a significant portion was “settled upon and improved...”<sup>81</sup> Settlers continued to work their way into the interior along major rivers and streams.<sup>82</sup> District government and a Land Board were created in 1788 to control settlement and survey the Indian Officer’s lands but only officers, militia and disbanded soldiers initially received lots.<sup>83</sup> In the back concessions, squatting and irregular Indian Deeds and grants necessitated the negotiation of additional treaties to transfer more land to the Crown and legitimize the deeds of those already settled.<sup>84</sup>

Simcoe believed many more loyalists remained in the United States and he proposed to lure a great number of them to the shores of Lakes Erie and the Detroit and St. Clair Rivers. Specifically to encourage these ‘Late Loyalists,’ the 1790 McKee Treaty received approval before negotiations began, making it the first ‘official’ treaty in the area.<sup>85</sup> But the 1790 Treaty also came on the heels of the new and vicious phase in the ongoing battle to control the Northwest.<sup>86</sup> American forces had already begun to attack Ohio Valley Nations in 1786 and would launch several more attacks until 1794.<sup>87</sup> When Anishinabe and Wyandotte peoples granted “settlement rights” to 1,344,000 acres to the Crown in the spirit of friendship and alliance, the threat of an imminent American invasion remained real.<sup>88</sup> The payment of £1200 worth of guns, ammunition, clothing and supplies were received in May 1790, mere months before they defeated General Arthur St. Clair’s forces in October of that year. In the spirit of co-

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<sup>81</sup> Lajeunesse, *Windsor Border Region*, Hay to Haldimand, Detroit, 22 July 1784, 158-159.

<sup>82</sup> Hamil, *Valley of the Lower Thames*, 3.

<sup>83</sup> Lajeunesse, *Windsor Border Region*, “Hay to Philip Fry, Deputy Surveyor, 25 March, 1785,” and “Certificate of Philip Fry, D.S., 25 March, 1785,” 161. All were military men with current or past associations to the Indian Department.

<sup>84</sup> John Clarke, *Land, Power and Economics on the Frontier of Upper Canada* (Montreal: McGill-Queen’s University Press, 2001), 123.

<sup>85</sup> Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 19.

<sup>86</sup> Surtees, “Indian Land Surrenders in Ontario,” 29.

<sup>87</sup> Charles E. Cleland, *Rites of Conquest: The History and Culture of Michigan’s Native Americans* (Ann Arbor: University of Michigan Press, 1992), 154.

<sup>88</sup> Jacobs, “Indian Land Surrenders,” 64.

existence, this “Indian Deed of Present,” was a small price to pay in exchange for continued assistance and goodwill.<sup>89</sup>

At the same time, this is described as a “beads and blankets’ treaty” of the worst kind. Former Walpole Island Chief Dean Jacobs calculated that the one-time payment of goods amounted to less than one penny per acre.<sup>90</sup> McKee, now the Deputy Superintendent General of Indian Affairs under John Johnson, misrepresented the size of the surrender to the chiefs. Intended to be for one mile of shared shoreline access on both sides of the Thames River,” on paper the surrender encompassed the entire southern portion of the Essex peninsula.<sup>91</sup>

The McKee Treaty also heralded a new era of institutional development in the region. In 1785 John Johnson petitioned the Crown on behalf of Officers and Soldiers of the Provincial Troops and Indian Department. Loyalists wished to enjoy English freehold tenure and the “Blessings of British Laws and...British Government,” and Johnson requested the separation of Quebec from the western portion of the province. The Constitutional Act of 1791 accommodated their wishes, giving loyalists title to their land and a system of government to regulate settlement. The lease or sale of portions of each new surveyed township would fund the Crown and a Protestant Clergy.<sup>92</sup> Two counties now formed the Western District: the peninsula south of Lake St. Clair to be called Essex and Kent north of the Thames River.<sup>93</sup> The Constitution Act did not specifically mention Aboriginal people or alter circumstances in the Indian Territory. However, the contents affected Anishinabe peoples immensely.

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<sup>89</sup> Canada, *Indian Treaties and Surrenders*, Vol. 1, No. 2, 3-5.

<sup>90</sup> Doug Sanders quoted in Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 21.

<sup>91</sup> Hamil, *Valley of the Lower Thames*, 4.

<sup>92</sup> “Petition of Sir John Johnson, Bart. And others...,” London, 11, April, 1785 and *Constitutional Act*, (31 Geo. 3. c.317), March, 1791, both in J.M. Bliss ed., *Canadian History in Documents, 1763-1966* (Toronto: McGraw-Hill Ryerson, 1966), 11-13, 13-18.

<sup>93</sup> After 1828, Kent included all the land north to the southern shore of Lake Huron.

According to the 1786 Instructions to Lord Dorchester, land grants not only rewarded loyalties but tied settlers to the soil and kept them loyal. Single Loyalists received 50 acres while the heads of Loyalist families were entitled to 100 acres plus 50 more for each additional family member.<sup>94</sup> Loyalist grants, later increased to 200 acres for every adult man or widow, were also exempt from settlement duties or fees.<sup>95</sup> Military grants, capped at a maximum of 5000 acres for field officers and 3000 for captains, did not prevent those with civil and military connections from acquiring significantly more.<sup>96</sup> For instance, Caldwell petitioned for a marsh near the New Settlement on the basis that it was worthless in its present state and the “improvement... would be of public benefit.” (Visible on Figure 6). Officials approved the grant in 1788 in recognition of his personal sacrifice and service in settling loyalists in the New Settlement.<sup>97</sup> Only a year before, however, the Commandant at Detroit had criticized Caldwell for accepting goods and provisions intended for the settlers while granting the land to “many others who were not intended by the Indians or officers.”<sup>98</sup> A number of these men fled illegal settlements in the western territories which disqualified them from claiming assistance. Because they possessed the right connections, Caldwell ‘made’ them ‘Loyalists.’ Indeed, of the 45 grants made in the New Settlement, Caldwell granted only two to Butler’s Rangers, five to the German Corps and four to naval or other veterans. Twenty went to individuals identified as “Loyalists.” However, only one

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<sup>94</sup> Fraser ed., *Third BOA Report*, Section B, “Notes on Land Tenure in Canada,” lxiv-lxv.

<sup>95</sup> Lilian F. Gates, *Land Policies of Upper Canada* (Toronto: University of Toronto Press, 1968), 20.

<sup>96</sup> Wallace, *The United Empire Loyalists*, 31; *Second BOA Report*, 13. Of the 3,200,000 total acres granted to Loyalists before 1787, 730,000 went to militiamen, 450,000 to discharged soldiers and sailors, 264,000 to surveyors and assistants, 225,000 to barristers and magistrates, 136,000 to executive councillors and five legislative councillors shared 50,000 acres each.

<sup>97</sup> Lajeunesse, *Windsor Border Region*, “Report of the Land Committee Re the Grant of a Certain Marsh at Detroit,” 13 October 1788, 162-3.

<sup>98</sup> Lajeunesse, *Windsor Border Region*, “Major Robert Matthews to Haldimand,” Detroit, 3 August, 1787, 166-7.

claimed losses, and none could be found on the official list of United Empire Loyalists.<sup>99</sup> In contrast, of the 128 who settled further east along the shoreline, the overwhelming majority were veterans.<sup>100</sup> Despite his questionable motives, Caldwell personally amassed 2000 acres in the area between Malden and the New Settlement.<sup>101</sup> Negotiating these early treaties and agreements as representatives of the Crown, Caldwell and other Indian Officers used their authority to accuse their detractors of ‘speculation’ and ‘squattin.’ They secured the best and most valuable land in the district for themselves on the premise of continued friendship and assistance to the Anishinabe at a time of crisis and uncertainty.<sup>102</sup>

Though it came after the initial Loyalist migrations, the 1796 Chenail Ecarté Treaty, like the Haldimand Grant to the Haudenosaunee, finally recognized the sacrifices made by Western Nations. Executed two years after the British all but “abandoned” their Aboriginal allies in the Northwest by way of the Jay Treaty, negotiations for the Chenail Ecarté treaty occurred in very different circumstances than McKee’s made six years earlier.<sup>103</sup> Victories against St. Clair in 1790 and General Harmar in November 1791 were followed by a crushing defeat at Fallen Timbers in 1794 (Toledo, Ohio) and the evacuation of the Western Posts in July 1796. The modern-day states of Michigan, Ohio, Illinois, Wisconsin and Minnesota slowly flooded with

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<sup>99</sup> Lajeunesse, *Windsor Border Region*, “List of Disbanded Troops and Loyalists Settled at the Mouth of the River Detroit in the New Settlement,” 170; *Copy of the U.E. List, Preserved in the Crown Lands Department, Centennial of the Settlement of Upper Canada by the United Empire Loyalists, 1784-1884*, Appendix B. (Toronto: Rose Publishing, 1885), 129-332.

<sup>100</sup> Lajeunesse, *Windsor Border Region*, “List of Disbanded Troops and Loyalists to Be Settled on the North Side of Lake Erie,” 167-170. These veterans made claims to the losses commission and their names are on the list of United Empire Loyalists. Most were Rangers (Butler’s, McAlpin’s, Queens), British Soldiers and naval personnel, Detroit Volunteers, low-level members of the Indian Department, and others whose circumstances of entry are noted.

<sup>101</sup> L.L. Kulisek, “Caldwell, William (d.1822),” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 30 March 2010, <http://www.biographi.ca>

<sup>102</sup> White, *Middle Ground*, 351.

<sup>103</sup> The 1794 Jay Treaty confirmed the boundary established in 1783 but it was not surveyed until 1822. David T. McNab, “Sovereignty, Treaties and Trade the Bkejwanong Territory,” *Journal of Aboriginal Economic Development* 3, no. 2 (2003): 58.



American settlers and local Indigenous peoples succumbed to coerced treaties of “peace.” The 1795 Treaty of Greenville signaled the beginning of what would be a cycle of land cessions designed to permanently expel Aboriginal peoples from the northwest.<sup>104</sup>

The Chenail Ecarté Treaty recognized Anishinabe peoples as allies, loyalists and partners in the defense of the province by reserving “a refuge” “for the future residence of...the western nations of Indians.”<sup>105</sup> In 1783 McKee had told Anishinabe warriors that the King would never “deprive you of an extent of country, of which the right of Soil belongs to, and is in yourselves as Sole Proprietors...” but as he spoke those words, he knew that the British would not keep this promise.<sup>106</sup> By 1795 he wrote that “the distressed situation of the poor Indians who have long fought for us and bled fairly for us, will be no bar to a Peaceable accommodation with America...they will be left to shift for themselves...”<sup>107</sup> He hoped this reserve would encourage some 2000 to 3000 Anishinabe refugees from the Northwest to relocate where the Chenail Ecarté River met the River St. Clair.<sup>108</sup> Called Shawanoe or Shawnee Township, the 92,000 acre reserve was located on the mainland adjacent to and north of Walpole Island (Figure 7 below). For Eurocanadian settlers, the government purchased 40,000 acres for the future provincial capital of London at the same time.<sup>109</sup> These agreements epitomized the kind of co-existence envisioned by Anishinabe leaders.

Alexander McKee kept a post at the Maumee (Miami) Rapids from which he and other officers

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<sup>104</sup> See “Treaty of Stanwix” in glossary.

<sup>105</sup> Surtees, “Indian Land Surrenders in Ontario,” 29; Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 22.

<sup>106</sup> Edmunds, *The Potawatomis*, 115.

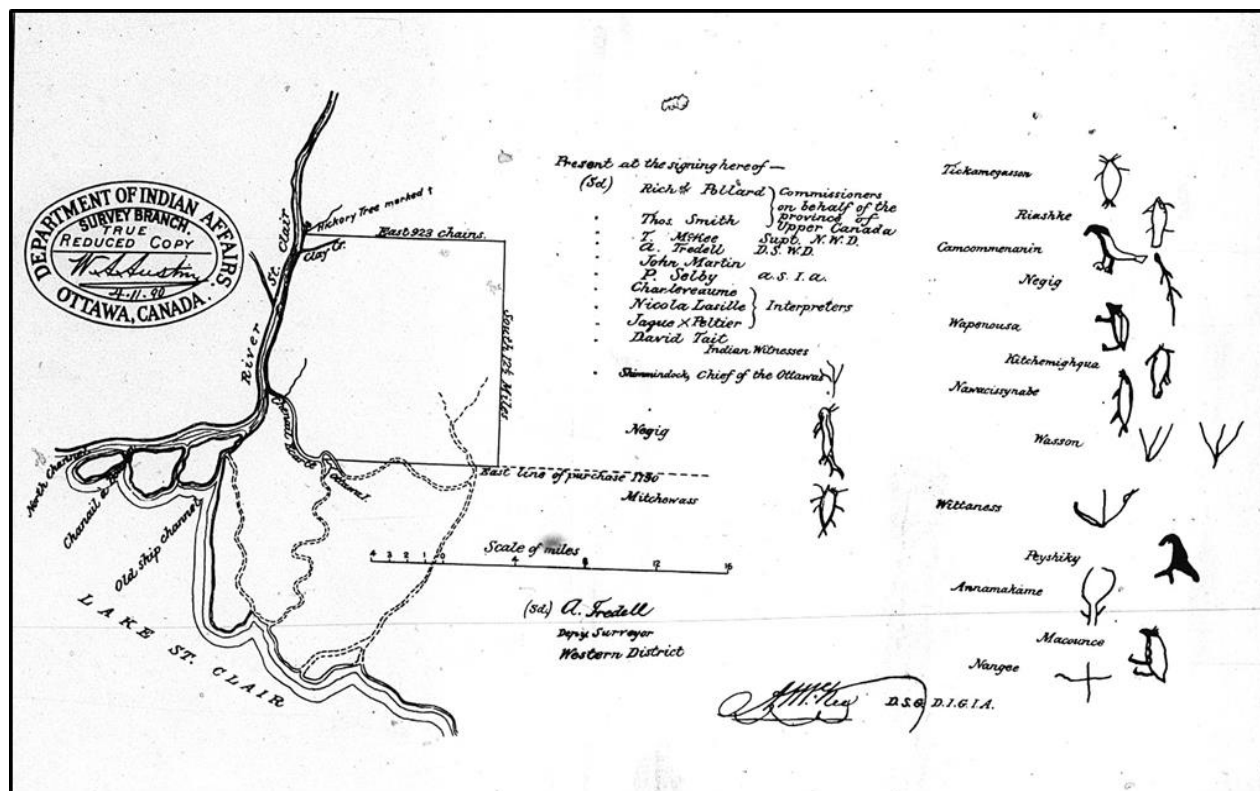
<sup>107</sup> White, *Middle Ground*, 474.

<sup>108</sup> Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 22-3.

<sup>109</sup> See glossary for Shawanoe Township. LAC, RG 10/1840, IT 022-IT 028, Deed of Sale of Lands at Chenail E'Carte in Upper Canada from the Chippewa Nation to Alexander McKee.

officially and covertly supplied the Western Nations while they fought the Americans.<sup>110</sup> On 30 August, 1796, McKee gave an incredibly powerful speech to Anishinabe people assembled at a

**Figure 7: 1796 Chenail Ecarté Treaty**



**Source:** Canada, *Indian Treaties and Surrenders*, Vol. 1. (Toronto: Coles Publishing Co., 1971): 19-22.

location described as the Chenail Ecarté River. Using the rhetorical symbolism of the Covenant Chain, he told them the King wished to make provisions for “all his Indian Children” and especially “those in trouble and distress” at two locations. McKee said one location was where they were “sitting,” described by Aboriginal people and the Indian department thereafter to be Walpole Island. The other location, to the north, was Shawanoe Township where McKee said

<sup>110</sup> Horsman, “McKee, Alexander,” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed March 30, 2015, <http://www.biographi.ca>

settlers needed “a little Wood and a little more room.” Otherwise, it was a meeting place “for all Nations... not for settling his own people, but for the comfort and satisfaction of...all his Indian Children.”<sup>111</sup> The distinctions made by McKee left the understanding that “the London purchase was for non-Indian settlers” and “the Shawanoe purchase was specifically to be for Indians.”<sup>112</sup> Shawanoe contained good arable land, “suitable for hunting as well as for cornfields and villages,” and some Shawnee and Ottawa loyalists permanently moved there in the 1790s.<sup>113</sup>

McKee’s duty to act on behalf of Aboriginal peoples while negotiating for himself and the Crown all at the same time meant that this treaty in particular, would be fraught with problems. We would assume that Anishinabe communities preserved their agreements and orally transmitted them to future generations. However, with the exception of a few letters and speeches such as the one at the Chenail Ecarté in August 1796, McKee never officially recorded these promises as part of the treaty. He negotiated a provisional agreement the previous autumn but by his own admission, a number of chiefs who met in 1795 did not attend in 1796. While he vehemently criticized Schieffelin for engaging in similar behaviors, his own speech suggests he met with individual leaders on three separate occasions, used bait-and-switch tactics and misrepresented the nature and conditions of the 1796 written agreement.<sup>114</sup> Indigenous representatives speaking four languages attended these treaty conferences, yet McKee had no official interpreter present in 1790. Conflict between the written and oral understandings in later years suggests that inaccurate or misleading translations were the norm.<sup>115</sup> McKee assured First

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<sup>111</sup> LAC, RG 10/9, Alexander McKee, Speech to the Chippewa at Chenail Ecarté, 30 August, 1796, 9165-71.

<sup>112</sup> Jacobs, “Indian Land Surrenders, 65.

<sup>113</sup> Horsman quoted in Nin.Da.Waab.Jig, *Minishenyng Anishinabe-Aki*, 22-23.

<sup>114</sup> The provisional agreement does not appear to exist. LAC, RG 10/9, McKee, Speech to the Chippewa at Chenail Ecarté, 30 August, 1796, 9165-71.

<sup>115</sup> Jacobs, “Indian Land Surrenders,” 65. Ojibwa, Odawa, Potawatomi and Wyandotte leaders attended.

Nations that the Crown intended to reserve Shawanoe for them to replace their hunting grounds lost in the northwest,<sup>116</sup> but the treaty bears no hint of this guarantee. Without a written record of his promises, they could not prevent the government from granting it to settlers in the 1840s.

Historic understandings between Indigenous peoples and Europeans in this period are very much a generational phenomenon; historically contingent and reliant upon the experiences and knowledge possessed by a particular group of people in similar circumstances. Focused on their own day-to-day survival, Indian Agents, officials, merchants and traders resorted to illegal and deceptive behavior. They did not have Anishinabe interests in mind and much of this collective knowledge went unrecorded as a result. The 1796 Treaty was the last signed before the War of 1812. In the interim, the seat of government, established at Sandwich remained closely connected to the newly built military garrison at Fort Malden near the town of Amherstburg.<sup>117</sup>

Aamjiwnaang historian David D. Plain writes that it took Anishinabe peoples more than fifteen years to restore themselves to a peacetime existence after losing the Ohio Valley, only to be faced with the disruption of war on their territories again in 1812.<sup>118</sup> While Indigenous peoples in the borderlands principally engaged themselves on the side of the British, they placed their fortunes on the side most likely to resist American settlement.<sup>119</sup> For the duration of the conflict, both sides of the Detroit and St. Clair Rivers remained a veritable “international war zone.”<sup>120</sup> After the 1811 attack on Prophetstown (Tippecanoe), Aboriginal villages on Walpole and Bois Blanc Islands and the Indian Officer’s lands became places of gathering. Tecumseh and

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<sup>116</sup> Leighton, “Historical Development of the Walpole Island Community,” 12.

<sup>117</sup> Sandwich, now Windsor, was formerly the French settlement of L’Assomption.

<sup>118</sup> Plain, *Plains of Aamjiwnaang*, ix.

<sup>119</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 93.

<sup>120</sup> Tanner, *Atlas of Great Lakes Indian History*, 105.

his allies camped on the Elliott farm and the area subsequently became a staging point for British-Indigenous actions in the Northwest in 1812 and 1813. By 1813, 3000 warriors and their families supported 900 British regulars stationed at Fort Malden.<sup>121</sup> Though early victories in the summer of 1812 at Michilimackinac and Detroit were attributed to both the physical and symbolic presence of Britain's Indigenous allies, circumstances changed with death of General Isaac Brock at Queenston Heights in 1812. A series of defeats followed including the loss of British naval supremacy on the Great Lakes in the fall of 1813 which severed vital communication and supply lines to the western portion of the peninsula. Intending to regroup at Burlington Heights, Brigadier-General Henry Proctor proceeded to destroy Forts Malden and Amherstburg and retreated to Moraviantown, placing him at variance with Anishinabe and Wyandotte leaders.<sup>122</sup> For more than a year afterwards, American forces occupied the district and sought revenge. After the war of 1812, a new group of claimants would come forward, basing their entitlement on loyalty and attributing much of their suffering to the Anishinabe.

Claims for compensation in the Western District highlight British military inadequacies and explain why settlers in the area and the Western Confederacy allies ended the war more divided than united. Much like the Loyalist Commission in the 1780s, claims initially made in 1814 at Sandwich were part of a larger inquiry into losses.<sup>123</sup> Divided into classes according to the perpetrator of the damage, Class One claims included loss or damage caused by His Majesty's Forces and allied Indians while Class two included the same caused by American

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<sup>121</sup> Tanner, *Atlas of Great Lakes Indian History*, 115-7.

<sup>122</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 112.

<sup>123</sup> LAC, RG 19 E 5(a)/3729, File 8, Department of Finance-Upper Canada: War of 1812 Losses Claims, 1813-1848, "Report of Commissioners Appointed to investigate the claims of certain inhabitants of this Province...", 6 January 1825, p. 1-8. Claims are categorized by cause (loss by British forces, Indians or the Enemy) and by district within each category.

forces and enemy Indians. A statistical analysis of all the Upper Canadian claims conducted by historian George Sheppard shows that British troops and “British Indians” were deemed responsible in nearly 85% of claims for multiple perpetrators and 43% of single perpetrator claims. In cases where settlers identified damage or theft of property, the perpetrator was just as likely to be an ally as the enemy and in 24.5% of cases where one person was responsible, that person was a “British Indian.”<sup>124</sup> Sheppard concludes that in the aftermath of the war, many victims viewed the “British soldier and his Indian ally” as “the real menace of this war.”<sup>125</sup> Though Sheppard’s numbers are astounding, he focuses his study on the legacy of unresolved War of 1812 claims on the institutional development of Upper Canada. The implications of his findings for Indigenous-settler relations in the Western District nonetheless are profound. They, and the experiences of loyalists, help to explain how “our own Indians” became our enemies in the post-Revolutionary period.<sup>126</sup>

‘Indians’ became the enemy regardless of the circumstances. My examination of 130 claims attributing losses to His Majesty’s Indians taken from the occupied towns of Sandwich, Malden and Baldoon and Lake St. Clair indicate that settlers could not differentiate between ‘enemy’ and ‘British Indians,’ and assumed rather than identified the perpetrator.<sup>127</sup> Based on the presence of commanders like Proctor, Dickson and Brock, only 28 of these claims identified

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<sup>124</sup> George Sheppard, *Profit, Plunder and Paroles: A Social History of the War of 1812 in Upper Canada* (Montreal & Kingston: McGill-Queen’s, 1994), 126. Sheppard examined 1474 claims in total. Of the 923 single-perpetrator war claims he examined, claimants blamed British Indians, Troops and Upper Canadians in 49.6% and Americans and Enemy Indians in 50.4%. In multiple claims, Americans were cited 54% of the time while British Indians and Troops were cited nearly 34% and 20% of the time respectively.

<sup>125</sup> Sheppard, *Profit, Plunder and Paroles.*, 128.

<sup>126</sup> LAC, RG 19 E 5(a)/ 3735, File 1, Class 4 Claims: Indians Attached to His Majesty, Claims 1-209. Claimants often used the phrase “our own Indians” or “British Indians” to describe the perpetrators

<sup>127</sup> The 130 claims include Western District settlements along Pike’s Creek, Belle River, River Ruscom and south of the Thames River but exclude settlements destroyed along the Thames during Proctor’s retreat.

British Indians as the culprits and only four claimants knew them by name or nation.<sup>128</sup>

Claimants identified some Aboriginal allies because they were accompanied by well-known leaders like Tecumseh or Indian Department officers like Elliot and Caldwell but ninety-six claims offer no proof whatsoever and seven of these admit that the owners returned from militia duty to find their property stolen. How claimants knew the perpetrators were ‘Indians,’ and further, how they knew to associate them with British troops, particularly when they were not in the district at the time, is extremely suspect. In the absence of local informants or witnesses, claimants unable to identify the perpetrators of the damage to their property transferred their anger and resentment to the only ‘Indians’ around them. Anishinabe peoples, as a consequence, shouldered a great deal of blame for actions that were not their own.

During the war, the Detroit and St. Clair River borderlands were concurrently occupied by diverse groups of people focused on self-preservation including Aboriginal people and their families, settlers, refugees, militiamen, soldiers, volunteers, deserters and traitors.<sup>129</sup> As a result the perpetrator remains unknown in approximately 25% of all claims made to the Department of Finance.<sup>130</sup> Officers and commanders were supposed to identify themselves, but differences in colour and style of uniforms made it fairly easy to differentiate between them. With minor variations in overcoats, trim and decoration, Brock and Proctor’s 41<sup>st</sup> Regiment along with the Indian Department wore red coats while Caldwell’s Western Rangers wore green.<sup>131</sup> The

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<sup>128</sup> RG 19, E 5(a)/3735, File 1: Class 4 Claims-Indians Attached to His Majesty’s Indians, 1-209. Claimants named three individuals and identified one group as the Wyandotte from Brownstown who came to Amherstburg.

<sup>129</sup> Ernest A. Cruikshank, “A Study of Disaffection in Upper Canada in 1812-15,” in *The Defended Border: Upper Canada and the War of 1812*, ed. Morris Zaslow (Toronto: Macmillan, 1964), 221.

<sup>130</sup> Sheppard, *Profit, Plunder and Paroles*, 123. His study examines the 1823-1826 Commission documents which contain 2055 claims. In 1474, claimants identified the perpetrator. In 581, or more than 25% of the cases, the culprits remained unknown.

<sup>131</sup> Rene Chartrand, *British Forces in North America, 1793-1815*, illust. Gerry Embleton (London: Osprey Publishing, 1998), Plate H.; Ron Volstad, Department of National Defense, “Interpreter, Indian Department, 1812-

American Army of the Northwest under William Hull and Henry Harrison wore blue.<sup>132</sup> Kent and Essex Volunteers sometimes supplemented their uniforms with red overcoats or other identifiable accessories. In contrast, lacking funding and supplies, preference and sometimes necessity meant that volunteers carried their own personal weapons, and wore their regular civilian clothing in place of uniforms.<sup>133</sup> Similarly, the clothing worn by the Corps of Voyageurs, French Canadian and American state militia volunteers shared common characteristics, not only with each other, but with the clothing worn by the Western Nations.<sup>134</sup>

Through trade, theft or gifting, Indigenous peoples and colonists had for centuries adopted the most practical articles from each other's wardrobes. By 1812, Aboriginal deerskin leggings and tunics, tomahawks and moccasins were commonly paired with cotton shirts, blanket coats, rifles and knives to create a uniform that was ubiquitous and practical.<sup>135</sup> If acculturation, cross-cultural interaction and métissage made it difficult to distinguish among 'Americans,' 'Indians,' 'French,' and 'British,' the identification of 'enemy Indians' in the midst of battle would, at times, be difficult. Certainly, residents in many cases would not be able to determine whether Aboriginal peoples on their property were enemies or allies. It seems to explain why beyond the claims already discussed, none identified these volunteer militia units or Aboriginal allies by their own national affiliation.

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1815," Illustration, Canadian Military Heritage, Vol. 2 (1755-1871), Ch. 4, p. 383. Government of Canada, Canadian Military History Gateway, last modified 29 March 2011, [http://www.cmhg.gc.ca/cmh/image-318-eng.asp?page\\_id=383](http://www.cmhg.gc.ca/cmh/image-318-eng.asp?page_id=383) Indian Agents wore red coats with green trim and grey pants. In the winter, capotes or blanket coats were popular.

<sup>132</sup> See various uniform styles in Chartrand, *British Forces in North America*, Plates A-H.

<sup>133</sup> Gareth Newfield, "Arms and Accoutrements of the Upper Canada Militia at the Beginning of the War of 1812," and Robert Henderson, "The American Attack at Frenchtown on the River Raisin, January 18, 1813," both available at *The War of 1812 Website*, The Discriminating General, 2008, accessed 25 June 2013, [www.warof1812.ca](http://www.warof1812.ca)

<sup>134</sup> Chartrand, Plate C; Henderson, "The American Attack at Frenchtown on the River Raisin."

<sup>135</sup> Calloway, *New Worlds for All*, 109. Items such as uniforms, ornaments, medals and other regalia were specifically used to identify the provenance of fighters. For comparative examples of clothing, see Nick Hoffman "Uniforms and Equipment," *The 2<sup>nd</sup> Regiment Kentucky Volunteer Militia*, Living History Re-enactment Group, accessed 24 January, 2013, <http://www.2ndkentucky1812.com>.



The inability to separate friend from foe speaks to a broader phenomenon occurring in the district in which Aboriginal and non-Aboriginal peoples began to lack intimacy and knowledge of each other and of the historic relationships between them, signaling the beginning of two worlds. In the absence of personal interaction, similarities between Loyalist and War of 1812 claims suggest that the average settler viewed ‘Indians’ as a monolithic and non-descript group. Claimants identified Aboriginal people no differently in the 1780s than they did in 1812 demonstrating that complex cultural and fluctuating national identities rendered categorization difficult. In 1783 they were “Burgoyne’s,” “Carleton’s,” or “Capt. Brant’s Indians,” and, while others were identified as “Friendly” or “Rebels,” claimants classified the Oneida who remained in New York State as “friends of the Americans.” However, in most claims, as in 1812, the perpetrators remained non-descript and are identified only as “Indians.”<sup>136</sup> By 1812, though some attempted to distinguish between “our own Indians,” and “American” or “Enemy Indians,” the overwhelming majority simply refer to “damage done by Indians” or “H.M. Indians.” Sheppard’s statistics suggest that claimants erroneously attributed theft and damage, committed by the Seneca and other nations allied to the United States, to the Western Confederacy. I agree, questioning whether settlers did or even could differentiate between enemies and allies at all. More importantly, Loyalist and 1812 claims suggest that ‘Indians’ simply became a threat. They were perceived over time as the cause of individual suffering and loss, and responsible for the theft and destruction of homes, property and communities.

The association of Western Confederacy allies with a disproportionate amount of the damage was reinforced by local economic conditions after 1813. After an influx of goods and

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<sup>136</sup> *Second BOA Report*, Vols. 1 & 2. See the claims of Philip Buck, 975; Richard Wragg, 948-9; David Palmer, 432; John Glassford, 1112; William Philips, 956; William Falkner, 415-6; Ralph Falkner, 416-7; James Robins, 1038; Mary Browster, 477-8.

supplies precipitated the declaration of war and northwestern campaigns, British forces and militia purchased goods and food from local residents at inflated wartime prices. After 1813 goods became scarce and sporadic shortages<sup>137</sup> led to scavenging and stealing. The final phase involved the retreat and return of part of the Western Confederacy in the weeks after the death of Tecumseh and the beginning of a concerted campaign by American forces to loot and destroy the district.<sup>138</sup> Civilians bore the brunt of American and British strategies that laid a swath of settled areas to waste lest the produce of mills, stores and fields fall into enemy hands. The coldest in recent memory, the winter of 1811-1812 was followed by unusually wet and cold weather which reduced the quantity and quality of remaining harvests.<sup>139</sup> In addition to satisfying of local needs, maintaining the large number of Aboriginal warriors and their families, British soldiers and militiamen and occupying American forces after 1813, meant that starvation became the norm in some areas. The same month that Proctor decided to destroy the Forts and retreat, he had been forced to introduce martial law to deal with growing hunger and discontent.<sup>140</sup>

The one thousand British soldiers and three thousand Aboriginal people congregated around Fort Malden and Elliot's estate in the Western District required substantial provisions when British supply lines were severed.<sup>141</sup> It is estimated that Aboriginal people consumed "16 head of cattle and 25 barrels of flour" per day, substantially more than British soldiers.<sup>142</sup> Local residents called Aboriginal people "a drain on British resources" because they consumed the

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<sup>137</sup> Ernest A. Cruikshank, "The County of Norfolk in the War of 1812," in *The Defended Border*, 229; Sheppard, *Profit, Plunder and Paroles*, 112. Adam Shortt, "The Economic Effects of the War of 1812 on Upper Canada," reprinted in *Ontario History*, Vol. CIV, No. 1 (Spring, 2012): 49.

<sup>138</sup> Sheppard, *Profit, Plunder and Paroles*, 120-123.

<sup>139</sup> Antal, *A Wampum Denied*, 10.

<sup>140</sup> William M. Weekes, "The War of 1812: Civil Authority and Martial Law in Upper Canada," in *The Defended Border*, 200.

<sup>141</sup> Goltz, "Tecumseh," *DCB Online*, accessed 30 May 2012, [www.biographi.ca](http://www.biographi.ca); Cruikshank, "The County of Norfolk in the War of 1812," 229.

<sup>142</sup> Weekes, "The War of 1812: Civil Authority and Martial Law in Upper Canada," 201.

livestock, grain and produce of local farmers. The British army used warrants to legally demand surpluses from settlers, but all sides resorted to scavenging, threatening, stealing and looting for reasons of survival, revenge, entertainment and personal gain.<sup>143</sup> Shortages caused by British supply problems and the inability of settlers to distinguish between enemies and allies meant that while British and American soldiers were sometimes considered looters and thieves, Aboriginal peoples almost always were.

The War of 1812 claims files contain detailed lists of goods stolen from homes, property and businesses in the Western District. Categorizing goods according to their usefulness in terms of survival, profit and revenge, I compared the 130 claims attributed to His Majesty's Indians already discussed to 203 attributed to Enemy Americans.<sup>144</sup> For each claim, I counted the number of times that objects grouped together in Table 2 below were reported stolen or damaged. By doing so, the purpose for items taken can often be deduced. For example, items like fence rails taken along with livestock and produce suggest hunger as the motive whereas horses taken with saddles, oats and apples to feed them indicate a pressing need for transportation. In cases where claimants reported that only their liquor, furs or silver plate were taken, I considered them luxury items. Though wooden items were probably taken to be burned, utilitarian items could also be sold and traded. Without proof, I counted furniture like bed stands, tables and spinning wheels in the neutral category of "household items." In all cases, it should be acknowledged these claims are estimates and a great many were inflated in value and quantity. Nonetheless, the number of times that particular objects were reported stolen and by whom, says

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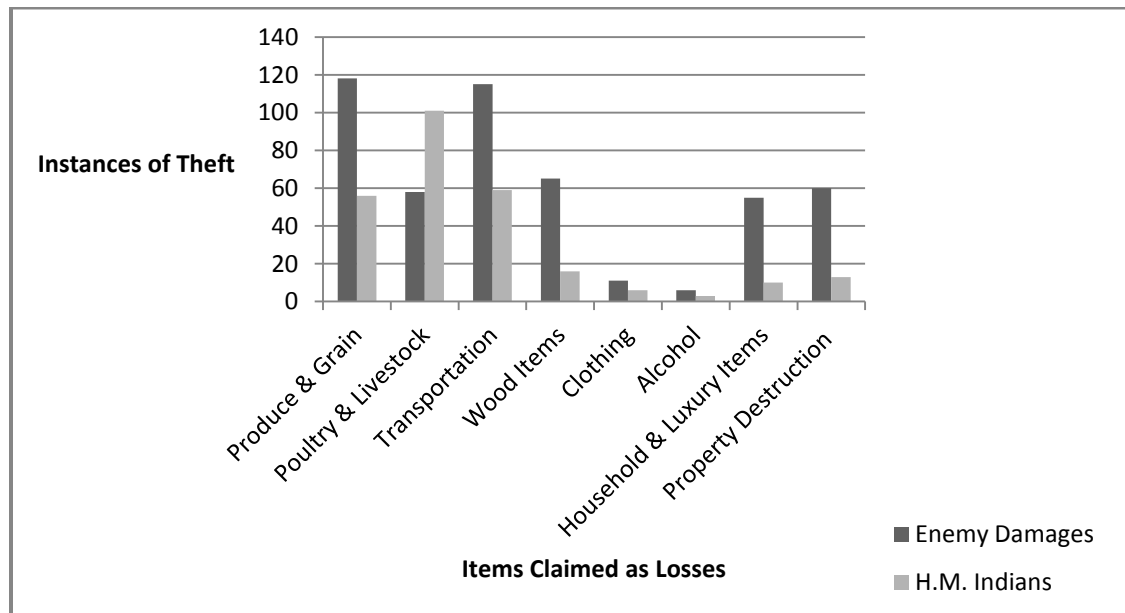
<sup>143</sup> Sheppard, *Profit, Plunder and Paroles*, 122, 116 & 119.

<sup>144</sup> LAC, RG 19 E 5(a)/3735, File 1, Class 4 Claims: Indians Attached to His Majesty, and RG 19 E 5(a)/3734, File 3, Class 2 Claims attributed to the Enemy, for the occupied towns of Sandwich, Malden and Baldoon and Lake St. Clair, Pike's Creek, Belle River, River Ruscom, south of but not along the Thames River.

a great deal about the motives of H.M. Indians and the Enemy.

Contrary to settler opinion, Table 2 below shows that Aboriginal people did not engage in a campaign of wanton looting and destruction. While women and children received some rations at Amherstburg, Anishinabe and Wyandotte peoples overwhelmingly sought food from settlers to feed themselves and their families. More than 85% of the goods taken from settlers consisted of necessities like grains, flour, apples, potatoes and corn; livestock and fowl, and wood for fires. On cultivated fields cleared of trees, items made of wood such as fence posts and barn boards were taken to provide fuel for cooking and heat. A number of horses and canoes were taken for transportation and utilitarian household items like kettles, pots, pans and linens (tablecloths, blankets and curtains) were also reported stolen. The Indian Department continued to give some presents to the Anishinabe and Wyandotte, but British supply problems affected their quantity

**Table 2: Instances of Theft and Damage Attributed to ‘Indian’ Allies and the Enemy**



**Source:** LAC, RG 19, E5 (a)/3735, File 1, Claims 1-209, Class 4 Claims-Indians Attached to His Majesty, Western District and 3734, File 3, Class 2, Enemy Damages, Western District.

and distribution as the war progressed. Contrary to stereotypes associating looting and thievery with Aboriginal peoples, War of 1812 claims instead show that dire circumstances forced Anishinabe warriors to hunt and gather on the farms of their neighbours.

American troops in contrast, took more and different goods than the Anishinabe and Wyandotte. As Table 2 above shows, the enemy frequently helped themselves to non-essential and luxury items like money, silver, wine, whiskey, butter and salt. The Americans also took items the Anishinabe did not, such as firearms, tools and iron, and saddles and harnesses for their horses.<sup>145</sup> In categories where they took similar goods, enemy troops often looted the valuable rather than the utilitarian. When the enemy took clothing, they focused on trunks, furs, coats and skins, and instead of canoes, they took boats and carts. Enemy soldiers also looted more items from merchants and damaged and burned an extraordinary number of houses, barns, stables and outbuildings, seemingly without purpose.

“Almost half of all wartime plundering incidents” according to Sheppard, “were blamed on British troops or their Indian allies.” Indeed, British troops sometimes supplemented absent pay and rations with what could be called ‘plunder.’<sup>146</sup> Only five percent of claims indicate that “Indians” associated with British troops took valuables and alcohol, instances that were extremely rare.<sup>147</sup> While the Western Nations consumed massive amounts of livestock, American troops fed enormous quantities of apples, hay and oats to their horses. The only beverages taken by “H.M. Indians” were barrels of apple cider and in one instance silver plate was reported

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<sup>145</sup> Claims containing several objects in one category were only counted as having one instance of theft in that category. A claimant who lost a horse, harness and hay along with apples and 4 hogs would be recorded as having 1 transportation, one produce and one livestock theft. In more than 25 instances hay was taken alone or with horses.

<sup>146</sup> Sheppard, *Profit, Plunder and Paroles*, 9, 109-12.

<sup>147</sup> This figure includes losses stemming from the destruction of the Chatham Mills and two incidents in Michigan Territory.

stolen.<sup>148</sup> Another five percent of claims point to incidents where property was “destroyed,” but these consisted of finished wood items like pickets, rails and boards or the produce of gardens, fields and orchards. Apple and other orchard trees had a value to the farmer that was very different from cold and hungry warriors who simply saw them as forests of firewood. Similarly, soldiers, warriors and militia had to let the enormous number of horses required for the war effort forage on farmer’s fields, and they inadvertently trampled them in transport.<sup>149</sup> Under these circumstances, angry and disheartened farmers used language suggesting such incidents were intentional.

The use of words like “destroyed” and “killed” to characterize losses caused by Indigenous peoples suggests settlers had little understanding of the circumstances of the war or the individual plight of people fighting on their behalf. This was perhaps compounded, as Sheppard’s book reveals, by ambivalence and hostility many felt towards a war they perceived as Britain’s alone. Indigenous warriors played an important role in the conflict, in part because many settlers and militiamen avoided fighting.<sup>150</sup> Losses attributed to Aboriginal people, even when they were small amounts of foodstuffs, were described in extremely negative terms without any consideration of use or purpose. For example, livestock was “killed,” fences “destroyed,” and apples “stolen” even when it was apparent that the objects were the necessary ingredients of a meal and were likely butchered, prepared and consumed on the property or within sight of the owner. Similarly transportation items necessary to engage the enemy like boats, canoes and

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<sup>148</sup> LAC, RG 19, E5 (a)/3735, File 1, Class 4 Claims-H.M. Indians, Claim 82, Margaret Hembrow. Cider was a popular home-made beverage in the early nineteenth century that may or may not have contained alcohol depending on the degree of fermentation. Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines Press, 2003), 18-19.

<sup>149</sup> LAC, RG 19, E5 (a)/3733, File 1, Precise Index to Class 1, Division 2 Vol. 2 Claims, Western District, Claim 162. Tecumseh and his warriors camped on Jean Baptiste Barthe’s land on Pike’s Creek and his claim is illustrative of the kinds of damages incurred as a result.

<sup>150</sup> Sheppard, *Profit, Plunder and Paroles*, 62.

horses were “stolen” by Aboriginal people but “pressed into H.M. service” by the British. Though claimants resented the actions of British troops too, similarities between the language used to describe the actions of an enemy, who looted and burned personal property with abandon, and Anishinabe peoples foraging for sustenance suggests that victims did not care to see a difference in intent. Well-known Western District merchant Thomas Clark probably represented the sentiments of many when he wrote that the destruction was caused by “the ravages of the Enemy and also by the Irregularities of our own troops and Indians.”<sup>151</sup>

The regulations, reluctance and delays issuing compensation exacerbated hostility towards the Anishinabe and contributed to a sense that *they* owed their neighbours restitution. In a manner similar to those adopted by the Loyalist Commission, the 1814 regulations rejected a number of losses including most property in U.S. territory, horses that died in service, currency, rent, and harvests lost by militiamen while on duty.<sup>152</sup> Commissioners insisted claimants could not prove their horses died in service and feared that if the expense was allowed, in future citizens would attempt to profit by volunteering “every worn out, ineffective animal in the country” to the army. Similarly, reimbursing farmers who lost their harvest while away on militia duty would set a “dangerous precedent” and discourage those at home from harvesting. The Commission also denied “trifling” claims under £10, bushels of apples and other produce and reduced other claims such that the vast majority received one-half to two thirds of the original amount.<sup>153</sup> The greatest suffering for the average settler was caused by the loss of their current

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<sup>151</sup> Quoted in Sheppard, *Profit, Plunder and Paroles*, 108.

<sup>152</sup> LAC, RG 19, E5 (a)/3728, File 8, “Report of Commissioners Appointed to investigate the claims of certain inhabitants of this Province for losses sustained by them, during the late war with the United States of America...” 6 January, 1825, 5.

<sup>153</sup> LAC, RG 19, E5 (a)/3728, File 8, “Report of Commissioners” 6 January, 1825, 4; RG 19, E5 (a)/3733, File 1, Precise Index to Class 1, Division 2, Vol. 2, Western District Claims 1-122.

harvest and their stored surplus, goods most-often taken by an anonymous perpetrator. The Commission's Report suggested that these "evils" were contributions to a war effort that "every loyal subject ought cheerfully submit to..."<sup>154</sup> Though it is estimated that nearly two thirds of those eligible for militia duty avoided serving,<sup>155</sup> (perhaps because for the reasons discussed they could not afford to) this was considerably more difficult in areas surrounding the military towns of Malden and Amherstburg. Claimants who were not offered restitution did not "cheerfully submit" to anything and it sowed the seeds of future conflict between the Anishinabe and Western District settlers.

If the majority of farmers failed to realize Anishinabe warriors defended the province with a zeal and ability that matched, if not surpassed, their own volunteer militia, an even greater number resented having to pay for it. Second only to the Niagara District, statistics from the 1823-6 Commission show that the Western District claimed more than £65,000 or 20% of all the claims for damages during the War of 1812.<sup>156</sup> When prominent sufferers through the provincial assembly demanded the British government settle claims arising from the War, the British felt the province owed some contribution towards the costs of their own defense. With the British unwilling and the province unable to settle them, outstanding War of 1812 claims remained a source of political and economic instability into the 1830s.<sup>157</sup>

"Indian Sufferers" filed claims with the Sandwich Board of Claims but the path they wove through the bureaucracy of the government was a harbinger of things to come in the administration of Indian Affairs. Of the 66 claims lodged with the board at Sandwich in 1815,

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<sup>154</sup> RG 19, E5 (a), Vol. 3728, File 8, "Report of Commissioners," 4.

<sup>155</sup> Sheppard, *Profit, Plunder and Paroles*, 98.

<sup>156</sup> Sheppard. *Profit, Plunder and Paroles*, 123-124. When combined with London, Niagara and Gore, the western portion of the province sustained 80% of the damage in the war.

<sup>157</sup> Sheppard, *Profit, Plunder and Paroles*, 8.



the Moravians filed 29, the Ottawa and Chippewa (Ojibwe) made 20, the Huron (Wyandotte) had 13 claimants and the Shawnee lodged four.<sup>158</sup> Many “had comfortable Houses and were in other respects well off” prior to the outbreak of hostilities and lost their farms, villages, cornfields and personal belongings when they retreated with Proctor.<sup>159</sup> They were unable to defend their lands against American occupiers. The Ottawa and Chippewa lost comparable amounts in basic necessities like cookware, bedding, clothing, firearms and horses. In total however, these claims are a very small sampling of the losses sustained by Aboriginal peoples in the Western District. A significant number returned to Michigan Territory after the defeat at Moraviantown, did not speak English or otherwise did not know to apply for compensation. In addition, documents suggest that bureaucratic bungling *prevented* a number of those eligible from submitting claims and from having their cases considered, and claims paid.

While the board accepted claims in 1815 and recommended replacing Indian presents, Amherstburg’s commanding officer and board president Lt. Col. Reginald James postponed judgment on compensation on the basis that Indigenous claimants were not “competent” to swear an oath. Not knowing what to do, the board officials recommended creating a list of chiefs who could vouch for the losses sustained by their people and referred the entire issue to the Governor-General and Commander of the Forces, Sir Gordon Drummond. But James’ letter also noted the Six Nations had not yet appeared before the board because they were prevented from doing so by the acting Superintendent General at York.<sup>160</sup> From there, the claims remained in limbo for eight

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<sup>158</sup> LAC, RG 10/715, Claims and Return of the Six Nations, 1814-1826. The Six Nations were administered in a separate superintendency by the time the claims were adjudicated in the 1820s and are not included.

<sup>159</sup> LAC, RG 10/715, R. James, Lt. Col. 37<sup>th</sup> Rgt., President, Sandwich Board of Claims, to Sir Gordon Drummond, Commander of the forces, 12 December, 1815; LAC, RG 10/715, William Duff, J.P to The Board of Claims at York, 22 February, 1826.

<sup>160</sup> LAC, RG 10/715., James, to Drummond, 12 December, 1815.

years until the 1823-26 Commission finally wrote to William Claus. Despite his position as Superintendent of the Six Nations (1796-1800) and Deputy Superintendent until his death, the nephew of Sir John Johnson seemingly knew nothing of the Western claims and professed to have never collected any from the Six Nations.<sup>161</sup> In deference to their superior, clerks and storekeepers Joseph Brant Clench stationed at Fort George and George Ironside at Amherstburg referred the issue of Indigenous claims back to Claus in 1825. Ten years after the cession of hostilities, the claims retrogressed back to where they originated and were no closer to being paid.<sup>162</sup>

Like their non-Aboriginal fellow claimants, the Western Nations fell victim to the same political bickering between the governments of the Canadas and Great Britain. However, unlike their fellow claimants, Indigenous peoples in Upper Canada were prevented from receiving justice from the Board, and in some cases from appearing before it on their own behalf. This represents one of the earliest manifestations of bureaucratic ineptitude and exemplifies the invention of ‘policies’ arising not from law or legislation, but from the uncertainty of Indigenous status. Paradoxically, it was the Board’s *opinion* that it did not have jurisdictional authority, and the Western Chiefs could not represent themselves. At the same time, the Board ruled they were competent to testify before Drummond. If Indigenous peoples were not competent enough to bring their own claims before the board, they would not be considered competent to handle any compensation they received. As the next chapter will discuss, these funds did not reward their loyalty or compensate for losses; instead what they received provided initial funding for the ‘civilization’ program.

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<sup>161</sup> LAC, RG 10/715, Macaulay to William Claus, 1 January, 1824. Robert S. Allen, “Claus, William,” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 1 April 2012, [www.biographi.ca](http://www.biographi.ca)

<sup>162</sup> LAC, RG 10/715, J.B. Clench to George Ironside, 28 May, 1825.

Though the Western Confederacy fought as independent allies to regain their lands in the Indian Territory, this was never clearly articulated to settlers and reproduction of their image in propaganda to incite fear had lasting and dire consequences. While the Americans initially won the battle of Frenchtown in 1813, British and Indigenous forces returned and killed 100 Americans. Popular slogans such as “Remember the Raisin” were used to rationalize continued incursions into the northwest to take Aboriginal lands.<sup>163</sup> British and Americans attributed the targeting women and children, looting, scalping, torture and other actions thought to deviate “from the gentlemanly standards of warfare,” to Aboriginal warriors, even though their own forces engaged in similar behaviors, particularly in the Ohio Valley.<sup>164</sup> The Governor of New Jersey called John Graves Simcoe “a consummate Savage” because of his penchant for setting fire to Patriot-owned buildings.<sup>165</sup> Europeans also had a long-standing tradition of disguising themselves as ‘Indians’ when committing such acts. In 1773, rebel “whites dressed as Indians” present at the Boston Tea Party felt themselves empowered to “do what they could not do in their normative roles.”<sup>166</sup> Both McKee and Caldwell reportedly did the same at Fallen Timbers and in the summer of 1814 “one hundred armed men disguised as ferocious Indian warriors,” burned and looted the settlement of Port Talbot, just south of London.<sup>167</sup> Therefore, the “imaginary Indian” not only represents an identity adopted by non-Aboriginals to defy policy and commit horrific acts in war. Unable and perhaps unwilling to seek revenge on Americans, settlers and officials utilized the image to blame Aboriginal people for wartime atrocities instead.<sup>168</sup>

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<sup>163</sup> Taylor, *Civil War of 1812*, 213.

<sup>164</sup> Cleland, *Rites of Conquest*, 154; Taylor, *Civil War of 1812*, 259.

<sup>165</sup> Governor William Livingston quoted in Taylor, *Civil War of 1812*, 47.

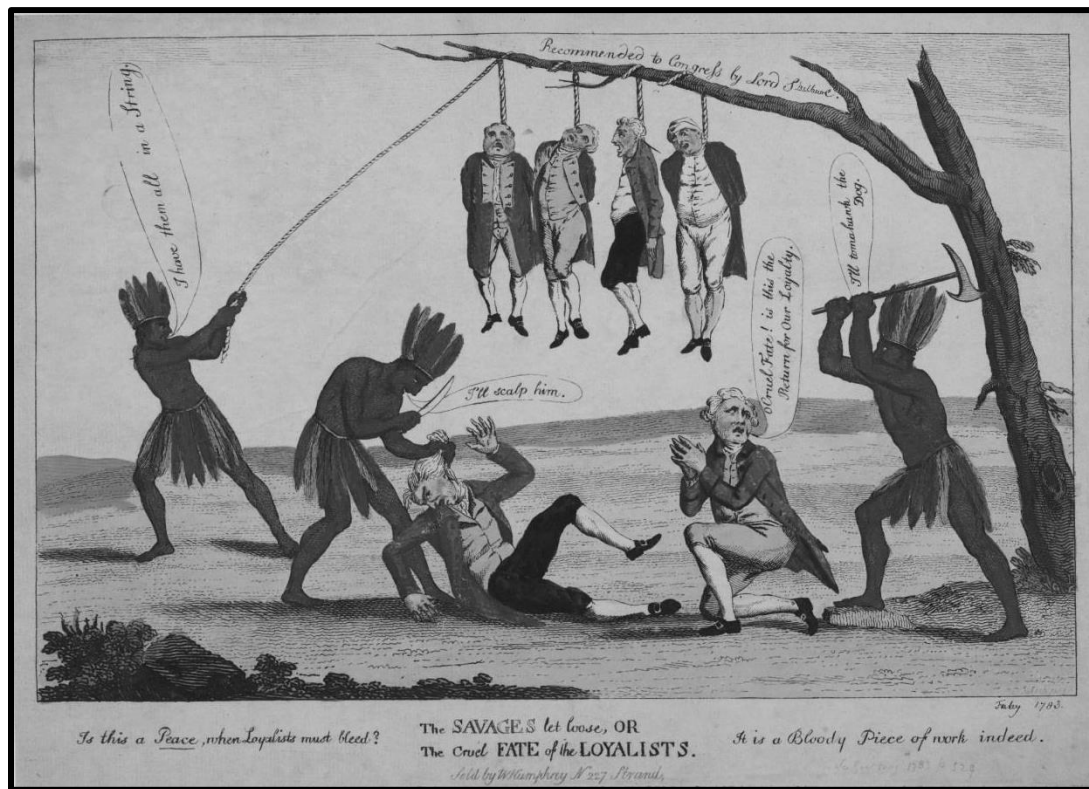
<sup>166</sup> Rayna Green, “A Tribe Called Wannabee: Playing Indian in America and Europe,” *Folklore*, Vol. 99, No. 1 (1988): 32.

<sup>167</sup> Sheppard, *Profit, Plunder and Paroles*, 106.

<sup>168</sup> Daniel Francis, *The Imaginary Indian: The Image of the Indian in Canadian Culture*, 2<sup>nd</sup> ed. (Vancouver: Arsenal

The “imaginary Indian” appeared in increasing frequency in propaganda and the popular press as a symbol of the barbaric characteristics of the enemy. Protesting the treatment of Loyalists in 1783, British illustrator William Humphrey offers a telling example of this confusing genre in which Aboriginal people are used as foils or symbols of American injustice. In *The Savages Let Loose*, (Figure 8 below), Humphrey portrays Americans as ‘Indians’ committing three horrific acts: scalping, tomahawking and hanging. Though these illustrations are meant to draw attention to the depravity of European enemies, the increased use of non-

**Figure 8:** *The Savages Let Loose, or the Cruel Fate of the Loyalists*



**Source:** William Humphrey, 1783. *The Savages let loose, or the Cruel Fate of the Loyalists*. 350x437mm. Hand-coloured etching on paper. Used with permission of the Trustees of the British Museum.

Pulp Press, 2011). Francis argues that Europeans failed to interact with Indigenous peoples or appreciate their cultures on their own terms. Instead non-natives created an “Imaginary Indian” and projected their own expectations, fears, concerns and ideas about the Aboriginal peoples around them.

descript Aboriginal warriors to symbolize abhorrent behaviors like scalping and tomahawking, only served to demonize Aboriginal peoples and portray them as common enemy of *both* Americans and British citizens. Military commanders on both sides reinforced these stereotypes.

While General Hull feared and resented Aboriginal warriors for their unpredictable and inhumane behavior, Brock exploited this fear and encouraged the association of warriors with violence to terrorize the enemy in spirit and actuality.<sup>169</sup> Hull's Proclamation illustrates the effectiveness of British propaganda in this respect. Determined to raise support for an invasion, he wrote that:

[i]f the barbarous and savage policy of Great Britain be pursued, and the savages be let loose to murder our citizens, and butcher our women and children, this war will be a war of extermination. The first stroke of the tomahawk, the first attempt with the scalping knife, will be the signal of one indiscriminate scene of desolation. No white man, found fighting by the side of an Indian, will be taken prisoner--instant destruction will be his lot.<sup>170</sup>

The British made similar characterizations, associating Aboriginal people with theft and uncontrollable and unpredictable violence. Settlers schooled in such a manner could only see Aboriginal people as a potential threat, liable to turn on them at any time, in war or in peace. In many respects, relationships never recovered and enormity of the damage to local farms, properties and businesses served to obfuscate and overwhelm losses and sacrifices made by the Western Confederacy in the War of 1812. Even though Great Britain abandoned their territories, and their people also suffered, settlers nonetheless came to resent their Anishinabe neighbours, holding them responsible for the intensity of American retaliation and for their own misfortune.

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<sup>169</sup> Laxer, *Tecumseh and Brock: The War of 1812*, 149-154.

<sup>170</sup> General William Hull, Proclamation, Sandwich, 12 July, 1812, War of 1812: General Correspondence, *Canada's History*, 24 July 2014, [www.canadianhistory.ca](http://www.canadianhistory.ca)

## Conclusion

Schmaltz argues loyalists were no different in sentiment and attitude towards Aboriginal people than those who remained in the United States or arrived as Late Loyalists.<sup>171</sup> Before coming to Canada, a number of British sympathizers testified they had been employed by colonial governors to engage in offensive actions against Aboriginal people or had been victimized by them before and during the Revolution in circumstances similar to those in 1812.<sup>172</sup> Settlers and merchants, including Matthew Elliott cited both allied and “Rebel Indians” for stealing their horses, clothing, food, tools and livestock. To prevent goods from falling into the hands of the enemy and to weaken the resolve of suspected loyalists and patriots, both sides looted and burned homes, mills and storehouses. Many claimants indicated “Indians” killed their relatives during these incidents.<sup>173</sup> These loyalists, though they no doubt hoped to make a new start in Upper Canada, likely continued to carry the kind of hatred and fear that comes with great suffering and loss. Given enough time, these sentiments may have been overcome. Instead, it seems that circumstances, as they unfolded in 1812, only revived them.

The War of 1812 continued the civil war which had erupted in the 1770s. The war, as Taylor points out, finalized what had only temporarily halted in 1783 and the struggle for the Northwest was a continuation of that war.<sup>174</sup> The difficulties describing people of identical origins throughout this period of conflict is evident in the myriad of names given to people who crossed a border the late eighteenth and early nineteenth centuries. Talman argued that the

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<sup>171</sup> Schmalz, *Ojibwa of Southern Ontario*, 106-107.

<sup>172</sup> *Second BOA Report*, Vol. 1, John Connolly, 144. This is particularly true of claimants from South Carolina. See William Wallace, 174; Reuben Lively, 175; John Thornton, 276-7 and Robert Sloane, 714.

<sup>173</sup> *Second BOA Report*, Vols. 1 & 2, John Heliker, 467; Mary Browster, 477-8; Archibald/Elizabeth MacNeil, 918; Matthew Elliott, 985-6 and William Maclellan, 996.

<sup>174</sup> Taylor, *Civil War of 1812*, 10.

United Empire Loyalists intermarried and assimilated into the population of American immigrants and did not maintain a distinct identity in the years following their migration.<sup>175</sup> John Eardly-Wilmot described them as “American Sufferers” while Robert Gourlay called them “Anglo-Americans.”<sup>176</sup> In the 1960s, historian J.M.S. Careless noted that Loyalism alone did not unite settlers from America. They were neither “Britons,” nor were they quite “United Statesers.” Rather the arrival of the “British Americans” as he called them, spurred the later development of a separate (Upper) Canadian identity.<sup>177</sup> Even Hull’s 1812 proclamation recognized values shared between Americans and their “brethren” in Upper Canada, whose collective “forefathers fought for the freedom and Independence” he promoted. He understood the artificiality of the border between the two countries in terms of the philosophies they shared: they were “children of the same family” and “heirs to the same heritage.”<sup>178</sup> Hull could appeal to a familial connection with some conviction by 1812, largely because of the immigration of thousands of Late Loyalists from the United States in the late 1780s and 1790s. The degree to which loyalty or the availability of cheap land motivated them is subject to debate in the literature because the definition was broadened to include “anyone who sympathized with and assisted British forces in any way.” Consequently, the 1791 Canada Act included provisions to expedite private land grants and between 1792 and 1796, 3000 Late Loyalists applied and another 500 arrived every year after 1811. By 1812, they made up three-fifths of the population of Upper Canada.<sup>179</sup> Although early Loyalists had preferential access to land and settlement assistance, of direct

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<sup>175</sup> Talman, “The United Empire Loyalists,” 5.

<sup>176</sup> Gourlay, *Statistical Account of Upper Canada*, 115.

<sup>177</sup> J.M.S. Careless, “Introduction,” *The Defended Border*, 3-4. Careless argues that “Loyalism” was not in itself a unifying identity.

<sup>178</sup> General William Hull, Proclamation, Sandwich, 12 July, 1812, War of 1812: General Correspondence, *Canada’s History*, 24 July 2014, [www.canadianhistory.ca](http://www.canadianhistory.ca)

<sup>179</sup> Taylor, *Civil War of 1812*, 56.

consequence to Aboriginal peoples is the fact that they ultimately acquired, settled and alienated their land in a manner that was no different than their neighbours who arrived later.<sup>180</sup>

In the tradition of Dish with One Spoon agreements, Tecumseh held fast to the idea that collectively held Aboriginal lands could not be surrendered without the consent of the whole. Decades of war, crop failures and poor hunts beginning in the late 1780s made the exchange of land for much needed goods difficult to resist.<sup>181</sup> The McKee and Chenail Ecarté Treaties signed after the arrival of loyalists represent a continuum of the Covenant Chain alliance, and through them Anishinabe and Wyandotte peoples believed they could share their lands with sympathetic Europeans. Plans for the institutional development of Upper Canada alongside an Indigenous buffer state as expressed by Simcoe, McKee and Brock demonstrate that this was true for British officials as well. For Anishinabe peoples, the sharing of land historically helped to hold back unwanted settlement in their territories while providing protection from American policy and access to British goods in times of uncertainty.<sup>182</sup> Simcoe, McKee and Brock's Indian Territory was a "blueprint" for "a commercial empire and native state within the British mercantile system."<sup>183</sup> It offered the potential to combine the best of both Indigenous and European worlds and re-create the Northwest in the western borderlands of Upper Canada.

Regardless of where their loyalties stood at any one time, in the far western portion of the province, land represented opportunity for all interests to improve their immediate financial circumstances. Consequently, the acquisition of land by private individuals in authority and the 'official' treaty process in which lands were granted in the King's name involved the same

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<sup>180</sup> Donald Akenson, *The Irish in Ontario: A Study in Rural History*. Montreal: McGill-Queen's University Press, 1999), 114. Akenson found this to be true in Leeds and Lansdowne.

<sup>181</sup> Laxer, *Tecumseh and Brock*, 25; Edmunds, *Tecumseh and the Quest for Indian Leadership*, 108-9.

<sup>182</sup> Surtees, "Indian Land Surrenders in Ontario," 28.

<sup>183</sup> Antal, *Wampum Denied*, 236-7.



people acting in identical capacities as representatives of the Crown. The nature of the compensatory process and the desire of the British government to limit payouts meant that in 1789 and 1812, settlers to Upper Canada found it easier to prove damages and receive compensation from allies than an enemy government that historically evaded restitution and ultimately persecuted them. Disdain for Aboriginal peoples was inevitable so long as their lands remained the only reward for loyalty, the only compensation available for the losses accrued in war and the only opportunity available for the repayment of debts acquired through trade.

Such circumstances developed because European-Indigenous relations were, after 1750, shaped in a theatre of war that was constant and unrelenting and one over which Indigenous peoples had little control. While Americans considered British and Indigenous lands to be the spoils of war, Indigenous peoples bore the brunt and were scapegoated in the process. The Western Confederacy took no interest in colonial politics and fought to protect their lands however both American and British commanders feared Indigenous warriors would be used against them.<sup>184</sup> The Western Confederacy were continually courted as allies and attacked as enemies regardless of their commitment to the causes of others.<sup>185</sup> As a consequence they could simultaneously be viewed as neutrals, allies, auxiliaries, mercenaries or sovereign nations and the British utilized whichever conceptualization was expedient at the time. Until 1815, Americans thought they were British guerilla fighters, and this in combination with the exploitation of the ‘imaginary’ Aboriginal warrior as something savage and uncontrollable, was not easily erased in the minds of settlers when peace was achieved.

The fact that some believed in the potential of co-existence does not explain the presence

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<sup>184</sup> Goltz, “Tecumseh,” *DCB Online*, accessed 30 May 2012, [www.biographi.ca](http://www.biographi.ca)

<sup>185</sup> Duncan Campbell Scott, “Indian Affairs, 1763-1841,” in *Canada and its Provinces*, ed. Shortt and Dougherty, Vol. 4. Section 2, Part 2 (Toronto: Glasgow, Brook & Co, 1914),724.

of concurrent behaviors that undermined that very possibility. Though ‘loyalism’ has been studied as something tangible and consistent, ‘Loyalists’ have proven to be a conflicted, contradictory and complex grouping of family and friends, acquaintances and strangers, allies and enemies, and victims and perpetrators. The wartime experiences of refugees and Western District residents in the War of 1812 as well as the Indian Department’s deceptive behavior sabotaged Simcoe’s and Brock’s grand designs. So long as the Indian Territory existed, independence was a possibility, but the British government would not go out of its way to help protect it, and few of its settlers would accommodate First Nations in Upper Canada.<sup>186</sup> Those closest to Aboriginal peoples like McKee and Caldwell engaged in contradictory behaviors because they were no different from the settlers around them: they too saw no future for the Western Confederacy in Upper Canadian society once Americans claimed the northwest.<sup>187</sup>

Loyalists connected to the Detroit River region and the Western Confederacy merged into an “elite group” of mixed ancestry who through personal, business, military and political ties acquired more land and more control.<sup>188</sup> Loyalists of Indigenous ancestry did not want monetary compensation but respect for their territories and acceptance of who they were as a people. The problematic notion of Western Confederacy Loyalism therefore is symptomatic of broader issues concerning the role of Aboriginal people in Upper Canadian society. The descendants of United Empire Loyalists and their governments recreated the claims process in the decades that followed by petitioning for various accommodations at the expense of Anishinabe peoples on the basis of loyalty, however one defined it. John Johnson oversaw the settlement of loyalist

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<sup>186</sup> Nelson, *A Man of Distinction Among Them*, 187.

<sup>187</sup> White, *Middle Ground*, 259-60.

<sup>188</sup> Frederick H. Armstrong, “The Oligarchy of the Western District of Upper Canada, 1788-1841” in *Historical Essays on Upper Canada: New Perspectives*, ed. J.K. Johnson and Bruce G. Wilson (Ottawa: Carleton University Press, 1991), 516 & 526.

refugees and his 1785 petition contained the fundamentals of their government. Johnson would do the same for the Anishinabe and other Indigenous peoples as the Superintendent of Indian Affairs.<sup>189</sup> Before his death in 1830, he would transform compensation for Indigenous loyalists into a program to ‘civilize’ them.

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<sup>189</sup> Wallace, *The United Empire Loyalists*, 30.

## **Chapter 2: “An inconvenient debt”: Pensions, Pathogens and Presents on the St. Clair, 1815-1840.**

A traveler to the District after the War of 1812 noted that he was “struck by the devastation. Beautiful farms, formerly in a high state of cultivation, now laid waste, houses entirely evacuated and forsaken, provisions of all kinds very scarce, and where once peace and plenty abounded, poverty and destruction now stalked the land.”<sup>1</sup> In contrast, Lieutenant-Governor Francis Gore surmised that the War of 1812 was “in some cases injurious to individuals” but “a benefit to the Country at large.” Assessments crediting “wartime prosperity” and peaceful relations with the United States as legacies of the war are often taken at face value.<sup>2</sup> Beneficiaries of the war tended to belong to a particular class of merchants and professionals with residences and commercial connections east of York. Assessments like Gore’s do not accurately reflect the actual experiences of those in the northwestern borderlands.<sup>3</sup> The Western District experienced social, political and economic instability to a degree not witnessed or understood by residents in the east.

Though Anishinabe peoples experienced similar peacetime circumstances to their neighbours after 1814, demilitarization presented extreme challenges so long as expansionism remained part of American political discourse. The Rush-Bagot Agreement of 1817 placed the International boundary through the waters of the St. Clair and Detroit Rivers, and together with the Wyandotte, Anishinabe men in the district patrolled the border and caught deserters until

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<sup>1</sup> Tilly Buttrick quoted in Antal, *Wampum Denied*, 391.

<sup>2</sup> Sir Francis Gore quoted in Gerald M. Craig, *Upper Canada: The Formative Years, 1784-1841* (Toronto: McClelland and Stewart, 1963), 86. Some merchants and officials did emerge from the war in better financial and social positions just as townships east of London did not experience widespread damage. See Shortt, “The Economic Effects of the War of 1812 on Upper Canada,” 45-51.

<sup>3</sup> Lisa Philips Valentine and Allan K. McDougall, “Imposing the Border: The Detroit River from 1786-1807,” *Journal of Borderlands Studies*, Vol. 19, No. 1 (Spring 2004): 13-22.

after the American Civil War. This chapter does not dispute the fact that the Anishinabeg faced difficulties in peacetime, but it argues for a different perspective. Indeed, the first three decades of peace were important to Indigenous peoples, not because they were no longer needed as allies after 1814 but because they had been allies for more than two hundred years previous and continued to consider themselves so. Though the boundary divided them into ‘American’ and ‘British Indians,’ Anishinabe on both sides expected the British to keep the promises made to them as allied nations.<sup>4</sup> Western Confederacy warriors contributed to the defense of the province in 1775, 1812 and again in 1837, yet the man responsible for orchestrating their settlement in villages, Sir John Colborne, characterized the assistance promised to them as “an inconvenient debt.”<sup>5</sup> Between 1814 and 1840, British policymakers intended to “rid” themselves of this debt as soon as possible.

The British Empire was not “One Big Thing”<sup>6</sup> and increasingly after 1815, parliamentarians found themselves challenged at home and abroad by issues of reform and rebellion. The demobilization of soldiers into increasingly urbanized and industrialized centres combined with revolts against British rule in South Africa, Jamaica and Australia raised questions about the status and rights of the empire’s various inhabitants.<sup>7</sup> The growing complexity of colonial management combined with new opportunities in European markets rendered mercantilist intervention ineffective and unnecessary. Free trade according to historian John Cell, enabled the British “to enjoy the economic benefits of informal empire without unduly

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<sup>4</sup> McNab, “Sovereignty, Treaties and Trade,” 62.

<sup>5</sup> *BPP*, no. 617, (1834), Sir J. Colborne to Viscount Goderich, November 30, 1832, 141.

<sup>6</sup> Richard Price quoted in Stuart Ward, “The MacKenziean moment in retrospect (or how one hundred volumes bloomed),” in *Writing Imperial Histories*, ed. Andrew S. Thompson (Manchester: Manchester University Press, 2013), 42.

<sup>7</sup> Hall, *Civilising Subjects*, 21; Colley, *Britons: Forging the Nation*, 338-9.

adding to the administrative and financial burdens of a formal one.”<sup>8</sup> At the same time, growing antipathy towards Family Compact rule in Upper Canada led officials in the imperial government to conclude that “Britain would share in their prosperity and goodwill” if “grievances were remedied and the colonists left to govern themselves.”<sup>9</sup> As a consequence, demands for self-government in Upper Canada coalesced with British desires to reduce the costs of colonial administration. Domestically, commercial interests seeking to control and profit from development and expansion played as great a role in orchestrating political change as farmers and professionals demanding local control of the assembly.<sup>10</sup> Land had already proven to be a panacea for the settlement of the loyalist diaspora and could do the same for the impoverished and landless victims of British industrial capitalism.

As settlement in the southern portion of the district leveled out, the population of Kent (including the future Lambton), rapidly increased just as the Anishinabe established their own permanent villages.<sup>11</sup> As Table 3 shows between 1831 and 1837, the population of the Western District increased by an average of 16% per year, peaking at nearly 18% in 1836 when the Rebellions deterred new settlers. Settlement resumed in 1840 at the rate of 10% and then stabilized to an average increase of 7% per year thereafter. In Kent, six years before the rebellions, the large 28% increase in population reveals the explosion of settlement in

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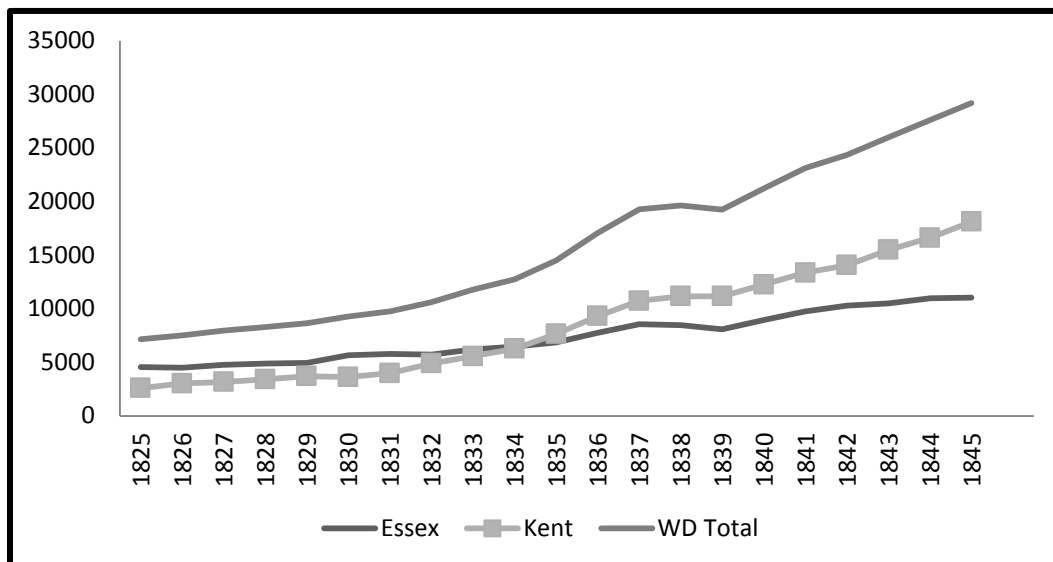
<sup>8</sup> John W. Cell, *British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process* (New Haven: Yale University Press, 1970), vii.

<sup>9</sup> John Manning Ward, *Colonial Self-Government: The British Experience, 1759-1856* (Toronto: University of Toronto Press, 1976), 33.

<sup>10</sup> R.G. Riddell, “A Study in the Land Policy of the Colonial Office, 1763-1855.” *Canadian Historical Review* 18, no. 4 (1937): 402-3.

<sup>11</sup> Leo A. Johnson “The State of Agricultural Development in the Western District to 1851” in *The Western District: Papers from the Western District Conference*, ed. K.G. Pryke and L.L. Kulisek, Essex County Historical Society Occasional Papers, No. 2. (Windsor, ON: Commercial Printing Co., 1983), 113-114.

**Table 3: Total Population: Kent and Essex, 1831-1846<sup>12</sup>**



**Source:** Compiled using Total Population tables in *Censuses of Canada, 1665-1871*, Statistics of Canada, Vol. IV (Ottawa: I.B. Taylor, 1876), 86, 92-93, 100-102, 104, 112-114, 119-122, 126, 128, 131, 134; AO, F 2007/10, Western District Municipal Records, MS 168, General Returns of Population, 1842-1845, 0135-0141.

the townships fronting water. Between 1839 and 1840, increases stabilized to an average 9.8 % per year and continued at the district rate thereafter. It was clear that a new “empire of settlement” had begun.<sup>13</sup> As the following chapters discuss, the Anishinabe experienced difficulties establishing themselves in the community in proportion to the concentration of Eurocanadian settlement around them.<sup>14</sup>

Though no longer trapped in the war between the Americans and the British, Aboriginal peoples now found themselves caught between the demands of agricultural settlers and the

<sup>12</sup> Between 1847 and 1850 population statistics are incomplete as the ten northern townships transitioned towards administrative independence. After 1850, censuses enumerated the counties of Essex, Kent and Lambton separately.

<sup>13</sup> Ward, *Colonial Self-Government*, 211.

<sup>14</sup> Percentage growth is calculated using the enumerated population totals only. Births, death and migration statistics are not available or complete for the period under study.

interests of developers and industrialists.<sup>15</sup> After 1830, the Indian Department officially ceased to operate as a branch of the military and was transferred to civil control in Upper Canada under the administration of the Lieutenant-governor. Between 1828 and 1841, Lieutenant-Governors Colborne, Bond Head, and Arthur's attitudes towards the settlement of Indigenous peoples shifted quickly from interest to hostility to indifference. British authorities expected the Anishinabe to transition to quickly a settled existence as colonists just as policymakers sought to reduce and eventually eliminate the department. This left Anishinabe people vulnerable during a crucial period of state formation when elites in the colony and in Great Britain engaged in debates that would ultimately determine the shape and process of government in Canada.

This chapter examines the implementation of the civilization program in the Western or Sarnia district and asks why Anishinabe peoples in the region did not prosper and thrive like their Eurocanadian neighbours. At the time, officials in the government and Indian Department complained that the Anishinabe failed to plan for their future and were incapable of managing their own communities. To the contrary, Anishinabe peoples maintained stability in their own communities through the strength of their own leaders who negotiated one of the most significant treaties in the region's history. The period between the end of the War of 1812 and the Act of Union offered a crucial window of opportunity for the successful establishment of Anishinabe communities in the fabric of Upper Canadian society. On the shores of the St. Clair River and Lake Huron, Anishinabe peoples settled on their own terms, but unlike their Eurocanadian neighbours they did so under the yoke of colonial bureaucracy and at the whim of uninterested and, at times, incompetent officials. McCalla estimates that under ideal circumstances, it would take at least two to three years for a farm to produce a surplus sufficient to purchase necessary

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<sup>15</sup> Ward, *Colonial Self-Government*, 216.



items, and another ten years to bring a farm into full production. Yet, colonial officials gave the Anishinabe less than ten years to fully transition to a sedentary way of life before they deemed the civilization program a failure.<sup>16</sup>

### **Tecumseh's Shadow<sup>17</sup>**

In 1817, several Nations travelled from their lands in Michigan to attend a council on Drummond Island. Black Hawk, a Chief of the Sauk Nation (in present-day Illinois), read a speech given to them by Sir George Prevost at the height of the War of 1812 in which the Commander of the British Forces said, “My Children; we have taken each other by the hand and fought together—Our interests are the same—we must still continue to fight together...to drive the Big Knives...off *all our Lands*...”<sup>18</sup> Lt. Col. Robert Dickson, whose wife was Sioux, made Black Hawk a Brigadier General in the British Army and throughout the war, Prevost, Dickson and other officers who fought alongside the Western Nations repeatedly promised the Western Nations that the British would not forget their sacrifices.<sup>19</sup> Less than three years later, Black Hawk knew this not to be true.

The process of claiming losses as a result of the War of 1812 solely focused on the destruction of private property and not the support of those injured and left behind. Anishinabe and Wyandotte peoples along with other private citizens contributed provisions and cared for refugees and injured soldiers and others without acknowledgement or compensation.<sup>20</sup> Colonial

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<sup>16</sup> Douglas McCalla, *Planting the Province: The Economic History of Upper Canada, 1784-1870* (Toronto: University of Toronto Press, 1993), 188.

<sup>17</sup> Alan Corbiere, “War of 1812 Bicentennial: More than Tecumseh,” Special issue, *Ojibwe Cultural Foundation*, Vol. 7, Issue 2 (July 2012): 2.

<sup>18</sup> Italics mine. LAC, RG 10/35, Council No. 3, Drummond Island, 7 August, 1817, 20212-22; Speech of Robert Dickson Esquire to the Indian Tribes, 18 January, 1813, Appendix C, Allen, *His Majesty's Indian Allies*, 223-4.

<sup>19</sup> Robert S. Allen, “Dickson, Robert,” *DCB Online*. University of Toronto/Université Laval, 2003–.accessed 15 June, 2014, [www.biographi.ca/en/bio/dickson\\_robert\\_6E.html](http://www.biographi.ca/en/bio/dickson_robert_6E.html)

<sup>20</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 115-17.

authorities settled “Indian claims” on the basis of a predetermined scale that valued fixed housing at half the price claimed, horses at £10 and hogs, cattle and bushels of Indian corn at £1 each. Authorities replaced items considered presents and allowed other losses at a rate of sixty to seventy percent of the total. While Eurocanadian residents accused the Anishinabe of stealing their horses, the Ottawa and Chippewa lost theirs in enormous quantities. In 1815, twenty Indigenous claimants lost thirty-nine horses in total with several individuals claiming three to six horses per person.<sup>21</sup> Fields of Indian corn, “wigwams” and their contents and other unverifiable items went uncompensated. Shawnee Chief George Bluejacket, for example, could only claim £187 for the loss of his entire farm including three log houses, all his livestock and three acres of corn.<sup>22</sup> Wyandotte Chief Adam Brown, for reasons that are inexplicable, did not receive any compensation for the 100 head of cattle he contributed to the war effort.<sup>23</sup> Battle-worn and of advanced age, former chiefs and their families in the northwest who lived in sedentary villages often lost all of their worldly belongings. Most did not live long enough to recoup their costs.

The first payment was delayed by nine years and the remainder no matter how small was divided into a series of three payments of thirty-three and a third percent. As late as 1844 a statement prepared by the Receiver General confirmed that more than £3000 in payments remained outstanding.<sup>24</sup> The executive reported it had no knowledge of the distribution of any funds transferred from the colonial government to the Indian Department to pay the “friendly Tribes of Indians.”<sup>25</sup>

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<sup>21</sup> LAC, RG 10/715, Report, Board of Claims, Sandwich, 12 December 1815, np.

<sup>22</sup> LAC, RG 10/715, Claimant No. 62, George Bluejacket, Shawnee Tribe of Indians Claimants, Irregularly paginated. George Bluejacket (fl. 1813), interpreted for the British during the war. Curnoe, *Deeds/Nations*, 14.

<sup>23</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 115.

<sup>24</sup> *JLAPC*, Appendix No. 2 to the 4<sup>th</sup> volume (Montreal: Rollo Campbell, 1845), Appendix G.G.G. “Statement...of War Losses awarded to individuals or persons in Upper Canada, and remaining unpaid,” 22 March 1845, np.

<sup>25</sup> *JLAPC*, Appendix No. 2 to the 4<sup>th</sup> volume (Montreal: Rollo Campbell, 1845), Appendix G.G.G., Higginson to

A comparison of claims reported to the Sandwich Board of Claims by Western Nations in 1815 and again in 1834 indicates that losses were underreported and then significantly reduced by officials.<sup>26</sup> In 1815, 37 Huron, Chippewa and Shawnee had £1846 in claims approved by the Board. At the second installment in 1834, 46 appeared and claimed £2237 in losses but this amount was reduced to only £1490. George Ironside, the Superintendent at Amherstburg, paid them £295 or less than thirty-three percent.<sup>27</sup> Nine of the 46 were Chippewa who claimed £282. Their amount was reduced to £196 and they received £38, a paltry thirteen percent of their original claim.<sup>28</sup> These percentage amounts do not correspond to the instructions issued to the Sandwich Board and the executive, by its own admission, did not monitor or accurately document the distributions.

Of the 37 who claimed in 1815 and 46 in 1834, only 20 attended both distributions and just nine of the original 20 Chippewa claimants did so, suggesting that a number of deserving claimants never received the compensation awarded to them. Because payments continued to be irregular and made on an ad-hoc basis, claimants missed distributions, relocated or died as years passed. Deputy Superintendent General H.C. Darling confessed to Ironside Jr. in 1827 that a payment of £1750 was then due on a total award of £5000, but admitted it would “be difficult to arrange a distribution of it with justice to all parties.” He further opined that there was “no probability” that the full amount, itself a fraction of the more than £8871 originally claimed,

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Daly, 20 February, 1845, np.

<sup>26</sup> LAC, RG 10/715, Indian Claims, 1814-1826; RG 10/569, List of the Summary Losses during the late War, 22 October, 1834, 213. In 1815 the “Chippewas” were included with the “Ottawa.” In 1834 “Chippewas” likely included the Ojibwa, Odawa and Potawatomi as they are not counted elsewhere.

<sup>27</sup> The Ottawa, Chippewa and Shawnee received slightly less than £100. The Moravians and Wyandotte (Huron) suffered obvious and documentable damage to their farms and villages and received £227 and £328 respectively.

<sup>28</sup> LAC, RG 10/569, List of the Summary Claimants for Losses Sustained during the Late War, 22 October, 1834.

would ever be distributed.<sup>29</sup> Ironside did make another payment in 1837, but it is not known whether this included balances owing to the Western Nations or if he made any payments thereafter.

The number of Indigenous peoples potentially affected by the war is not well known. The 1844 Bagot report estimated that two to three thousand who annually received presents were “only a small portion” of “those who fought on the side of the British” and that “considerabl[y]” more were entitled to claim them.<sup>30</sup> Only 1600 of the 7000 British regulars stationed in the Canadas were allocated to protect Upper Canada against an estimated American force of 13,000.<sup>31</sup> In comparison, 1590 of the estimated 7410 Anishinabe warriors in the Western Confederacy resided in Upper Canada. As a whole, men of fighting age were believed to number about 8410, a significant and deciding factor in British victories in the northwest borderlands.<sup>32</sup> If four family members resided with each warrior, potentially 30,000 to 50,000 Anishinabe peoples were affected in some way by war. Considerably more suffered dislocation and damage to themselves and to their property than documented.<sup>33</sup>

At a council held at Amherstburg in 1816, the Western Nations told the Commandant and Indian Department officials, “Father—When we were fighting for you against the Big Knives, you told us that if any of us got hurt or wounded...that...if any War or Village Chief should be

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<sup>29</sup> LAC, RG 10/586, Darling to Ironside, 24 March 1827, 24575-76; Darling to Givins, 27 October 1827, 24589-90.

<sup>30</sup> *JLAPC*, 1844-5 Bagot Report, np.

<sup>31</sup> C.P. Stacey, “The Defence of Upper Canada, 1812” in *The Defended Border: Upper Canada and the War of 1812*, ed., Morris Zaslow (Toronto: MacMillan, 1964), 12.

<sup>32</sup> Allen, *His Majesty's Indian Allies*, Appendix B: List of Indian Warriors as they Stood in 1812, 219-221; Corbiere, “War of 1812 Bicentennial,” 2. With the exception of the Sioux, this number included all known supporters of the British cause between Sandusky and the Mississippi.

<sup>33</sup> Taylor, *War of 1812*, 125. Taylor estimates that 50,000 Indigenous peoples lived in the Great Lakes Borderlands at this time and one-fifth were warriors. Ethnographic estimates for Indigenous populations are usually based on an average of four or five family members per warrior. Statistics Canada, *Censuses of Canada, 1665-1871*, “Aboriginal Peoples,” Last Modified, 22 October, 2008, <http://www.statcan.gc.ca/pub/98-187-x/4151278-eng.htm>

killed that his relations should be recompensed for his body...you told us not to mind...for that at a future day, we should be recompensed for anything we might lose~”<sup>34</sup> The small number of claimants recorded obscures the fact that thousands of unrecognized Indigenous peoples suffered physically and materially, not only as a result of the War of 1812 but from displacement during and after the American Revolution and in the Northwest. Accordingly, Anishinabe, Wyandotte and Potawatomi peoples, some experiencing the first real peace in forty years, depended upon other sources of British assistance in the form of rations, presents, pensions and land payments while they rebuilt their communities.

Payments of pensions and rations, acknowledged by John Johnson to be “so important an aid,” recognized sacrifices made by Indigenous communities to the British war effort and helped compensate families for the loss of the labour of wounded men.<sup>35</sup> British and Indigenous leaders shared command of combined forces of warriors, soldiers and militia. As long as Americans targeted Indigenous villages, British authorities had to promise to protect and feed women and children before their men would leave them.<sup>36</sup> The Western Nations abandoned their “Property” to answer Brock’s personal appeal to fight and they believed that “the Master of Life would be charitable” and “show them kindness.”<sup>37</sup> Indigenous leaders recalled that Prevost assured them in 1812 that he would “wipe the blood away”<sup>38</sup> and provide the widows and their children with

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<sup>34</sup> *MPHS/16* (Lansing, MI: Wynkoop, Hallenbeck, Crawford Co., 1890), “Indian Council held at Amherstburg, 19 June, 1816,” 471-3.

<sup>35</sup> LAC, RG 10/589, John Johnson to Darling, 4 November 1823, 56-60; *BPP*, Vol. 617 (1834), Givins to Rowan, 28 November 1832, 144.

<sup>36</sup> LAC, RG 10/441, “Proceedings of a Council where were assembled the Chippewas, Ottawas, Saukies, Munseys & Moravians”, 26 May 1814, 890-92.

<sup>37</sup> LAC, RG 10/36, “Petition to the Duke of Richmond”, 31 August 1819, 20909. The word “property” is used in the petition.

<sup>38</sup> LAC, RG 10/35, “Council No. 3,” Drummond Island, 7 August 1817, 20212-22.

pensions in the form of “money or goods according to the Rank of the deceased.”<sup>39</sup> Indeed, a general order issued in July 1813 stated that upon losing an eye or suffering injuries equivalent to the loss of a limb, chiefs would receive annual pensions of \$100 (£25) and warriors \$70 (£17), and their widows, \$200 (£50) and \$140 (£35) respectively.<sup>40</sup> The wounded, if unable to accompany their communities to their winter hunting grounds had to stay behind in summer villages. The government gave pensions to Indigenous warriors “for wounds received in action” and rations to the children of those “incapacitated from gaining their livelihood by hunting.”<sup>41</sup> However, in 1829, an interpreter for Mo-co-man-nish, a wounded Ottawa veteran told Lieutenant-Colonel Mackay; “he reminds you of your promise, he has a large family and can barely support them.”<sup>42</sup> While Chiefs and warriors did not receive amounts comparable to the average \$80 (£20) pensions given to non-Aboriginal veterans and \$200-\$600 (£50-£150) in half-pay paid yearly to officers and widows between 1783 and 1814, the burden of proof was onerous for everyone.<sup>43</sup> Even so, the chance to receive a stable income, however small, was advantageous to Anishinabe and Eurocanadian families alike.<sup>44</sup> For Indigenous peoples, whose subsistence was so dependent upon physical strength and agility, they were vital.

Peace widened the gulf between what Aboriginal people believed was promised to them and what the British understood their obligations to be. After explaining the terms of the

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<sup>39</sup> LAC, RG 10/589, Superintendent John Johnson confirmed this promise in a letter to H.C. Darling on 4 November 1823, 56-60. According to the petition to the Duke of Richmond, ranks consisted of War Chiefs, Village Chiefs and warriors.

<sup>40</sup> Alan Corbiere, “Mookomaanish: The Damned Knife,” *Ojibwe Cultural Foundation Newsletter*, Vol. 6, Issue 7 (Aug. 2011): 5.

<sup>41</sup> LAC, RG 10/589, Archibald Kennedy Johnson, Secy. IA to Darling, 24 Feb, 1822, 17-18 and RG 10/586, Darling to Givins, 5 June, 1827, 24579.

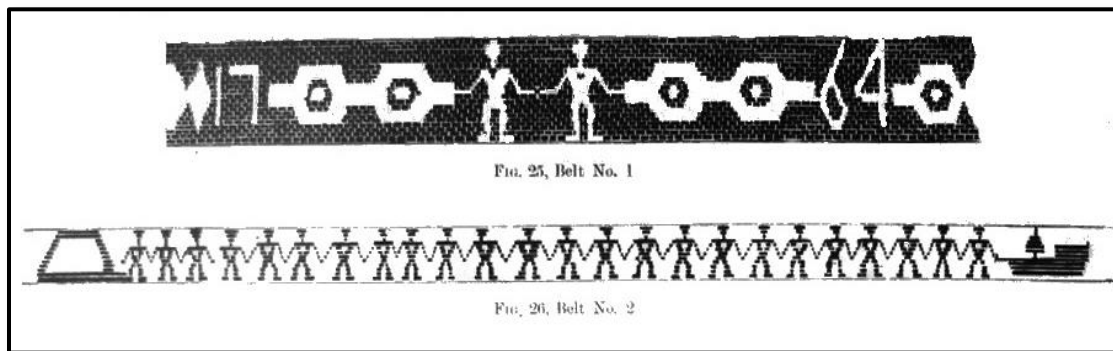
<sup>42</sup> *JLAPC*, Appendix No. 1 to the 6<sup>th</sup> volume, (Montreal: Rollo Campbell, 1847), Appendix T: App.48, Minutes of Speeches made by Different Tribes of Indians in Reply to Lieutenant-Colonel Mackay’s of 11 July, 1829, unpaginated. (hereafter *JLAPC*, 1847 Report on the Affairs of the Indians).

<sup>43</sup> Johnson, *In Duty Bound*, 111; J.K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Kingston: McGill-Queen’s University Press, 1989), 38.

<sup>44</sup> Wilson, *As She Began*, 108

*Proclamation of 1763*, Johnson gave the Western Nations a “great Covenant Chain” belt bearing the date 1764, telling them to “preserve my Words in your Hearts... [and] look upon this Belt as the Chain which binds you to the English, and never let it slip out of your hands.” He symbolically affixed one end to the “Chippaweighs at St. Mary’s” and the other, to his house.<sup>45</sup>

**Figure 9: 1764 Covenant Chain and Twenty-Four Nations Wampum Belts<sup>46</sup>**



**Source:** Engravings made by Rev. George Hallen in 1852. A.F. Hunter, “Wampum Records of the Ottawas,” *Archaeological Report*, 16<sup>th</sup> Annual Appendix to the Report of the Minister of Education, Ontario (Toronto: Warwick Bros. & Rutter Printers, 1901), 52-55.

It is believed that a “Twenty Four Nations Presents Belt,” portraying the interconnectedness of the nations to each other, and to the British through their interlocking hands, accompanied the 1764 belt.<sup>47</sup> (See Figure 9 above). Based on “promises of protection and sustenance” these belts assured the Western Nations that they would receive the “necessaries of life...as long as the world shall last” and should be considered “the foundation of the British-Anishinaabeg Treaty Alliance.”<sup>48</sup>

Firstly, Anishinabe leaders expected that they would continue to receive quantities of

<sup>45</sup> *Papers of Sir William Johnson*, Vol. 11, 309-310.

<sup>46</sup> My thanks to Alan Corbiere for bringing this source to my attention.

<sup>47</sup> *Papers of Sir William Johnson*, Vol. 11. For the entire conference, see “Nations at Indian Congress at Niagara” July, 1764, 276-324. Hallen family oral histories and Ottawa Chief Assiginack “Blackbird” [c.1768-1866] trace the belt back to the Niagara Conference. Hunter, “Wampum Records of the Ottawas,” 52-55.

<sup>48</sup> Johnston, “Connecting People to Place,” 15.

utilitarian goods or ‘presents’ like Covenant Chain gifts of goodwill, trade, and diplomacy. Secondly, British military and Indian Department officials (including Commanders of the Forces) made specific promises to assist individual chiefs and villages in exchange for provisions, military support and intelligence, and to support friends and relations. Thirdly, after 1780, officials assured their Anishinabe allies that pensions and rations would be forthcoming to compensate them for losses suffered directly as a consequence of their loyalty. Lastly, nations who negotiated treaties became eligible for annuities or additional payments for their lands in the form of goods or money. In addition to the speeches of Black Hawk and Mookomaanish, petitions and speeches from Anishinabe leaders in the Western District reiterated these promises. They accused officials of combining these promises under the moniker of ‘presents’ in order to reduce and eventually eliminate them.<sup>49</sup> The colonial government considered many of these agreements to be relics of a colonial past or promises made only for the duration of the war. Peace rendered most of them costly and unnecessary.

The British did not have a plan to demilitarize or provision Aboriginal people in the borderlands who found themselves unable to return to the United States and surrounded by devastation. Policy at the posts had always been to feed individuals while they waited for their presents and during the war, British largesse increased substantially to feed Anishinabe families camped around Malden and Amherstburg. By June 1815, William Caldwell wrote that the government was “feeding upwards of 1,900 [Indians]” daily rations consisting of bread, beef or pork, flour, and rum. But all soldiers, militia and warriors, once disbanded, were no longer entitled to army rations. That same year, Caldwell received instructions to disperse them.<sup>50</sup> Many

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<sup>49</sup> Aazhoodena, “History of Stoney Point First Nation,” 1 & 9.

<sup>50</sup> *MPHS/16*, Wm.Caldwell, Sandwich to William Claus, York, 15 June 1815, 133; Kulisek, “Caldwell, William,”



of the 600 Chippewa at the Chenail Ecarté, 387 Ottawa on Fighting Island, and others in the area had fled their villages and hunting territories in the United States. The chiefs and Indian Department officials knew they faced violence if they returned.<sup>51</sup> Lieutenant Colonel Reginald James protested this policy on strategic and humanitarian grounds arguing the prudence of retaining 1300 “British Indians at Detroit and this side [Canadian].” James also acknowledged that officers promised them provisions and ammunition until “grain could be raised by their own labour” or they could safely return home.<sup>52</sup> It seems that others did too, as Lieutenant Governor Francis Gore approved Indian Department requisitions for 195,000 pounds of rations and 675 gallons of rum for distribution at Amherstburg between Christmas 1815 and June 1817.<sup>53</sup> Compared to the 4500 pounds requested for Kingston and 9,000 pounds at York, Amherstburg’s ration estimates amounted to more than ten times the 18,000 pounds earmarked for Fort George and Drummond Island.<sup>54</sup> According to Caldwell’s return, daily rations to feed the 1200 “Indians Dependent on the Post of Amherstburg,” and others at Sandwich, Moravian Town and the Thames and St. Clair actually exceeded the estimate cited above. Indian Department officials found it difficult to justify these enormous expenses, not only because their superiors believed that continuing to distribute rations encouraged “Idleness” but because the measure failed to solve the problems of a significant diasporic Indigenous population in the borderlands.<sup>55</sup> In 1817

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*DCB Online*, [www.biographi.ca](http://www.biographi.ca)

<sup>51</sup> *MPHS/16*, R. James to Maj.-Gen. Robinson, 16 July 1815, 173-176.

<sup>52</sup> *MPHS/16*, James to Robinson, 6 September, 1815, 245.

<sup>53</sup> *MPHS/16*, “Requisition for Provisions and Rum for the Indians in Upper Canada from the 25<sup>th</sup> Dec 1815 to the 24<sup>th</sup> June 1817 inclusive.—“ W. Claus, D.S.G., Indian Department, York to Lieutenant Governor Francis Gore, 22 February 1816, 591.

<sup>54</sup> *MPHS/16*, “Requisition for Provisions and Rum for the Indians in Upper Canada from the 25<sup>th</sup> Dec 1815 to the 24<sup>th</sup> June 1817 inclusive.—“, 591.

<sup>55</sup> *MPHS/16*, B. Caldwell, “Return of Indians Dependent on the Post of Amherstburg, 15 August 1816,” 524; “Edward Barwick, Commandant, Amherstburg to Major General Wilson, 10 October, 1816, 536-7; “Unaddressed and without Signature or Date” [regarding the 1815-1817 requisition], 652-653. Caldwell counted 1166 at

Black Hawk complained there were too “many widows and orphans in our village whose hearts are still bloody.”<sup>56</sup>

Aboriginal people in the borderlands continued to depend on presents and pensions distributed by the Indian Department and the Western Superintendency represented the largest portion of the budget. In the late 1820s, 13,000 to 15,000 Aboriginal people received presents in Upper Canada and one third to one half of them came to Amherstburg. When the northwestern post of Drummond Island is included, the Western Great Lakes accounted for at least 75 percent of the goods distributed. Between January and October 1830, 5100 out of a total of 15,119 who received presents throughout Upper Canada received them at Amherstburg. They consumed 12,962 pounds of bread, 14,273 pounds of beef, 90 pounds of pork, 1191 pounds of flour, and 423 rations of rum in the process.<sup>57</sup> While the Anishinabe viewed all of these promises as long term promises of goodwill and believed officials would not allow them to suffer, officials considered them to be merely temporary measures that would cease immediately once the border dispute with the Americans was solved. But as post records show, Anishinabe in the borderlands continued to frequent Amherstburg even after many returned to Michigan. Darling issued an order to reduce rations to wounded Indians and to widows of warriors in 1823 and the department continued to find ways to reduce the costs of their promises.<sup>58</sup>

In an effort to combat perceived “irregularities,” general instructions issued in 1821 further violated the promises made to the Western Nations.<sup>59</sup> Despite the fact that they

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Amherstburg but the Commandant wrote that rations for 4000 persons were needed in the last three months alone.

<sup>56</sup> LAC, RG10/35, “Council No. 3, Drummond Island”, 7 August 1817; 20212-22.

<sup>57</sup> LAC, RG10/792, General Returns of Indians who Received Presents, 1827 and 1828, 7403, 7442-5; RG 10/ 569, General Return of all Goods issued to Indians for Presents, Amherstburg, 14 October, 1830, 37-40; *BPP*, Vol. 617 (1834), Estimate of Total Annual Expense, Presents for Indians, 17 June 1830, 131.

<sup>58</sup> LAC, RG 10/589, J. Johnson to Darling, 4 November 1823, 56-60. This could merely be a coincidence.

<sup>59</sup> LAC, RG 10/587, A.K. Johnson, General orders, 15 December 1821, 28.

historically came to Amherstburg for all their communications with the Crown, officials proposed that medical boards at Fort George or Kingston examine Indian pension claimants.<sup>60</sup> It appears that some disabled Aboriginal veterans were required to travel nearly four hundred kilometres (approximately 250 miles) from Amherstburg to Fort George and perhaps even further if they resided in Michigan Territory. To make matters worse, identical services in the form of a Commissary Officer and medical examiner were already available at Amherstburg. Johnson noted that a policy requiring a “poor” injured Potawatomi man to travel such a distance was a “serious inconvenience” and wrote to Darling asking to approve the request to appear at Amherstburg.<sup>61</sup> Arguing that Indians in Lower Canada had to travel upwards of sixty miles (ninety-six kilometers) for their pensions, Johnson did not seem to be aware that the Western Nations often traveled up to four times that distance to receive theirs.<sup>62</sup> Twenty years after the conclusion of hostilities, the department paid only £25 in “pensions to wounded Indians” in all of Upper Canada.<sup>63</sup>

Despite mounting evidence of hardship and destitution, Darling remained certain that Aboriginal people engaged in widespread fraud. He believed that deserving warriors claimed multiple issues of presents, the wounded signed Powers of Attorney enabling others to collect their pensions, and all frequently exchanged goods for rum “or otherwise dispos[ed of them] ...contrary to the wishes of Government.”<sup>64</sup> Although Johnson wrote that he was not aware of any “irregularities,” requiring veterans to travel to Fort George certainly created difficulties.

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<sup>60</sup> LAC, RG 10/589, John Johnson to Darling, 3 January 1824, 63.

<sup>61</sup> LAC, RG 10/589, A.K Johnson to Claus, 19 July 1822, 25.

<sup>62</sup> LAC, RG 10/589, A.K Johnson to Claus, 13 July, 1822, 24.

<sup>63</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Appendix 50, Upper Canada: Abstract of Expenditure of Annual Parliamentary Grant, 1836-1843, np.

<sup>64</sup> LAC, RG 10/589, J. Johnson to Darling, 4 November 1823, 56-60; RG 10/586, Darling to Givens, 5 June, 1827, 24579.

Those who could or would not make such an onerous journey founded themselves compelled to sign their pensions over to merchants or traders to pay debts for goods received locally. Some Indigenous people wished to purchase alcohol, but the department's own correspondence cited no evidence to support an epidemic of fraud or drunkenness. Selling or trading goods received from the government historically was one oft-used method of circumventing British policy when it was not attuned to their needs, but officials failed to report this as problematic.<sup>65</sup> Even though the department had no accurate way of measuring the frequency of the practice, Darling told Commissary officials to have the goods marked to discourage trade or re-sale.<sup>66</sup>

Paternalistic policies requiring Aboriginal people to travel great distances worsened the problems pensions were designed to alleviate. Individuals required several months of pension goods ahead of time to reduce the burden of travel and enable seasonal hunting in Michigan Territory. Those unable to make the journey either had to have someone sign on their behalf or do without, a situation that increased suffering and encouraged hoarding. Better equipped to prevent fraud, officers at Amherstburg knew local Indigenous peoples and understood their needs better than officials at Fort George.

Combining the various entitlements into one or two annual disbursements was one of the last cost-cutting initiatives. This expedited the distribution of goods and shortened the time spent at the forts consuming rations.<sup>67</sup> When goods were separated by ceremony and distributed at different times, Indigenous peoples assigned the payment to the correct debt and could easily see

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<sup>65</sup> *BPP*, Vol. 617 (1834), esp. 137-146. and Enclosure No. 1, James Givins, Chief Superintendent to Lieutenant-Colonel Rowan, Civil Secretary, 28 November 1832, 143-144. The Commissariat and the Indian Department routinely accused each other of negligence in estimating, distributing and accounting for presents.

<sup>66</sup> *BPP*, Vol. 617 (1834), Letter No. 8, Commissary-General Wood to the Treasury, 21 December 1821, 39. Placing the initials "I.D." on items like gun stocks did not stop items from being sold or traded.

<sup>67</sup> MPHS/16, "Unaddressed and without Signature or Date" [regarding 1815-1817 requisition], 652-653; RG 10/589, A.K. Johnson to Claus, 13 July, 1822, 24; A.K. Johnson to Darling, 19 July 1822, 25.

and recall amounts received for land and as presents.<sup>68</sup> It became difficult to ascertain value when so many gathered in one place and goods were left in piles for the chiefs to distribute or handed in bundles to individuals. Combining goods for different purposes prevented Anishinabe leaders from visually assessing the payments for individual transactions and thus from keeping their own accounts year to year.<sup>69</sup> When the department began commuting treaty annuity money to goods and changing presents from trade goods to agricultural implements and clothing after 1825, measuring and accounting for various payments became even more difficult.<sup>70</sup> The use of the terms “presents”, “pensions,” “disbursements” and “goods” inaccurately and interchangeably in their correspondence suggests that even Indian Department employees and staff in the Colonial Office did not really distinguish between the different entitlements.<sup>71</sup> Commuting presents and annuities to goods and combining them into one lump payment enabled the department to gradually reduce and eliminate their overall quality and value. They repurposed what remained for ‘civilization’ and settlement.<sup>72</sup>

By the late 1820s, recovery and survival in the post-war period for those who lived in Tecumseh’s shadow depended upon both goods and the attendant goodwill of settlers and officials. Most, including the Assistant Commissary General, believed that the government

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<sup>68</sup> For the importance of objects and ritual to memory and record-keeping see Nancy Shoemaker, *A Strange Likeness: Becoming Red and White in Eighteenth Century North America* (New York: Oxford University Press, 2004), 69-72.

<sup>69</sup> Aazhoodena, “History of Stoney Point First Nation,” 9. Individuals remained cognizant of what they deserved.

<sup>70</sup> For an explanation of annuities, see glossary in Appendix A. *BPP*, Vol. 617 (1834), Enclosure No. 1, Colborne, 7 May 1829, 41; Kempt to Murray, 22 June 1829, 54; Colborne to Aylmer, 19 February 1831, 130. In 1829, Colborne recommended commuting £3000 worth of presents and annuities to farm implements.

<sup>71</sup> *BPP*, Vol. 34, No. 323, esp. Head to Glenelg, 20 November 1836, 124-31; Neu, “‘Presents’ for the ‘Indians,’” esp. 168, 171.

<sup>72</sup> *BPP*, No. 323 (1839), R.J. Routh, Commissariat, Quebec, to John Joseph Esq. Civil Secretary, 10 December, 1836, 133-34; J. Givens, Chief Superintendent, Indian Department, UC Indian Office Toronto, to Routh, 11 January 1837, 135-6. The Indian Department budget for presents was approved in advance by parliament based on estimates according to a Treasury Price List. When the cost of goods exceeded the estimate, items increased in value or could not be acquired they had to be substituted for items of lesser value. The mantra was “Equality of Quantity,” not Equality of Value.”

treated warriors of the Western Nations “ranked as officers” or wounded in battle the same as the militia and paid them their full pensions.<sup>73</sup> But this is simply not true. The estimated number of Aboriginal people recorded by British officials as veterans of the western theatre in 1812-14 does not align with current estimates or with the small number who later received compensation, pensions, rations and presents. The spectacle of present distributions created the impression that Aboriginal veterans and their families received better treatment than everyone else who had to reapply twice per year.<sup>74</sup> But pensions along with other payments differed from “presents” and they were rarely, if ever, distributed in the form of currency. Though they were all sacred agreements and Covenant Chain obligations, Indigenous people understood reimbursement for losses along with rent, presents, pensions, land payments, rations and gifts to have been separate and distinct payments recognizing both ceremony and sacrifices the Western Nations made in the course of sharing their lands with Europeans. The British Indian Department simply distributed a set amount of goods according to a yearly budget approved in advance. Leaders like Black Hawk did not know that the British reduced the presents to a tenth of their former value at the end of the war, but they saw and felt the results in their communities. In 1816, the year before Black Hawk met the British on Drummond Island, they were reduced from £117,500 to £16,000.<sup>75</sup> After 1830, irrespective of promises or present needs, the British Parliament issued an annual grant of £20,000 for the cost of presents in both Upper and Lower Canada, an amount that could not be exceeded under any circumstances.<sup>76</sup>

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<sup>73</sup> *BPP*, No. 617 (1834), Thomas Wilson, to Lord Howick, 29 March, 1832, 140.

<sup>74</sup> *BPP*, No. 323 (1839), Bond Head to Glenelg, 20 November 1836, 129.

<sup>75</sup> LAC, RG 10/792, Major General H.C. Darling to Sir James Kempt, Earl of Dalhousie, Commander of the Forces containing a Report on Indian Affairs, Upper Canada, 24 July, 1828, 7436. (hereafter cited as LAC, RG 10/792, 1828 Darling Report); Viscount Howick to the Hon. J.K. Stewart, Downing-street, 14 February, 1832, 138.

<sup>76</sup> *BPP*, Vol. 617 (1834), R.W. Hay to Sir J. Colborne, 2 July 1831, 133; Viscount Howick to the Hon. J.K. Stewart, Downing-street, 14 February, 1832, 138.

Goods and rations distributed by the Indian Department assumed such importance because the Anishinabe had lost so much livestock and food in the War. The government cut presents during the unseasonably cold and snowy conditions in 1816, “the year without summer.” A post-war recession, unpredictable weather, and intermittent crop failures delayed economic recovery in the Western District well into the 1820s.<sup>77</sup> Indeed, Indigenous allies who survived the war were not distressed by the fact that they were no longer needed as allies after 1814; they were devastated because the Crown failed to honour promises made by its highest ranking servants. By 1818, these circumstances made the negotiation of the Huron Tract Treaty all the more important.

### **The Huron Tract Treaty, 1818-1827**

In the nineteenth century, Lieutenant Governors, military, civil and Indian department officials and Chiefs expected that Indigenous peoples would settle a portion of the Western District.<sup>78</sup> By 1818 leaders of the Chenail Ecarté & St. Clair, Thames and Bear Creek understood that political and economic conditions were changing. John Askin Jr., Indian Superintendent at Amherstburg and son of the famed trader, merchant and speculator, proposed a surrender of land from the Thames River north to Lake Huron with some of the region’s chiefs in the fall of 1818.<sup>79</sup> Chawme told Askin that they would consent to the treaty in exchange for five reserves and the ability to purchase more land if needed, a cash annuity, a blacksmith and a farming instructor.<sup>80</sup> While officials attempted to change the terms, it took nine years to finalize the treaty because the chiefs refused to acquiesce. In the words of an unknown chief, “we hesitated for a

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<sup>77</sup> Peter McGuigan, “1816: The Year Without Summer,” *The Beaver*, Vol. 83, No. 3 (June 2003): 18-21; G. Elmore Reaman, *A History of Agriculture in Ontario*, Vol. 1. (Toronto: Saunders, 1920), 39.

<sup>78</sup> MPHS/16, James to Robinson, 16 July 1815, 173-4.

<sup>79</sup> LAC, RG 10/35, Askin to Claus, 10 October, 1818, 20567; RG 10/35, 22 October, 1818, 20585-6.

<sup>80</sup> LAC, MG 19 F1, Vol. 11, “Minutes of a Council held at Amherstburg, 16<sup>th</sup> October 1818,” 95-6.

long time before we were content to let our Great Father have [the land]...<sup>81</sup>

Negotiations for the Huron Tract commenced in 1818 after the Colonial Office substituted payments of one-time distributions of goods with perpetual annuities.<sup>82</sup> Chawme understood annuities as cash paid directly to them, and he requested annual payments for a term of fifty years, “half in hard money & half in cloathing.” These payments, Chawme specifically stated were to be separate and distinct from any other presents, pensions, goods or monies they currently received or might be entitled to receive in the future.<sup>83</sup> Chiefs and officials were aware that lump-sum payments of goods they received in the 1790 and 1796 Treaties were gone while settlers continued to enjoy the use and accrued value in improvements made to the lands surrendered.<sup>84</sup> Specie was scarce, and Chawme undoubtedly realized that cash payments allowed them the freedom to purchase articles they required. One year after the policy change, Askin presented the chiefs with a Provisional Agreement in 1819 stipulating that the entire payment would be made in goods. The chiefs refused to sign it and were extra vigilant with every agreement put before them, demanding to know how much money they were going to receive before they signed.<sup>85</sup> However, as non-English speakers, they relied on the honesty and accuracy of translators and faced officials intent on substituting currency with goods whenever possible.<sup>86</sup>

That it took nine years to negotiate the Huron Tract treaty suggests the process was plagued with problems from the very beginning. Though only the 1825 Provisional and final agreements (Numbers 27 ½ and 29) are published in *Indian Treaties and Surrenders*, at least

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<sup>81</sup> LAC, RG 10/37, “Substance of a Speech delivered in Council on the 18 June, 1820,” 21260-1.

<sup>82</sup> Surtees, “Indian Land Surrenders in Ontario,” 37. To avoid paying for the land in full, the government made yearly payments of accrued interest.

<sup>83</sup> LAC, MG 19 F1, Vol. 11, “Minutes of a Council held at Amherstburg, 16<sup>th</sup> October 1818,” 95-6.

<sup>84</sup> Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 21.

<sup>85</sup> Rhonda Telford, “How the West Was Won,” 331-2.

<sup>86</sup> LAC, RG 10/37, Ironside to Claus, 17 May 1820, 21191-2; RG 10/36, Askin to Claus, 17 February, 1819, 20688.



three officials produced several agreements over the period.<sup>87</sup> John Askin Jr. assumed the position of Superintendent at Amherstburg in 1815 but died in 1819. He was followed by George Ironside(s) Sr. and George Jr. in 1825. The dates of extant agreements indicate the superintendents often approached leaders in the spring and fall when they were away hunting and fishing. Some chiefs did not attend the first council and Askin admitted he had difficulty assembling them the following spring for this reason.<sup>88</sup> This also created opportunities to approach leaders individually and on one occasion when Askin discussed the 1818 agreement privately, he did so with Tomego, and the reserve was never created.<sup>89</sup> Private meetings created privileged understandings which over time, interfered with the collective memory of Anishinabe leaders.

Stationed at Amherstburg, Askin and the Ironsides possessed additional opportunities to isolate and harass Anishinabe leaders during the distribution of presents. In October 1818, Askin wrote that he would ask them about surrendering their land “the moment the Chiefs & principal men” arrived for their presents.<sup>90</sup> How many times he approached them is not known. However, in March 1822 the discussions were so objectionable that that two Anishinabe Chiefs were reportedly “poisoned by their own nation” for agreeing to it.<sup>91</sup> In a petition to the Duke of Richmond in August 1819, Anishinabe and Wyandotte Chiefs had demanded Askin’s removal because they said he did not listen to them.<sup>92</sup> As a consequence, the negotiations themselves caused considerable anxiety and discord among leaders long before an agreement could be

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<sup>87</sup> Telford, “How the West was Won”, 331; LAC, RG 10/10017, G.M. Mathieson Biographies, 32.

<sup>88</sup> LAC, RG 10/36, Askin to Claus, 2 February, 1819, 20674.

<sup>89</sup> LAC, RG 10/Askin to Claus, 22 October, 1818, 20585.

<sup>90</sup> LAC, RG 10/35, Askin to Claus, 10 October 1818, 20567.

<sup>91</sup> “How the West Was Won,” 333; Joan Holmes, “Ipperwash Commission of Inquiry Historical Background, Report Prepared for the Ipperwash Commission of Inquiry” (Joan Holmes & Associates Inc., June 2004), 14. Available at the *The Ipperwash Inquiry Archive*, updated 6 June, 2007, <http://www.attorneygeneral.jus.gov.on.ca>

<sup>92</sup> LAC, RG 10/36, Petition to the Duke of Richmond, 31 August, 1819, 20909.

reached, and leaders held different understandings of the contents.<sup>93</sup>

In 1829, Peter Jones reported that thirty principal men resided on Walpole Island alone.<sup>94</sup> Researcher Joan Holmes determined that twenty-three chiefs signed the 1818 Provisional agreement, the highest number on extant documents in 1818, 1820, 1825 and 1827. (See Table 4 below). By 1827 only eighteen totems appear and only seven chiefs signed all four agreements.<sup>95</sup> Most unfortunate is the loss of Chawme's understandings of the earlier agreement. He died sometime between April 1819 and July 1823.<sup>96</sup> As Table 4 shows, the agreement changed dramatically between 1820 and 1827 such that the chiefs who attended earlier councils agreed to a substantially different Treaty than those who signed in 1825 and 1827.<sup>97</sup> In other words, while there were always some leaders present who had attended earlier councils, there were always new chiefs present as well. The conditions explicit in the various agreements must have been impaired by the varied attendance.

Prior to 1819, Askin met with leaders in the entire region, referring to them as the "Chippewas of Chenaille Ecarté, River St. Clair, Sable, Bear Creek and Thames." That same year the treaty was split into two different agreements and the amount of land the Chippewas of Chenail Ecarté, River St. Clair and Sable were asked to surrender in the Huron Tract Treaty increased from 712,000 acres to 2,756,000 acres. (See table 4 below). The government pressed

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<sup>93</sup> Telford, "How the West was Won, 328.

<sup>94</sup> Smith, *Sacred Feathers*, 109.

<sup>95</sup> Holmes, "Ipperwash Commission of Inquiry Historical Report," Appendix B, 79-81; See Curnoe for biographies. Several chiefs from Sarnia attended all four councils: Amikinice (Sarnia), Pukinince (Sarnia), Osawip (Sarnia), Shawanipinissie (St. Clair), Wawanosh (Sarnia), Muskatuogie (Bear Creek/Thames), Saganish (Chenail Ecarté).

<sup>96</sup> DPL, George Ironside Papers, Box 16, Folder 9, Indian Record Books, 1815-1824, 1 August, 1823.

<sup>97</sup> Holmes, "Ipperwash Commission of Inquiry Historical Report," Appendix B, 79-81. Between the four separate councils there are fifteen possible attendance combinations. Of these, Anishinabe Chiefs attended eleven different combinations of councils. Some attended all four while others attended only one or two. The chiefs arguably left with eleven different understandings of the agreement depending upon which councils were attended and whether they were early or late in the negotiations process.

**Table 4: Variations in Four Huron Tract Agreements:**

	<b>1818 Council to query chiefs about interest and terms of surrender</b>	<b>1819 Provisional Agreement (voided)</b>	<b>1825 Provisional Agreement (Treaty 27 ½)</b>	<b>1827 Huron Tract Treaty (Treaty 29)</b>
Chiefs Totems	23	16	20	18
	Chippewa of Chenail Ecarté, St. Clair, Aux Sauble, Thames Rivers, Bear Creek	Chippewa of Chenail Ecarté, St. Clair, Aux Sauble <b>(separate Longwoods Treaty for Thames)</b>	Chippewa of Chenail Ecarté, St. Clair, Aux Sauble	Chippewa of Chenail Ecarté, St. Clair, Aux Sauble
Indian Dept. Official	John Askin Jr.	George Ironside Sr.	James Givins	George Ironside Jr.
Interpreter(s)	John Baptiste Cadot	George Wrapp [Rapp] J.B. Cadot	George Wrapp Joseph St. Germain	None Indicated
Surrender Size	712,000 acres	2,756,960 acres	2,756,960 acres	2,182,049 acres
Reserves Size	Not measured	23,040 acres	23,054 acres	17,951 acres
Reserve Location	Lower Reserve (1 sq. mile) Sarnia (4 sq. miles) Kettle Point (2 sq. miles) Stoney Point (2 sq. miles) Bear Creek (2sq. miles) Tomago's Reserve	Lower Reserve Sarnia Kettle Point Stoney Point	Lower Reserve Sarnia Kettle Point Stoney Point	Lower Reserve (2575 acres) Sarnia (10,280) Kettle Point (2446) Stoney Point (2650)
Terms	Chawme requests: •half hard money/half clothing for 50 years •blacksmith/farming instructor •augment reserves for hunting and fishing if population grows •payment separate from other entitlements	•No reserves allowed where non-natives are already settled •Perpetual annuity of £1375 (\$5500) • half money/half goods •payment to cease upon death of recipient	•Perpetual annuity of £1100 (\$4400) or £2.10s (\$10) per person per year in goods •Limited to 440 (men, women, children) and their descendants •To be reduced by half if population of 440 declined by half (no allowance for increase)	

**Sources:** MG 19 F1 Claus Papers, Vol. 11, “Minutes of a Council”, 16 October, 1818, 95-96; LAC, RG 10/797, Prov. Agreement, 9 May 1820, 216-24; Canada, *Indian Treaties and Surrenders*, Vol. 1, Treaties 27½ and 29, 65-7, 71-5; Holmes, “Ipperwash Report,” 12-18; Telford, “How the West Was Won,” 332-3.

Ironside thereafter to get leaders to accept low valued goods in lieu of an annuity limited only to the treaty signers and their descendants.<sup>1</sup> Bargaining and discussion in any language did not appear to be part of Ironside's mandate as he regarded the chief's attempts to negotiate better terms as "ingratitude" towards "a Father who had treated them with the greatest paternal kindness."<sup>2</sup> The following month, the Chiefs told Ironside that "the white people" were entitled to interest when creditors did not pay their debts on time. Wondering why the government had not yet paid them for the land, they suggested it do so, or return it "and say nothing more about it."<sup>3</sup>

Beginning in 1819, the decision to separate negotiations with the Thames and Bear Creek Chippewa into the Longwoods Treaty<sup>4</sup> splintered the collective knowledge of the signers further, allowing the colonial government to later claim ignorance of the terms. For instance Chawme explicitly told Askin that they wanted a blacksmith and a farming instructor to "be stationed near the reserves" but Ironside claimed to know nothing about those promises and the treaty made no mention of them.<sup>5</sup> Similarly, though McKee promised them Shawanoe Township in 1796 and the Chenail Ecarté and Bear Creek reserves noted by Askin in 1818, parts of all three were granted to militiamen after the War of 1812 and settled without surrenders (Figure 10 below). Askin and Ironside discussed the surrender solely in terms of land for settlement and neither it nor any treaty texts produced prior to 1827, mention anything about the inclusion of water, islands, inland rivers or resources. The final treaty, however, includes "all...of the woods

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<sup>1</sup> LAC, RG 10/35, Askin to Claus, 10 October, 1818, 20567; Telford, "How the West Was Won," 333 & 335.

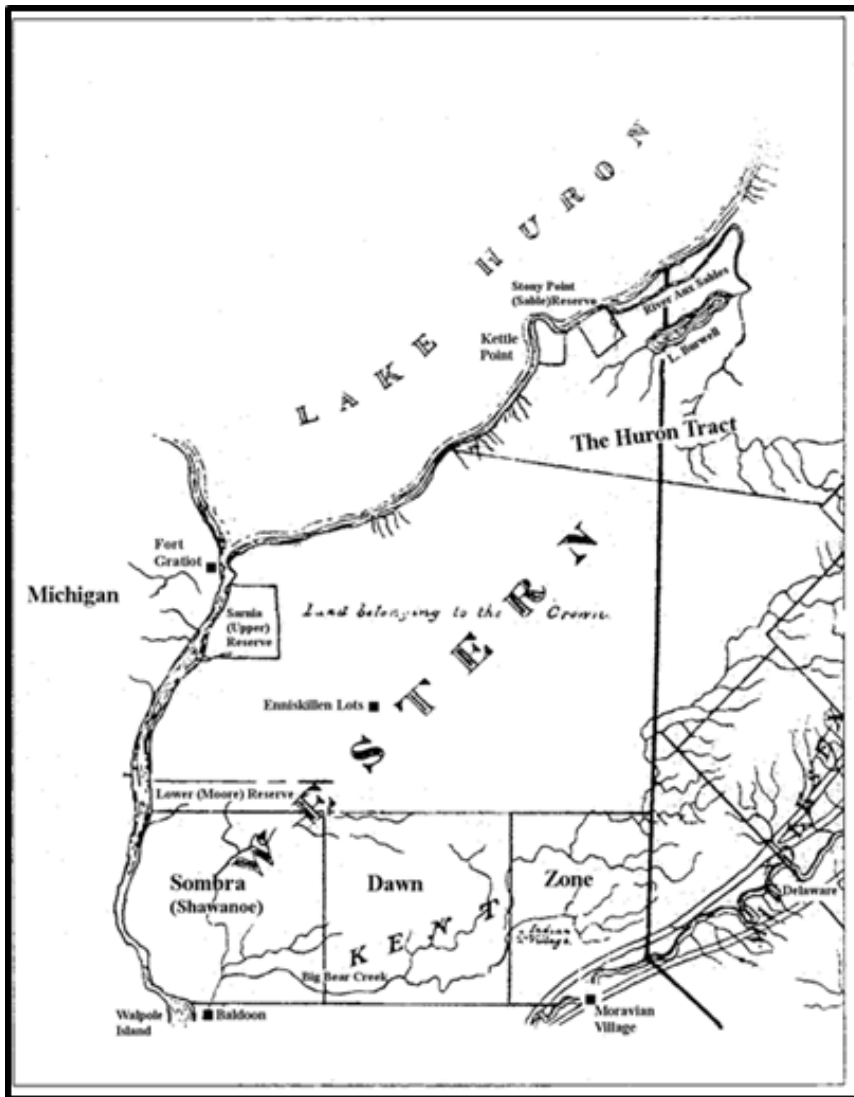
<sup>2</sup> LAC, RG 10/37, Ironside to Claus, 17 May 1820, 21191-2.

<sup>3</sup> LAC, RG 10/37, "Substance of a Speech delivered in Council, 18 June, 1820," 21260-21261.

<sup>4</sup> Canada, *Indian Treaties and Surrenders*, Vol. 1, Treaty No. 21, 49-50, Treaty No. 25, 58-60.

<sup>5</sup> LAC, MG 19 F1, Vol. 11, "Minutes of a Council held at Amherstburg, 16<sup>th</sup> October 1818," 95-6; RG 10/37/Ironside to Claus, 17 May, 1820, 21190-2.

**Figure 10: Huron Tract Reserves and Indigenous Lands in Lambton**



**Source:** Adapted from Gilbert C. Paterson, *Land Settlement in Upper Canada, 1783-1840* (Toronto: C.W. James, 1921), 199.

and underwoods, ways, waters, watercourses, improvements, profits, commodities, hereditaments and appurtenances” on the land ceded.<sup>6</sup> While petitions sent by the Anishinabe after 1827 suggest the leaders held varied understandings of the Huron Tract Treaty, the belief that Shawanoc was reserved in 1796 and that only the land was surrendered were universal.

<sup>6</sup> Canada, *Indian Treaties and Surrenders*, Treaty No. 29, 74.

The substance of the initial Huron Tract Agreement was a re-negotiation of the Covenant Chain designed to repair the mistakes of the past and move forward anew. Chawme's speech epitomizes the balance inherent in two-eyed seeing. It outlined provisions to secure a land base and lay foundations for future social, economic and political cooperation, but also contains fundamental elements of the Two-Row-Wampum and Indigenous understandings of the *Proclamation of 1763*. Caught between expanding American and British settlements, the St. Clair Chiefs remained concerned about the future security of women and children and for their survival as distinct peoples.<sup>7</sup> Their populations, already reeling from decades of warfare and broken promises, could not endure any more conflict.<sup>8</sup> Anishinabe Chiefs vigorously negotiated with officials to secure the political and economic viability of their communities. Reserves, goods and perpetual cash annuities along with agricultural and trades instruction could have provided them with the resources to be self-sufficient and develop what historian John Lutz calls a "moditional economy": one that combined Western and Anishinabe strategies.<sup>9</sup> Once established, income produced by interest on land sales would put them on equal footing with their Eurocanadian neighbours and give them opportunities to build and develop their own institutions and infrastructure. Instead, the Crown received 2,182,049 acres of some of the best land in southwestern Ontario in exchange for a perpetual annuity of £1100 or \$4400 paid yearly to the 440 men, women and children and their descendants enumerated at that time. While documents up to 1825 stress that the Chiefs wanted at least some of the payment made in "hard money," the treaty provided for "lawful money...in goods" at Montreal prices. The Anishinabe

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<sup>7</sup> LAC, RG 10/35, Council No. 3, Drummond Island, 7 August 1817, 20212-22; RG 10/36, Petition to the Duke of Richmond, 31 August 1819.

<sup>8</sup> Goltz, "Tecumseh," *DCB Online*, accessed 30 May 2012, [www.biographi.ca](http://www.biographi.ca).

<sup>9</sup> Lutz, *Makúk*, 9 & 23.

reserved 17,951 acres contained in four reserves located at Sarnia (Upper Reserve), Moore (Lower Reserve), and Kettle and Stoney Point (Ausable).<sup>10</sup> Though it began with much promise, after a decade of harassment, and long and protracted negotiations, the St. Clair Chiefs relied on the good faith of the Crown and reluctantly acquiesced to the terms of the best deal they could secure.

Implementing the Huron Tract Treaty terms coincided with the American removal policy and more coercive attempts to “civilize” Aboriginal people on both sides of the border. The Eurocanadian population of Upper Canada grew from 6000 in 1784 to 220,000 in 1830, and this number doubled in the early 1840s.<sup>11</sup> Reserve populations also increased with the arrival of Indigenous people displaced by agricultural settlement in the new state of Michigan and passage of the Indian Removal Act in June 1830. Shawnee, Miami, Potawatomi and Ojibwa peoples crossed over in waves to Sarnia and Sault Ste. Marie, encouraged by British officials to come for presents and protection. In 1837 for instance, after obtaining the agreement of Walpole and Sarnia Chiefs, upwards of six hundred Saginaw (Saginong) Indians permanently settled on the two reserves.<sup>12</sup> In addition, Clifton estimates that more than 3000 Potawatomi, fleeing aggressive settlers and their governments followed in the 1840s.<sup>13</sup> Between 1837 and 1842, the population of Walpole Island increased from 300 to 1,140 while Sarnia grew from 350 to 742.<sup>14</sup> Communities at Kettle and Stony Point also increased but officials interpreted the Huron Tract Treaty as narrowly as possible, denying these new arrivals a share of the benefits. The treaty

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<sup>10</sup> Canada, *Indian Treaties and Surrenders*, Vol. 1, Treaty No. 29, 71-5.

<sup>11</sup> Peter A. Baskerville, *Ontario: Image, Identity and Power* (Don Mills, ON: Oxford University Press, 2002), 69; Talman, “The United Empire Loyalists,” 4.

<sup>12</sup> Archives of Ontario, F454, William Jones Fonds, *Letterbook of William Jones*, Indian Agent, Baldoon, Jones to Givins, 6 June, 1837; 7 July 1837. (cited hereafter as AO, F454, *WJLB*).

<sup>13</sup> Clifton, *A Place of Refuge for all Time*, 1.

<sup>14</sup> McDougall and Valentine, “Treaty 29: Why Moore Became Less,” 252-3.

limited the annuity to the original 440 and their descendants, and in a spiteful and short-sighted manner only contained a clause to reduce the annuity by half should the population decrease in proportion. Acknowledging that some signatories were in the United States, Jones determined in 1833 that only 375 were entitled to the annuity.<sup>15</sup> As “Treaty” and “non-Treaty Indians” intermarried, and as reserve finances became more complex, differential treatment between them became extremely divisive.<sup>16</sup>

A heterogeneous generation of pioneers and loyalists were also parties to Indigenous Treaties in the Western District. Most of the longest-serving officers in the Indian Department and military, who perhaps understood Anishinabe peoples in a way that other settlers did not, died just when their advocacy and experience was needed most.<sup>17</sup> Chief Superintendent James Givins, the lone surviving veteran of the Revolution, assumed management of the Western or Sarnia Superintendency in 1830, but the vast majority of assistants under his charge were part of a much younger generation who came of age after the loss of the Northwest.<sup>18</sup> Though many were of mixed ancestry like George Ironside Jr., they lacked the concrete diplomatic experience of their forefathers and did not understand Indigenous sovereignty in the context of the Indian Territory outlined in the *Proclamation of 1763*.

The loss of collective knowledge resulting from the deaths of this older generation is

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<sup>15</sup> LAC, RG 10/443, A Census of the Surviving Chippewa Indians...and Surviving Descendants, 19 December 1833, 38-39. Jones counted 339 at the St. Clair and 36 at the Sable.

<sup>16</sup> Victor A. Gulewitsch, “Chippewas of Kettle and Stony Point: Band Membership, March 30, 1927” (Report Prepared for the Indian Claims Commission, 19 May, 1995), 4.

<sup>17</sup> Allen, “The British Indian Department and the Frontier in North America,” 93. Alexander McKee died in 1799 and his son Thomas and Matthew Elliot died in 1814. They were followed William Caldwell in 1822, Robert Dickson in 1823, William Claus in 1826, John Johnson in 1830 and George Ironside(s) Sr. in 1831.

<sup>18</sup> Telford, “The Nefarious and Far-Ranging Interests of Indian Agent and Surveyor John William Keating,” 372-3; Leighton, “The Compact Tory as Bureaucrat,” 40-42 and Leighton, “Ironside, George (d. 1863)” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 1 January 2012, <http://www.biographi.ca>. In the 1830s, James Givins was in his seventies. In contrast, J.B. Clench (1795-1857), Jones and Keating were War of 1812 veterans and in their thirties or forties. George Ironside Jr. (c.1800-1863) joined the department in 1826 and may have been slightly younger.



evident in the 1828 Darling Report. Though Darling opposed eliminating the Department wholesale, his report, the “founding document for the civilization program,” outlined the policy without reference to any Eurocanadian-Indigenous diplomacy before the War of 1812. The report did not discuss the Covenant Chain alliance, contributions the Western Confederacy made to British defense or even any of the treaties in detail.<sup>19</sup> The transfer of Indian Affairs from military to civilian control in 1830 lent further credence to the fact that the past was no longer relevant in the peacetime administration of Indian affairs. This continued in the 1844 Bagot Report, cementing what historian John Leslie referred to as the “corporate memory” of the Department. Though a central part of its mandate was to provide “a documented record of previous policies,” it and all subsequent inquiries did so without reference to correspondence from the period before the American Revolution.<sup>20</sup> The report reduced the entire period of diplomacy to a policy of bribery accomplished by the liberal distribution of presents. From the British perspective, such largesse in the absence of war amounted to gratuitous charity.<sup>21</sup> To use Leslie’s words, George Ironside Jr., Joseph Brant Clench, William Keating, William Jones and others in charge of the Western Superintendency saw Indigenous peoples not as sovereign nations or Covenant Chain allies but as “an expensive social nuisance.”<sup>22</sup> Between 1828 and 1841, these attitudes summarily guided the actions of four lieutenant-governors through some of the most difficult years in the administration of Upper Canada and the most crucial years for Aboriginal settlement.

Loyalists settled in the colony during a period when it was imperative to court allies and keep the colony firmly under imperial control. The British government estimated it paid more

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<sup>19</sup> Dickason and McNab, 200; LAC, RG 10/792, 1828 Darling Report, 7346-7628.

<sup>20</sup> Leslie, “The Bagot Commission: Developing a Corporate Memory for the Indian Department,” 31.

<sup>21</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Recommendations, np.

<sup>22</sup> Leslie, “The Bagot Commission,” 31.

than £6 million to settle displaced loyalist refugees in the 1780s alone. However, Wilson suggests that £30 million is a more accurate total. The same storehouses that distributed goods to the Anishinabe, issued rations, clothing, ammunition, tools, seed and livestock to Loyalist refugees until they could support themselves.<sup>23</sup> Without such support, it is estimated that close to half of the most desperate arrivals would have died.<sup>24</sup> The Treaty of Ghent perhaps lessened Great Britain's need to court allies for military purposes, but territorial expansion continued unabated through immigration and settlement. Increasing competition between settlers and Indigenous people meant that at the time the reserves were established, loyalties and identities gained renewed importance in Upper Canada.<sup>25</sup>

In contrast, the "civilization program" interested the British government at a time when the nature of empire changed to one focused on fiscal restraint and decentralization. The Mississauga of the Credit experienced this first hand. Having settled of their own volition and expense in 1826, officials denied their requests for agricultural implements and other assistance to "settle...and embrace...the Habits of Civilized Life." Only a few months before he officially introduced his report, Superintendent-General H.C. Darling suggested the Mississauga use their 1812 claims payments to purchase the necessary supplies. Darling instructed Ironside to convince the Anishinabe under his superintendence to apply their losses payments collectively towards their settlement since, on an individual basis, their payments were "calculated to disappoint."<sup>26</sup> The entire community at the Credit River received less than £85 (\$340)<sup>27</sup> and the Anishinabeg never received support comparable to other Loyalists. Forty years earlier, the

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<sup>23</sup> *Second BOA Report*, Vol. 1, 13, 21; Wilson, *As She Began*, 108.

<sup>24</sup> Jones, *A History of Agriculture*, 18.

<sup>25</sup> Talman, "The United Empire Loyalists," 5; Bell, "The Loyalist tradition in Canada," 24.

<sup>26</sup> LAC, RG 10/586, Darling to Givins, 22 December, 1827, 24597-8.

<sup>27</sup> LAC, RG 10/792, 1828 Darling Report, 7432; RG 10/586, Darling to Givins, 22 December, 1827, 24597-8.

average Loyalist claimant had received nearly £178 (\$700), more than enough to establish an individual family on the land.<sup>28</sup> In 1829 Darling himself estimated that an entire family of five could be comfortably housed and supplied with rations, livestock, tools and seed for £100 (\$400) outright or £44,000 (\$176,000) for all of the signatories of the Huron Tract Treaty if they so choose, a mere fraction of the cost to settle Loyalists. While Kempt, Darling and Colborne were initially certain that fiscal concerns would not undermine the project, the bottom line became the only consideration once it was implemented.<sup>29</sup> Chief Aissance (c.1790-1847), whose community had already settled near Orillia, expressed concern with what he perceived was a growing eagerness among Department Officials to appropriate their monies. Seeing this as a direct threat to their independence, Jones quoted Aissance, saying that he “wishes to have something always in his pockets...so that when he gets hungry, he may put his hands into his pockets and find something jingling to buy bread with.”<sup>30</sup> Recognizing the utility of these policies, the Indian Department increasingly attempted to regulate Anishinabe behavior by controlling access to their money and goods.

By 1837, outstanding losses from the War of 1812 amounting to £400,000 along with unpaid loans for public works threatened to bankrupt the colony. The politics of non-payment played a significant part in the settlers’ broader discontent and officials became impatient with political uncertainty, and ultimately open rebelliousness.<sup>31</sup> While similar actions would never have been tolerated by discontented Indigenous peoples, colonial administrators went to great lengths to appease settler demands. Permitted to use the funds and land grants as they pleased,

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<sup>28</sup> Wilson, *As She Began*, 108.

<sup>29</sup> Jones, *A History of Agriculture*, 67; *BPP*, Vol. 617 (1834), Murray to Kempt, 3 December, 1828, 36.

<sup>30</sup> *BPP*, Vol. 617 (1834), Peter Jones to Viscount Goderich, 26 July, 1831, 136.

<sup>31</sup> Gates, *Land Policies of Upper Canada*, 115-16.

farmers, soldiers, merchants, and other recipients of compensation could sell their land and improvements. Many did, either returning to the United States or establishing themselves in business elsewhere in the Canadas or the Empire.<sup>32</sup> In contrast, Darling was completely unwilling to involve Anishinabe leaders in their own planning—even when the Mississauga of the Credit created policy initiatives on their own that he would introduce himself within mere months. Darling used Indigenous entitlements to compel the uncooperative to acquiesce to the British officials’ demands. Though leaders like Chawme and Aissance argued forcefully for access to their own monies, officials became convinced that “[t]he Indian would receive no benefit whatever from a small sum of money put into his own hand...”<sup>33</sup> The advantages of this policy were immediately apparent and Darling and Givins were eager to find out how “a proportion of the monies now payable for losses during the War might not be advantageously disposed of...”<sup>34</sup> Loyalist refugees, given steady support and control of their own monies, were largely self-sufficient after 1781,<sup>35</sup> whereas, Aissance observed, Anishinabe people could not even buy a loaf of bread on their own. Rather than alleviate the uncertainty associated with bare subsistence, the ‘civilizing policy’ of village settlement actually made it worse.

### **Reserves or Removal**

Civilization policy, crafted one year after the Huron Tract Treaty, violated its terms as officials attempted to remove and resettle the Anishinabe on one large interior reserve. While Anishinabe Chiefs negotiated the Huron Tract Treaty as a long-term blueprint for future

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<sup>32</sup> Gates, *Land Policies of Upper Canada*, 125.

<sup>33</sup> LAC, RG 10/792, 1828 Darling Report, 7431.

<sup>34</sup> LAC, RG 10/586, Darling to Givins, 22 December, 1827, 24597-8.

<sup>35</sup> Wilson, *As She Began*, 81.

relations, government officials acted in the belief that such agreements were temporary.<sup>36</sup> George Ironside Jr. received instructions in April 1830 to “persuade the Chiefs” to reside on one reserve in the interior near the Sable for the convenience of building housing, a church and schoolhouse in one central location.<sup>37</sup> Congregating them in one location against their will naturally horrified the chiefs who, in varying degrees, expressed interest in aspects of the civilization policy but not at the expense of their lands and culture. They refused to entertain any notion of leaving their reserves.

The chiefs informed Ironside Jr. several times that a village would be better established at the Chenail Ecarté “where the land is already cleared” and where they routinely planted crops of Indian corn and squash.<sup>38</sup> The chiefs also knew that the sandy dunes and “ponds of standing water” at the Sable, while ideal for small plots of corn and pumpkins, would not support a large agriculturally based settlement.<sup>39</sup> Walpole Island Chief Bauzhigeeshigwashekum spoke for the chiefs who had gathered in council many times between Ironside’s visits. He told Ironside that the chiefs wanted assistance and tools to farm at the Chenail Ecarté, but houses or teachers were not necessary because they “opposed any change” to their “religion or customs.” They eventually convinced Ironside that Anishinabe families who remained unwilling to settle elsewhere might support a village at the Chenail Ecarté.<sup>40</sup>

William Jones disagreed and tried repeatedly throughout the summer of 1830 to convince the chiefs, through spokesman Shaweny-penince,<sup>41</sup> to move behind the settled townships of

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<sup>36</sup> Gourlay, *Statistical Account of Upper Canada*, 310.

<sup>37</sup> LAC, RG 10/569, Givins to Ironside, 12 April 1830, 6-7.

<sup>38</sup> LAC, RG 10/569, Ironside to Givins, 5 May 1830, 8; Ironside to Givins, 5 June 1830, 9.

<sup>39</sup> LAC, RG 1, Series CB-1, Box 16, Burwell Survey Diary, Chippewa Indian Reserves, Friday, 6 October, 1826, 10; LAC, RG 10/569, George Ironside Letterbooks, 12 April 1830, Ironside to Givins, 5 May 1830, 8.

<sup>40</sup> LAC, RG 10/569, Ironside to Givins, 5 May 1830; Ironside to Givins, 5 June 1830, 8-9.

<sup>41</sup> Curnoe, *Deeds/Nations*, 119. Shaweny-penince (Shaweny-penincy, various spellings) [fl. 1774-1838] was an

Sombra, Dawn and Zone. Shaweny-penince wanted the terms of the Huron Tract Treaty honoured and a guarantee that agricultural and trades instruction, a storehouse and an agent of their choosing would be stationed at the Chenail Ecarté. Wawanosh told Jones that when the sale of their lands was made “he had been promised by the agents of the Government, that the Indians should never again be disturbed from the reserves...” By the end of June, Jones could see that they would not move. He asked, “[w]ould it not be better to settle them on one of the reserves on the St. Clair for the present?”<sup>42</sup> In 1831 the Department seemingly conceded defeat. It hired Jones as assistant superintendent and instructed him to form a village at the Sarnia flats.<sup>43</sup>

Though they did not succeed in having the village located at the Chenail Ecarté, by refusing to cooperate as a whole, the chiefs staved off removal and prevented the intrusion of civilizing agents among them. The mere suggestion of removal tainted the relationship between the chiefs and the department, thereby thwarting Anishinabe self-sufficiency over the long-term. Land speculators and squatters exploited the situation, spreading rumours for years afterwards that the department planned to remove the Anishinabe regardless of where they located the village.<sup>44</sup>

Bauzhigeeshigwashekum assumed the role of spokesperson for dissenters and those who questioned department policy. Jones thereafter characterized Walpole Island and some of the St. Clair Chiefs as resistant and under the control of a “necromancer.”<sup>45</sup> But Wawanosh also resisted attempts to move into the interior and though he eventually invited Jones to locate the model

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Ojibwa or Odawa Chief from the St. Clair region.

<sup>42</sup> LAC, RG 10/10028, William Jones to Henry Jones, 24 June, 1830; William Jones to Mudge, 26 June 1830, William Jones to Mudge, 13 August 1830, 74-81.

<sup>43</sup> LAC, RG 10/438, Peter Jones to Joseph Clench, 9 July 1830, 769-771.

<sup>44</sup> LAC, RG 10/569, Ironside to Givins, 5 May, 1830; Ironside to Givins, 5 June 1830, 8-9.

<sup>45</sup> AO, F454, *WJLB*, Jones to Givins, 15 July 1831; Smith, *Sacred Feathers*, 109-110.

village at Sarnia, he insisted on the same conditions articulated by Shaweny-Penince. Wawanosh instructed Jones to put his conditions in writing and send them to the Lieutenant-Governor just to make sure they were understood.<sup>46</sup> Only a month after receiving his instructions to build a settlement, Jones wrote that “the Enemies of my undertaking are very numerous, and their influence has produced much evil.”<sup>47</sup> By resisting removal the St. Clair Chiefs ensured their reserves would stay intact, but refusing to place the village at the Chenail Ecarté limited the locations Jones now had at his disposal. Sarnia was possible but the War of 1812 had seemingly taught administrators little. The Chenail Ecarté was in a central location close to the towns of Detroit, Amherstburg, Baldoon and Chatham, and within reasonable distance to water transportation on the St. Clair, Detroit, Sydenham (Bear Creek) and Thames River systems. In contrast, the Sarnia Village was isolated from major settlement, dependent upon water for transportation and communication, and located at the furthest end of an enormously long supply chain.<sup>48</sup> Success therefore depended upon the knowledge and cooperation of chiefs whom Jones had already succeeded in alienating. This shortsightedness delayed the operation of the settlement until well after 1833.<sup>49</sup>

Despite his military experience and lengthy residence in the region, William Jones proved to be an inept manager and the community suffered as a result. A former Detroit resident, Jones allegedly operated as a spy for Tecumseh and Brock before crossing over and purchasing Lord Selkirk’s Baldoon farm after the War of 1812.<sup>50</sup> He remained in Baldoon making periodic

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<sup>46</sup> LAC, RG 10/10028, Jones to Mudge, 13 August, 1830, 79-81.

<sup>47</sup> AO, F454, *WJLB*, 15 July, 1831; LAC, RG 10/569, Ironside to Givins, 5 June 1830.

<sup>48</sup> Johnson, “The State of Agricultural Development in the Western District to 1851,” 140.

<sup>49</sup> LAC RG 10/456, Instructions from the Lieutenant Governor Respecting the Indians, 14 May, 1831, 40-42.

<sup>50</sup> Lambton County Archives, Wyoming, Ontario, Native Peoples, file 10A-AC, *Report of William Jones, ASID, Sarnia 12, May 1837* (Bright’s Grove, On.: George Smith, Mar. 1977), [hereafter LCA]; Windsor Public Library, “The Baldoon Settlement,” Windsor’s Scottish Heritage, accessed 15 October 2011. [www.windsorscottish.com](http://www.windsorscottish.com).

trips to Sarnia to inspect the progress of construction and to visit Henry John Jones at his utopian colony at Maxwell.<sup>51</sup> William Jones and the Maxwell founder's eldest son, Henry John Jones, developed a friendship and corresponded frequently, as Henry Jones Sr. was related by marriage to Sir John Colborne.<sup>52</sup> Henry John advised William on the location and layout of the Sarnia settlement, and gaining the cooperation of Chief Wawanosh through "some small marks of distinction" in the design of his house.<sup>53</sup> The settlements of Baldoon and Maxwell both floundered and ultimately failed to achieve the expectations of their founders. Whether this speaks to the individual capabilities of Henry John Jones and William Jones or simply to the challenges of the environment they faced is subject to debate.

William Jones made several avoidable and unexplainable mistakes beginning with the location of the proposed village. Burwell's 1826 survey noted substantial settlement at the location south of Point Edward and Jones himself was aware that poor squatters lived on the land.<sup>54</sup> Their settlement violated the *Proclamation of 1763* and the Huron Tract Treaty both of which reserved the land for Aboriginal peoples. If Jones initially thought the cleared fields and existing housing would be advantageous, he later described the houses as uninhabitable and the lands "much worn by continuous cultivation." The squatters demanded and received compensation for what amounted to a few rudely constructed shacks before they relocated. The squatters proved difficult to remove, and Jones appeared reluctant to hurry them along. They were still on the reserve in 1834, and by arranging for compensation in the first place, he

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<sup>51</sup> See glossary for 'Maxwell Settlement.' Reverend John Morrison, "'The Toon O' Maxwell,'—An Owen Settlement in Lambton County, Ont.," in *Ontario Historical Society Papers and Records*, Vol. 12 (Toronto: Ontario Historical Society, 1914), 9.

<sup>52</sup> George Woodcock, "Jones, Henry (1776-1852)," *DCB Online*, University of Toronto/Université Laval, 2003—, accessed 1 April 2013, <http://www.biographi.ca>. William and Henry John do not appear to be related. Henry John's uncle married Lady Colborne's sister and Sir John sent instructions for William to Henry at Maxwell.

<sup>53</sup> AO, F454, *WJLB*, Jones to Givins, 15 August, 1831; LAC, RG 10/10028, Jones to Mudge, 13 August 1830, 79-81.

<sup>54</sup> AO, F454, *WJLB*, Jones to Givins, 22 September 1831.



encouraged further squatting on Indian lands.<sup>55</sup>

The presence of squatters did not seem to deter Jones from his belief that Anishinabe farmers would move into their new houses in the fall of 1830. By October, the houses were not completed, and Jones again predicted crops might be sown the following spring. He insisted that nineteen men go hunting to avoid starvation, as they waited with their six yoke of oxen to till the fields.<sup>56</sup> Ultimately, builders did not finish the houses until late summer of 1832, and they did not plant and harvest regularly until the second half of the decade.<sup>57</sup>

Civilization policy ‘promised’ the acquisition of trades skills and education to enable Anishinabe people to manage their own communities within a growing Eurocanadian economy. In theory, a contractor should have been hired to teach construction and maintenance to those interested in settling. As paid labourers, men could have built their own housing as needed, maintained buildings in the village and been hired in the broader county as skilled contractors as occurred elsewhere in the colony.<sup>58</sup> Instead, Jones took control of the entire process, communicating the design of the houses to the Royal Engineer, hiring a local contractor and conferring with local settlers instead of the people who were going to live in the houses. Between 1830 and 1833, many delays could be attributed to exclusion of the Anishinabe from the process of their own settlement.

William McCrae, the contractor hired by William Jones, did not have funds to purchase supplies or hire labourers without continual advances from the Indian Department. The farmer

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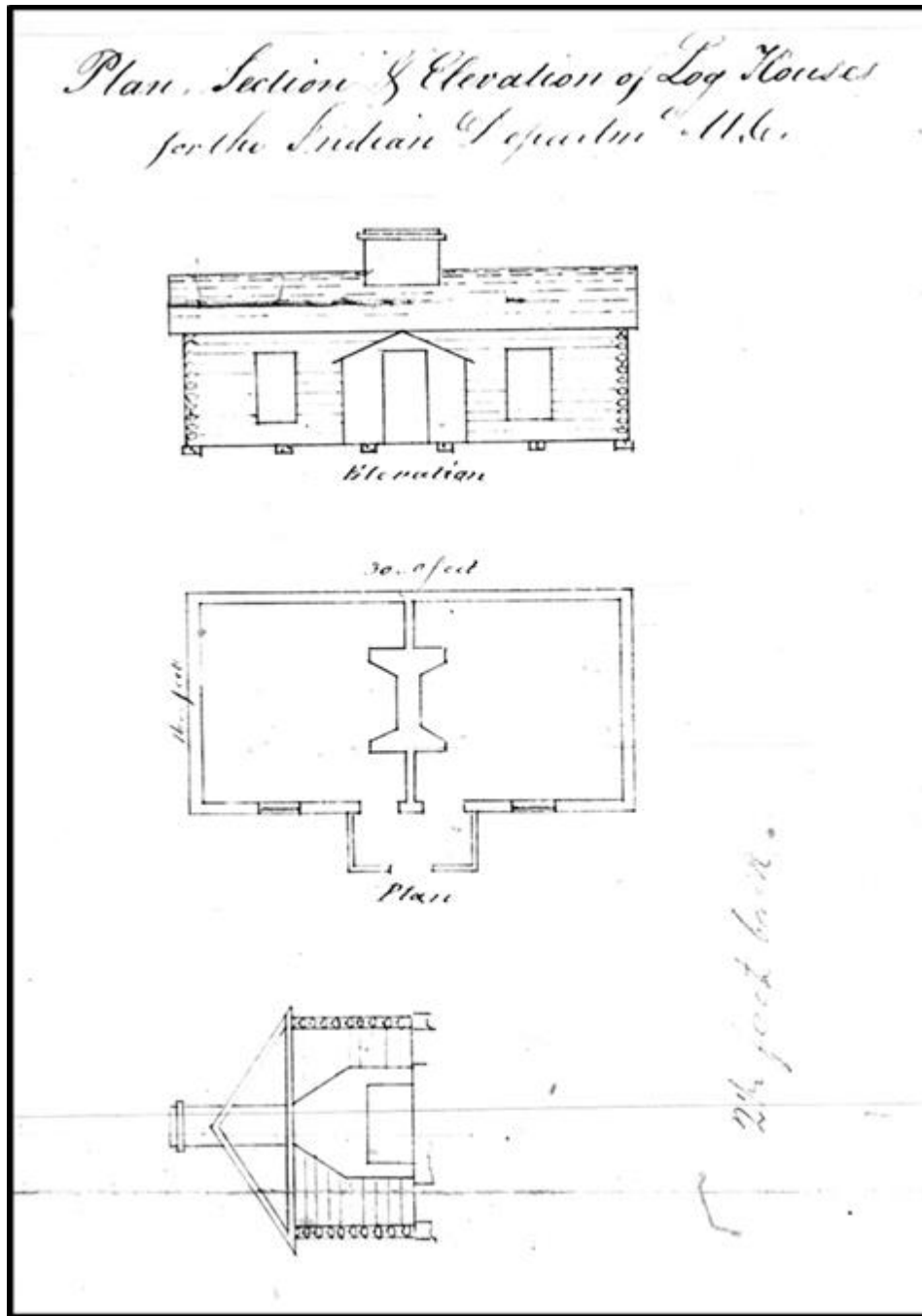
<sup>55</sup> AO, F454, *WJLB* Jones to Givins, 15 August, 1831; Jones to Givins, 3 February, 1834.

<sup>56</sup> AO, F454, *WJLB*, Jones to Givins, 4 October, 1831; Jones to Givins, 29 August, 1831; Jones to Givins, 17 November 1831.

<sup>57</sup> Agents did not make agricultural reports until the 1840s. However Jones’ letters suggest the community depended on rations.

<sup>58</sup> LAC, RG 10/437, Givins to Clench, 25 July 1834, 468-70. The Superintendent instructed J.B. Clench at Colborne to ensure that the contractors he employed to build houses, hired ‘Indians’ over non-natives and that the latter receive wages.

Figure 11: Plan for Indian Houses, Captain Phillpotts, Royal Engineers.



Source: LAC, RG 10/441, J.B. Clench Papers, Miscellaneous Papers, p. 66-67.

and Justice of the Peace from Ralleigh Township had difficulty understanding the house plans and was forced to accommodate several unplanned changes in size and design, and rebuild shifted foundations after delays pushed construction into the dead of winter.<sup>59</sup> Making matters worse, in the midst of construction McCrae disappeared, and building at the village came to an abrupt halt. As the months went by, Jones steadfastly refused to hire anyone else, even when McCrae's son wrote to tell him that his father was extremely ill and in all likelihood, would not complete the contract.<sup>60</sup> McCrae eventually recovered in the spring of 1832 and finished the houses with another advance at the end of the year. The delay had lasted almost three years.<sup>61</sup>

At the time, fairly crude log cabin, twenty by twenty feet could be built in a few days at a cost of £10 (\$40). More substantial buildings with finer details would take longer and cost approximately £30 (\$120). Common log houses of the period were one and a half stories high with a central fireplace, two rooms on the lower floor, and sleeping lofts in the upper portion.<sup>62</sup> Houses on the Sarnia reserve followed this floor plan, but Jones did not consult the residents and changed the overall dimensions changed four times. He initially designed them to be twelve by fourteen feet, but potential residents complained that this was too small. Jones changed the specifications to fourteen by sixteen feet, but the engineer instead sent him a design for houses thirty feet wide and sixteen feet deep. Jones attempted to reduce the width back to twenty feet. However, each minute alteration required a confusing exchange of letters between Jones at Baldoon, Givins at York and Lieutenant George Phillipotts of the Royal Engineers in Quebec in

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<sup>59</sup> Johnson, *Becoming Prominent*, Appendix, 206. LAC, RG 10/10026, Jones to Phillipotts, 13 August, 1851, 165-6; AO, F454, *WJLB*, Thomas McCrae, Raleigh to Jones, 28 December, 1831; Jones to Givins, 15 June 1832.

<sup>60</sup> AO, F454, *WJLB*, Thomas McCrae to Jones, 28 December, 1831; Jones to Givins, 5 March 1832.

<sup>61</sup> AO, F454, *WJLB* Jones to Givins, 20 December 1832.

<sup>62</sup> Gourlay, *Statistical Account of Upper Canada*, 49; Baskerville, *Ontario: Image, Identity and Power*, 71-72.

order to secure advice, permission, redesign and approval.<sup>63</sup> After delaying construction for months, the final plans retained Phillpotts' dimensions, and the houses were much larger than Jones originally intended.<sup>64</sup> (Figure 11 above).

In keeping with the historic design of their villages, Sarnia Chiefs wanted double-family houses grouped together as closely as possible. This would have enabled them to establish communal farms with officials residing on the margins of the reserve. But Jones instead sought advice from McCrae and Henry John Jones and did the reverse, designing the village like a Eurocanadian town. Sixteen houses belonging to officials and the chiefs as well as professional buildings like the schoolhouse were placed in the centre, "fifty paces of each other." Single-family 'Indian' houses were spread out on concession-style lots "six chains, fifty links wide" with road allowances between them. Jones confessed that Wawanosh reluctantly made "some sacrifices" in the design and execution of the village, but all it really did was alienate and physically isolate the Sarnia Chiefs from their own residents and the community from Walpole Island and the Lower Reserve.<sup>65</sup>

Jones promised the Sarnia settlement would be open to any Anishinabe on the St. Clair who wished to settle. But when the houses were finally finished, Walpole Island Chiefs were furious to discover that there were not enough houses for everyone who wanted one. In 1830, Jones predicted that more Anishinabe families would be interested in settling once they had an opportunity to actually see the village and inspect the houses, but he only contracted for the

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<sup>63</sup> *WJLB*, Jones to Givins, 1 June 1830 and 11 June 1831.

<sup>64</sup> LAC, RG 10/441, J.B. Clench Papers, Miscellaneous, 66-67; LCA, file 10A-AC, Specification of Wawanosh's House, undated.

<sup>65</sup> AO, F454, *WJLB*, Jones to Phillpotts, 13 August 1831; 1844-5 Bagot Report, np.

initial few who expressed interest.<sup>66</sup> By the time the last house was finished he immediately faced a housing crisis and had to arrange for more to be built. The apportionment of housing also appeared to favour Wawanosh's 'band,' and Jones made the crisis worse by assigning three more houses to the missionary, schoolteacher, and interpreter-farmer.<sup>67</sup> Missionary Thomas Turner thought the house was too small, so he lived on the American side until 1833 when Jones let him move into the newly finished schoolhouse. Jones arranged to have a larger house built for him but as soon as it was finished, Turner was replaced by Missionary James Evans in August 1834.<sup>68</sup> Jones, who also occupied one of the houses for a time, displaced, inconvenienced and divided the Anishinabe to accommodate poor individuals with large families, who he said deserved his sympathy.<sup>69</sup> These same people abandoned the settlement almost as quickly as they arrived, and as a consequence, it took until the second half of the decade for Anishinabe settlers to establish themselves in a village built for their purposes years earlier.

William Jones did not rehire McCrae and had difficulty finding competent local builders. While he complained that most of his tenders were American, he never once proposed to educate Anishinabe men in construction or supply them with materials to build their own. The agent was pleased with a fence built by men in the village for the distribution of presents, and their recommendations for larger houses were ultimately approved, but he did not apparently see them as competent enough to build their own houses.<sup>70</sup> Contractors from Baldoon, and Kemp and Laliberty (Laliberté) of Amherstburg built subsequent houses in the village.<sup>71</sup> This was not only a

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<sup>66</sup> AO, F454, *WJLB*, Jones to Givins, 15 June 1832.

<sup>67</sup> AO, F454, *WJLB*, Jones to Givins, 11 July 1832.

<sup>68</sup> AO, F454, *WJLB*, Jones to Givins, 15 June 1832; Jones to Givins, 1 August 1834.

<sup>69</sup> AO, F454, *WJLB*, Jones to Givins, 5 March 1832; Jones to Givins 8 February 1836.

<sup>70</sup> AO, F454, *WJLB*, Jones to Givins, 5 March, 1832; Jones to Givins, 13 November, 1832.

<sup>71</sup> AO, F454, *WJLB*, Jones to Givins, 27 September, Jones to Givins, 20 December, 1832, Jones to Givins, 20 January 1833.

missed opportunity but a failure to provide the promise of training made to the chiefs in 1818. When discussing settlement at the Chenail Ecarté, Shaweny-penince reiterated their demand for a storehouse and agricultural and trades instruction.<sup>72</sup> In a few short years, experienced contractors, masons and labourers from Great Britain and the United States would find opportunities building houses, canals and railways while capable Anishinabe men largely stood on the sidelines. Instead of waiting years for their houses to be built for them, those wanting to settle at Sarnia could have built their own if given the supplies to do so. Though these were external factors unrelated to their abilities or intentions, delays in settlement exacerbated other problems affecting the district in the 1830s. Economic woes complicated by sickness, delays in the distribution of presents and the rebellions meant that, by 1840, locals and officials perceived Anishinabe farmers to be either resistant to or unable to succeed in a rural economy.

### **“The Disturbed State of the Country”**

In ideal circumstances it could take farm households several years to sell enough produce to purchase necessities. Attempts by officials to focus Indigenous reserve economies on wheat farming occurred at time when export prices were low and harvests susceptible to loss. Between 1832 and 1838 wheat prices fell as Great Britain relied less on colonial exports.<sup>73</sup> Outright crop failures occurred in 1828 and 1829 with slight improvements beginning in 1830.<sup>74</sup> Farmers in the Western District achieved very little surplus in this period and were able to manage only “a modified form of subsistence agriculture.”<sup>75</sup> These were challenging times for Indigenous farmers to transition to ‘self-sufficiency’ through wheat farming. On all the reserves, historic

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<sup>72</sup> LAC, RG 10/10028, Mudge to Jones, 14 June 1830, 73.

<sup>73</sup> McCalla, *Planting the Province*, 185 & 188.

<sup>74</sup> Hamil, *Valley of the Lower Thames*, 129-30.

<sup>75</sup> Johnson, “The State of Agricultural Development in the Western District to 1851,” 140-43.

seasonal cycles of hunting, fishing, sugar-making and gathering continued, supplemented by fields of more reliable crops like potatoes and Indian corn. Bauzhigeeshigwashekum and the Walpole Island and St. Clair Chiefs were probably thankful they had not followed their brethren to Sarnia.

While Anishinabe farmers tilled their fields, Asiatic cholera appeared in Upper Canada in June 1832 and 1834 and again in the 1850s. Though malaria and smallpox probably caused more deaths per capita, the mortality rate of cholera approached 60 per cent, making it a serious human health risk.<sup>76</sup> To prevent the spread of the disease, the Western District created a Board of Health and opened a cholera hospital at Sandwich which by 1834 provided care for those unable to pay.<sup>77</sup> Despite these measures, between 17,000 and 20,000 people died of cholera in Canada.<sup>78</sup>

Cholera was first brought to the attention of George Ironside in a general order suspending presents on the 9th of July 1832. Two days later, the disease was present among the troops across the river from Sarnia at Fort Gratiot.<sup>79</sup> Understood at the time as a disease of immigration, psychologically, the district was thrown into panic at the thought of it crossing the border.<sup>80</sup> It could not have arrived at a worse time for the Anishinabe village at Sarnia. In the Spring of 1832, there was still work to be done to complete the houses but three to four acres had been cleared and fenced and “twenty bushels of potatoes and Six to Seven Acres of Indian corn” planted.<sup>81</sup> Soon after, however, “the Mechanics...so afraid to remain so near that dreaded

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<sup>76</sup> See glossary. Bruce Curtis, “Social Investment in Medical Forms: The 1866 Cholera Scare and Beyond,” *Canadian Historical Review*, Vol. 81, No. 3 (September 2000): 4; Geoffrey Bilson, *A Darkened House: Cholera in Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1980), 3-4.

<sup>77</sup> AO, Hiram Walker Collection, MS 577 File 13: Board of Health Records, 1832-1834, np. In 1834 care for indigent cholera victims cost an average of £2 per person exclusive of medicine.

<sup>78</sup> Bilson, *A Darkened House*, 167.

<sup>79</sup> LAC, RG 10/569, General Order, 9 July 1832; AO, F454, *WJLB*, Jones to Givins, 11 July 1832.

<sup>80</sup> Bilson in *A Darkened House*, discusses the psychological effects of cholera.

<sup>81</sup> AO, F454, *WJLB*, Jones to Givins, 28 May, 1832; Jones to Givins 15 June 1832.

disease,” refused to work, and left. One week later everyone had “taken fright and fled into the interior.”<sup>82</sup> By September, the situation became more serious and “a good deal of sickness, prevail[ed] in the Country...” With winter quickly approaching and difficulties hiring “Mechanics in health,” construction was again delayed until the spring of 1833.<sup>83</sup> Had Jones arranged for another contractor when the problems with McCrae initially surfaced, the village would have been completed in a timely manner and the Anishinabe would have weathered the epidemic in warm houses, with crops planted in their fields.

Housing delays combined with fear of disease convinced the community to disperse to their winter hunting grounds. Jones distributed presents and land payments in November, but by April they had not returned and Jones could not take a census.<sup>84</sup> Clearing and planting were generally performed in the spring upon their return and in the fall before the hunt.<sup>85</sup> Without a crop planted in the spring, there would be no harvest in the fall, and by November 1833, they depended upon rations. Jones reported they were “in the necessity of going on hunting excursions for 3 or 4 days at a time to keep from starving.” But one month later, the rations did not arrive, and he described them as out of ammunition and “really in a suffering condition.”<sup>86</sup>

A petty dispute between Jones and Deputy Commissary General Leggatt at Amherstburg concerning permission for transportation prevented the dispatch of the presents before the close of navigation in December 1833.<sup>87</sup> Jones tried to get rations, but after waiting two months, the frustrated and starving Western Nations went to their winter hunt camps. Some received their

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<sup>82</sup> AO, F454, *WJLB*, Jones to Givins, 16 July 1832.

<sup>83</sup> AO, F454, *WJLB*, Jones to Givins, 27 September, 1832.

<sup>84</sup> AO, F454, *WJLB*, Jones to Givins, 13 November 1832.

<sup>85</sup> AO, F454, *WJLB*, Jones to Givins, 17 September 1832; Jones to Leggatt, 11 April 1833,

<sup>86</sup> AO, F454, *WJLB*, Jones to Leggatt, 11 November 1833; Jones to Givins, 1 December 1833.

<sup>87</sup> AO, F454, *WJLB*, Jones to Leggatt, 15 February, 1834; LAC, RG 10/569, Ironside to Givins, 10 June 1834, 195.



presents in late spring 1834. However, a number of communities, including Walpole Island claimed they never received them at all between 1833 and 1835.<sup>88</sup> The delayed arrival of rations and supplies again meant that the residents at Sarnia had to eat their seed potatoes and corn instead of planting them for the following year.<sup>89</sup> In early June, Ironside reported that more than one hundred people in need of rations and ammunition made the journey from the St. Clair to Amherstburg.<sup>90</sup> No one attempting to farm in this period could afford to be idle with winter approaching, yet Jones kept the residents at Sarnia waiting for two months to receive goods that did not arrive and then expected them to interrupt their spring sugaring to trek back to Sarnia when they did. It appears that a significant number simply could not afford to take the risk.<sup>91</sup>

The Indian Department executive in Quebec issued instructions in 1829 stating that the distribution of presents should occur in June and July. While consistent dates in the spring and fall were intended to prevent recipients from receiving multiple issues, correspondence between Leggatt, Ironside, Givins and Jones indicates that bureaucratic delays throughout the 1830s pushed these dates into late autumn and closer to the onset of winter freeze-up.<sup>92</sup> This in turn increased the chances that the presents would be irregularly distributed or not issued at all, and it increased the risks Anishinabe people took to receive them. In these instances, the real harm was not caused by a dependency on European manufactured goods, but by the uncertainty surrounding their distribution. So long as the farmers at Sarnia could not plan a food-gathering strategy, and a good harvest remained elusive, a cycle of starvation and dependency on rations

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<sup>88</sup> LAC, RG 10/438, Gladstone to General Charles Murray, 16 February 1846, 165; RG 10/441, Walpole Island Petition to the Governor General of British North America, 563-564.

<sup>89</sup> AO, F454, *WJLB*, Jones to Givins, 20 March 1834.

<sup>90</sup> LAC, RG 10/569, Ironside to Givins, 27 June 1834, 201.

<sup>91</sup> *WJLB*, Jones to Givins, 25 February 1834.

<sup>92</sup> LAC, RG 10/590, D.C. Napier, Superintendent of Indian Affairs, Montreal to Lt. Col. Couper, Military Secretary, Quebec, November 1829, np.; RG 10/569, Ironside's Letterbook, 1832-1835; especially Ironside to Givins, 7 June 1832, June 1833, 7 January 1834, 5 November 1835.

often followed.

A challenging location, bureaucratic incompetence and disputes among administrators disrupted Anishinabe lifeways earlier than in other reserve communities. The inability to plan for the months ahead prevented them from either settling and planting crops or returning to their former seasonal cycle of hunting, fishing, sugaring and gathering in a predictable manner. Properly executed, the two economies did not have to be mutually exclusive and prior to the first outbreak of cholera, clearing the fields and planting were easily accommodated by them before and after they engaged in traditional economic pursuits.<sup>93</sup> Once the integrated cycle was interrupted, they became caught in-between. Prevented from planting or procuring foodstuffs to survive the winter, they experienced prolonged periods of starvation and were physically unprepared to handle a second round of cholera. Similar circumstances as Daschuk suggests, preceded an outbreak of tuberculosis on the Canadian plains later in the nineteenth century.<sup>94</sup> Here, as in Western Canada, the effects of the second cholera epidemic were much more severe when it struck the region in late summer 1834.<sup>95</sup> Jones indicates they buried nearly one person every day in the month of August on the Sarnia reserve alone, and survivors fled the settlement in September.<sup>96</sup> As Ironside noted in his request for rations, families with even one case of cholera were denied “the assistance of their friends” and rendered “entirely dependent on the bounty of government for temporary support.”<sup>97</sup> Until the threat of illness passed, both farming and seasonal economic pursuits were again thrown into chaos.

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<sup>93</sup> BPP, No. 323 (1839), William Jones, 12 May, 1837, 142. Jones reported that between planting and harvesting they continued to hunt and fish in the summer and winter and make maple sugar in the spring.

<sup>94</sup> Daschuk, *Clearing the Plains*. See chapter five. In both instances, declining economic conditions resulted in severe outbreaks of tuberculosis and fevers, for which vaccinations were unavailable.

<sup>95</sup> R. Alan Douglas, *Uppermost Canada: The Western District and the Detroit Frontier, 1800-1850* (Detroit: Wayne State University Press, 2001), 227.

<sup>96</sup> AO, F454, WJLB, Jones to Givins, 2 September 1834.

<sup>97</sup> LAC, RG 10/569, George Ironside to Captain Cuthbert, 15<sup>th</sup> Regt., 22 August 1834, 209.

Residents in the Western District blamed Americans, French and Anishinabe in one way or another for contributing to the spread of Cholera. Jones initially attributed it to 300 deserting American soldiers who “passed Baldoon on their way to the Thames.” In the summer of 1832, Wesleyan Missionary Thomas Turner reported that at least forty soldiers died at Fort Gratiot.<sup>98</sup> The notion that a hostile neighbour carried the disease into the District fed anti-American sentiment in the borderlands. Infected Americans according to Jones were “travelling through the country in all directions,” invading Upper Canada once again using other means.<sup>99</sup> But as Charles Eliot, a judge and chairman of the Western District Board of Health wrote, fearful settlers also blamed the Anishinabe and Wyandotte whose lifestyles it was believed, harboured and encouraged the spread of disease:

from the shoals of Indians daily arriving at Amherstburg for their presents. Their disgusting filth, their lamentable intemperance, their thoughtless and inevitable exposure to the damps and dews of night, must eminently predispose them to receive the disease in a most malignant form; and their roving and careless habits tend to its fearful extension, be it contagious or merely communicated by the less rapid process of infection.<sup>100</sup>

Though locals blamed Anishinabe people, cholera was not caused by environmental or living conditions but spread through contact with infected people and contaminated items. Inadequate housing and food on the Sarnia reserve resulted from failures in the implementation of government policy. The Anishinabe escaped sources of infection by fleeing into the bush, enabling them to construct adequate housing and source food on their own. The fact that they did not return to the community in the spring of 1833 indicates they believed conditions were better where they were and that nothing would be gained by waiting in their weakened state for food

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<sup>98</sup> AO, F454, *WJLB*, Jones to Givins, 16 July 1832.

<sup>99</sup> AO, F454, *WJLB*, Jones to Givins, 11 July 1832; Jones to Givins, 16 July, 1832.

<sup>100</sup> Quoted in Hamil, *Valley of the Lower Thames*, 173.

and goods in the Sarnia Village.<sup>101</sup> Though locals tried to blame Anishinabeg lifeways for contributing to the spread of the disease, the death toll might have been significantly higher had they stayed in its midst.<sup>102</sup>

Cholera had broader consequences in the surrounding community. It led to a marked decline in immigration and economic activity and a tightening of security and surveillance along the border. It justified continuing prejudices against Aboriginal people and immigrants and led to efforts to raise standards of hygiene both in homes and in the environment by draining ‘putrid’ swamps to which people attributed so many ailments.<sup>103</sup> Yet even prior to the arrival of cholera Jones had accomplished very little in the first few seasons he was in charge. His refusal to consult with Anishinabe Chiefs about the location and tolerance for squatters and incompetent locals made Sarnia residents more vulnerable to unpredictable events. Farmers in the Western District experienced these same events over which they had no control and saw the economic ramifications reflected in their own pocketbooks,<sup>104</sup> but their options were not constrained by a branch of the colonial government and mismanaged in the same way.

Taken together, civilization policy as discussed in theory by policy-makers, and its actual implementation under severe financial and logistical constraints at Sarnia determined its impact on Anishinabe peoples. Plans for settlement outlined by Kempt, Colborne and other administrators along with the instructions given to Jones included references to the construction

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<sup>101</sup> Bilson, *A Darkened House*, 4 & 6; Curtis, “Social Investment in Medical Forms,” 5-6. This was before the medical community accepted the germ theory of disease in the 1880s. The presence of the disease in overcrowded and unsanitary conditions led people to believe it came from the environment and spread with people.

<sup>102</sup> Darlene Johnston, Testimony, Ipperwash Public Inquiry, Forest Community Centre, 14-15 July, 2004, 128. *Ipperwash Inquiry Archive*, Transcripts, Evidentiary Hearings, *The Ipperwash Inquiry*, accessed 24 November 2012, <http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/transcripts/index.html>

<sup>103</sup> Jones, *History of Agriculture*, 82-3; Bilson, *A Darkened House*, 55.

<sup>104</sup> Baskerville, *Ontario: Image, Identity and Power*, 83.

of “several workshops.” However, these facilities were never provided.<sup>105</sup> In 1833 the chiefs complained to Jones that the government had not honoured the terms of the Huron Tract Treaty. Wawanosh stated they were promised a blacksmith, not a missionary and that the tools necessary to farm were not to come from their presents which they felt no longer sufficed. Jones agreed and told Givins “I confess it was, at the time, my impression, as I think it was that of Mr. Henry Jones, to whom I showed the letter.” He quoted his instructions from 1831 which included provisions for “a carpenter’s shop, a Blacksmith’s shop and “artifices and Tools...to be furnished by the government.”<sup>106</sup> The Chiefs intended the reserves and assistance to be tools of independence, not dependence.<sup>107</sup> Consequently, optimism faded quickly on both sides as ‘civilization’ policy usurped the balance of two eyed seeing articulated in treaty diplomacy. The “desire to have Aboriginal people govern themselves” was the primary goal of the 1828 inquiry, but thereafter, reducing the expense of ‘Indian’ administration and eliminating the department altogether became the central purpose of policy.<sup>108</sup> Indian department parsimony and incompetence provided a backdrop for the difficulties the Anishinabe experienced transitioning to village life. It also left them unprepared for uncertainties like cholera and the rebellions. Afterwards however, officials blamed the residents for the lack of preparedness and progress in their communities.

### **Rebellions and their Aftermath**

While the Anishinabe petitioned to have their treaty honoured, simmering issues of

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<sup>105</sup> See various letters excerpted in the Aborigines Protection Society, [APS] *Report of the Indians of Upper Canada, 1839* (Toronto: Canadiana House, 1968), 8-18; LAC, RG 10/569, Givins to Ironside in reference to the Lieutenant-Governor’s Instructions, 12 April, 1830, 6-7.

<sup>106</sup> AO, F454, *WJLB*, Jones to Givins, 1 July 1833; LAC, RG 10/571, Givins to Ironside, 12 April 1830, 6-7.

<sup>107</sup> *BPP*, Vol. 617 (1834), Rev. James Magrath, Report on the State of the Indians on the River Credit, 10 January, 1829, 41.

<sup>108</sup> See RG 10/792, 1828 Darling Report and other reports on Indian Affairs cited herein.

loyalty, origin and class already discussed became politicized with the emergence of the reform movement in Upper Canada in the 1820s.<sup>109</sup> Controlling existing and future expenditures lay behind demands for popular control of the assembly. The arrival of Lieutenant-Governor Sir Francis Bond Head in 1836 provided the catalyst for what would be several years of rebellion and ultimately a reformed political landscape after 1840. Alan Greer has argued for a broader, holistic interpretation of the circumstances of rebellion in the Canadas and elsewhere. However, his challenge has only been accepted by a few historians of the period.<sup>110</sup> The Rebellion affected Western Nations by virtue of the fact that they were borderlands peoples but also because a series of hostile or indifferent lieutenant-governors presiding over legislatures in stalemate ignored their affairs. The Rebellions themselves, as a lynchpin in the evolution of responsible government in the Canadas, bore little relevance for Indigenous peoples excluded from the political system. However, the wider context in which they occurred and the issues and grievances that led to demands for political reform, did. Subject to the conditions that made rebellion possible, the Western Anishinabe, by 1841, only observed the processes facilitating the reconstitution of the Canadas.

If the bifurcated historiography of the rebellions in Upper and Lower Canada is problematic so too is a third prong of violence and retaliation in the Western District called the “Patriot War.” Throughout 1838, more than one hundred Americans and some disaffected Canadians occupied several islands in the Detroit River, burned a schooner and steamboat and

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<sup>109</sup> See Baskerville, *Ontario: Image, Identity and Power*, 84-123 for a summary of these issues.

<sup>110</sup> Alan Greer, “1837-38: Rebellion Reconsidered,” *Canadian Historical Review*, Vol. 76, No. 1 (Mar 1995): 1-18. Exceptions are Rhonda Telford, “The Central Ontario Anishinabe and the Rebellion, 1830-1840,” in *Papers of the Thirty-Second Algonquian Conference*, ed. John D. Nichols (Winnipeg: University of Manitoba Press, 2001), 552-570 and Michel Ducharme, “Closing the Last Chapter of the Atlantic Revolution: The 1837-38 Rebellions in Upper and Lower Canada,” *Proceedings of the American Antiquarian Society*, Vol. 116 Issue 2 (Oct 2006): 413-430.

battled the local militia through the streets of Amherstburg.<sup>111</sup> The decision to deploy all available British troops to Lower Canada placed pressure on Indigenous peoples in the Simcoe, Niagara, Detroit and St. Clair regions to aid in border defenses and their contributions were “extensive and important.”<sup>112</sup> In November of 1838, William Jones received orders to secure a supplier for rations and indicate the number of warriors he could assemble if needed.<sup>113</sup> Anishinabe men from Walpole Island, the Sable and Muncey with an estimated 550 Kent militiamen, mustered at Sombra under Jones, at Amherstburg under George Ironside, and at London under Joseph Clench.<sup>114</sup> Agents deployed them along the entire frontier to scour the woods for American and rebel “fugitives.”<sup>115</sup> Continuous rumours of invasion in the region combined with enough real attacks to make them all plausible made residents in the district fearful.

Peter Jones wrote that it was “the duty of all the Indians” to “make the war whoop and drive away the enemy,” but not all leaders agreed.<sup>116</sup> Wawanosh and the Sarnia council, who perhaps feared retaliation from reform-sympathizing neighbours, hesitated to engage in the conflict. They informed the Chiefs at Bear Creek that they preferred “to sit-down & smoke our pipes and to let the people who like powder & ball fight their own battles.”<sup>117</sup> Inadequate compensation may have influenced their decision to stay home. Jarvis issued general orders that

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<sup>111</sup> Sir George Arthur, Speech delivered at the opening of the Provincial Parliament, 27 February 1839, *Western Herald & Farmer's Magazine*, Vol. 2, No. 3, Sandwich, Thursday, March 14, 1839; R. Alan Douglas, “The Battle of Windsor,” *Ontario History*, Vol. 62 (1969): 137.

<sup>112</sup> Telford, “Central Anishinabe and the Rebellion,” 560, 562; Craig, *Upper Canada: The Formative Years*, 245.

<sup>113</sup> LAC, RG 10/456, Jarvis to Jones, 14 November 1838, 138-40.

<sup>114</sup> Hamil, *Valley of the Lower Thames*, 232; LAC, RG 10/440, Solomon Waldron, Muncey to Clench, 545-6; RG 10/487, Memorandum, John Macaulay, 10 November 1838, 72.

<sup>115</sup> AO, F454, *WJLB*, Jones to Jarvis, 21 December 1838; Douglas, “The Battle of Windsor,” 145.

<sup>116</sup> LCA, file 10A-AC, Peter Jones to Joshua Wawanosh, 7 December, 1838.

<sup>117</sup> Colin Read and Ronald J. Stagg eds., *The Rebellion of 1837 in Upper Canada: A Collection of Documents*. Champlain Society (Don Mills: Oxford, 1985), Joshua Wawanosh, Edward Ogeebegun & Gordon Megezeez to Kanoodung, Manshkenoozha, Wannedegosh, & John Kiya Ryley, St. Clair Mission, 14 December 1837, 326-7.

warriors would receive clothing and “the same rate of pay...received by the Militia of the Province...”<sup>118</sup> However, Jones convinced them to “reluctantly” accept rations for women and children instead of “militia pay and allowances.” Chiefs from Walpole Island were angry that they were asked to return from their hunting camps “for so small a remuneration” but Keating felt they would spend any cash they received on alcohol.<sup>119</sup> Loyalty to the Crown may have motivated some, but Anishinabe leaders had to weigh all their options and decide what was most advantageous for their own communities.<sup>120</sup>

Though opportunities to augment meagre pay and rations with cash opened up as a result of the conflict, Indigenous peoples paid a higher price at its conclusion. Officials offered Anishinabe men £5 to catch deserting British soldiers and return them to a commanding officer.<sup>121</sup> But the spectre of the uncontrollable, “uncivilized” Indian warrior was a weapon resurrected and deployed in the psychological war against potential Upper Canadian rebels, American patriot invaders, and British deserters.<sup>122</sup> One man charged with treason testified he feared the government would “call out the Indians to Act against the Reformers.” He visited Clench at Muncey to ask that he keep the “Indians” “quiet” should anything happen.<sup>123</sup> Exciting such fears was exactly what the government wanted and in 1838, the Lieutenant Colonel of the 34<sup>th</sup> Regiment praised warriors in the district for their actions “against a blood-stained band of Ruffians from the other side...who had not the courage to face the brave Indians in open fight.”<sup>124</sup> But public opinion turned against Indigenous peoples as it had in the Revolution and

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<sup>118</sup> LAC, RG 10/456, Jarvis to Jones, 14 November 1838, 138-40.

<sup>119</sup> AO, F454, *WJLB*, Jones to Jarvis, 21 December, 1838.

<sup>120</sup> Telford, “Central Anishinabe and the Rebellion,” 554.

<sup>121</sup> LAC, RG 10/438, Jarvis to Clench, 15 April, 1839, 556-7.

<sup>122</sup> LAC, RG 10/436, Reverend John Carey, Muncey to J.B. Clench, 12 January 1838, 510-12.

<sup>123</sup> Read and Stagg, *Rebellion of 1837 in Upper Canada*, Information of Alvaro Ladd, 27 December 1837, 326-7.

<sup>124</sup> Richard Airey to the Editor, Tues. 11 December, 1838, *Western Herald and Farmer's Magazine*, Vol. 1, No. 42.



War of 1812. At the same time they praised their contributions, rumours spread that ‘Indians’ from Michigan robbed settlers of guns or covertly assisted patriots in the District. Others were certain that “American agents” were “seditiously attempting to seduce the Indians from their allegiance.”<sup>125</sup> In 1840, Jarvis ordered Clench to make an inventory of all the guns issued to Indians under his superintendence between 1837 and 1840 and make arrangements to seize them.<sup>126</sup> While some Rebellion-era hard feelings faded with time, neither Tories nor Reformers ultimately had Indigenous interests at heart. Anishinabe peoples negotiated treaties and agreements with the British Crown who after 1840, slowly transferred expenditures for Indian Affairs to the disposal of an assembly where they had no voice.

In 1832 Viscount Howick, Under-Secretary of State for War and the Colonies, acknowledged Aboriginal peoples to be a “burthen” that could not “be thrown upon the inhabitants of Canada.”<sup>127</sup> By 1838, British Parliamentarians believed that the promises made to Aboriginal people by previous administrators were in Glenelg’s words “an inconvenient debt” to be reduced not by payment but by gradual avoidance.<sup>128</sup> Beginning in 1835, costs associated with the administration of Indian Affairs were criticized during debates concerning the transfer of Casual and Territorial Revenues from the Crown to the provincial legislature. In Upper Canada, the Military Chest paid salaries and pensions, and Crown Revenues (like customs duties) covered approximately £5500 (\$22,000) in land payments. A parliamentary grant covered the cost of

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<sup>125</sup> Read and Stagg, *Rebellion of 1837 in Upper Canada*, Colin C. Ferrie to W.H. Draper, 22 December, 1837, 333-4; LAC, RG 10/119, Order-in-Council Respecting Tampering with the Indians, 23 May 1839, 513-5.

<sup>126</sup> LAC, RG 10/438, Jarvis to Clench, 7 January 1840, 511-572. I could not find evidence that Clench complied or attempted to disarm them.

<sup>127</sup> *BPP*, No. 617 (1834), No. 11, Despatch from Viscount Howick to J.K. Stewart, 14 February, 1832, 138.

<sup>128</sup> *BPP*, No. 323 (1839), Glenelg to Earl of Durham, 22 August 1838, 9; Earl of Gosford to Glenelg, 6 January 1837, 12-3.

presents in both provinces.<sup>129</sup> After 1832, these expenditures were combined, allowing the Provincial Legislature to cover the costs of salaries, pensions and administration out of the casual and territorial revenue.<sup>130</sup> In other words, Aboriginal people would pay for them out of their own land sales accounts.

It was difficult even for moderate reformers to view the cost of presents, treaties and settlement as anything other than part of the yoke of British colonialism. William Lyon Mackenzie's *Report on Grievances* incorrectly suggested that the Indian Department, along with the Civil, Judicial and Ecclesiastical expenses would be "paid [entirely] from the Revenues derived from the people of the Province...on a scale of extravagance far surpassing any other part of the North American Continent."<sup>131</sup> Treaty land payments estimated at £5947 represented the single highest expenditure on the Crown Revenues ahead of the Lieutenant-Governor, amounting to nearly as much as the salaries of the ministers of the Church of England, Scotland and Roman Catholic Churches combined (£6303).<sup>132</sup> Despite the fact that the parliamentary grant continued to cover the presents, promises made to the Anishinabe and other Indigenous allies of the Crown appeared as an enormous and unpalatable expense to be charged to the provincial treasury.<sup>133</sup> Mackenzie considered the promises another example of colonial mismanagement. He saw little value in their continued payment and used them to his political advantage in his rebellious

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<sup>129</sup> *Appendix to the Journal of the House of Assembly of Upper Canada, 1839*, Volume 2, Part 2 (Toronto: Robert Stanton, 1839), Extract of a Despatch, 28 December 1837...Relative to the Surrender of the Casual and Territorial Revenue of the Crown... 581-590. The amount for land payments fluctuated from year to year. In 1836 it was £5947. Gates, *Land Policies of Upper Canada*, 82.

<sup>130</sup> *Appendix to the Journal of the House of Assembly of Upper Canada, 1839*, Volume 2, Part 2 (Toronto: Robert Stanton, 1839), Glenelg to Arthur, 581-590. Neu, "'Presents' for the 'Indians,'" 171.

<sup>131</sup> *Select Committee of the House of Assembly of Upper Canada...on Grievances*, Seventh Report (Toronto: M. Reynolds, 1835), No. 111, Indian Department, Select Committee of the House of Assembly...on Grievances, 340-344; Shortt and Dougherty, *Canada and its' Provinces*, Vol. 5, (Toronto: Glasgow, Brook & Co., 1914), 170.

<sup>132</sup> *Appendix to the Journal of the House of Assembly of Upper Canada, 1839*, Volume 2, Part 2 (Toronto: Robert Stanton, 1839), Extract of a Despatch, Relative to the Surrender of the Casual and Territorial Revenue of the Crown, 585-586.

<sup>133</sup> Neu, "'Presents' for the 'Indians,'" 171.

rhetoric.

In 1838 Glenelg admitted that no data existed on “the actual State of the Indians in Upper Canada.”<sup>134</sup> This fact however did not stop him from abandoning Aboriginal people “to the Justice and Liberality of the local Legislature” and ultimately to Lieutenant-Governor Sir Francis Bond Head. In less than five short years Anishinabe peoples transitioned to a settled or partially-settled existence in the western portion of the province but the administrator deemed the civilization program a failure, postulating that ‘Indians’ now “*imped[ed] the progress of civilization* in Upper Canada.”<sup>135</sup> On this basis Bond Head negotiated several suspect surrenders of large swaths of land at Saugeen and Coldwater Narrows and for parts of the Moravian and Anderdon Reserves in the fall of 1836. Colonial administrators, humanitarians, missionaries and teachers vigorously protested his cessions, responsible for displacing more than two hundred successful Indigenous farmers and sixty school children.<sup>136</sup> The treaties, as a prelude to Bond Head’s plan to remove all Indigenous peoples to Manitoulin Island, stood nonetheless. In a short time, Bond Head postulated, the few remaining ‘Indians’ in Upper Canada would die out. Head’s eyes were, in fact, squarely focused on the economic interests of the province as he proudly proclaimed the newly acquired lands to be “the first Fruits of the political Tranquility which had been attained.”<sup>137</sup> Proceeds from large land surrenders would pay for presents and settlement until such time as the ‘inconvenient debt’ and Aboriginal people in Upper Canada, could be conveniently eliminated.<sup>138</sup>

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<sup>134</sup> *BPP*, No. 323 (1839), No. 25, Glenelg to Arthur, 22 August 1838, 86.

<sup>135</sup> *BPP*, No. 323 (1839), Sir Francis Bond Head to Lord Glenelg, 20 August 1836, 122-3.

<sup>136</sup> *BPP*, No. 323 (1839), Saxe Bannister, APS to Glenelg, 98-99. See also APS, 1839 *Report on the Indians of Upper Canada*.

<sup>137</sup> *BPP*, No. 323 (1839), Despatch from Bond Head to Glenelg, 20 November 1836, 129.

<sup>138</sup> *BPP*, Vol. 617 (1834), Goderich to Colborne, 3 April, 1832, 137; *BPP*, No. 323 (1839), Glenelg to Bond Head, 20 January 1837, 73.

## Conclusion

Peace in 1814 could not ameliorate the economic, social and political problems plaguing the colony throughout the 1830s and 40s. Crops suffered from bad weather, markets from little or no growth, and as the population stagnated and the military cut back the colony remained on the verge of bankruptcy.<sup>139</sup> This was a crisis aggravated by the arrival of cholera, continual border troubles, political instability and ultimately Rebellion. In the Western District, the legacy of the War of 1812 inspired continued fears of difference and sedition which gripped the region throughout the 1830s. Errington and others have shown that these same circumstances inspired attempts to impose social stability and a uniform identity on what was then a disparate population.<sup>140</sup> To that end, the development of suitable province-wide institutions and infrastructure could only be made possible by massive immigration from the British Isles and the union of Upper and Lower Canada in 1840. The civilizing of Indigenous peoples should be understood as one of these projects.

While it is true that after 1814, Aboriginal people were not required as allies on a scale congruent with the past, the promises of Brock, Prevost, Askin and Ironside, laid the groundwork for a potentially prosperous future. When asked to assist the British, the Anishinabe repeatedly expressed concern for the care and safety of their women and children, a reference to Covenant Chain commitments of mutual support.<sup>141</sup> But where Anishinabe peoples looked to relationships of the past to formulate plans for development and assistance in the future, Commissions of Inquiry into the affairs of the department created a corporate memory that refused to

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<sup>139</sup> Antal, *Wampum Denied*, 392.

<sup>140</sup> Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Kingston and Montreal: McGill-Queen's University Press, 1987), 13-15.

<sup>141</sup> LAC, RG 10/440, Waldron to Clench, 12 January, 1838, 545-46. In 1838, men from the Sable told Muncey missionary Solomon Waldron that they would go [fight] "if their women and children would not "suffer."

acknowledge any period of mutual interdependence. Past promises interpreted as temporary forms of charity and not long-term negotiated entitlements made communities increasingly vulnerable to the political and social instability around them. The Huron Tract Treaty was a subsequent attempt to make the British honour these promises of assistance, but they were broken again by the imposition of civilization policy.

As the following chapters will demonstrate, civilization policy differed markedly from the concept of assistance as understood by Anishinabe people. This is all the more surprising given that beyond the loyalist migrations, well-connected individuals including Lord Selkirk, Thomas Talbot, Henry Jones Sr. and Peter Robinson along with surveyors, registrars and office holders all received substantial assistance from the Colonial government in the quest to develop self-sufficient agricultural communities in the ‘wilds’ of Upper Canada, and that most failed to achieve their objectives. To a large degree, these groups were vocal and demanding and directly influenced the amount and kind of assistance they received “free of charge.”<sup>142</sup> In comparison, officials assisted in a scheme of settlement which in the case of Sarnia and St. Clair was foisted upon Anishinabe peoples without their consent or assistance.<sup>143</sup> The costs of Aboriginal settlement further amounted to a trifling expense even if Great Britain had expended £100 (\$400) on every Indigenous family in Upper Canada. And unlike Loyalists, in violation of the Huron Tract Treaty, Aboriginal people paid for their own settlement through the commutation of their presents, pensions and annuities and sale of their lands.

Correspondence in the 1820s from Darling, Kempt, Colborne and others all recommended that the department hire resident ‘experts’ to advise and teach. Wherever possible,

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<sup>142</sup> Wilson, *As She Began*, 107.

<sup>143</sup> Leighton, *The Development of a Federal Indian Reserve Policy in Canada*, 5-6.

Aboriginal people would negotiate their own contracts, construct their own settlements and eventually teach their own children and minister to their own residents. This was certainly not the way William Jones and subsequent Indian agents implemented policy. Sarnia residents did not receive blacksmiths to manufacture and repair their tools, nor did they receive skills training or the opportunity to apply these skills to the design and construction of their own community. Colborne and Bond Head implemented policies enabling the department to appropriate treaty and other entitlements and use them to civilize Aboriginal people without their consent. Prohibiting communities from controlling their own funds, and refusing to give individuals cash payments, set the stage for adjacent Eurocanadian communities to profit from the loss of control of reserve economies.

In contrast to the optimism of Kempt and Colborne, Bond Head changed the trajectory of the department. Though his detractors embarked on a campaign to champion the successes of Indigenous communities in Upper Canada, they could not overcome the hopeless “pessimism” Head introduced in the minds of officials in the department and the colonial office.<sup>144</sup> As soon as residents on the Sarnia reserve began to see some return on their investment, Bond Head condemned them as failures and introduced the concept of removal anew.<sup>145</sup> Though he claimed he “minutely and personally...investigat[ed] the real State of the Indians in this Province, and...judged of their Situation with” his “own Eyes,” Head only saw what he wanted to see and took the Department on a path that was blind to the needs and concerns of Anishinabe peoples in the Western District. Bond Head’s successor Sir George Arthur concluded that the social and political tensions plaguing the colony throughout the 1830s were really economic problems in

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<sup>144</sup> Leslie and Maguire, *Historical Development of the Indian Act*, 13. Milloy, “The Era of Civilization,” 197.

<sup>145</sup> Johnson, *Pre-Confederation Crown Responsibilities*, 39.

disguise.<sup>146</sup> In the coming decades, the antidote would come from population growth and progress brought about by the “full development” of the province’s “vast natural resources.”<sup>147</sup> But Arthur’s plan would be contingent on the control of Aboriginal lands and resources. If Bond Head’s treaties were the first step towards achieving these goals, the second would be the introduction of legislation in 1840 to unite Upper and Lower Canada into one province. Prophetically, the terms of the Act of Union failed to mention Indigenous peoples entirely.<sup>148</sup>

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<sup>146</sup> Paul G. Cornell, “The Genesis of Ontario Politics in the Province of Canada (1838-1871)” in *Profiles of a Province*, ed. Edith G. Firth (Toronto: Ontario Historical Society, 1967), 60.

<sup>147</sup> Speeches of Sir George Arthur, *Western Herald and Farmer’s Magazine*, Vol. 1, No. 7, Sandwich, Upper Canada, Tuesday April 3, 1838 and Vol. 2, No. 3, Thursday March 14, 1839.

<sup>148</sup> Hodgetts, *Pioneer Public Service*, 205.

### Chapter 3: “Whence all this misery?”: Settlers, Squatters and Speculators,<sup>1</sup> 1830-1860

Anishinabe peoples surrendered thousands of acres of land, yet it was never enough. In 1843 the Chiefs and Council on Walpole Island met with their Indian Agent William Keating. Conflict over lands and resources had soured their relationships with neighbouring settlers. They explained it as follows:

Some white man full of deceit would come to the lodge of our old men with some presents in his hands and fire water in his canoe and would say ‘brother, I am tired let me come and sit by you for one or two winters until I can get a place from our Great Father. See all that you shall have. I shall build a good house which you will also get when I leave, and we shall be friends. The poor red man he is deceived, he drank of the maddening cup and signed away his land not for one but for many years. The white man asked for a little land to settle on soon he took the whole, called his friends around him, sold it to them & thus a few bad men got possession of nearly the whole Island. If you ask “way back your fathers [were] fools,” we can only say, the fire water your people brought among them made them do [it].<sup>2</sup>

As Bauzhigeeshigwashekum asked, “whence all this misery?” How could it be that less than twenty years after the treaty, there was not enough land?<sup>3</sup> Between 1818 and 1827, Upper Canada “acquired” “7,000,000 acres.”<sup>4</sup> Of this amount, Anishinabe territories in the future County of Lambton, included in the Huron Tract Treaty, accounted for nearly 2.2 million acres. According to legal historian Sidney Haring, by the time the 1839 Macaulay Report came out, “it was clear that Indian policy was in shambles: all of the Indian reserves were overrun with squatters, thousands of dollars of Indian trust funds were missing and unaccounted for...and the government was besieged with Indian complaints.”<sup>5</sup>

If Anishinabe people in southwestern Ontario had little land left, they also did not reap

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<sup>1</sup> Milloy, “The Era of Civilization,” 316.

<sup>2</sup> LAC, RG 10/571, Keating Letterbook, July 21, 1843, 6-9.

<sup>3</sup> Toronto Public Library (TPL), S 125, Vol. B 57-373, Baldwin Room, Samuel Peters Jarvis Papers, “Speech of the Indian Chief Beyigishgueshkam,” September 1839, 1-7.

<sup>4</sup> Gates, *Land Policies of Upper Canada*, 158.

<sup>5</sup> Sidney L. Haring, *White Man’s Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1998), 31.



the benefits of the lands they did surrender. As the previous chapter discussed, Sir Francis Bond Head's treaties and the restructuring of government after the Rebellions left Indigenous peoples in a precarious position. Many had just begun to settle and reap the benefits of their harvests when Bond Head coerced them to exchange "3,000,000 acres of the richest Land in Upper Canada for 23,000 barren unproductive Islands." If he could not take Aboriginal lands by turning them into farmers, perhaps Bond Head thought he could accomplish the task by driving them off their fields to hunt and fish in the north.<sup>6</sup> Though not acted upon in terms of policy, Bond Head's proposed plan to remove Indigenous peoples to Manitoulin Island set a precedent and created a remote place for displaced Indigenous peoples to go, whether they wanted to or not.<sup>7</sup> Anishinabe communities clinging to the lands that remained found it increasingly difficult to resist the mounting pressure to surrender them.

After 1841, potential settlers viewed restrictions against the acquisition or settlement of government lands with disdain. An uncertain legal status plagued Indian reserves. Settlers did not distinguish them from Crown or Clergy Reserves, and did not understand that the province administered them separately from other lands. If officials had recognized that Indigenous peoples had the right to police their lands, trespassing might not have been so advantageous. Instead the 1839 Crown Lands Act empowered commissioners to eject trespassers from reserve communities irrespective of the will or wishes of the people who lived on them.<sup>8</sup> Further, under the Act, reserves appeared no different than other uncultivated "Waste Lands" of the Crown which simply encouraged settlers and municipal officials to see them as useless in their wild

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<sup>6</sup> BPP, No. 323 (1839), Enclosure in No. 25, Glenelg to Arthur, 22 August, 1838, 101, 87. Haring, *White Man's Law*, 30.

<sup>7</sup> BPP, No. 323 (1839), Enc. 13, No. 11, R. J. Routh, Commissariat, Quebec, 1 October, 1836, 48.

<sup>8</sup> 2 Vict. c.15 *Act for the Protection of the Lands of the Crown in this Province, from trespass and injury*, 11 May 1839, in *Acts Relating to Indian Matters in the Province of Canada* (Toronto: S. Derbishire & G. Desbarats, 1858), 3-6.

state and an impediment to settlement. Alienating and settling them as quickly as possible was not only desirable, it served the public good.<sup>9</sup>

In Upper Canada, land policy favoured farmers, speculators and squatters alike and the Western District contained swaths of undeveloped land. While this allowed Anishinabe in the interior to avoid wholesale change to their lifestyles until the second half of the nineteenth century, by the time the imperial government realized the value in carefully regulated settlement, changing from a policy of free grants to sales in 1825, settlers already occupied most of the good land on the St. Clair shoreline.<sup>10</sup> Granted and sold for a fraction of its actual value, neither Anishinabe people nor the government realized the profits from some of the best and most valuable lands in southwestern Ontario.<sup>11</sup>

Based on his examination of the Haudenosaunee in upstate New York in the post-1784 period, Taylor surmised that Aboriginal peoples used three methods to manage European settlement on their lands. Leasing or renting remained the first choice but when this failed, chiefs intervened in the choice of settlers to create a “mediating buffer” between themselves and others of unknown origin and motive. Lastly, if neither of these were possible, Indigenous peoples reluctantly surrendered lands over which they had lost control in the hopes that money would assist them to settle elsewhere.<sup>12</sup> Anishinabe Chiefs in the northernmost region of the Western District used all three methods and while they slowed the impact of settlement, they failed to achieve the anticipated results in the presence of settler complicity and absence of government enforcement.

According to historian Douglas Leighton, Aboriginal peoples suffered a particularly

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<sup>9</sup> *BPP*, No. 323 (1839), Routh, Commissariat, Quebec, 1 October, 1836, 48.

<sup>10</sup> J. Howards Richards, “Lands and Policies: Attitudes and Controls in the alienation of Lands in Ontario During the First Century of Settlement,” *Ontario Historical Society*, Vol. 50, No. 4 (1958): 193.

<sup>11</sup> Gates, *Land Policies of Upper Canada*, 141.

<sup>12</sup> Taylor, *Divided Ground*, 404.

brutal form of disposition in the American northwest because widespread settlement occurred in the advance of territorial authority and administration.<sup>13</sup> A similar situation existed in the Western District where, as early as 1792, surveying and settlement ‘officially’ occurred in the southern townships of Essex and Kent. However, by 1820, farms and houses could be found north to Port Huron, along the St. Clair River shoreline, and inland at various points along rivers and streams. The Western District Council and courts sat at Sandwich, serving residents in the southern County of Essex while settlers east and north of Lake St. Clair, in the County of Kent, found they had difficulty accessing legal or government services the closer they lived to Lake Huron. In the absence of an established centre of authority in the northern region, a small number of civil officials amassed considerable power and controlled the flow of information well into the 1850s. Anishinabe communities, as a consequence, depended on their agents to behave honourably and dutifully towards them and to protect them from local officials, merchants and farmers, whose interests and aspirations might be contrary to theirs. Despite their concerns, the seat of government moved even further east to Kingston after 1841.<sup>14</sup> If Indian agents failed in their duties, the chiefs had nowhere else to turn.

Though Indigenous-newcomer relationships are often discussed in terms of conflict and opposition, Haudenosaunee-Mississauga scholar Catherine Longboat believes it is important to deconstruct the term “settler” and acknowledge that Eurocanadians behaved differently over time and space.<sup>15</sup> Historiographically, settler consciousness is analyzed in terms of two rather distinct phases. One, beginning in the 1780s was carried to Upper Canada by Loyalists and Late Loyalists who came of age in an era of American frontier expansion. Grounded in notions of

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<sup>13</sup> Leighton, “Historical Development of the Walpole Island Community,” 22.

<sup>14</sup> Jones and Osborn, *History of the Ojebway Indians*, 125.

<sup>15</sup> Snezana Ratkovic and Catherine Longboat, “Reconstructing ‘Aboriginal’ and Immigrant Identities in Canada,” Paper delivered at the Encounters in Canada Conference, Toronto, 16 May 2013.

superiority and domination over the natural world,<sup>16</sup> these ‘republican’ ideals began to give way in the mid-nineteenth century to “settler colonialism,” a second phase brought by waves of mid-century emigrants from Great Britain who tend to be broadly characterized as English, protestant and imperialist in sentiment. Throughout, the nineteenth century “American” and “British” traditions coalesced into a philosophy of civilization in which Eurocanadian expansion and the reform of Aboriginal peoples became mutually reinforcing endeavors.<sup>17</sup> But important too are variations within these larger movements brought by Scottish and Irish victims of ‘British’ demobilization, enclosure, and famine.<sup>18</sup> As a consequence, the Western District became a product of cultural forces emanating from the Indian Territory, the American borderlands and the British Empire. Not all who settled brought with them an imported hostility towards the Anishinabe or wished to reform them. However, the numbers of those who did seemed to increase substantially over time.

In the late eighteenth century, expanding the empire was furthest from the minds of most people. Many Eurocanadians and peoples of mixed ancestry fled alongside Indigenous peoples, and they arrived together in Upper Canada as refugees.<sup>19</sup> The Walpole Island community sheltered Baldoon settlers during the War of 1812, and together, Anishinabe peoples, soldiers and the Essex and Kent Militias worked together to repel rebel invaders in pockets of the District in 1838. Indigenous leaders invited many of these ‘settlers’ to establish farms on Walpole Island

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<sup>16</sup> Johnson, *Becoming Prominent*, 128; Elizabeth Furniss, “Challenging the Myth of Indigenous Peoples’ ‘last stand’ in Canada and Australia: Public Discourse and the Conditions of Silence,” in *Rethinking Settler Colonialism: History and Memory in Australia, Canada, New Zealand and South Africa*, ed. Annie E. Coombes (Manchester: University Press, 2006), 182.

<sup>17</sup> Their origins are explored extensively in Craig Yirush *Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1675-1775* (Cambridge: Cambridge University Press, 2011). British Imperialism unfolded differently in every colony for a variety of reasons, the most obvious being the resistance of Indigenous peoples. See for instance Coombes cited above along with Edmonds, *Urbanizing Frontiers*; Elbourne, “The Sin of the Settler.”

<sup>18</sup> Gates, *Land Policies of Upper Canada*, 86; Donald MacKay, *Flight from Famine: The Coming of the Irish to Canada* (Toronto: McClelland and Stewart, 1990), 17-39.

<sup>19</sup> Ratkovic and Longboat, “Reconstructing ‘Aboriginal’ and Immigrant Identities in Canada,” Paper delivered at the Encounters in Canada Conference, Toronto, 16 May 2013.

and along the St. Clair shoreline. Loyalists, retired half-pay officers and other officials resided in the district, some with the permission of Anishinabe leaders, others with grants from the government and some with both. As this generation fell into decline, waves of elite and impoverished Scots, Irish, English and Americans came in the 1830s and 1840s, largely removed from the experiences of colonial warfare and somewhat socially distanced from local Anishinabe people.

As good ungranted land became scarce, Keating and Jones, in their dual role of Superintendents and land agents began to negotiate land and resource leases on the Huron Tract reserves. Some of these agreements excluded the chiefs, and deed holders exchanged them thereafter without the knowledge of the agents. By 1840, long-time residents living in relative harmony with local Indigenous populations sometimes found themselves surrounded by “very troublesome” neighbours.<sup>20</sup> For these reasons, the term ‘settler’ represents a complex spectrum of individuals in the Western District possessing diverse views, backgrounds, origins and motives. It is fundamentally important to the history of Indigenous-European relations and development in the Western District to understand the processes by which this cooperative phase of settlement was undermined.

As historical geographer John Clarke writes, in an era without any form of social safety net, land became “the basis of life and of economic and social prestige”.<sup>21</sup> Farmers aspired to own land because it provided financial security, inheritances and care in old age, but many others settled on land they did not own or owned more land than they could ever use.<sup>22</sup> Though the terms ‘squatter,’ ‘speculator’ and ‘settler’ are frequently used in the literature to describe such

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<sup>20</sup> LAC, RG 10/571, Keating to Jarvis, 12 June, 1843, 4-6.

<sup>21</sup> Clarke, *Land, Power and Economics*, xxxi-xxxii.

<sup>22</sup> Terry Crowley, “Rural Labour,” in *Labouring Lives: Work and Workers in Nineteenth-Century Ontario*, ed. Paul Craven (Toronto: University of Toronto Press, 1995), 22.

behaviors, they often lack clarification and are difficult to define. In the absence of motive, speculators in this period are typically identified by three behaviors: “brokering,” “investing,” and “quick-flipping.” Brokers, like John Askin Sr. conducted transactions on behalf of others while investors held large blocks of land in particular areas for long periods of time. “Quick flippers,” acquired many small, scattered parcels and sold them as fast as profits could be made.<sup>23</sup> Clarke defined speculators in Essex County as individuals possessing more than 400 acres of land and who engaged in three or more transactions with their holdings. Most studies offer variations on this theme.<sup>24</sup> Nineteenth-century documents also reveal that ‘speculating’ was a socially constructed term based on contemporary views of morality and excess.

Speculation rested on the idea that individuals should own no more land than they could reasonably use. ‘Reasonable’ amounts of land varied from 50 to 100 acres or more, but anyone who could take unfair advantage of their positions, like surveyors, registrars and other land officials became easy targets for accusers. Critics also singled out those with unique access to Loyalist or military free grants, blocks of Canada Company Crown grants or Indian lands.<sup>25</sup> Conversely, letting the land go to waste, not using it to its full potential and preventing others from doing so also raised suspicion.<sup>26</sup> Councilors of the Western District described speculators as “a wealthy class of absentee proprietors” who did not perform settlement duties on the lands they

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<sup>23</sup> Clarke, *Land, Power and Economics*, 305; Burr, “‘Oil Mania’,” 284. Clarke attributes this typology to Bill Shannon.

<sup>24</sup> Clarke, *Land, Power and Economics*, 481.

<sup>25</sup> Gourlay, *Statistical Account of Upper Canada*, 336-9; AO, F2007, MS 134, Western District Fonds, Municipal Section B, Minutes of the Municipal Council, 1843-1848, A. Fifth Session, 1843, Petition: Western District Council to Sir Charles Bagot, February 17, 1843, 35.

<sup>26</sup> John C. Weaver, “Concepts of Economic Improvement and the Social Construction of Property Rights: Highlights from the English Speaking World,” in *Despotic Dominion: Property Rights in British Settler Societies*, ed. John McLaren, A.R. Buck, and Nancy E. Wright (Vancouver: University of British Columbia Press, 2005), 88; Karen Travers, “Empire Revisited: The Covenant Chain of Silver, Land Policy, and the Proclamation of 1763 in the Great Lakes Region, 1760-1800,” in *The Nature of Empires and the Empires of Nature: Indigenous Peoples and the Great Lakes Environment*, Karl S. Hele ed., (Waterloo: Wilfrid Laurier University Press, 2013), 100.

held.<sup>27</sup> Thus farmers and council officials alike targeted large landholders for disdain because “wild lands” not only impeded the movement of others but their owners did not contribute to the operating costs of the district. Thus as Clarke proposed, “speculation is...an attitude of mind,” and there are many “aspects” of land speculation, each offering its own challenges to Indigenous populations.<sup>28</sup>

If district councils found a small number of large landowners troublesome then the swarms of ‘squatters’ who occupied land illegally, drove them to distraction. Defining the squatter is the most problematic of all the terms used to describe methods of land settlement simply because lawmakers rarely defined ‘illegal’ and officials seldom enforced the law. Though squatting is acknowledged as a fact of Upper Canadian settlement, it is extremely difficult to quantify using traditional sources. For instance, Crowley identifies 42.7 percent of the Upper Canadian rural population as tenants and 57.3 percent as proprietors. While the presence of such a large percentage of tenants is an important aspect of land use and settlement in 1848, these figures are also deceptive because they cannot account for the diverse kinds of tenure under which individuals occupied land in Upper Canada nor can they measure local squatting problems.<sup>29</sup> As this chapter discusses, ‘squatting’ is not necessarily settlement in the absence of title, payment, or the performance of settlement duties. Instead it requires a broader definition encompassing undesirable settlement that contravened policy or violated local norms at a particular time or place. Harring, for instance, simply identifies “squatting” as any habitation deviating from the “juridical ideal.”<sup>30</sup>

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<sup>27</sup> AO, F2007 Western District Fonds, Petition: Western District Council to Sir Charles Bagot, February 17, 1843, 35.

<sup>28</sup> Clarke, *Land, Power and Economics*, 321 & 332.

<sup>29</sup> Crowley, “Rural Labour,” 28; Catharine Anne Wilson, *Tenants in Time: Family Strategies, Land, and Liberalism in Upper Canada, 1799-1871* (Montreal & Kingston: McGill-Queen’s University Press, 2009), 15-18.

<sup>30</sup> Harring, *White Man’s Law*, 91.

But what was the “juridical ideal”? While Reformers and Tories debated whether settlement was best achieved by the cultivation of a “landed gentry” or by the “yeoman farmer,” a portrait of the ideal settler can be deduced using council and other township documents.<sup>31</sup> The “ideal inhabitant was a farmer” who arrived in a surveyed township in Upper Canada with a small grant or sum necessary to locate himself on 100 or 200 acres of land. The settler registered the intent to purchase and bought the land outright or paid promptly in a series of annual installments.<sup>32</sup> The ideal “settler-citizen,”<sup>33</sup> built a log home, planted as many acres per year as possible, built suitable fencing and cleared and maintained the section of road fronting his property. Each year the ideal settler cleared, planted and fenced up to five additional acres and ultimately became a law-abiding, church attending member of the community.<sup>34</sup> But ideal settlers never seemed to be in sufficient quantity and officials most often confronted difficult individuals who defied regulations.

Performing settlement duties and otherwise appearing to follow the rules did not guarantee settlers would continue to be ‘ideal’ farmers. Even with the best of intentions, completing all required settlement duties in remote areas of the district was difficult and onerous. “Professional” and accidental squatters, who deliberately, or by ignorance or misfortune occupied land without ever receiving their patents, caused unique problems.<sup>35</sup> The longer squatters stayed on the land, the stronger their claim became,<sup>36</sup> and officials found it counter-productive to remove and penalize individuals in the process of improving the land, even when

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<sup>31</sup> Council Minutes, bylaws and petitions are especially helpful in this regard.

<sup>32</sup> David Mills, *The Idea of Loyalty in Upper Canada, 1784-1850* (Montreal: McGill-Queen’s University Press, 1988), 47-49. Gourlay, *Statistical Account of Upper Canada*, 29-30, 59 & 61.

<sup>33</sup> Burr, “Oil Mania,” 306.

<sup>34</sup> Frank D. Lewis and M.C. Urquhart, “Growth and the Standard of Living in a Pioneer Economy: Upper Canada, 1826 to 1851,” *William and Mary Quarterly*, 3<sup>rd</sup>. Ser., Vol. 56, No. 1 (Jan., 1999): 174.

<sup>35</sup> Settlers received their patents once all payments, settlement duties and fees had been made on a grant of land. After the receipt of a patent, the land became taxable. See Clarke’s glossary in *Land, Power and Economics*, xxiii.

<sup>36</sup> “Professional squatters” built shacks and cleared just enough land to avoid dispossession. Gates, *Land Policies of Upper Canada*, 290-1; Harring, *White Man’s Law*, 49.



they knowingly settled on Aboriginal lands.<sup>37</sup> Officials found it easier, less costly and more socially palatable to assist them to legitimize their possessions, than to forcibly remove and compensate them.<sup>38</sup>

Local social and political conditions often influenced the identification and persecution of squatters. While cost, distance and bureaucracy were contributing factors, squatters sometimes did not understand or claimed to not understand the purchasing process. Settlers often operated under the popular misconception that they could occupy and legally claim reserve land in anticipation of a surrender.<sup>39</sup> In other instances, aggrieved parties in contract disputes accused each other of squatting when they believed land was acquired at an unfair advantage. Linked to cultural, anti-social or undesirable behaviors, quarrels over land acquired racial and class-based undertones as property increased in value. In Moore and Plympton Townships, officers, merchants and professionals settled along the waterfront while farmers took up less valuable lots in the interior. Individuals described as speculators tended to come from the former class and “squatters” from the latter even though both in many cases sought to acquire more land than they could reasonably farm.<sup>40</sup> Baldoon Scots on the St. Clair were part of a larger diaspora of discharged soldiers, and farmers and labourers rendered landless in the highland clearances. Firm believers in the rights of pre-emption and improvement, many Scots like the McDonald family became active reformers and formidable opponents as they sought out civic positions to advance their interests.<sup>41</sup> Similarly, though they were outnumbered by Canadians and settled in equal

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<sup>37</sup> Paul McHugh, “The Politics of Historiography and the Taxonomies of the Colonial Past,” 184-5.

<sup>38</sup> See Gates, *Land Policies of Upper Canada*, 289-91. Officials realized property ownership was a civilizing act that tied one to the generosity of the Crown. Farmers who in all other aspects behaved as “ideal” settlers but were perhaps guilty of minor bureaucratic infractions were most likely to benefit from such a policy.

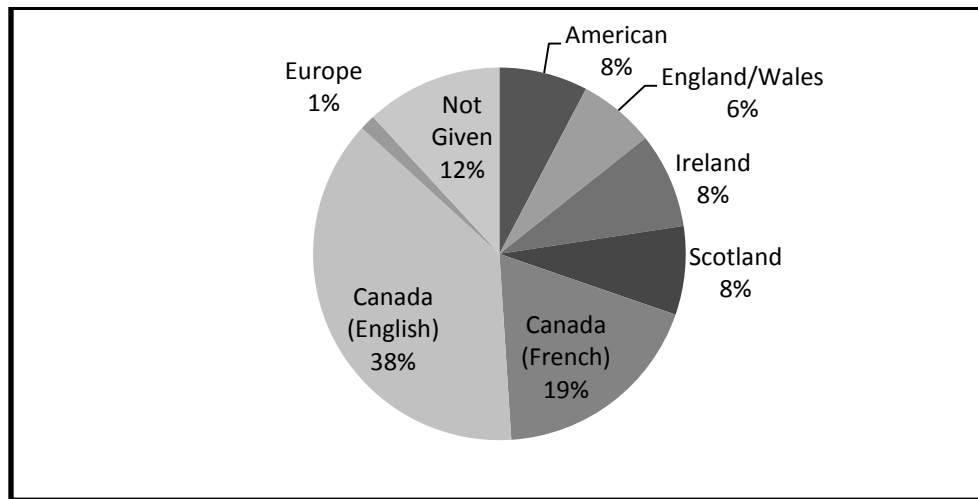
<sup>39</sup> LAC, RG 10/457, Matthew Gill, Cayuga, to Jarvis, 22 June, 1842; Gourlay, *Statistical Account of Upper Canada*, 321. Though this was sometimes a feeble excuse, not all could read or write.

<sup>40</sup> Isabella C. Finlayson, *A Brief History of Moore Township*, from *Writings of Isabella Finlayson, 1934, Corunna's Community Website*, accessed June 4, 2012, [www.corunna.ca/lynscorunna/MooreHist.html](http://www.corunna.ca/lynscorunna/MooreHist.html)

<sup>41</sup> John C. Weaver, “Concepts of Economic Improvement and the Social Construction of Property Rights,” 80-81;

numbers with English, Irish and Scottish immigrants, Americans by birth were viewed with suspicion and associated with a transitory element that poached or hoarded resources and fled across the border (Table 5 below). Correspondence from Indian Agents like William Keating characterized “venal” squatters as “the most abandoned characters...of questionable loyalty, utterly underserving of consideration.” By contrast, the “deserving,” tended to be resident, industrious and British or Canadian in origin.<sup>42</sup>

**Table 5: Western District Birthplaces of the People, 1842**



**Source:** *Censuses of Canada, 1665-1871*, Statistics of Canada, Vol. IV. (Ottawa: I.B. Taylor, 1876), Census of 1842: Table III, 136.

Behavior rather than class or ethnicity is a better indicator since squatters often cleared and improved the land, while United Empire Loyalists and other ‘legitimate’ holders of Crown grants frequently sold out to speculators.<sup>43</sup> In this case, the “ideal settler[s],” who cleared, planted and fenced their land caused more damage to Indigenous economies than “absentee

J.H. Beers, *Commemorative Biographical Record of the County of Lambton* (Toronto: Hill Binding Co., 1906), 349, 493-4. In some sources, member of the family are called ‘McDougall’ and ‘McDougald.’

<sup>42</sup> LAC, RG 10/571, Keating to Higginson, 22 November, 1844, 32-34; Harring, *White Man’s Law*, 49; Clarke, *Land, Power and Economics*, 157.

<sup>43</sup> Gates, *Land Policies of Upper Canada*, 125.

owners” who deliberately thwarted development.<sup>44</sup> Unfortunately, in either case the land was taken off the market<sup>45</sup> placing pressure on Aboriginal peoples to surrender what remained. Regardless of the methods of land acquisition utilized by individuals, the government wished to facilitate settlement, not impede it. As a result, Eurocanadians could not see Aboriginal people as anything other than temporary occupants, and squatters did not understand that their behavior was criminal.<sup>46</sup> As Hele found at the Sault, kinship may ultimately play a larger role in settler/squatter discourse here than is immediately apparent. Further genealogical research would likely reveal that a number of the French and English Canadians in Table 5 identified by officials as ‘squatters,’ are likely related to local Anishinabe communities.<sup>47</sup> Whether blood-relations or not, individuals stragically placed on the land initially with the permission of the chiefs.

### **Indian Deeds**

Though the Crown attempted to regulate settlement through the *Proclamation of 1763*, Indigenous peoples managed their relationships with Europeans through their own customary means. After 1701, Ojibwa, Odawa, Potawatomi and Wyandotte leaders permitted the French to build Fort Detroit and thereafter made agreements with families to occupy certain lots on the Detroit River and its tributaries. Following the Detroit Conference in August 1765, George Croghan, Major Robert Rogers and other officials met with Pontiac and sixty chiefs to renew the Covenant Chain. Pontiac told the officials that “their Country was very large and they were willing to give up such part of it as was necessary for their father the English to carry on trade at,

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<sup>44</sup> Leo Johnson, *History of the County of Ontario* (Whitby, Ontario: Corporation of the County of Ontario, 1973), 42.

<sup>45</sup> Gates, *Land Policies of Upper Canada*, 68.

<sup>46</sup> LAC, RG 10/121, Petition of Hugh, Alexander and Neil McDonald, 6 January, 1845, 5134-5.

<sup>47</sup> Karl Hele, “Manipulating Identity: The Sault Borderlands Métis and Colonial Intervention,” in *The Long Journey of a Forgotten People: Métis Identities and Family Histories*, ed. Ute Lischke and David T. McNab (Waterloo, ON: Wilfrid Laurier University Press, 2007), 169-70.

provided they were paid for it and a sufficient part of the Country left them to hunt on.”<sup>48</sup> During the council they negotiated and approved a series of land transactions between First Nations and private citizens.<sup>49</sup> Pontiac invoked the principles of two-eyed seeing. His vision was one of co-existence and fairness, and it is from this perspective that Anishinabe peoples negotiated later agreements with British officials. Into the 1830s, settlement proceeded on the basis of these ‘Indian Deeds’ in much of what would become Michigan Territory, Essex, Kent and Lambton County.

As Western Nations moved to avoid European settlement, squatters targeted their former village sites and cornfields because they were cleared.<sup>50</sup> Anishinabe Chiefs placed Indian department employees, merchants and former soldiers and officers on these lands to protect them. In 1786, for example, the Potawatomi deeded “lands... long left uncultivated” at the River Raisin (Monroe) to J.B. Réaume.<sup>51</sup> Such actions fit into the plans of administrators like Simcoe, Haldimand and Russell who welcomed a resident elite population allied with local First Nations that was both genteel<sup>52</sup> and battle-ready.

Initially, farms like Réaume’s were not antithetical to Indigenous land usage. As fur trade profits declined and promised pensions and presents failed to materialize, cash and goods

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<sup>48</sup> Lytwyn and Jacobs, “‘For Good Will and Affection’: The Detroit Indian Deeds and British Land Policy, 1760-1827,” 15.

<sup>49</sup> See Lytwyn and Jacobs, “‘For Good Will and Affection,’” 9-29. A list and partial transcription of these extant deeds, of which there are several hundred from 1765 to 1855, has been graciously given to the author by Victor P. Lytwyn who located them in many repositories including Library and Archives Canada, the Detroit Public Library, Wayne County Register of Deeds, Indian Affairs Records and the personal papers of numerous individuals. Several are reprinted in Lajeunesse and the John Askin Papers.

<sup>50</sup> Hamil, *Valley of the Lower Thames*, 15.

<sup>51</sup> *John Askin Papers*, ed. Milo M. Quaife, Vol. 1. (Detroit: Detroit Library Commission, 1928), 249-50. The Réaume (Rhéaume) family had strong ties to the Michigan Potawatomi as a result of trade and interpreting for the Indian Department. See Susan Sleeper-Smith, “Marie Madeleine Réaume L’archêveque Chevalier and the St. Joseph River Potawatomi,” in *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Amherst: University of Massachusetts Press, 2001), 38-53.

<sup>52</sup> Gates, *Land Policies of Upper Canada*, 66.

provided by agreements for land filled some of the gap.<sup>53</sup> Pontiac demanded “proper satisfaction” of deed holders, meaning that he expected to cultivate ongoing relationships of support and assistance.<sup>54</sup> Deeds with traders and merchants like Jacques (Dupéron) Baby, Charles Réaume, John Askin, James McGill and Thomas Forsyth enabled Anishinabe communities to acquire the kinds and quantities of fur-trade merchandise from Montreal and New York suppliers that they were accustomed to receiving. For instance, in May 1796, “at divers times,” John Askin paid nearly two hundred dollars in goods for lands located on the Huron River.<sup>55</sup> Through such agreements, Anishinabe communities received one-time payments or yearly installments of rent in the form of goods, furs and money. Payments made on an as needed basis, for “presents made time to time,” “past and future presents” and “other diverse causes” appear in other agreements. The Chippewa also retained for themselves, the right to hunt, fish, fowl, plant corn and make maple sugar on any unsettled lands.<sup>56</sup> In this context, the agreements should be viewed as reserves and not surrenders. They were the nexus of a symbiotic relationship balancing the exchange of products and knowledge over extended periods of time.<sup>57</sup> As the Colonial Office cut costs and settlement interfered with the reliable procurement of foodstuffs in the Western District, Anishinabe Chiefs negotiated lease agreements for similar purposes in the first half of the nineteenth century. Knowing their land possessed great value, as part of the Covenant Chain protocol of reciprocal responsibility, Anishinabe people could

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<sup>53</sup> James W. Oberly, “Land, Population, Prices, and the Regulation of Natural Resources: the Lake Superior Ojibwa, 1790-1920,” in *The Other Side of the Frontier: Economic Explorations into Native American History*, ed. Linda Barrington (Boulder, CO: Westview Press, 1998), 201.

<sup>54</sup> Lajeunesse, *Windsor Border Region*, lxi.

<sup>55</sup> *Askin papers*, Vol. 2, 15 May 1796, 27. The Huron or Clinton River flows into Lake St. Clair near Mt. Clemens Michigan.

<sup>56</sup> *MPHS/8*, Release—Chippewa Chiefs to James May and Others, 4 February, 1797, 498-501; List of extant deeds in possession of the author. Most of these can be found in the Wayne County Registrar of Deeds, Detroit, Michigan.

<sup>57</sup> Daniel J. Bellegarde et. al., “Walpole Island First Nation Inquiry: Boblo Island Claim” (Indian Claims Commission, May 2000), xii; Taylor, *Divided Ground*, 37.

approach deed-holders for “rent” or assistance in times of need.<sup>58</sup> While leases extending over long periods of time were European in origin and later exploited, in their original incarnation they were valuable tools to Anishinabe peoples for keeping the land in the hands of their descendants. Ideally these offspring, who were often of mixed-ancestry, would have kept and transmitted the terms of the agreements to successive generations.

Cementing alliances with influential Europeans, protecting the land from squatters and engaging in trade were the fundamentals of the Covenant Chain and help to explain why Anishinabe leaders negotiated so many of these agreements. Even so, cuts to presents, pensions and other sources of assistance made Anishinabe Chiefs vulnerable to larger, speculative agreements like the Cuyahoga Purchase.<sup>59</sup> With greater frequency, they exchanged land to alleviate the suffering of their people and to settle their accounts with merchants.<sup>60</sup> Indian Deeds became highly sought after and scarce amounts of currency and high debts resulted in their almost endemic exchange. A “Shopkeeper Aristocracy,”<sup>61</sup> epitomized by John Askin, combined both speculation and quick-flipping to build personal fortunes on their purchase and sale.

Where “Land” was “Power,” conspiracy eclipsed cooperation as the deeds themselves and the ability to accumulate them, acquired greater value than the actual land they represented.<sup>62</sup> Sometime in the 1780s, for example, Askin became indebted to Montreal merchants Todd and McGill, and his personal papers indicate that he made a partial payment on the more than twenty thousand pounds he owed them using deeds to land along the St. Clair River.<sup>63</sup> He and others acquired even more deeds by securing privileged positions on the District Land Board, a body

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<sup>58</sup> Lytwyn and Jacobs, “For Good Will and Affection,” 24.

<sup>59</sup> See glossary in Appendix A for a description of the purchase.

<sup>60</sup> *Askin Papers*, Vol. 2, Cuyahoga Purchase, 18 January, 1796, 5.

<sup>61</sup> Gates, *Land Policies of Upper Canada*, 43 & 53.

<sup>62</sup> Referring to Clarke, *Land, Power and Economics*.

<sup>63</sup> *Askin Papers*, Vol. 2, 6 Jan 1811, p. 667-8; Clarke, *Land, Power and Economics*, 405 & 409.

created in 1789 specifically to regulate land transactions and prevent speculation.<sup>64</sup> The presence of fur traders, merchants, surveyors and Indian Department officials on the Western District Land Board elicited suspicion, particularly since Askin and most other board members were related by marriage and maintained social and commercial ties to each other. As Justices of the Peace, they issued grants of 200 acres upon administering an oath of allegiance to loyal settlers of good character. Accused of issuing certificates under false names or in the name of associates who would then transfer them back, Land Boards became repositories of corruption and patronage. Creating the impression that Indian deeds might become legitimate sources of title, Land Boards undermined the *Proclamation of 1763* and deeds became highly sought after as a result. Though Askin lost the majority of his deeds to debt, along with the Baby family, he amassed enormous quantities of land in the district.<sup>65</sup> Reliant as they were on personal, professional and kin relations, the behavior of these ‘shopkeepers’ placed deeds in the hands of individuals unwilling and unable to abide by the terms.<sup>66</sup>

Chawme’s demand to purchase more land if needed and the utilization of deeds in this manner tell us that the St. Clair Chiefs intended to continue to manage their own lands. At the same time however, political and environmental circumstances adversely affected Indian deeds and lands in the St. Clair. First, after 1800, officials prohibited Late Loyalists, and Americans who immigrated after 1783, who were not British subjects and not Loyalists, from voting, holding office or owning land. But stripping Americans of title to land they purchased before the war meant that any who arrived in the region afterwards could only lease or squat.<sup>67</sup> By the time

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<sup>64</sup> Clarke, *Land, Power and Economics*, 454 & 102.

<sup>65</sup> David T. Moorman, “The ‘First Business of Government’: The Land Granting Administration of Upper Canada” (PhD Thesis, University of Ottawa, 1997), 24- 25 & 33. After 1790, recordkeeping improved but not enough to curtail speculation.

<sup>66</sup> Travers, “Empire Revisited,” 100-101.

<sup>67</sup> Mills, *The Idea of Loyalty in Upper Canada*, 35; Gourlay, *Statistical Account of Upper Canada*, 319-325. The issue was partially addressed in 1825 with a bill allowing individuals to purchase land but not vote. The 1828

the chiefs agreed to the 1825 provisional treaty, a number of Americans had sought out Indian deeds along the St. Clair. A fierce competition for land erupted that same year, as a Naturalization Bill ended the prohibition for individuals who arrived prior to 1820. By this time, many possessors of Indian deeds had been on the land for ten years or more. They did not want to give up their improvements and expected to receive the right to purchase their lots.<sup>68</sup>

Secondly, instability returned to the region a decade later as rebellion in Lower Canada and the subsequent fear of frontier raids in 1838 created an absence of male authority in the district. Many farmers in the Walpole Island-Baldoon vicinity evacuated with their entire families to Sombra. Members of the Kent Militia, Anishinabe Chiefs and Warriors, and the majority of males over sixteen years of age, were deployed throughout the borderlands.<sup>69</sup> Though many returned to their communities less than a year later, officials did not dismiss some warriors until 1842 and Keating reminded them that “they should always be on the lookout and ready to form their patrols.”<sup>70</sup> Few, in the interim remained to protect Anishinabe communities on Walpole Island, at Sombra, St. Clair and Bear Creek. Their lands, as well as the improvements made by their lease-holders, remained vulnerable to squatters.

Lastly, Burwell’s 1826 notes also reveal that it rained heavily a quarter of the time he was surveying the Huron Treaty reserves. The following year, the weather combined with the effects of concentrated land clearing led residents and officials to complain that water levels in the Detroit and St. Clair Rivers swelled to the highest they had been in recent memory.<sup>71</sup> The

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Naturalization Bill fully naturalized anyone who arrived before 1820 who held land, public office or had previously taken an oath. A seven year residency requirement applied only to individuals arriving after 1820. In 1845 officials lowered the requirement to five years.

<sup>68</sup> Gourlay, *Statistical Account of Upper Canada*, 307.

<sup>69</sup> LAC, RG 10/121, Petition, Hugh, Alexander and Neil McDonald, 6 January, 1845, 5134-5.

<sup>70</sup> LAC, RG 10/571, Keating to Major Pritchard, 8 February, 1842, 2.

<sup>71</sup> LAC, RG 1, Series CB-1, Box 16, Burwell Survey Diary, Chippewa Indian Reserves. Burwell set out on September 16<sup>th</sup> and returned to Talbot’s residence on November 20<sup>th</sup>. He travelled along the Thames, St. Clair, Lake Huron route for 66 days experiencing heavy rain or mixtures of snow and rain on sixteen of them.



fledgling community of Baldoon subsequently became uninhabitable, and its malaria-infected inhabitants sought drier lands in Sombra, Bear Creek and on the several islands that made up the Walpole Island community.<sup>72</sup> Throughout the first half of the century, increased precipitation and low temperatures in the Great Lakes basin caused flooding in low-lying areas. Until technology improved to the extent that large areas could be drained, these higher water levels increased competition for the remaining good land.<sup>73</sup>

For all of these reasons, complaints from the chiefs in the 1830s and 1840s suggest that a new and very different kind of squatter exploited the lack of authority, and environmental and political instability in the region, to grab land. Jones blamed the chiefs for “selling pieces of the land to Americans and sending them over to settle,” but 27 identified by Keating suggest that British and Canadian residents were just as culpable. While nine were indeed American, five particularly troublesome squatters were Scots, formerly from Baldoon; three were Canadians, three were English, two were French [Canadians] and one was identified as a “half-breed.” As suggested earlier, some “Canadians,” “English” and “French” may also have been of Indigenous ancestry and the origins of four of the persons remain a mystery.<sup>74</sup> Some rented or acquired loyalist and veteran grants, but others seemingly materialized without the knowledge of anyone. Keating claimed these latter settlers held deeds “transfer[ed] from previous holders” or “extorted [them] from the chief by false promises and whiskey.”<sup>75</sup> As the deeds continued to change hands, the chiefs and agents (William) Jones and Keating, found it increasingly difficult to determine their exact provenance. In petitions to the government, settlers cited their possession of Indian Deeds to claim title, appealing to the breadth of their improvements, wartime service and loyalty

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<sup>72</sup> LAC, RG 10/571, Keating to Higginson, February 1845.; LAC, RG 10/121, Petition of Hugh, Alexander and Neil McDonald, 6 January, 1845, 5134-5; Hamil, *Valley of the Lower Thames*, 114.

<sup>73</sup> Larson and Schaetzl, “Origin and Evolution of the Great Lakes,” 535.

<sup>74</sup> AO, F454, *WJLB* Jones to Jarvis, 1 February 1839; LAC, RG 10/571, Keating to Jarvis, 12 June 1843, 4-6.

<sup>75</sup> LAC, RG 10/571, Keating to Higginson, 22 November, 1844, 32-4.

in 1812 and 1837.<sup>76</sup> Aboriginal and non-Aboriginal Loyalists once again possessed competing claims, and because the chiefs had the temerity to lease their own lands, the agents blamed them for their own misfortunes.

These circumstances represented a radical departure from the period before the 1820s, when Anishinabe Chiefs regulated the occupation of their territories through the use of their own customary law. In 1820 for instance, some Anishinabe at Big Bear Creek approached a squatter to remove him from their territory. Until the government negotiated a treaty and paid them for the land, he would pay rent in the form of livestock and foodstuffs, exacted by force if necessary.<sup>77</sup> According to British law, once the provisional agreement was agreed to in 1825, squatters should have simply been removed from reserves as necessary. *The Proclamation of 1763* placed the Crown “between Indian and settler as the source of justice and fairness for both communities, and as the sole source of title for settlers.”<sup>78</sup> However after 1830, Keating and Jones acted on the Crown’s behalf and enforcement of the Proclamation remained entirely dependent upon their own sense of duty and obligation. In 1833, a number of merchants and future speculators arrived in Chatham, including Richard Vidal and Thomas Fisher, hoping to purchase the remaining unoccupied land in Sarnia and the St. Clair when it went up for auction.<sup>79</sup> They formed influential alliances and invested in significant amounts of property alongside retired officers, soldiers, farmers and squatters.

A growing number of residents possessing attitudes of indifference and outright hostility towards Indigenous land rights, prevented Anishinabe peoples from policing their lands. By

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<sup>76</sup> See various petitions in RG 10/121 cited herein and Johnson, *Becoming Prominent*, 77.

<sup>77</sup> Ferris, “A Consideration of the Location of Bear Creek,” 12; Elford, *Canada West’s Last Frontier*, 40.

<sup>78</sup> McHugh, “The Politics of Historiography,” 176.

<sup>79</sup> Elford, *Canada West’s Last Frontier*, 55. See Beers, *Commemorative Biographical Record*, 1-3; Judge MacWatt, *Wardens, Parliamentary Representatives, Judicial Officers...of the County of Lambton* (Lambton, ON: Lambton County Council, 1917), 14. The father of the Hon. Alexander Vidal came to the Sarnia area in the 1830s. Alexander [1819-1906] became a surveyor, M.P.P. and Senator. Thomas Fisher [1797-1853] settled in Moore in 1832 becoming a successful merchant and landowner. He was the Warden of Lambton County in 1852.

necessity, chiefs relied on their agents, local authorities and petitions for assistance. While officials could eject squatters and deny them future grants of Crown land, trespassing was a relatively minor offense.<sup>80</sup> To protect Indian reserves, ungranted and unsurveyed lands, the government passed the Crown Lands Act in 1839. The act empowered commissioners to issue thirty-day removal warnings to squatters or poachers on Crown or Indian Reserves. Subsequent offenses were punishable by thirty days in jail and a “fine...not exceeding twenty pounds.” The removal of timber or other resources was also subject to fines “not exceeding twenty pounds” or three months in jail.<sup>81</sup> But a lack of enforcement rendered the law ineffective and squatting and poaching became ingrained in the local community as acceptable behaviors.<sup>82</sup> Potential settlers, instead of viewing Indian deeds and leases as rental agreements for various terms, saw them as a stage in the purchasing process. If they behaved like ‘ideal’ settlers and cleared and improved some of the property, they increased their chances of asserting a right of preemption.<sup>83</sup> If they were not successful, they would most likely receive compensation, as the squatters on the Sarnia reserve did. Legal historian Sidney Haring describes this failure to enforce the 1839 Crown Lands Act as “the complete political and legal abandonment of Indians in Upper Canada.”<sup>84</sup>

### **A Trying Case of Squatting**

Intermittent access to justice consistently plagued the northern townships. These circumstances, though not unusual in early years of colonial administration, affected Anishinabe peoples in ways that are important to consider.<sup>85</sup> Throughout the 1830s, divisional courts could

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<sup>80</sup> Schmalz, *Ojibwa of Southern Ontario*, 106; Haring, *White Man’s Law*, 41-42.

<sup>81</sup> 2 Vict. c..15, s. III, IV. *Act for the Protection of the Lands of the Crown in this Province, from trespass and injury*, 11 May 1839, 4-5.

<sup>82</sup> Schmalz, *Ojibwa of Southern Ontario*, 106.

<sup>83</sup> McHugh, “The Politics of Historiography,” 188; Lawrence B.A. Hatter, “The Transformation of the Detroit Land Market and the Formation of the Anglo-American Border, 1783-1796,” *Michigan Historical Review*, Vol. 34, No. 1 (2008): 90-91; Taylor, *Divided Ground*, 272. This preferential right itself became a valuable commodity.

<sup>84</sup> Haring, *White Man’s Law*, 31.

<sup>85</sup> According to Aitchison, “the shortage of justices is the most important single fact about the local government of

only sit after magistrates were brought in from Sombra and Moore.<sup>86</sup> A dearth of literate and capable personnel meant that most officials held multiple appointments and shared relations of blood, marriage and class to others in similar positions. Indian Agent William Jones and his long-time friend Henry John Jones for instance were both land registrars.<sup>87</sup> In 1836, Walpole Island and the St. Clair Chiefs succeeded in having the annuity divided between themselves and Sarnia, Kettle Point and Stony Point, and separate agents were hired to administer to them. William Keating, a surveyor by trade, became Indian Agent for Walpole Island and the St. Clair in 1838, and the following year both he and William Jones were appointed commissioners under the Crown Lands Act.<sup>88</sup> Surveyors in the district sought out William Jones to differentiate between ‘squatters’ and settlers they encountered in the townships. Furthermore, as magistrates, Jones and Keating wielded great power and authority in the petitioning process and administration of local justice. Through their condemnation or approbation of particular individuals, they shaped the course of settlement in the Western District.

A reactionary response to the pervasive squatting problem plaguing Anishinabe communities lay behind much of the authority granted to Keating and Jones. In 1839, Bauzhigeeshigwashekum told Superintendent Jarvis, “Father... There is hardly a foot of ground that we can call our own or tread secure from the threats & ill deeds of these men. One Hundred of our pigs have been destroyed, our dogs have been shot at the very doors of our Lodges, our Horses have been stolen from us. Father we have become slaves & we are unhappy.”<sup>89</sup> A number of non-Aboriginal settlers living on Walpole Island occupied farm lots based on deeds

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Upper Canada.” “*The Municipal Corporations Act*,” 111.

<sup>86</sup> AO, F454, *WJLB*, Jones to William Rowen, 20 March 1834.

<sup>87</sup> Hamil, *Valley of the Lower Thames*, 212-13.

<sup>88</sup> Telford, “The Nefarious and Far-Ranging Interests of Indian Agent and Surveyor John William Keating, 374. Keating also married a woman from Walpole Island.

<sup>89</sup> TPL, S 125, Vol. B 57-373, “Speech of the Indian Chief Beyigishigueshkam,” September 1839.

agreed to by the chiefs. However, others arranged leases with Keating and Jones or transferred their leases to third parties without the knowledge of the island's leaders. In some cases unfortunate purchasers bought land "in good faith" without "knowing that these people had no title."<sup>90</sup> The Chiefs repeatedly made complaints against Robert Little, Jacob East and members of the McDougall/McDonald family for not paying rent and otherwise abusing the privilege of living on their lands, but they could neither prove nor act on them.<sup>91</sup> The Indian Agents concealed their own involvement in the leasing fiasco, and the courts failed to protect Aboriginal peoples and enforce legislation designed solely for the purpose of removing unlawful settlers from their lands.

While the 1839 Act provided Keating with the means to evict squatters on the Island, he acted not because the terms of the leases had been broken, but on the premise that the chiefs caused their own misfortunes because they acted without the permission of the department. Keating began ejecting squatters from Walpole Island in 1840 and they responded by suing him. Chief Justice John Beverly Robinson, who along with William Jones was a former Kent County Registrar, tried the most notable test case of the 1839 legislation known as *Little et al v. Keating*.<sup>92</sup> The court focused on deficiencies in the law and the manner in which it was applied and not whether the leasee, Robert Little lawfully resided on Walpole Island. Robinson ruled that Jones and Keating did not establish their case because they did not conclusively prove that Walpole Island was Indian land under the Act or that Little's leases were illegal. The potential

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<sup>90</sup> Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 32.

<sup>91</sup> LAC, RG 10/437, Andrew Jamieson to Clench, 15 June 1846, 383-4; Jamieson to Clench, 6 October, 1846, 386; RG 10/436, John Bell, Customs Collector, Wallaceburg to Clench, 1 October, 1846, 159.

<sup>92</sup> Sidney L. Haring, "The Liberal Treatment of Indians': Native People in Nineteenth Century Ontario Law" 56 *Saskatchewan Law Rev.* (1992): 362; Robert E. Saunders, "Robinson, Sir John Beverley," *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 1 April 2014, <http://www.biographi.ca>. Both began their terms in late 1829, and Robinson remained Chief Justice until 1862. A member of one of the most prominent Loyalist families, Robinson also had personal interests in land and development projects and as an attorney, represented others in similar circumstances.

for “impropriety” in the agent’s dual roles as representatives of the Indians and prosecutors of the Crown particularly troubled Robinson. Harring suggests the Chief Justice made impossible evidentiary demands,<sup>93</sup> but Robinson likely knew that Keating and Jones involved themselves in leasing. In this respect, Keating’s eviction of the squatters was not without a scent of ‘impropriety.’

While no one wishes to defend those evicted, these prosecutions occurred under the authority of poorly written law selectively enforced by Indian agents.<sup>94</sup> How else can one explain the fact that Jacob East, a man possessing two leases, found himself ejected, while two men without leases, the “very troublesome” John McDonald and “good man” [François] Xavier Cadotte, were both allowed to stay? Nationality rather than documentation certainly played a role in Keating’s actions as Americans overwhelming formed the number expelled from the Island, whether they possessed leases or not.<sup>95</sup>

François Xavier Cadotte (F.X.Cadotte, Jr.), described as the ‘half-breed,’ in Keating’s list exemplifies the complexities inherent in the settlement of the Detroit-St. Clair River Region. Cadotte was an interpreter for the Indian Department and lived on Walpole Island. Jones also hired him as the farming instructor at the Sarnia Village. He is likely a son of John Baptiste Cadotte, interpreter for the 1818 Council and 1820 Huron Tract Provisional agreements and descended from the Sault Ste. Marie trading family. Cadotte figures prominently in the petitions of St. Clair settlers as an interpreter in the negotiation of Indian Deeds. He appeared to act independent of the chiefs but it is unclear whether they also saw his behavior as problematic. By

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<sup>93</sup> *Little et. al. v. Keating* (1842) 6 U.C.Q.B. (O.S.) 265; Harring, *White Man’s Law*, 68-69. The court heard evidence that Little sub-leased the land to Sheppard Collock; a relative.

<sup>94</sup> Harring, *White Man’s Law*, 68.

<sup>95</sup> LAC, RG 10/571, Keating to Jarvis, 12 June 1843, 4-6.

1836, the United States embarked on an aggressive plan to remove the Saginaw Ojibwe.<sup>96</sup> The Sixth article of Treaty of Washington, which covered the northwestern portion of the Michigan peninsula, included provisions for payments to their mixed-blood relatives. F.X. or François does not appear among the ‘Cadottes’ on the 1836 “Mixed-blood” Census Register which recorded individuals eligible to receive payments and he is not shown as occupying a lot or residing with other Cadottes at the Sault. John Bell, a name also associated with Walpole Island, and an unknown Cadotte protested what they believed was “favouritism” in the distribution of moneys in the treaty.<sup>97</sup> Cadotte likely had prior familial connections entitling him to settle on Walpole Island and this may explain his prominent role as a mediator in the leasing process, as well as the absence of complaints from the chiefs.

From Robinson’s perspective, the leases on Walpole Island must have appeared to be an illogical mess; a number were sub-leased to several parties at once, and few could be described by any parameters as “legitimate.” Within the boundaries of the legislation as it was written, Robinson had neither the tools nor the authority to evaluate the validity of leases on an individual basis—regardless of kinship, bloodlines or the wishes of the Chiefs.<sup>98</sup> In reference to similar circumstances at Grand River, Haring concludes that “the complexity of...land-holding arrangements...was almost beyond the capacity of the law to adjudicate.”<sup>99</sup>

Indigenous peoples historically leased their lands as they thought proper. However after 1839, authorities denied them the legal tools to enforce the terms. The extra-legal nature of

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<sup>96</sup> Alan Knight and Janet E. Chute, “In the Shadow of the Thumping Drum: The Sault Métis—The People In-Between,” in *Lines Drawn Upon the Water: First Nations and the Great Lakes Border and Borderlands*, ed. Karl S. Hele (Waterloo, ON: Wilfrid Laurier University Press, 2008), 100-101.

<sup>97</sup> See Karl Hele, “The Anishinabeg and the Métis in the Sault Ste. Marie Borderlands: Confronting a Line Drawn Upon the Water,” in *Lines Drawn Upon the Water* (Waterloo, ON: Wilfrid Laurier University Press, 2008), 72-74; *1836 Mixed-Blood Census Register, Ottawas and Chippewas of Michigan, Treaty of March 28, 1836*, transcribed and compiled by Larry M. Wyckoff, (accessed 15 June, 2015), [www.rootsweb.ancestry.com/~mimacki2/annuities/1836mb.pdf](http://www.rootsweb.ancestry.com/~mimacki2/annuities/1836mb.pdf)

<sup>98</sup> See Haring, *White Man’s Law*, 87-89.

<sup>99</sup> Haring, “The Liberal Treatment of Indians,” 311.

Indian leases allowed agents to blame the Island's leaders and residents.<sup>100</sup> Petitions from those fighting their evictions reveal that it was not shady Americans, but the Indian agents themselves, who manipulated the leases on Walpole Island and took them away from the control of the chiefs. Keating, lauded for his uncharacteristic pursuit of squatters, allowed some of the most notorious squatters to remain on the Island. George Jaspersen, Jacob East and the McDonalds claimed to possess leases authorized, not only by Keating, but by William Jones, his son Alexander Jones and the interpreter, Cadotte. According to Robert Little, Keating interfered in the leasing process and turned the chiefs against them.<sup>101</sup>

While Keating admitted that all the "claims [were]...equally bad," he only ejected "the most obnoxious." As a temporary reprieve, he allowed "those who had behaved well during the Rebellion" to stay.<sup>102</sup> Lawfully, Robinson could not evict of some "squatters" and not others, when the contradictory testimony of Keating and Jones formed the only evidence he possessed of guilt or innocence. Even so, Robinson did not explore the role of Indian Agent complicity as a factor in the Little case. Had he allowed the chiefs to testify, instead of the agents on their behalf, Robinson would have known immediately who the squatters were. For example, the chiefs specifically named Robert Little, but one of his leases came from Archibald McDonald, and he claimed to hold his lease from William Jones.<sup>103</sup> While Jones went to great lengths to convince his superiors that these transactions occurred before he entered the Indian Department, a number of them were negotiated prior to the Rebellions, and though he told Givens in 1837 that he discouraged the chiefs from agreeing to them, he also complained that settlers continually

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<sup>100</sup> LAC, RG 10/571, Keating to Higginson, 22 November, 1844, 32-4.

<sup>101</sup> LAC, RG 10/121, No. 17, Petition of Robert Little, 14 October, 1844, 5020-3. These claims are made in a number of petitions contained in Vol. 121.

<sup>102</sup> LAC, RG 10/571, Keating to Jarvis, 12 June, 1843, 4-6.

<sup>103</sup> LAC, RG 10/121, Robert Little, Notice to Suit, 19 April, 1844, 5024-5.



harassed him to arrange them.<sup>104</sup> Jones continued to live in Baldoon in the 1840s even though he was assigned the superintendency of Sarnia and the Department never inquired why he involved himself in Walpole Island's administrative affairs. Jones finally admitted that several Walpole Island squatters possessed "a few Leases...in my handwriting made before I was appointed to the Indian Department...when I was totally ignorant of the nature of the Indian claim to the land—some of these should, perhaps not be held more valid than others."<sup>105</sup>

The possession of any leases or agreements not approved by Keating constituted evidence of an offense under the Crown Lands Act. Advantages could be gained by making oral agreements in a system where "impropriety" determined the validity of deeds.<sup>106</sup> For that reason it actually made sense for leaseholders to conceal their written copies.<sup>107</sup> Enforcement should have been simple and the law as written was quite clear—in the absence of a cession, an unauthorized individual found to be engaged in "unlawful occupation" or "illegal possession" of Indian land was subject to prosecution.<sup>108</sup> A notion popularized by individuals charged under the act, particularly on Six Nations, accused 'Indians' of consciously luring non-Aboriginal settlers onto their reserves. Once engaged in land and financial transactions, community leaders would agitate to have them removed and claim their improvements.<sup>109</sup> But Eurocanadians could not have been 'lured' onto a reserve under any circumstance because their very presence, if not sanctioned by a Crown Lands Commissioner, the transaction itself, and any evidence of occupation, were all against the law. Keating's failure to apply the law equally to individuals in obvious violation of a prohibition and Robinson's consideration of extenuating circumstances

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<sup>104</sup> LAC, RG 10/571, Keating to Higginson, 22 November, 1844, 32-4, 41-2; RG 10/121, 31 April, 1845, 4861; AO, F454, *WJLB*, Jones to Givins, 23 June 1837.

<sup>105</sup> AO, F454, *WJLB*, Jones to Higginson, 1 February 1839.

<sup>106</sup> Harring, *White Man's Law*, 82.

<sup>107</sup> *The Queen v. Hagar* (1857), 7 U.C.C.P. 380 (also reported: 4 U.C.L.J.. 208).

<sup>108</sup> 2 Vict. c. 15, s. I & II. *Act for the Protection of the Lands of the Crown in this Province, from trespass and injury*, 11 May 1839, 3-4.

<sup>109</sup> LAC, RG 10/457, Report on Annuities for the years 1839-42, 22 August, 1842, 81024.

cost Walpole Island residents their lawful right to eject squatters until an 1849 amendment to the Crown Lands Act. This simplified proceedings by making it an offense for anyone to reside on any lands held by the Crown without a proper grant, lease, location ticket or licence of occupation.<sup>110</sup> Applying the amended legislation enabled the courts to disallow many of the loopholes formerly used by squatters but it was much too late to have any real effect in southern Ontario.<sup>111</sup>

Under the 1839 Crown Lands Act, Keating was able to eject only nine people in 1841. Citing extenuating circumstances, two years later, a staggering thirty-one people petitioned the Indian department claiming a right to reside on Walpole Island.<sup>112</sup> Many of the original evicted squatters, continued to use their properties as they fought for the recognition of their leases. The infamous Robert Little occupied at least eight lots on the Island and though he had not paid “rent for the last 10 years” was still reported to be living there in 1844. While Keating described Little as “an old man of the most violent disposition,” the agent still gave him and several other squatters, additional “time to remove their crops.” In 1845 they secured another forty days so they could drag their possessions across the frozen Chenail Ecarté River.<sup>113</sup> That year, Keating compensated squatters Drouillard and Hoffman £50 each from Walpole Island’s annuities, more than the £30 average he offered to the others for their improvements. Accusing him of playing

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<sup>110</sup> 12 Vict. c. 9. s. 1 *An Act to explain and Amend an Act of the Parliament of the late Province of Upper Canada...An Act for the protection of the Lands of the Crown in this Province from trespass and injury, and to make further provision for that purpose*, 25 April, 1849. *Statutes of the Province of Canada*, Vol. III (Toronto: Stewart Derbishire & George Desbarats, 1849), 124-5.

<sup>111</sup> Justices in cases after 1850 agreed that the law was “intended to embrace all Crown lands, whether in the occupation of Indians or not” and they interpreted the law in a more liberal manner than Robinson. See *Regina v. Baby* (1854), 12 U.C.Q.B. 346, another case heard by Robinson in which Baby attempted to purchase Indian lands in Amherstburg long held under ‘Indian leases.’ Baby would not incriminate himself by producing the documents in his possession but the court made it an offense to negotiate conditional agreements in advance of a surrender. The courts also ruled oral agreements to be illegal under the 1849 amended Crown Lands Act in *The Queen v. Hagar* (1857), 7 U.C.C.P. 380 (also reported: 4 U.C.L.J. 208).

<sup>112</sup> OA, F454, *WJLB Jones to Jarvis*, 1 February 1839; LAC, RG 10/571, Keating to Jarvis, 12 June 1843, 4-6.

<sup>113</sup> LAC, RG 10/571, Keating to Higginson, 22 November, 1844, 32-34; Keating to Higginson, 10 February 1845, np.

favourites, squatters harassed Keating for even more for concessions.<sup>114</sup>

While the legislation protected commissioners against malicious prosecution, defects in the case proved so substantial that Keating's adversaries were ultimately successful.<sup>115</sup> The courts convicted Keating of unlawful trespass and him to pay Robert Little \$40 (£10) plus costs.<sup>116</sup> Keating, the Sheriff and the lawyer were never paid for their costs and throughout the 1840s, constant hounding and petitions from aggrieved squatters compelled Keating to abandon prosecutions under the Act.<sup>117</sup> Even if they wanted to, local residents would not risk prosecution in the courts or persecution in the community to assist the St. Clair Chiefs.<sup>118</sup> Robert Little told the Civil Secretary that the Walpole squatters held Indian deeds and always paid their rent.<sup>119</sup> Unfortunately his word is no more reliable than that of Keating or Jones. The insurmountable task of sorting out the claims overshadowed the need to remove unauthorized settlers on Walpole Island. Keating turned a number of squatter farms over to Island residents but the chiefs continued to battle unauthorized settlement on their lands. Though the 1839 Crown Lands Act gave officials the tools to accomplish that task, the decision in *Little et al v. Keating* made it impossible to achieve until after 1850.<sup>120</sup>

### **The Lower Reserve in Moore: A Case of Deserving Squatters**

If officials could or would not eject 'venal' squatters from Walpole Island, squatters in Moore presented an even greater problem. These Loyalists, veterans and their widows and

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<sup>114</sup> LAC, RG 10/571, Keating to Higginson, 29 May, 1845, 46; RG 10/437, Jacob East, Squirrel Island to Clench, 16 May 1849, Vol. 437, 216.

<sup>115</sup> 2 Vict. c.15, s. X. *Act for the Protection of the Lands of the Crown in this Province, from trespass and injury*, 11 May 1839, 6.

<sup>116</sup> LAC, RG 10/571, Keating to Higginson, 10 August 1841, 1-2. RG 10/571, Keating to Higginson, 10 February 1845.

<sup>117</sup> LAC, RG 10/571, Keating to Jarvis, 12 June 1843, 4-6.

<sup>118</sup> LCA, file 10A-AC, John Sentry to the Editor, "Indian Department," *The Times*, Friday October 24, 1845; *JLAPC*, 1844-5 Bagot Report, np. The Bagot Report inspired several articles and editorials about the conditions of Anishinabe peoples in the Western District and led to much local debate about the culpability and character of individuals, officials and agents involved in their affairs. In 1845 Keating and Jones were dismissed.

<sup>119</sup> LAC, RG 10/121, No. 17, Petition, Robert Little, 14 October, 1844, 5020-3.

<sup>120</sup> Harring, "The Liberal Treatment of Indians," 307.

children settled with the permission of the chiefs and improved their farms: they epitomized the ‘ideal settler.’ But through misfortune and bad-timing they found themselves living on a reserve after 1843, and here too, Jones actively inserted himself into the land granting process, tainting existing relationships between the Anishinabe and their deed holders.

By 1836, 573 non-Aboriginal people lived in Moore Township<sup>121</sup> under a mixture of tenures that blur settler-squatter binaries traditionally used to describe Upper Canadian settlement. Loyalist families and 1812 veterans held 100 to 1200 acre free grants to “privileged persons,”<sup>122</sup> a procedure sanctioned by the government at the turn of the century. People of American, French and British origin had long possessed Indian deeds and paid rent to Bauzhigeeshigwashekum, Shaweny-Penince, Gayoshk, Wawanosh and other St. Clair Chiefs to farm on Walpole Island and in Sombra and Moore.<sup>123</sup> Local lore states that the first non-Aboriginal settler in Moore was John Courtney, a sailor and fur trader who held a deed to Lot 39 from Bauzhigeeshigwashekum. Chief Peterwegeshig told an interviewer at the turn of the century that this agreement was drawn by his father on “buckskin and done in figures... Courtenay, being a tall man, was pictured as a grasshopper.”<sup>124</sup>

Local histories suggest these early settlers and a thriving French-Canadian community, maintained good relations with the ‘Indians;’ they spoke Ojibway and possessed useful skills. Blacksmith Francis Bertrand for instance held an Indian lease for Lot 69 in Moore. He supplied the Anishinabe with metal and iron and repaired their tools.<sup>125</sup> In the 1830s, the chiefs asked an

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<sup>121</sup> Elford, *Canada West's Last Frontier*, 59.

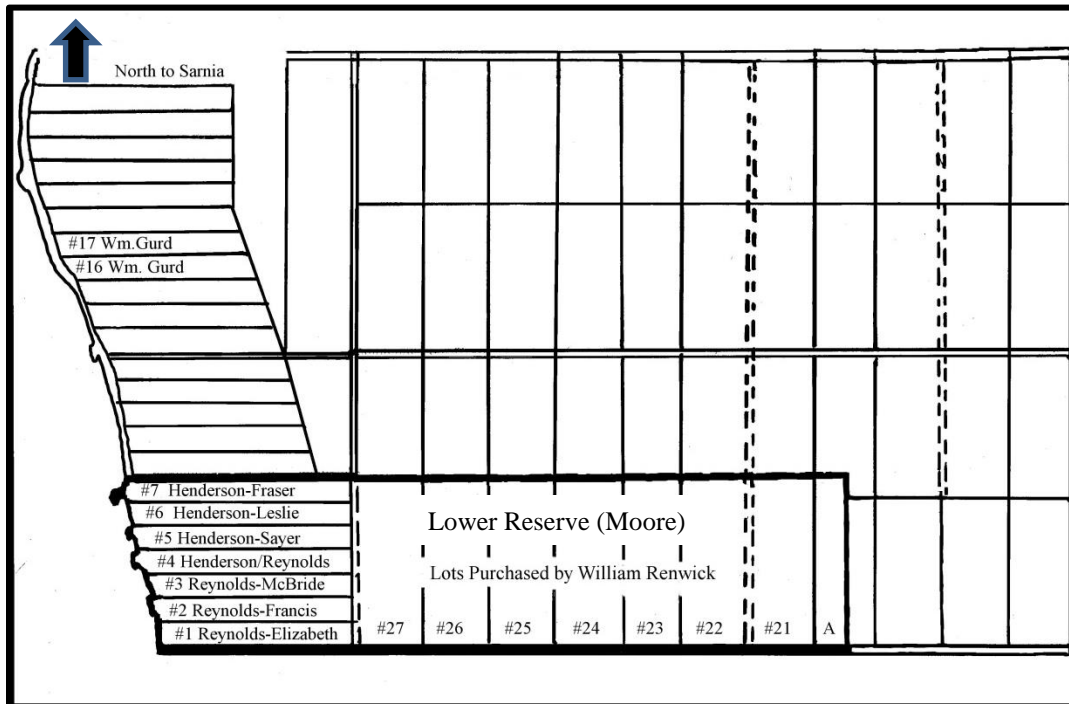
<sup>122</sup> Gates, *Land Policies of Upper Canada*, 305.

<sup>123</sup> Curnoe, *Deeds/Nations*, 50 & 53. Gayoshk is likely “Kiyoshk [fl. 1843-1857] or “Gull”. His descendants settled on Walpole Island.

<sup>124</sup> Finlayson, *A Brief History of Moore Township*, np.; William Lionhardt, Interview with Pe-to-e-kie-sic, *The Sarnia Canadian Observer*, printed on July 29, 1936, p. 14, reprinted in Bob McCarthy, Voices From the Past, *Lambton Shield*, 17 December 2010, <http://www.lambtonshield.com/new-feature-voices-of-the-past-begins-on-lambtonshield-com/>

<sup>125</sup> Elford, *Canada West's Last Frontier*, 54; McDougall and Valentine, “Treaty 29: Why Moore Became Less,” n.

**Figure 12: Owners of Lots in Moore**



Sources: LAC, RG 10/570, Schedule of Lots Occupied, 3 February 1851; RG 10/442, Particulars Relating to Lot No. 4, 172-5; Map of Moore Township, *Beldon's Illustrated Historical Atlas of the County of Lambton*, ed. Edward Phelps (Sarnia, ON: 1973) and various petitions cited herein.

Irishman, Captain William Gurd, to occupy a lot as they were “in want of a person of his trades.”<sup>126</sup> The 1812 veteran and gunsmith who originally located in Kingston, recognized that lots on the St. Clair were extremely valuable and demanded a very long lease. The chiefs sought the advice of the Lieutenant-Governor, and Gurd eventually settled on waterfront Lots 16 and 17 north of the reserve (Figure 12 above). Gurd’s case is troubling because it suggests that the nature of leasing began to change in the 1830s. Potential settlers from outside the area, attracted by the opportunity to acquire land of substantial value, became more demanding and less inclined to deal with the chiefs. Gurd became the collector of customs at Sombra and because of

10, 254.

<sup>126</sup> WJLB, Jones to Givens, 21 December, 1835.

his extensive land holdings and military service, a member of the local establishment as well.<sup>127</sup>

According to the 1825 Provisional Agreement, the chiefs chose 2575 acres immediately north of Sombra Township to be called the Lower Reserve (see Figure 12 above). Between 1826 and 1833, the government conducted four surveys in anticipation of settlement. Surveyors Mount and McIntosh consulted William Jones to evaluate the legitimacy of claims and identify squatters.<sup>128</sup> In law, settlers holding leases from the chiefs only possessed “squatter’s rights,” and they feared they would be ejected.<sup>129</sup> Surveyor-General Thomas Ridout posted notice to that effect on the 31<sup>st</sup> of January 1826 and the Inhabitants of the Township of St. Clair followed with a petition addressed to Sir Peregrine Maitland that March. Some, living on the land for upwards of twenty years, had invested considerable money and effort in improvements now within the boundaries of the reserve. Their agent, James Baby, made a compelling case for “paternal benevolence,” citing their prompt payment of rent to the “Indians,” and loyalty and sacrifice in the late war.<sup>130</sup> Petitioners outside of the reserve boundary were allowed to purchase their lots by Orders-in-Council issued in April and May 1826, reportedly at one dollar or five shillings per acre.<sup>131</sup> Conversely, residents on the Lower Reserve and settlers occupying the seven waterfront lots in particular did not understand why their lots were different from the rest of the township or why they could not purchase them.

Occupants of lots on the reserve found themselves in an extremely difficult situation after

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<sup>127</sup> Beers, *Commemorative Biographical Record of the County of Lambton*, 168 & 485.

<sup>128</sup> LAC, RG 1, Series CB 1, Box 24, Survey Diaries and Field Notes and Reports, Moore, Alexander McIntosh, Tuesday 9 & 30 July 1833; LAC, RG 1, Series CB-1, Box 23, Moore Township, Roswell Mount, Tuesday 20 October, 1829, 33.

<sup>129</sup> LAC, RG 10/571, Keating to Higginson, c. 21 February, 1843; Finlayson, *A Brief History of Moore Township*, np.

<sup>130</sup> LCA, file 10A-AC, Petition, Inhabitants of the Township of St. Clair to His Excellency Sir Peregrine Maitland, Lieutenant Governor, Western District Upper Canada, March 9, 1826; Jacques Baby, York to James Baby, Sombra, 20 July, 1826.

<sup>131</sup> LAC, RG 10/456, Petition of Elizabeth Reynolds, 3 November, 1836, 121-4; RG10/120, Petition of William Leslie, 27 March, 1843, 4800-3.

1826 as their land increased in value at the same time the security of their tenure weakened. A large portion of land near the north and back boundaries of the reserve sat on a floodplain and remained uninhabitable for much of the year. In contrast, lots along the sloping St. Clair River shoreline and banks of the Talfourd, Baby and Bear Creeks were better-drained and most sought after.<sup>132</sup> Occupants of waterfront lots earned additional income by providing docking or wharf facilities and “selling Cord wood to the Steamers at their doors.”<sup>133</sup> Granting title to some in 1826 gave squatters on the Lower Reserve hope that they could also purchase their lots. At the same time, the land was some of the best remaining waterfront real estate in the district. It did not escape the notice of speculators.

Four families with long-standing ties to the Detroit region and the British military and Indian Department occupied the seven most desirable waterfront lots (see Figure 12 above). In some respects, it is inaccurate to describe them as squatters because they settled with the permission of the chiefs and appeared to have good relations with them. No doubt on the premise of securing their claims, William Jones involved himself in the renegotiation of their Indian deeds both before and after he entered the employ of the Indian Department.

Under his auspices, oral agreements formerly made between the residents and the chiefs represented by pictographs on buckskin became written documents couched in legal language.<sup>134</sup> John Reynolds originally settled on lots one to three in “the mode and custom exercised by that Nation at that period of time.” By 1834, he held an Indian lease agreed to by the chiefs and witnessed by William Jones.<sup>135</sup> Alexander Hamilton, who originally came to the Maxwell Settlement as an assistant to Henry Jones Sr. resided on lot four. He held a twenty year lease

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<sup>132</sup> LAC, RG 1, Series CB-1, R15, MS 924, Survey Diaries, Field Notes and Reports, Box 24, Moore (Indian Reserve), J.W. Keating, 10-13 December, 1843.

<sup>133</sup> LAC, RG 10/570, Clench to Bruce, 30 December 1850.

<sup>134</sup> AO, F454, *WJLB*. Jones to Givins, 1 June 1830, 8 February 1836.

<sup>135</sup> LAC, RG 10/456, “Petition of Gayoshk & Notawance in favour of Reynolds,” 27 August, 1834, 121-6.

from Gayoshk, Shaweny-penince and Natournee made in 1832.<sup>136</sup> Louis Sayer(s), likely a mixed-blood descendant of Irish merchant John Charles Sayer and Obemauunoqua (Marie), was granted one hundred acres as a veteran of the War of 1812 and settled on lot five. The Sayers, related by marriage to the Cadottes, also possessed a lease agreement from Gayoshk and Jones dating from 1833.<sup>137</sup> From 1826 onward, lot six was held by Rufus Henderson who came from Detroit sometime after 1812, and lot seven by James Fraser, the former Indian Department storekeeper on Drummond Island.<sup>138</sup> By the early 1830s, Jones possessed documentation and departmental authority to collect rent and manage leases on behalf of the chiefs. With three parties to these agreements, leaseholders sometimes paid rent to both Jones and the chiefs, and the renter, the chiefs or Jones, could not prove the agreements were honoured in their entirety. Opportunities for financial impropriety and evasion were created in Moore as on Walpole Island.<sup>139</sup> The off-reserve Order-in-Council together with the recording of the Indian Deeds further weakened Aboriginal title to the lots. These decisions encouraged speculation, adding another degree of legitimacy to the settler's claims and fuelling hope that they would eventually be acknowledged.

Though the chiefs did not intend to surrender the Lower Reserve at that time, the behavior of locals and officials made this stance increasingly difficult and impractical to maintain. From 1826 onward, residents seemed to be under the impression that the surrender of the reserve was imminent. One petitioner enclosed a memorandum from the surveyor in 1826 promising "that their claim would be acknowledged as soon as the saide reserve" became "the

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<sup>136</sup> AO, F454, *WJLB*, Jones to Colonel William Rowan, Toronto, 21 January, 1835 enclosing a "Report for the Information of His Excellency's Sir John Colborne on James McKinny's Petition of the 22 December, 1834.

<sup>137</sup> Knight and Chute, "In the Shadow of the Thumping Drum," 88 & 91; LAC, RG 10/121, Petition of Mrs. Amelia Soyer 24 July, 1844. 4890-2.

<sup>138</sup> LCA, Ward surname file.

<sup>139</sup> LAC, RG 10/439, Petition of James McKenna, 26, May, 1849, 372.



property of the Crown.”<sup>140</sup> In the 1830s, existing leaseholders fought to hold onto their lots as offers to purchase Indian leases increased. Rufus Henderson sub-leased his three lots on the premise that the reserve would be eventually surrendered and he could acquire title.<sup>141</sup> One of Henderson’s tenants, William Leslie, was encouraged by his son to keep his lease on the reserve as long as he could because “the property will become more valuable on account of the railroad.”<sup>142</sup> The chiefs attempted to negotiate with newcomers like Leslie but as time went on, leaseholders became less aware of the earlier agreements and those who did were less inclined to honour them. By the late 1840s, settlement on the St. Clair changed radically as a result. Instead of cultivating relationships of friendship and exchange, Gayoshk and the St. Clair Chiefs accused a number of troublesome squatters and speculators of abuse and fraud.<sup>143</sup>

More strangers appeared on the land in the 1830s because leases no longer originated with the St. Clair chiefs. In their capacity as land agents, Keating and Jones actively interfered with the leases to place people of their choosing on the reserves. In the fall of 1833, Jones received word from Givins that a man named Alexander McMartin proposed to lease the entire Lower Reserve. McMartin originally hailed from Charlottenburgh and was acting as a land agent for members of the Glengarry and Stormont militia who possessed unlocated grants. He attempted to lease the Lower Reserve for a period of 21 years in exchange for £20 per year in produce or money.<sup>144</sup> The existing settlers would have to be removed and offered compensation for their improvements from Anishinabe annuities. Jones held a council with the chiefs where they were told that McMartin had already approached the leaseholders and where they were

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<sup>140</sup> LAC, RG 10/121, No. 6, Petition of Amelia Sayer (Soyer), 24 July, 1844, 4890-6.

<sup>141</sup> LAC, RG 10/121, No. 6, Petition of Amelia Sayer (Soyer), 24 July, 1844, 4890-6.

<sup>142</sup> Wilson, *Tenants in Time*, 163.

<sup>143</sup> This is discussed in the next chapter.

<sup>144</sup> AO, F454, *WJLB*, [discussed in] Jones to William Rowan, 22 December, 1834; LAC, RG 1, L3, Upper Canada Land Petitions [hereafter UCLP], “M” Bundle, 1826-1834, 276; “M” Bundle 3, 1803-1822, Vol. 377, 16.

asked to sign an agreement dated eight days earlier.<sup>145</sup> Jones then confronted James McKenna and told him he would have to leave. McKenna, purchased lot number four from Alexander Hamilton just one month earlier and he claimed to possess documents tracing the provenance back to an original agreement signed by Wawanosh in the 1820s. At the time, McKenna agreed to pay Hamilton £9 and Gayoshk \$6 per year in rent.<sup>146</sup> But Jones told McKenna that if he did not willingly give up his lease, he would be forcibly removed.<sup>147</sup> The angry leaseholder petitioned the Lieutenant-Governor for consideration. In the interim, Jones informed his superiors that McKenna did not have the permission of the chiefs to reside on the lot. Accusing McKenna of mounting a failed attempt to settle on Walpole Island, Jones wrote that he was one of those American squatters, “in the habit of making the Indians drunk and then getting them to sign any kind of Instrument they think proper to write.”<sup>148</sup> Frustrated that he was “misrepresented to your Excellency as a squatter and troublesome person,” McKenna was powerless to correct the impression left by Jones. In 1847 he sold the lease to David Bowen and moved to the United States.<sup>149</sup>

McMartin never followed through with the deal for the Lower Reserve. Nonetheless, the authority given to Indian agents as final judges of character in the petitioning system combined with powers granted to them first as land agents and then commissioners under the 1839 Crown Lands Act allowed them to usurp control of Indigenous leases and evict people seemingly at will. There is little evidence to suggest that McKenna’s character and motives were as Jones described them. Instead, Jones’ machinations enabled Bowen, the very kind of ‘squatter’ the department

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<sup>145</sup> AO, F454, *WJLB*, Jones to Colonel William Rowan, 22 December, 1834; LAC, RG 10/570, Clench to Bruce, 18 December, 1850.

<sup>146</sup> LAC, RG 10/439, Petition of James McKenna, 26 May, 1849, 372.

<sup>147</sup> LAC, RG 10/456, Givins to Jones, 3 November 1836, 115-117.

<sup>148</sup> AO, F454, *WJLB*, Jones to William Rowan, 22 December, 1834; 21 January, 1835.

<sup>149</sup> LAC, RG 10, Vol. 456, Givins to Jones, 3 November 1836, 115-120.

claimed to discourage to gain possession of the lot. Wasting considerable Indian Department time and resources, Bowen refused to pay McKenna the agreed price for the lease and the two engaged in legal battles that continued into the 1850s. Despite a legal judgment in McKenna's favour and complaints that Bowen was stripping the lot of timber, the department allowed him to purchase the lot. While Jones gave the chiefs no opportunity to refuse McMartin's offer, the older leaseholders could have only viewed them as complicit in their dispossession.

Demonstrating the tenuous nature of Indian leases, the allowances granted to McMartin incited panic among the established occupants compelling them to aggressively seek permanent title to their lots. Elizabeth Reynolds petitioned the Lieutenant-Governor fearful that "certain rich and influential persons are tampering with the Indians... endeavouring to agitate them to acts of injustice towards your petitioners..."<sup>150</sup>

The McMartin lease was simply another prelude to the surrender of the reserve. In 1843, Keating expressed concern that the Anishinabe on Walpole Island and the St. Clair lacked the kind of "moral and religious improvement" benefitting other communities like Sarnia. Though some farmed, the majority on the St. Clair continued to subsist by hunting and fishing and lacked access to a school, church or resident missionary.<sup>151</sup> As the non-Aboriginal population around them grew, conflict with these newcomers for resources increased.<sup>152</sup> Jarvis recommended the surrender and sale of the Lower Reserve specifically to provide facilities to settle the Anishinabe on Walpole Island. The chiefs reluctantly agreed, and the Lower Reserve was surrendered "for their benefit" on 18 August, 1843.<sup>153</sup>

### **The Female Squatters of Moore**

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<sup>150</sup> LAC, RG 10/456, Petition of Elizabeth Reynolds, 3 November, 1836, 121-124.

<sup>151</sup> LAC, RG 10/507, Jarvis to Rawson, 27 May, 1843, 198-200.

<sup>152</sup> McDougall and Valentine, "Treaty 29: Why Moore Became Less," 252-3.

<sup>153</sup> LAC, RG 10/1844, IT 134, Treaty 53 ½, Surrender of the Lower Indian Reserve on the River St. Clair to be sold for the benefit of the Walpole Island Indians, 18 August 1834.

If it was unjust to dispossess the tenant of any reserve (Crown, Clergy or Indian) after years of labour, then the removal of a woman, and more particularly a widow and her children, was an act of unparalleled cruelty. Large families headed by women exemplify the settler of unfortunate circumstances, yet a lack of sources means that gender and women in particular remain unstudied in the literatures of squatting and landholding in Upper Canada.<sup>154</sup> By the mid-1830s, the Loyalist and 1812 veterans who originally settled on the Lower Reserve were dead and the waterfront lots occupied by their widows and children. The only males were newcomers William Leslie and James McKenna, occupying two waterfront lots under leases from Henderson (Lots six and four on Figure 12 above). Widow Elizabeth Reynolds and her eldest son Francis managed the first two lots while her daughter, Maryanne McBride, abandoned by her husband George, resided on the third. Widows Amelia Sayer and Isabella Fraser lived lots five and seven respectively.<sup>155</sup> Reynolds, Fraser and Sayer were wives of low-ranking officers and soldiers in the military and Indian Department. In the 1840s, locally established land speculators, businessmen and members of the judiciary and legislature began to eclipse this older upper class traditionally associated with the British Military and Colonial Government. As women living alone, their gender combined with a decline in social status rendered them vulnerable to both a powerful speculating professional-merchant class, and a pseudo-criminal element of squatters and poachers.<sup>156</sup> While their location and substantial improvements made these lots attractive, the women nonetheless exhibited a surprising degree of confidence and a fierce determination to protect their properties.

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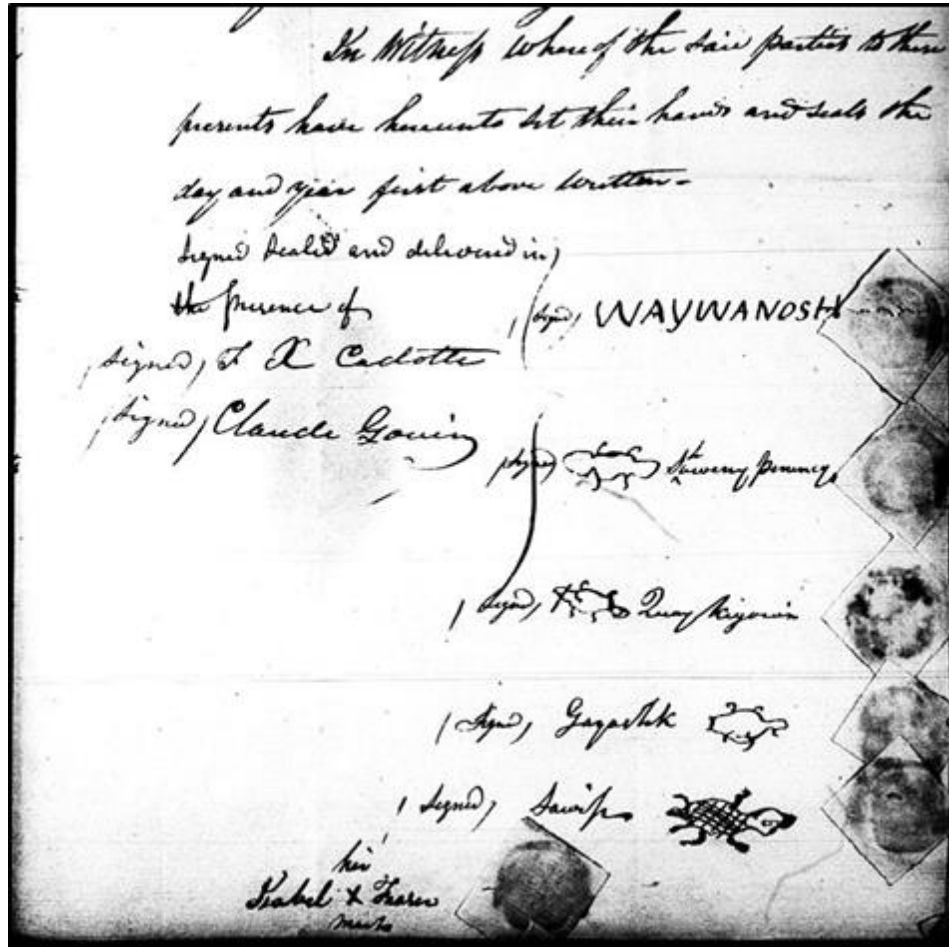
<sup>154</sup> See Wilson, *Tenants in Time*, 16. For the importance of women as landholders on the East Coast, see Rusty Bittermann, "The Hierarchy of the Soil: Land and Labour in a 19<sup>th</sup> Century Cape Breton Community," *Acadiensis*. Vol. 18, No. 1 (1988): 42-44 and "Lady Landlords and the Final Defence of Landlordism on Prince Edward Island: The Case of Charlotte Sullivan." *Histoire sociale/Social History*, Vol. 38, No. 76 (Nov. 2005): 203-233.

<sup>155</sup> LAC, RG 10/571, Keating to Higginson, 6 June, 1844, 12-15; LAC, RG 10, Vol. 121, Petition of Amelia Soyer, No. 6, 24 July, 1844, 4890-6; LAC, RG 10/121, Petition of Isabella Fraser, No. 15, October 1844, 5006.

<sup>156</sup> Johnson, *Becoming Prominent*, 143.

Whether they realized it or not, the female “squatters” of Moore were part of the same broader strategy of land protection utilized by the Anishinabe for hundreds of years in the Great Lakes Basin. At the funeral for John Reynolds in 1830, Anishinabe and Eurocanadians alike gathered by his graveside on lot three. The negotiation of leases with useful and sympathetic

**Figure 13: Copy of Lease to Isabel Fraser with the totems of the St. Clair Chiefs**



**Source:** LAC, RG 10/442, Copy of Indian Lease to Isabel Fraser, 24 August, 1833, 183-186.

individuals mitigated the impact of settlement on their lands. The chiefs did not want these families ejected, and they came to their defence a number of times. In 1834, Gayoshk and Notawance petitioned on behalf of Elizabeth Reynolds and her children who they said had

always “treated” them “with great hospitality” and “in every respect...delt justly by us.”<sup>157</sup>

Widow Fraser’s 1833 lease signed by five principal St. Clair Chiefs contained a promise that she should receive a grant of the land she occupied in the event they surrendered the reserve (Figure 13 above).<sup>158</sup> But the chiefs relied on the department to honour the promises they made to these women and as events unfolded, the very success of their longstanding relationship worked against them.

The absence of provisions for governance in the *Proclamation of 1763* left the sovereignty of Indigenous peoples in the Indian Territory untouched. The document was not concerned with leasing, renting or other non-permanent land or resource use agreements between Indigenous peoples and settlers. Only those seeking to acquire land permanently and exclusively inspired the passage that expressly forbade “loving Subjects” from purchasing or settling land without “leave and Licence.” Because Indigenous peoples actively policed and protected their own territories, enforcement or punishment could only consist of the Crown’s “displeasure.”<sup>159</sup> The presence of settlers on what was the Lower Reserve represented by 1843, the culmination of successive breaches of the Proclamation and interference in the settlement and management of Indian lands. Whether they possessed government grants or Indian leases, the women on the Lower Reserve occupied land formerly in the Indian Territory and now Crown Land, and should never have been there in the first place. But their presence was tolerated because they behaved as ‘ideal’ settlers in terms of the government’s own objectives, and proved to be advantageous to the St. Clair Anishinabe.<sup>160</sup> Though the rents paid were often below market value and some of

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<sup>157</sup> LAC, RG 10/456, Petition of the Head Chiefs of the Chippewa Nation of Indians residing on the River St. Clair, 27 August, 1834, 125-126.

<sup>158</sup> LAC, RG 10/442, Copy of Indian Lease to Isabel Fraser, 24 August, 1833, 183-5; RG 10/121, No. 15, Petition of Isabella Fraser, October 1844, 5006.

<sup>159</sup> *The Royal Proclamation*, 7 October, 1763 in *As Long as the Sun Shines and Water Flows*, ed. Getty and Lussier, 29-38.

<sup>160</sup> Karsten, *Between Law and Custom*, 276.

Henderson's leasees, like those on Walpole Island, became troublesome over time, Keating and Jones could have used their authority bolstered by the 1839 Crown Lands Act to support the chiefs in policing their own agreements. Instead, the 1839 Crown Lands Act empowered the agents to subvert the will of the chiefs. Completely removing their voices from decision concerning their own reserves, the act undermined a fair amount of their own sovereignty. Jones and Keating presented evidence of conflict, non-payment of rent and the use of alcohol to obtain leases as justification to force a surrender of the reserve.

The 1839 Crown Lands Act severed the particular distinction given to land in the Indian Territory by making Indian Reserves Crown Land. The further appointment of commissioners of Eurocanadian origin with the authority to approve or remove trespassers prevented Indigenous peoples from taking direct action as they had formerly. Indian policy in this period rested entirely on the notion that proceeds of lands surrendered for sale would be converted into a fund to cover all future expenses, making the department self-financing.<sup>161</sup> The Lower Reserve is an ideal example of why this policy failed and why Anishinabe peoples failed to realize the profits they should have through its sale. Settlers on the Reserve, moreover, did not appreciate or understand the confusing and changing legal status of their lots and neither did the department. The transformation of the reserve from Indian land to Crown land in 1843 made it incredibly difficult for the department to alienate the reserve lands for the 'benefit' of the Indians.<sup>162</sup>

Charged with the responsibility to act in the best interests of the Anishinabe, the Indian Department and its agents were supposed to ensure that lots on the former Lower Reserve sold for the highest price possible.<sup>163</sup> As land agents they were also beholden to the Crown to

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<sup>161</sup> Milloy, "The Era of Civilization," 68 & 89.

<sup>162</sup> LAC, RG 10/121, Report on the Petition of Amelia Soyers, William Jones, 9 August, 1844; Draft, Higginson to Jones, 3 September 1844, 4886-9.

<sup>163</sup> Gates, *Land Policies of Upper Canada*, 245. This was true of the Clergy Reserves as well.

facilitate settlement and to attract prospective 'ideal' settlers. Petitions and reports in files concerning the Lower Reserve demonstrate that in nearly all cases, "for local matters" the Lieutenant-Governor depended entirely on the reports of Keating and Jones and rejected or accepted petitions based upon them.<sup>164</sup> Though they all pretended otherwise, the interests of these three parties, the Anishinabe, the Crown and the settlers on the reserve, were diametrically opposed.

While the Moore settlers sympathized with plight of the Anishinabe and maintained good relations with them, they did not want to pay for the privilege of staying on their land. As early colonists, they felt they had paid the price in their duty, loyalty and sacrifice to the Crown. According to their estimation, if they squatted in the past, after the surrender they were on Crown land no different from anyone else who received the right to purchase under the 1826 Order in Council. In the interest of fairness, they demanded the same right and petitioned Jones, Indian Department Headquarters and the Lieutenant-Governor asking to purchase their lots by right of preemption and claiming they possessed documentation entitling them to pay five shillings or one dollar per acre,<sup>165</sup> the same amount paid in 1826 by those living outside of the reserve boundary. Indian agents in this position could not act in the best interests of the Anishinabe, and it is here that the conflict of interest raised by Robinson in *Little et al v. Keating* and at the core of all Indian Department policy is most evident.

In general, successful petitioners argued that they were loyal and of good character and that their actions furthered the aspirations of the Crown in some measurable way. Males commonly called attention to exemplary military sacrifice, public service or business acumen. Petitions from women represent an interesting departure from the scripts of men because they

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<sup>164</sup> See for instance LAC, RG10/456, Givins to Jones, 3 November 1836, 116.

<sup>165</sup> LAC, RG 10/456, Petition of Elizabeth Reynolds, 3 November, 1836, 121-124; LCA, file 10A-AC, Petition of William Leslie, Elizabeth Reynolds, Francis Reynolds and John Reynolds to Clench, 16 March, 1848, np.



lacked access to these traditional avenues of prominence.<sup>166</sup> The women of Moore highlighted the extraordinary length of time they had occupied the lots in relative harmony with the Anishinabe and the fact that the chiefs supported their claims.<sup>167</sup> Reynolds, Fraser and Sayer in particular felt that they were entitled to their lots by virtue of their husbands' military and Crown service.<sup>168</sup> The character of loyal officer John Reynolds was contrasted with that of George McBride, who not only abandoned his wife (Reynolds' daughter) and family but became American by choice.<sup>169</sup> The women made further appeal to the physical and monetary cost and hardships involved in establishing a farm in what was once "a perfect wilderness." The Reynolds family cleared forty acres, Fraser claimed twenty-five acres and McBride twelve acres and though they were not fenced, she could be proud of the fact that five acres were cleared after her husband left. In addition, they all lived in log or frame houses, and Fraser boasted of an additional barn, stable, wharf, and storehouse.<sup>170</sup> Though the women were proud of these accomplishments, now maintained with the assistance of their elder children, at the same time they headed large families rendered helpless and vulnerable by the death of their husbands. Elizabeth Reynolds had nine children but only two boys, John and Francis, and her separated daughter appeared old enough to assist her. When her husband left, Maryanne McBride returned home to her mother and it appears the family communally worked all of the lots. In 1835 her husband returned and attempted to claim the lot.<sup>171</sup> Sayer wrote that since 1832, she was "a widow left destitute with a large family," and Fraser pleaded, "if I receive no assistance from

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<sup>166</sup> Campbell, "Disfranchised but not Quiescent," 22-54.

<sup>167</sup> Reynolds and Henderson arrived after the War of 1812, Sayer after 1796, and Fraser arrived sometime after 1828.

<sup>168</sup> LAC, RG 10/121, Report on the Petition of Amelia Soyers, William Jones, 9 August, 1844; Higginson to Jones, 3 September 1844, 4886-9.

<sup>169</sup> LAC, RG 10/571, Keating to Higginson, 6 June, 1844, 12-15.

<sup>170</sup> LAC, RG 10/571, Keating to Higginson, 6 June, 1844, 12-15.; RG 10/456, Petition of Elizabeth Reynolds, 3 November, 1836, 121-124; LCA, file 10A-AC, Petition of William Leslie, Elizabeth Reynolds, Francis Reynolds and John Reynolds to Clench, 16 March, 1848, np.

<sup>171</sup> See Reynolds petitions cited earlier.

Government, I must be turned upon the world in my old age, without a home, or the means of subsistence.”<sup>172</sup> In their declining years and unable to start over, these women truly believed they would be granted the right of pre-emption once the reserve was surrendered.<sup>173</sup> It was not difficult to see them as the wives of hardworking and loyal subjects as well as victims of bad luck and unfortunate circumstances. The department did not want to be seen as dispossessing them.

### **Compensation and Accommodation**

The predilection to accommodate non-Aboriginal land acquisition over the preservation of Indigenous land rights coerced chiefs into surrenders for the collective benefit of their people while denying them the profits from their sale. The chiefs consented to the sale of the reserve because Jarvis convinced them they “derive[d] no benefit” from it in its current state.<sup>174</sup> Jarvis was swayed by the correspondence of Jones and Keating who characterized the system of Indian leases as nothing more than an opportunity for designing Americans to ply them with alcohol and take their land. The agents, ignoring their own involvement and the fact that legislation, incorrectly applied and enforced, was a bigger problem, convinced the chiefs that their “foolish ancestors” were culpable.<sup>175</sup> Jarvis estimated that it would cost less than £300 to settle the Anishinabe on Walpole Island and that the lots would “yield a larger sum than required.”<sup>176</sup> While they did not receive market-value rent according to the original lease agreements they made even less from the sale of the Lower Reserve.<sup>177</sup>

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<sup>172</sup> LAC, RG 10/121, No. 15, Petition of Isabella Fraser, October 1844, 5006.

<sup>173</sup> LAC, RG 10/456, Petition of Elizabeth Reynolds, 3 November, 1836, 121-124; RG 10/439, Petition of James McKenna, 26, May, 1849, 372.

<sup>174</sup> LAC, RG 10/571, Keating to Jarvis, 21 July, 1843, 6-9.

<sup>175</sup> LAC, RG 10/571, Keating to Jarvis, 21 July, 1843, 6-9.

<sup>176</sup> LAC, RG 10/507, Jarvis to Rawson, 27 May, 1843, 198-200.

<sup>177</sup> LAC, RG 10/439, Petition of James McKenna, 26 May, 1849, 372. This is difficult to determine with any certainty. McKenna claimed that Wawanosh leased the land to Hamilton for three dollars in produce per year while he paid Gayoshk six dollars cash per year. These were oral agreements made in a barter economy with many

Pre-emption rights stemmed from a number of sources, and as this chapter discusses, nepotism, custom, class, social preference and other advantages enabled some to purchase land before it was made available to others.<sup>178</sup> These behaviors were not limited to land granting or even to the Indian Department; however Indigenous peoples suffered disproportionately from its effects nonetheless. In 1833, Crown land in the area sold at auction for ten shillings per acre, and in 1834, Kiyoshk and another St. Clair Chief agreed to grant the Reynolds family their lots (amounting to 600 acres) for approximately three and a half shillings per acre or £100 (\$400).<sup>179</sup> Though the price was below market value, “goodwill and affection” shared between the two parties was worth a great deal more than money. The agreement was subsequently disallowed on the basis that Aboriginal people could not privately deal for their own land because they would be cheated. Nevertheless, in 1853, the department permitted William Renwick to purchase the seven interior reserve lots for six shillings per acre even though land in Moore had sold for eight shillings several years earlier in 1846.<sup>180</sup>

Devaluation of the waterfront lots cost Anishinabe peoples significantly more. In 1843, Keating estimated that Leslie’s lot (No. 6), was worth more than £400 (\$1600) or nearly £4 per acre.<sup>181</sup> In 1850, Clench declared their “true value” to be half of this estimate but set the upset price at £1 per acre.<sup>182</sup> Despite this deep discount the seven waterfront lots, valued without

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interested parties and options for concealment. Older lease agreements and documents relating to Moore and Walpole Island suggest that the chiefs may have received more rent in cash or goods but concealed it from department authorities. It is also possible that some tenants paid rent to the chiefs and agents or that Jones or Keating pocketed some of the rents and later claimed they were not paid.

<sup>178</sup> Gates, *Land Policies of Upper Canada*, 290-1; Clarke, *Land, Power and Economics*, 158-161.

<sup>179</sup> Hamil, *Valley of the Lower Thames*, 212-13; LAC, RG 10/456, Petition of Gayoshk and Notawance in Favour of Reynolds, 27 August, 1834, 126.

<sup>180</sup> W.H. Smith, *Smith’s Canadian Gazetteer; Comprising Statistical and General Information Respecting all Parts of the Upper Province or Canada West* (Toronto: H.W. Rowsell, 1846), 118; Gourlay, *Statistical Account of Upper Canada*, 86; LAC, RG 10/786, Receipt Book, William Renwick, #57, 3 June 1853; #58, 7 June 1853; #60, 29 September 1853, 180932-33 & 180935. Renwick paid £496 for lots 21 to 27 and a portion of lot 20 (called A) in the First Concession.

<sup>181</sup> LAC, RG 10/570, Clench to Bruce, 18 December 1850.

<sup>182</sup> LAC, RG 10/570, Clench to Bruce, 29 November 1850.

consideration of any improvements, were sold to the existing residents in 1851 for fifteen shillings per acre or £75 to £79 each. The £540 exclusive of interest and arrears amounted to less than one-quarter of their market value.<sup>183</sup> Ultimately, for their trouble, inconvenience and “for their benefit” the Anishinabe of the St. Clair earned slightly more than £1000 for more than 2500 acres of some of the most valuable land in southwestern Ontario.<sup>184</sup>

In 1826, Thomas Fisher and his partner, Alexander Sinclair, paid £75 each for their undeveloped waterfront lots in Corunna.<sup>185</sup> Twenty years later, residents on the Lower Reserve paid just slightly more for their waterfront lots and by 1850, profits from the sale of wood combined with “the nominal rent paid in kind” to the chiefs over many years had subsidized the maintenance and expansion of their farms. Despite these advantages, individuals on the former reserve had difficulty making the three annual £25 payments to purchase their lots.<sup>186</sup> Pointing to large investments made in their improvements the women appeared more deserving of the right to purchase but also justified in their inability to pay large sums for the property. By 1854 for instance, Sayer had not made a single payment, she was three years in arrears, and owed £80 in interest alone, more than the purchase price of the lot.<sup>187</sup> In 1855 Fraser still owed £10 on her lot, and as late as 1874, McBride had not made any of the required payments on hers. She eventually made a deal that waived twenty years of interest on her unpaid balance in exchange for timely payment of the principal.<sup>188</sup> William Leslie refused to believe that anyone would prevent them “from the advantages of cheap land,” but these lots had appreciated in value to such a degree that

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<sup>183</sup> LAC, RG 10/570, Clench to William Leslie regarding the Governor General’s decision, 3 February, 1851.

<sup>184</sup> LAC, RG 10/786, Indian Department Receipt Book, William Renwick, #60, 29 September 1853, 180935. The Lower Reserve is estimated to have contained approximately 2575 acres however the lots as calculated by the department contained roughly 2530 acres. Confusion between leagues and miles is a common cause of large discrepancies in measurement.

<sup>185</sup> LCA, 10A-AC, Petition, Inhabitants of the Township of St. Clair to His excellency Sir Peregrine Maitland, 9 March 1826; Elford, *Canada West’s Last Frontier*, 56.

<sup>186</sup> LAC, RG 10/570, Clench to Bruce, 30 December 1850.

<sup>187</sup> LAC, RG 10/786, Indian Department Receipt Book, #105, Amelia Soyer, 13 September, 1854, 180979.

<sup>188</sup> LAC, RG 10/455, E.A. Meredith to Robert McKenzie, 9 May 1874, 37.

by 1843 no one could afford to purchase them for what they were truly worth.<sup>189</sup> The residents instead built claims based on the value of their settlement suggesting that they had already ‘paid’ for the land with time, loyalty, and the effort it took to be ‘good’ settlers. The acceptance of non-monetary ‘payments’ served as a mechanism of pre-emption, rewarding existing settlers with price reductions and consideration ahead of the Anishinabe and their right to receive fair value for their lands. The right of pre-emption was a form of monopoly or combination which forced Indigenous peoples to take what they could get rather than force settlers to pay what the land was worth.<sup>190</sup> On the one hand, these circumstances prevented the Anishinabeg from retaining the reserve while on the other, they denied their communities the proceeds to fund the schools and churches deemed so critically important by officials like Jarvis.

It was difficult for Aboriginal people to profit from the sale of their lands when they were considered to have no value to them.<sup>191</sup> Bond Head explained that only “the presence and industry of the white settlers” added value to the land. In contrast, its worth for the ‘Indians’ “consists of the Game it Contains: he is in fact Lord of the Manor, but it is against his Nature to cultivate the Soil.”<sup>192</sup> The market price of land is determined by balancing value (quality, contents, location and potential) with the amount a purchaser is willing to pay. It may be affected by extenuating circumstances, such as need or by social relationships, but it is not based on the value of the object to the seller or his or her ability to use it.<sup>193</sup> Cultural determinants, like those made by Bond Head were repeatedly used by officials to justify the sale of Aboriginal lands at low or upset prices, making them doubly profitable because they could be sold later at market-

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<sup>189</sup> LAC, RG 10/120, Petition, William Leslie to Purchase Lands in Moore, 27 March 1843, 4800-3.

<sup>190</sup> Taylor, *Divided Ground*, 404.

<sup>191</sup> *JLAPC*, 1844-5 Bagot Report, np.

<sup>192</sup> *BPP*, No. 323 (1839), Bond Head to Glenelg, 20 November 1836, 126.

<sup>193</sup> This is known as “fair market value” or a price negotiated by two willing parties. “Fair Market Value, Cambridge Business English Dictionary, Cambridge University Press, 2013., accessed 19, February 2014, <http://dictionary.cambridge.org>

value. If Aboriginal lands had no value, then any amount offered was profit, and officials told them to be thankful they received anything at all. In the nearly 200 years since the Huron Tract Treaty was signed, this policy deprived Anishinabe communities of the true “value” or principal profits of their land sales and untold amounts of compounded interest, penalties and resale based on forfeitures. Wyandotte Chief Isadore Chene [fl. 1812-1828] conceded that; “[t]he White man sets his price and the...[Indian] has to take what he is offered, or get nothing at all.”<sup>194</sup> Chawme and the St. Clair Chiefs negotiated the Huron Tract Treaty to provide for their future yet as we have already seen, this legacy was stolen from them. By 1847, after subtracting “payments for special purposes, and also the charges for management,” the St. Clair Anishinabe realized about £250 (\$1000) from the sale of the entire Lower Reserve. Jones not only ruined any positive relationships the chiefs had with neighbouring colonists but settlers owned the reserve, and Anishinabe accounts sat empty. At that time more than £750 plus interest remained outstanding.<sup>195</sup> Only a few years later, at the Chief’s urging, officials would discover that Superintendent, Joseph Clench pocketed the meagre proceeds.<sup>196</sup>

### **The Value of Squatting**

Aggressive squatting and the abuse of Indian deeds on the Walpole Island and the Lower Reserve in Moore were not isolated events. Fifty years earlier, leaders like Joseph Brant demanded title to reserve land and the right to manage their own leasing and sales.<sup>197</sup> In 1828 the Darling inquiry conceded that Aboriginal lands were “clearly plundered by their designing and

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<sup>194</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 95.

<sup>195</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada: Chippewas of Chenail Ecarte and St. Clair, np.; *JLAPC*, 1858 Pennefather Report, “Chippewas and Pottawatamies of Walpole Island,” np.

<sup>196</sup> Walpole Island First Nation, “Lower Indian Reserve Negotiations,” Issue #3, (April 2012), 104. In 1986, Walpole Island launched a specific claim for the loss of the Lower Reserve. In 2012, Canada offered a settlement of \$28 million which the community accepted one year later. A number of “Clench Defalcation claims” have been settled while others remain outstanding and more are yet to be discovered.

<sup>197</sup> See John S. Hagopian, “Joseph Brant vs. Peter Russell: A Re-examination of the Six Nations’ Land Transactions in the Grand River Valley,” *Histoire sociale/Social History*, Vol. 30, No. 60 (1997): 300-333; Taylor, *Divided Ground*, 404.

more enlightened neighbours.” Still, nothing concrete in either law or policy was enacted to this end for more than a decade.<sup>198</sup> Squatters had already invaded the reserves when the Crown Lands Act passed in 1839, and agents, instead of preventing the occupation, facilitated the process. Aboriginal people were not only denied the right to protect themselves but legally placed at the mercy of the people who failed them.<sup>199</sup> For much of the 1840s, chiefs Peterwegeshig, Gayoshk, Shaweny-Penince and others could only watch as their lands were squatted upon with abandon and dealt away by Keating and Jones often to settlers they did not choose. Though the 1839 Act empowered Keating and Jones to remove squatters, the legislation was tested in courts stacked with locals who refused to convict their neighbours and in some cases, were involved in questionable land deals of their own. In the midst of the chaos created by his leases William Jones died and his personal papers went missing for several years.<sup>200</sup> Blame for the mismanagement of Indian lands was not placed on the shoulders of squatters, but characterized throughout by Jones and Keating as the fault of the chiefs themselves.<sup>201</sup> The Bagot Report published in two parts in 1844-5 and again in 1847 echoed their sentiments. The commissioners conceded that government indifference and insufficient enforcement created the problems First Nations now faced but blamed the communities for facilitating Eurocanadian encroachment through “their own cupidity and love of spirits.”<sup>202</sup> In an understatement of monumental proportions, the Bagot Report concluded that Aboriginal people had experienced some “difficulty in realizing the proceeds” of their land sales.<sup>203</sup>

The best lands in Upper Canada were surrendered for goods and annuities worth a

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<sup>198</sup> LAC, RG 10/792, 1828 Report of the Indian Department, 24 July 1828, 7411.

<sup>199</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 120; 1844-5 Bagot Report, np.

<sup>200</sup> LAC, RG 10/438, Jones to Clench, 28 January, 1848, 896; RG 10/570, Clench to Bruce, 14 June 1851.

<sup>201</sup> LAC, RG 10/571, Keating to Jarvis, 21 July, 1843, 6.

<sup>202</sup> *JLAPC*, 1844-5 Bagot Report, np.

<sup>203</sup> 1847 Report on the Affairs of the Indians, np.

fraction of their actual value.<sup>204</sup> For the 7,373,000 acres surrendered in the London and Western Districts, the Islands of Michilimackinac and St. Joseph, and in Orillia, the Anishinabe received or an average of 2 ½ pennies per acre. These lands often re-sold in an unimproved or marginally improved state for an average of 8 to 15 shillings.<sup>205</sup> Rents paid to Anishinabe Chiefs, even if slightly below market-value, gave them a steady and predictable source of income while forging positive connections with their Eurocanadian neighbours.

Over the long term, improvements such as clearings, houses and outbuildings should have increased the value of Aboriginal lands, earned them more money and kept the reserves intact. English Common Law entitles landlords to all property improvements upon the expiry or termination of a lease.<sup>206</sup> It was absolutely imperative that lands be sold for the maximum the market would bear because the funding model adopted by the department was wholly dependent on land and resource revenue. But Commissioners realized when it was too late that land payments should have been made in one lump sum at the time of purchase rather than in installments. Sales, annual payments and accruing interest should have been monitored by the Crown lands department with extreme vigilance; defaulters had to be caught, and their lots re-sold for non-payment.<sup>207</sup> As events along the St. Clair shoreline demonstrate, it did not matter whether settlers behaved in a criminal or ideal manner because they were given preference at every stage of the settlement process, and Anishinabe people compensated them for the trouble. Shockingly, even attempts to co-exist in the borderlands and on the Lower Reserve undermined Anishinabe title to their lands.

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<sup>204</sup> Gates, *Land Policies of Upper Canada*, 302.

<sup>205</sup> *JLAPC*, 1858 Pennefather Report, Appendix 35: Surrenders of Indian Lands in Upper Canada, np.; *Smith's Canadian Gazetteer*; LAC, RG 1, L3/148, UCLP, Canada Company Papers, 1829-1844, Canada Company, *Price Per Acre*, 2. In 1858 the total amount received was believed to be £77,801. Land along the Thames was worth substantially more than remote Canada Company Land in the north.

<sup>206</sup> Karsten, *Between Law and Custom*, 125.

<sup>207</sup> *JLAPC*, 1847 Report on the Affairs of the Indians, Management of Indian Lands, np.



As Table 6 below shows, communities who signed early treaties for goods or who did not want to surrender resources had few options to make money as a collective. By the 1860s,

**Table 6: Reserve Accounts 1864**

	Revenue				Account Balance
	Land & Timber \$	Interest Paid	Treaty Annuity	Expenses	
Sarnia	1050.15	1317.06	1500.00	2962.46	45,000.00
Walpole	0	84.66	700.00	730.53	3100.00

**Source:** Province of Canada. *Indian Affairs Annual Report for the Half-Year ended 30 June 1864* (Quebec: Hunter, Rose & Co., 1865), E. Statement of Receipts and Expenditure Account of the Several Indian Tribes; G. Statement Shewing the number of Acres of Indian Lands Sold, 16 & 18. Sarnia includes Kettle and Stony Point.

Sarnia, Kettle and Stony Point could at least depend on some of the proceeds of land and timber sales, but Walpole Island, whose lands were unsurrendered, received a much smaller and unreliable income. By the late 1830s, Annuities and accrued interest were insufficient to meet community expenses, particularly once Keating and Jones co-opted their leases and certainly after the surrender of the Lower Reserve. In 1849, Shoogemah complained that some renting with the permission of the department on Walpole Island had not paid rent since 1843 and refused to pay when confronted.<sup>208</sup> By 1856, in addition to the shared treaty annuity, Sarnia received £279 in additional land revenue while Walpole Island received nothing.<sup>209</sup> Without continual surrenders of land or resources, many reserves saw their balances steadily decline as the exorbitant expenses of the department depleted them.

In many ways, monies received from the sale of Aboriginal lands were not treated any differently than war losses payments, presents or pensions—officials still sought to appropriate as much as they could to cover expenses related to the administration of their affairs. The Bagot

<sup>208</sup> LAC, RG 10/438, Jamieson to Clench, 23 June, 1849, 442-3.

<sup>209</sup> *British Parliamentary Papers, Correspondence respecting Alterations in the Organization of the Indian Department in Canada (in continuation of Parliamentary Paper, No. 247, of Session 1856)*, no. 595 (London, 1860), R.T. Pennefather to Edmund Head, 24 November, 1856, 3-4. (hereafter *BPP*, no. 595, 1860).

Report offered a scathing indictment of land management practices stating that “[n]either the Commissioner of Crown Lands nor the Chief Superintendent, has hitherto kept any account of sales” or tracked the apportionment of monies received. Until this point all payments were lumped under “Sundry Tribes,” and no community had their own annuity account.<sup>210</sup> Under the notion that the responsibility for land sales was some form of charity or service performed for Indigenous communities, Crown Lands justified charging exorbitant amounts for surveys, appraisals, auctions and fees, including \$400 per year to the Receiver General alone to manage the Indian Fund.<sup>211</sup> In the 1840s, these were deemed “excessive,” and in some years the account was in deficit, the charges having “exceeding the whole receipts.”<sup>212</sup> Accounts of the Six Nations bore the brunt of these charges because the lands in the St. Clair were long gone. This “system of mismanagement” was described as “defective and injurious to the interests of the Indians.” However, measures introduced to improve recordkeeping and accountability thereafter were “too little, too late” and resulted in little change.<sup>213</sup> Aboriginal people funded the operation of the Department until about 1913.<sup>214</sup>

Financial accounting for Aboriginal communities became even more complex as the Imperial Government gradually transferred departments, including Indian Affairs, to the colonial government the 1850s. This process was completed in 1860 when the Department was removed from the authority of the Crown’s representative in Canada (the Governor General) and merged with the Department of Crown Lands. The Commissioner of Crown lands, Philip Vankoughnet, simultaneously became the Superintendent of Indian Affairs. Unable to justify two departments in an age of rigorous economizing and civil service streamlining, in 1862 it was made one

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<sup>210</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Management of Indian Lands, np.

<sup>211</sup> Hodgetts, *Pioneer Public Service*, 216.

<sup>212</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Management of Indian Lands, np.

<sup>213</sup> 1847 Report on the Affairs of the Indians in Canada, np.

<sup>214</sup> Hodgetts, *Pioneer Public Service*, 225.

department overseen by a deputy minister. Confusion ensued as moneys intended for the General Indian Fund were, until the 1860s ‘accidentally’ deposited into the Crown Lands account.<sup>215</sup>

After 1867 Indian Affairs continued to be paired with departments whose mandates were incompatible with the goals of the Department and contrary to the maintenance of Indigenous lands and resources.<sup>216</sup>

## Conclusion

In the absence of mechanisms to control the advance of settlement, Anishinabe peoples used a system of deeds and leasing carried over from the colonial period. These agreements created a symbiotic economic relationship whereby Indigenous subsistence hunting and fishing complemented Eurocanadian agricultural settlement.<sup>217</sup> Taylor called this strategy as it existed in colonial America, “farming the farmers” and it represented a deliberate strategy on the part of Indigenous peoples to create working relationships with the settlers around them.<sup>218</sup> Rent, goods and produce paid in conjunction with or in lieu of money mitigated the effects of retrenchment in the British military and parsimony in policies governing presents and pensions. At the same time, these cuts made Aboriginal people extremely vulnerable to both large-scale treaties and smaller private arrangements for land. In an 1846 petition, Walpole Chiefs told the Governor General “[w]e are not receiving what our fathers did, nor what we ourselves once did.”<sup>219</sup> As early as 1825, persons in authority like the Askins braided various agreements, payments, presents and

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<sup>215</sup> LAC, RG 10/449, J. Hamilton, Cashier, Bank of Upper Canada to Froome Talfourd, 17 September, 1859, 766. LAC, RG 10/585, Talfourd to the Receiver General, 17 November, 1859; RG 10/451, Walcott to Talfourd, 8 January 1862, 345.

<sup>216</sup> Indian Affairs has been a branch of Crown Lands, the Secretary of State, Department of the Interior, Mines and Resources, Citizenship and Immigration, Resources and Development, Northern Affairs and National Resources. Since 1966 it has been a paired with Northern Development. See Canada, Individuals Responsible for Indian and Northern Affairs in Canada, 1755 to 2006, Aboriginal Affairs and Northern Development Canada, Last Updated, 15 September, 2010, <http://www.aadnc-aandc.gc.ca>

<sup>217</sup> Hedican, *Applied Anthropology in Canada*, 121.

<sup>218</sup> Taylor, *Divided Ground*, 37.

<sup>219</sup> LAC, RG 10/441, Walpole Island Petition to the Governor General of British North America, c.1839-40, 563-64.

diplomatic ceremonies into a single treaty process in which public and private became largely indistinguishable to First Nations. Following the Rebellions, the Crown slowly disentangled itself from the management of Indian lands, shifting monies and power to the colonial assembly.<sup>220</sup>

Initially, a cash-strapped Colonial Office used land as a substitute to compensate and placate officials.<sup>221</sup> “[B]eing early and long in the province” as historian J.K. Johnson writes, gave loyalists, officials, 1812 veterans and their descendants a distinct advantage as they could acquire Aboriginal lands “either cheaply or free, as grants from the Crown.”<sup>222</sup> Thereafter, merchants, traders and those with connections to the Indian Department bought up earlier grants or negotiated new lease agreements with the chiefs they supplied. These connections were a significant factor in the wealth of well-connected persons in the province. The Baby and Askin families, William Keating and as the next chapter will show, Malcolm Cameron, combined commercial, social and political connections to acquire land and resources, formerly in the possession of Anishinabe people.<sup>223</sup> The use of totemic deeds well into the early nineteenth century meant that documents without names or dates transferred easily and remained difficult to authenticate.<sup>224</sup> The development of an informal system of exchange among local compacts allowed deeds to be used as *de-facto* currency. Consequently, Askin and other merchants and officials negotiated, used and transferred deeds in ways not anticipated by the original Anishinabe and Wyandotte grantees. Efforts to legitimize their holdings, as Hatter surmizes, led to the formalization of administration, survey and settlement that the Anishinabeg around Detroit

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<sup>220</sup> Haring, *White Man's Law*, 31.

<sup>221</sup> Gates, *Land Policies of Upper Canada*, 303.

<sup>222</sup> Johnson, *Becoming Prominent*, 52.

<sup>223</sup> Clarke, *Land, Power and Economics*, 330-335.

<sup>224</sup> Elford, *Canada West's Last Frontier*, 59.

tried to prevent.<sup>225</sup> These circumstances threatened the oral component of these deeds contained in the day-to-day social and economic relations between Anishinabe peoples and families like the Reynolds, Sayers and Frasers in the region. In contrast, being “early and long in the province” did not benefit Indigenous peoples. Early surrenders made in exchange for goods combined with agent impropriety and concessions given to squatters denied Anishinabe communities long-term support from the compounded interest of their investments. Ultimately as the Lower Reserve illustrates, surrenders were not used for “the benefit of the Indians” but to legitimize already existent settlement and make bad titles good.

Challenging simplistic definitions of ‘illegal’ settlement, the Moore ‘squatters’ behaved both as ‘good’ and ‘bad’ settlers. Improvements symbolized the value of labour expended on the land. Depriving settlers of this through removal, especially when the original holders of deeds were loyal military men and helpless women and children, was unpalatable and ultimately cruel. But cruel too were the advantages given to them that denied Anishinabe communities their value in the land and the value of the relationships they cultivated with their neighbours. Even though English law entitled Anishinabe communities to their renters’ improvements, this seems to run contrary to policy and practice in Upper Canada.<sup>226</sup> Forcing Anishinabe communities to either compensate squatters or permit the removal of movable property served to punish them for allowing Eurocanadians on their land in the first place.

Rather than assist the Anishinabe to remove “bad” squatters, the 1839 Crown Lands Act enabled corrupt agents like Keating and Jones to profit from the system they ultimately condemned. As in the United States, Indian Agents allowed deeds to be used to transfer lots from original deed holders to third parties and ultimately for the exercise of pre-emptive rights in the

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<sup>225</sup> Hatter, “The Transformation of the Detroit Land Market,” 90-91.

<sup>226</sup> Karsten, *Between Law and Custom*, 125.

purchasing process. Deeming the documentation of some to be 'more valid' than others involved agents in conflicts of interest and irreparably harmed relationships between the Anishinabe and their tenant such that by 1843, officials could only see the surrender of the reserve as a solution. Denied the profits of lands surrendered, Anishinabe Chiefs had to protect what remained and forge new economic and commercial relationships with people around them. As the next chapter will discuss, growing populations and declining economic options made conditions on the reserves extremely challenging.

#### **Chapter 4: Inconvenient Neighbours: Economies of Confinement, 1839-1867**

“Seeing with two eyes,” rested on the assumption that mutually beneficial economic relationships with non-Aboriginal settlers would be cultivated. In Milloy’s words, it was a request for a “senior partner.”<sup>1</sup> While we tend to think of reserves as separate from the community around them and the Anishinabeg residents unable to adapt to the nineteenth century political economy, this is simply not true. The Anishinabeg had been successful farmers and traders for centuries until the 1840s and in spite of many obstacles put before them, continued to incorporate agriculture along with other activities into their household economies. But unlike Eurocanadians, the Anishinabe in Lambton County had limited control over the formation of policy affecting reserve economies. Department policies implemented in an ad hoc manner siphoned annuities out of their communities, restricted their access to credit, stifled innovation and stunted economic growth on reserves.

As the last chapter noted, attempts by the St. Clair Chiefs to co-exist with settlers in Moore actually undermined the profitability of reserve lots when “surrendered for their benefit” in 1843. The fact that Aboriginal people did not profit from the sale of their land cast new importance on available sources of food and income. While Indigenous peoples in Lambton County maintained access, control and management of their resources into the nineteenth century, these were extremely localized phenomena dependent upon time and space. In the heavily settled St. Clair River shoreline, lands were targeted with a ferocity reminiscent of colonial America, and the Anishinabeg very quickly became “inconvenient neighbours.”<sup>2</sup>

The sale of land below market value combined with mismanagement of their funds by some of the most trusted and powerful members of the Indian Department sabotaged the efforts

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<sup>1</sup> Milloy, “The Era of Civilization,” 114.

<sup>2</sup> *BPP*, Vol. 617 (1834), Sir George Murray to Sir James Kempt, 25 January, 1830, 87.

of Anishinabe communities to establish themselves in Upper Canada. Indian agents pocketed presents here and there prior to 1828, but once goods and land were converted to money, and the sole arbiter of access and disbursement was the Indian agent difficulties ensued.<sup>3</sup> A complex and invasive bureaucracy developed around the tendering of contracts, requisitioning of goods and receipt of land payments, enabling corrupt and incompetent “sycophants”<sup>4</sup> to steal the financial futures of Aboriginal communities. By 1850, minimal funds in their band accounts combined with the behavior of their agents, contributed to the impression that Anishinabe people were impoverished as a result of their own idleness and irresponsibility.

These circumstances occurred at a time when both Aboriginal and non-Aboriginal communities experienced unprecedented growth. The total population of 60,000 people in the province before the War of 1812 doubled between 1828 and 1833, and the population reached 427,000 by 1840. Irish famine and British emigrants who came into the District after 1840 strained available resources, highlighting inadequacies in infrastructure and local government. The 952,000 Eurocanadians resident in the colony in 1850 became more than one and a half million at the time of Confederation.<sup>5</sup> Of this number, 10,815 resided in Lambton County.<sup>6</sup> Until the 1844 Bagot Report, First Nations inhabiting the borderlands of the Western District and former Northwest were estimated to number between 10,000 and 18,000 people. In 1828 only 1500 were thought to reside in Upper Canada.<sup>7</sup> After 1844, the combined populations of Walpole Island, Moore, Sarnia, Enniskillen and Kettle and Stony Point fluctuated between 1300 and 2000

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<sup>3</sup> LAC, RG 10/571, Keating to Higginson, 23 June, 1844, LAC, Ironside to Givins, 7 June, 1830, 12. Erik Anderson, “The Treaty as Livelihood Assistance and Relationship Renewal,” in Jerry P. White, et. al., *Aboriginal Policy Research*, Vol. 7, 77.

<sup>4</sup> Leighton, “The Compact Tory as Bureaucrat,” 42-43.

<sup>5</sup> Crowley, “Rural Labour,” 18 & 44.

<sup>6</sup> Canada, *Census Report of the Canadas, 1851-2*. Personal Census, Vol. 1, Appendix No. 13, (Quebec: John Lovell, 1858), No. 1: Upper Canada, Personal Census by Origin, 14-15.

<sup>7</sup> LAC, RG 10/792, 1828 Darling Report, 7441; *JLAPC*, 1844-5 Bagot Report, np.



people.<sup>8</sup> The proximity to the American border and close connections with Chippewa in Michigan suggests that these numbers should be considered approximations only. The arrival of Saginaw Chippewa and Potawatomi swelled reserve populations in the 1830s and 40s just as land losses peaked. Populations declined to their lowest levels following the surrender of the Lower and Enniskillen reserves as the displaced residents located themselves elsewhere. Greater numbers of people on smaller plots of land confronted with declining resources caused some Anishinabe in the 1850s and 1860s to move further from settlement and to seek paid labour in Michigan, Kansas, Saugeen and Sault Ste. Marie.<sup>9</sup>

The assumption that government revenues increased with population density is not borne out by data from Lambton County. Land granted ‘free’ to loyalists, militiamen and other Crown favourites did not pay for infrastructure that settlers and commercial interests later demanded. Petitions for roads, railways, schools and other improvements occurred in an environment where freeholders resisted almost all municipal attempts to tax them.<sup>10</sup> Population growth did not benefit the Western District treasury and revenues began a sharp downward trend that continued throughout the rest of the decade.<sup>11</sup> These circumstances combined with a remote and challenging landscape far from Montréal and Toronto, made the prospects of financing infrastructure in Lambton particularly dire in the second half of the century.

The period after 1841 is marked by increasing “Canadianization, urbanization, professionalization and commercialization.”<sup>12</sup> Though “nation-building’ justified the investment of large amounts of private and public monies into development, this largess did not extend to

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<sup>8</sup> For a description of the Enniskillen reserve see Appendix A.

<sup>9</sup> Andrew Jamieson Report to the SPG, 28 November 1865 in Krasowski, “A Numiany (The Prayer People) and the Pagans of Walpole Island First Nation,” 168. Forty individuals from Walpole Island went to Kansas in 1864 to join others who left before them.

<sup>10</sup> Aitchison, “The *Municipal Corporations Act*,” 115.

<sup>11</sup> Appendix 6 to the 16 volume, *JLAPC*, (Toronto: John Lovell, 1858), E.P. Taché, Crown Lands Dept., Appendix No. 20 in, Return of Amounts received on Land Sales, 15 September 1857, np.

<sup>12</sup> Johnson, *Becoming Prominent*, 143.

Indigenous communities. Cutbacks to the department meant that Anishinabe communities; in a desperate need to acquire funds, became vulnerable to local pressure to surrender remaining lands in their possession. Settlers and their governments not only believed these communities possessed valuable lands and resources that were going to waste but benefitted from the infrastructure paid for by others without paying taxes themselves.

For the first half of the century, the distance from the seat of government in Sandwich created a feeling of disenfranchisement in the north. This changed when Kent separated from Essex in 1847 followed by the “Ten Northern Townships” in 1849. Commercial interests in Sandwich, Chatham, Port Sarnia and London conceived of the northern portion of the district as a resource hinterland ripe for exploitation, and Township councils in 1851 provided the means by which “regionally powerful patrons” accumulated the political will to finance development projects.<sup>13</sup> A well-connected ‘compact’ of individuals including Malcom Cameron, Alexander Vidal, the Mackenzie family and others used local Indian Department connections to build fortunes and political careers from what remained of Indian lands and resources.

While *The Proclamation of 1763* instituted a system of licensing to regulate trade, this policy was not adhered to in Upper Canada.<sup>14</sup> In 1839, Keating recommended licensing traders and having them post bonds that could be forfeited for illegal behavior. Punitive restrictions were instead placed on Aboriginal people in the mistaken belief that this would protect them from unscrupulous merchants. This policy stunted reserve development and created a closed system where small amounts of annuity money trickled into the reserves only to be transferred to neighbouring communities. The construction of buildings as well as sawmills, wharves and the

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<sup>13</sup> A.A. Den Otter, *The Philosophy of Railways: The Transcontinental Railway Idea in British North America* (Toronto: University of Toronto Press, 1997), 37; Wood, *Making Ontario*, 115.

<sup>14</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Appendix No. 22, Superintendent Keating’s Answer, 17 November 1839, np, *The Royal Proclamation*, 7 October, 1763 in *As Long as the Sun Shines and Water Flows*, ed. Getty and Lussier, 29-38.

supplies and labour associated with them were contracted out and leased to Eurocanadians. Blame was placed on Aboriginal people who, according to the 1844 Bagot Report, had not taken advantage of “opportunities which they have possessed of raising themselves from the state of dependence to the level of the surrounding population.” By 1858 it was recognized that “a different system” was needed, but the recommendations of additional cessions did not deviate from the failed policies of the past.<sup>15</sup> If until 1814 Aboriginal people were a benefit to the British as allies, afterwards they benefited Canadians as impoverished people.

### **“We are travelling in the Dark”**

Anishinabe leaders in the St. Clair region-at Walpole Island, Sarnia, Bear Creek and Kettle and Stony Point spent their childhoods in Aboriginal villages away from sustained contact with Europeans and steeped in their culture and language. While their adult years were marked by some of the greatest changes that Northeastern North America has ever seen, this strong cultural base enabled them to survive and guide their communities through the rapidly changing circumstances around them. They exemplify “two-eyed seeing.” Throughout their lives, they mitigated the worst aspects of colonial policy by balancing Indigenous and European ways of knowing and doing. Despite continual references to their decline, most of these individuals lived long, healthy lives, learned to navigate the bureaucracy of the department and built strong relations with individuals in neighbouring communities in most cases without ever learning English.<sup>16</sup> These leaders, who last fought the Americans, found a new sense of purpose fighting those in positions of power who sought to deny them even the smallest role in an evolving

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<sup>15</sup> *JLAPC*, 1858 Pennefather Report, np.

<sup>16</sup> Chiefs Bauzhigeeshigwashekum, Peterwegeshick, Joshua Wawanosh, Shaweny-Penincy, Wahpagas, Ashkebahgahnequod and Quakgwan all remained fluent in Ojibway and spoke and corresponded with the Department officially through interpreters.

polity.<sup>17</sup> In 1838, the Chiefs in Council on Walpole Island sent a petition to the Governor General asking to meet with him. They had not received annuities in three years and were concerned that something was very wrong with their accounts. Anishinabe Chiefs in a number of communities expressed similar sentiments: they had not received what they had been promised and wanted to ‘see’ detailed statements of their land sales accounts. Until this occurred, they were, in Peterwegeshig’s words, simply “traveling in the dark.”<sup>18</sup>

The generation of Indian Agents, born after the American Revolution could appeal to the mythology surrounding their past service in the War of 1812, but military service as a path to prominence in Upper Canadian society was eliminated after 1840.<sup>19</sup> At the same time, employees of the Indian Department faced greater responsibilities without corresponding increases in remuneration. As land agents, Keating and Jones complained that non-Aboriginal people seeking land and resources repeatedly harassed them, and they were summoned almost daily to mediate disputes in their role as magistrates.<sup>20</sup> Joseph Clench, a magistrate and inspector of tavern and other licences was after 1845, expected to manage the land sales and commercial transactions of all reserves in the Western District.<sup>21</sup> Designed to curtail the power of resident agents like Keating and Jones, centralization accomplished this task too well by virtually eliminating oversight.<sup>22</sup> Though most of the problems were of his own making, thousands of letters and petitions in his files show that like other agents, Clench was “constantly plagued by

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<sup>17</sup> For organized responses to Indian Department colonialism see Shields, “Anishinabek Political Alliance in the Post-Confederation Period” and Brownlie, *A Fatherly Eye*, 57. “Soldier Chiefs” also played important roles in reserve politics and as advocates for the rights of their communities in the twentieth century.

<sup>18</sup> LAC, RG 10/441, Walpole Island Petition to the Governor General, 1838, 563-4.

<sup>19</sup> Johnson, *Becoming Prominent*, 24.

<sup>20</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Keating’s Answer, 17 November 1839, np.

<sup>21</sup> Daniel J. Brock, “Clench, Joseph Brant,” *DCB*, University of Toronto/Université Laval, 2003–, accessed 10 November, 2011, <http://www.biographi.ca>

<sup>22</sup> Milloy, “The Era of Civilization,” 238.

awkward contested claims,<sup>23</sup> for land and inquiries and complaints from chiefs about trespassers. Even if he had devoted himself to reserve affairs, in such an environment, it would have been impossible to act in the capacity of a ‘partner.’

A general culture of entitlement and bureaucratic structure lacking oversight created “a rather loose code of public morality” in most government circles.<sup>24</sup> Anishinabe people in southwestern Ontario in particular suffered from an inordinate number of officials including Keating and Jones, Clench and Superintendent Samuel P. Jarvis who abused their power and stole thousands of dollars from their accounts. At the same time, Aboriginal leaders made great gains in the Methodist Church, but their promotions stopped just shy of positions of influence. Officials “passed over”<sup>25</sup> competent Indigenous leaders like Peter Jones at the Credit when their assistance was needed most. In 1855, Jones was considered the best-suited candidate to replace Clench as the Visiting Superintendent but Froome Talfourd was hired instead. Talfourd, a British emigrant with no experience in Indian Affairs seems to have genuinely tried to restore honour and respect to his position but it was too late. “[A]ttacks” of a serious illness limited his effectiveness and he was forced to retire in 1863.<sup>26</sup> Walpole Island and Sarnia Chiefs and Councils petitioned to have Dr. Thomas W. Johnston; their physician and Talfourd’s brother-in-law appointed district Superintendent but their wishes by this point no longer mattered. Robert McKenzie was chosen instead, symbolizing the last change in administration when politicians

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<sup>23</sup> Hodgetts, *Pioneer Public Service*, 121.

<sup>24</sup> Hodgetts, *Pioneer Public Service*, 277.

<sup>25</sup> Smith, *Sacred Feathers*, 225 & 227.

<sup>26</sup> LAC, RG 10/585, DSG Office Letterbooks, 18 March 1864; RG 10/710, Order-in-Council, 14 March, 1863, 346-7; Charlotte Vidal Nesbit, “The Talfourd Brothers-Part One,” *Sarnia Observer*, April 1939, reprinted in the Lambton Shield, 24 June, 2011, <http://www.lambtonshield.com/voices-of-lambton-past-part-1-of-the-story-of-the-talfourd-brothers/>. Froome Talfourd [1807-1902] came to the St. Clair in 1834 settling on the northernmost lot in the Township of Moore. In 1855 he was appointed Visiting Superintendent and moved to Sarnia but by March 1863 he was no longer capable of doing his job, and he retired and returned to England one year later.

representing the Dominion gained control of Indian Affairs.<sup>27</sup> In the years leading up to Confederation, First Nations' interests took a backseat to Macdonald's broader nation-building vision and a bureaucracy antithetical to their culture and interests developed around them .

### **“A kind of mixed farming”<sup>28</sup>**

Aboriginal people in the Great Lakes Basin can all be described as agricultural people. Even in the northern Boundary Waters region, Waisburg and Holzkamm note that Indigenous peoples supplied fur trade posts with significant quantities of corn, pumpkins and root vegetables.<sup>29</sup> Southern nations like the Haudenosaunee, Shawnee, Huron and Moravian Delaware (Leni Lenape) settled in more permanent villages and thus farmed more than the Potawatomi and northern Algonquian groups but agriculture was certainly not foreign to any of them.<sup>30</sup> While touring the Saginaw area of Michigan in 1718, M. de Sabrevois wrote that the Chippewa farmed on the mainland and Mackinac Island to supplement their diet of meat and fish and to act as a hedge against the failure of any of these resources.<sup>31</sup> *The Detroit Gazette* reported in 1821 that “Indians” in the Saginaw Bay region engaged in “considerable agricultural activities.”<sup>32</sup> The characterization of Anishinabe peoples as wandering ‘hunter-gatherers’ was a myth created out of the description of non-invasive techniques of Anishinabe horticulture as

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<sup>27</sup> LCA, file 10A-AD, William Spragge, DSIA, to David Wawanosh, nd.; Beers, *Commemorative Biographical Record of the County of Lambton*, 8-9; MacWatt, *Wardens, Parliamentary Representatives, Judicial Officers*. Robert was brother to Prime Minister Alexander Mackenzie. The Mackenzie brothers established themselves in the trades, commerce and politics. Dr. Thomas William Johnston [1813-1876] came to Moore from Ireland in 1833. He later became the first Mayor of the Town of Sarnia.

<sup>28</sup> Marvin McInnis quoted in McCalla, “The Internal Economy of Upper Canada: New Evidence on Agricultural Marketing before 1850,” in *Historical Essays on Upper Canada: New Perspectives*, ed. J.K. Johnson and Bruce Wilson (Ottawa: Carleton University Press, 1989), 255.

<sup>29</sup> Waisburg and Holzkamm, “A Tendency to Discourage them from Cultivating,” 177-78.

<sup>30</sup> Edward S. Rogers, “Algonquin Farmers of Southern Ontario, 1830-1945,” in *Aboriginal Ontario*, ed. Rogers and Smith, 122-126.

<sup>31</sup> Robert M. Warner, “Economic and Historical Report on Royce Area 111” in *American Indian Ethnohistory*, Vol. 5, ed. David Agee Horr (New York: Garland Publishing, 1974), 167-68.

<sup>32</sup> *Detroit Gazette*, November 1821, quoted in Warner, “Economic and Historical Report on Royce Area 111,” 195.

“gardening” rather than ‘farming.’<sup>33</sup> Prior to 1828, British officials encouraged the Anishinabe to abandon their cornfields to provision, trade and assist in colonial conflicts. It was only with the implementation of Colborne’s ‘civilization program’ that a transition to full-time agriculturalists became policy.<sup>34</sup>

Anishinabe peoples in Lambton County did become successful farmers, but not by growing wheat. In 1823, a settler in Saginaw Michigan noted the Chippewa raised “60 bushels of corn from an acre, notwithstanding their imperfect cultivation” at a time when “[s]eventy bushels of shelled corn to the acre was no uncommon yield.”<sup>35</sup> Residents on the Sarnia Reserve and on Walpole Island grew small amounts of spring and fall (winter) wheat but in the 1850s, the latter became subject to midge. Indian corn and potatoes were better suited for the climate and less subject to disease. Data from the 1850s shows that of the 2439 acres cleared on Walpole Island, 6388 bushels of corn and 3965 bushels of potatoes were complemented by harvests of 1517 bushels of wheat, 547 oats, 418 beans, 377 peas, and 294 tons of hay.<sup>36</sup> By 1860, on Walpole Island harvests of corn and potatoes alone amounted to approximately 5000 and 3000 bushels respectively<sup>37</sup> and the community supported itself and resisted pressures to surrender land by selling their agricultural surplus “on the American side of the river.”<sup>38</sup> With half the population of Walpole Island, the Sarnia Village in the same period cleared 608 acres and harvested 1804 bushels of corn, 1187 of potatoes, 608 of oats, 526 of wheat, 377 peas, and 74 tons of hay.<sup>39</sup> Like

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<sup>33</sup> Carter, *Lost Harvests*, 37.

<sup>34</sup> Blackstock, “Trust Us,” 53.

<sup>35</sup> Warner, “Economic and Historical Report on Royce Area 111,” 311.

<sup>36</sup> *JLAPC*, 1858 Pennefather Report, “Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia,” np.

<sup>37</sup> LAC, RG 31, *1861 Census Canada West*, 188A-Agricultural Census of Lambton County, Indian Reserves in the Township of Sarnia and Walpole Island, 60-64.

<sup>38</sup> *JLAPC*, 1858 Pennefather Report, “Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia,”; *BPP*, No. 595 (1860), No. 3, Pennefather to Head, 24 November 1856, 6.

<sup>39</sup> *JLAPC*, 1858 Pennefather Report, Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia, np.

Eurocanadian towns, reserve economies evolved according to available local resources and opportunities. Some residents on the Sarnia and Sable reserves focused on farming while others farmed “a little” to supplement hunting and fishing. The majority in Bosanquet Township did not farm at all.<sup>40</sup>

Farming, when practiced was integrated into their historic seasonal round. As a result, the amount of land Anishinabe families placed under cultivation remained relatively stable. A sample of 20 families from the Sarnia reserve holding between 25 and 80 acres reveals that families with access to more land did clear or not plant any more than families who held significantly less. Farmers with 25 to 30 acres cleared one-third to one quarter of their lots while those holding between 33 and 66 acres cleared approximately one-fifth. Six families who held 80 acres of land each cleared less than one-tenth of it on average indicating that the percentage of land under cultivation actually declined in proportion to the amount of land held.<sup>41</sup> Because of this, Sarnia residents kept less livestock which in 1858 included 38 cows, 26 yokes of oxen, 96 horses and 79 pigs. By comparison, farmers on Walpole Island kept 75 cows, 41 yokes of oxen, 132 cattle and 514 pigs.<sup>42</sup> Regardless of acreage, the Anishinabe grew hay and left significant amounts of their lots in a wild and wooded state, refusing to risk their economic well-being on one activity. Farming remained only part of a broader Anishinabek economy strategically attuned to the local environment and markets and varied to mitigate risk of scarcity.

While farming was to be imposed on the reserves, along with education and Christianity as a civilizing endeavour, it was done so in an ad hoc and inconsistent manner. Reserve farms

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<sup>40</sup> 1847 Report on the Affairs of the Indians of Canada, No. 20, Evidence of Jones..., 17 December, 1842, np.

<sup>41</sup> LAC, RG 31, *1861 Census Canada West*, 188A-Agricultural Census of Lambton County, Chippewa Indians belonging to Sarnia band residing in the Township of Sarnia, p. 60. Sample of 20 residents from the Sarnia reserve included 7 families with less than 30 acres, 7 families with 37-66 acres and 6 families with 80 acres.

<sup>42</sup> 1858 Pennefather Report, “Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia,” np.



were to be a “place of probation, a training ground in the lessons of civilization and citizenship.”<sup>43</sup> Thus, the Department did not take interest in the proclivities, talents or aptitudes of individuals, nor did officials entertain the transformation of Anishinabe peoples into anything other than full-time subsistence farmers.<sup>44</sup> Even so, the absence of support and assistance promised in the treaties, neglect and malfeasance by their agents, and the behavior of their Eurocanadian neighbours, delayed the implementation of reserve agriculture on the St. Clair until the second half of the 1840s. In spite of this, less than five years later, some Anishinabe families at Sarnia farmed individual lots and planted a variety of crops including Indian corn, potatoes, oats and peas. But options other than farming were available and reports by 1858 suggested that less than one fifth of Sarnia’s farmers produced harvests sufficient to feed their families.<sup>45</sup> Historian John Lutz focuses on late nineteenth and early twentieth century examples of what he characterized as a “moditional economy,” in which B.C. First Nations “exchanged their labour in different combinations...as opportunities presented themselves.”<sup>46</sup> Earlier manifestations of similar economic strategies are evident in Lambton County, where Anishinabe peoples combined cottage industry, wage labour, farming, hunting, fishing and gathering, at various times, to survive in an era before industrial capitalism took hold in the region.<sup>47</sup>

In spring and fall, it only made sense that agricultural activities would take a backseat to the “fisheries...at their door.” The Sarnia Reserve was also very close to the town of Sarnia, and wage labour at one dollar per day in the sawmills or twelve shillings per day on the farms of “neighbouring whites” was an attractive option for those who did not want to farm.<sup>48</sup> Irrespective

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<sup>43</sup> Carter, *Lost Harvests*, 18.

<sup>44</sup> Kuokkanen, “Indigenous Economies,” 220-222.

<sup>45</sup> *JLAPC*, 1844-5 Bagot Report, “Chippewas of the St. Clair Rapids or Upper St. Clair Reserve...,” np.; *JLAPC*, 1858 Pannefather Report, “Sarnia Reserve,” np.

<sup>46</sup> Lutz, *Makúk*, 23-24

<sup>47</sup> Kuokkanen, “Indigenous Economies,” 221.

<sup>48</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, Evidence of William Jones, 17 December, 1842,

of the creation of the model village and the presence of a resident missionary and schoolteacher, like their neighbours, Anishinabe on the Sarnia reserve adopted economic strategies suitable to the community and available to them from the surrounding area.<sup>49</sup> The fact that farmers did not produce enough to feed their families and did not continue to clear more land is not indicative of failure, but of success in other economic endeavours which went unknown or unmeasured by the department.

In western Canada, policy had very little to do with the decision to engage in farming. In some cases policy actually “discouraged” individuals while others adopted successful strategies in spite of it.<sup>50</sup> Low prices received for flour in the 1840s, did not always make wheat farming a profitable venture.<sup>51</sup> Though Kettle and Stony Point were admittedly “almost entirely neglected...for many years,” Missionary E.F. Wilson concluded in the 1860s that Kettle Point “seemed...to have advanced more in their farming operations than the Sarnia Indians.”<sup>52</sup> Some of the one hundred people resident on Kettle Point lived comfortably and small amounts of Indian corn, potatoes, wheat and oats but Chief Ashkebahgahnequod, “had a capitol house with several rooms in it. He, along with several others, cultivated fruit trees. One of the few detailed accounts from 1858 indicates that they had 446 trees in their orchards including 206 apple trees, 154 peach trees and 86 cherry trees.”<sup>53</sup> The decision to grow fruit appears to have been executed entirely by Kettle Point residents. Serviced by Sarnia’s interpreter Henry Pahtahquahong Chase,

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np. *JLAPC*, 1858 Pennefather Report, “Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia,” np.

<sup>49</sup> McCalla, *Planting the Province*, 191-2.

<sup>50</sup> For the effects of imposed market restrictions in Western Canada see Carter, *Lost Harvests*, ch.6 and for northern Ontario see Waisburg and Holzkamm, “A Tendency to Discourage them from Cultivating,” esp. 184.

<sup>51</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, App. 21, Keating Report, 16 December, 1842, np.

<sup>52</sup> Edward Francis Wilson, *Missionary Work Among the Ojebway Indians* (London: Society for Promoting Christian knowledge 1886) 27. *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, Appendix No. 20, Evidence of Mr. Superintendent Jones..., 17 December, 1842, np.

<sup>53</sup> Wilson, *Missionary Work Among the Ojebway Indians*, 27; *JLAPC*, 1858 Pennefather Report, “Sarnia Reserve,” np. In this report there is no separate statement on Stony Point (Sable River).

as late as the 1860s, the reserve had little if any contact with the department or Clench.<sup>54</sup> In Wilson's words "[n]ot a single individual, man, woman, or child, could read or write." In 1861, most individuals over the age of twenty were identified as unable to read or write in English, there was no church or school until Wilson ventured there after establishing his mission at Sarnia.<sup>55</sup> Echoing the words of Wawanosh and Bauzhigeeshigwashekum, Ahbettuhwahnugund also demonstrated that self-sufficiency; political independence and Anishinabe values were not mutually exclusive.

Reserve communities maintained their own distinct community values and attracted residents of similar 'mind.' On the outskirts of the Sarnia reserve and in the remote and sparsely populated Kettle and Stony Point reserves, small camps of 'wigwams' inhabited by interrelated kin groups could be found.<sup>56</sup> Aside from a fractious relationship with a Jesuit priest, neither a church nor a school was accepted on Walpole Island until Jamieson earned their trust in the 1840s.<sup>57</sup> Though Peterwegeshig wanted to be taught English and arithmetic, the chiefs refused to accept the Christian proselytizing that would come with a mission school. While non-Aboriginal settlers continued to occupy some farms on the Island, Odawah, Ojibwa and Potawatomi families divided the properties of ejected squatters. According to Keating, "[e]ach separate band cultivates in one vast enclosure, each person according to his means of industry." He compared this to agricultural methods used in France although he admitted they developed it on their own.

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<sup>54</sup> The Anishinabe Methodist minister was the interpreter at Sarnia from 1843-1856. See Donald B. Smith, "Chase, Henry Pahtahquahong," *DCB, Online*, University of Toronto/Université Laval, 2003–, accessed 28 June, 2010, <http://www.biographi.ca>

<sup>55</sup> Wilson, *Missionary Work Among the Ojebway Indians*, 27. LAC, RG 31, *1861 Census Canada West*, Lambton County, Chippewa Indians belonging to the Sarnia Band residing in the Township of Bosanquet, 47-48.

<sup>56</sup> LAC, RG 31, *1861 Census Canada West*, Lambton County, Chippewa Indians belonging to the Sarnia Band residing in the Township of Bosanquet, pg. 47-48.

<sup>57</sup> Denys Delâge, Helen Hornbeck Tanner and Pierre Chazelle, "The Ojibway-Jesuit Debate at Walpole Island" *Ethnohistory*, No. 41, Vol. 2(Spring 1994): 295-321; Krasowski, "'A Numiany' (The Prayer People) and the Pagans of Walpole Island First Nation," 14-15. Father Dominique Du Ranquet appeared on the Island in 1844 with the support of Keating and a few families. Without permission he cut oak trees and proceeded to build his church on a sacred burial mound and cemetery. Peterwegeshig and the other leaders actively resisted his presence and burned the church in 1849. The priest left the following year.

Shared fields were extremely efficient: they required less fencing<sup>58</sup> and fully utilized the labour of each person capable of working without burdening them with an entire farm. Walpole Island farmers grew similar items to Sarnia with the addition of large amounts of buckwheat and hay. Both reserves raised a substantial number of cattle and pigs and the sale of ponies on Walpole Island provided a significant source of income. Just as fishing and wage labour were options at Sarnia, Walpole Island residents devoted considerable time in the winter for hunting in Michigan, and maple-sugaring in the spring.<sup>59</sup> But as settlement increased, they had to go farther afield to do so.

Despite smatterings of praise in many reports and an acknowledgement that wheat monoculture was impractical in most instances the myth of the yeoman farmer persisted in department correspondence and continued to influence policy.<sup>60</sup> Settlement in some areas only became viable when governments created markets for produce, and farmers could hire seasonal labourers. In many cases success was only achieved with “mutual helpfulness” in communal activities like bees, barn-raising and agricultural fairs.<sup>61</sup> In contrast to recommendations made by Alan Salt and the Rev. W. Scott, much effort was devoted to coercing Sarnia’s farmers to subdivide the reserve into individual lots. In 1847, echoing the words of the ancestral chiefs, Salt and Scott suggested that agricultural instructors and a model farm be established at Sarnia, even though one should have been operating for the last twenty years.<sup>62</sup> The department eliminated

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<sup>58</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, App. 21, Keating Report, 16 December, 1842, np.

<sup>59</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, see App. 21 and 22 by Keating, np.

<sup>60</sup> Carter, *Lost Harvests*, 161.

<sup>61</sup> See for instance, Parr, “Hired Men,” 91-103; Sean Gouglas, “Produce and Protection: Covent Garden Market, the Socioeconomic Elite, and the Downtown Core in London, Ontario, 1843-1915,” *Urban History Review*, Vol. 25, No. 1 (Oct. 1996): 3-18; Jodey Nurse, “Reaching Rural Ontario: The County of Peel Agricultural Society and the Peel County Fall Fair, 1853-1883,” (M.A. Thesis, University of Guelph, 2010); T.K. Holmes, “Pioneer Life in Kent County,” *Papers and Records*, (Chatham: Kent Historical Society, 1914), 9; Reaman, *A History of Agriculture in Ontario*, 22.

<sup>62</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, App. No. 33, Evidence of the Rev. W. Scott, np. In the 1840s and 1850s, Scott and Salt were assigned to the communities collectively referred to by the Methodists as

resident agents in the mid-1840s, forcing missionaries to manage reserve economies alongside their other duties.<sup>63</sup> Though they held bees and helped each other, Anishinabe reserve farmers did not benefit from shared membership or camaraderie in Sarnia's agricultural or fraternal societies, nor is there any evidence that publications on such topics were translated or transmitted to them. Some attended fairs in the 1850s but they competed within their own categories or held agricultural "shows" on the reserve judged by "white persons" from the neighbourhood. Items entered in the 1854 Provincial Exhibition such as canoes, peace pipes, moccasins, snowshoes and baskets were of "Indian manufacture" only and did not showcase their accomplishments in agriculture, livestock breeding or domestic manufactures nor did they allow them to compete as equals with non-Aboriginals.<sup>64</sup> By the late 1840s, the technological gap grew as mechanization and specialization threatened to undermine some of their progress. Initially, fanning mills, ploughs, harrows as well as Massey mowers and reapers in the 1850s, could all be purchased for less than one hundred dollars each. By the 1860s, steam power provided greater efficiency with less effort, but it also pushed the price of items like threshing machines to \$200.<sup>65</sup> While twenty farmers on Walpole Island were able to purchase one together, communities in less fortunate circumstances could not or had to rent or hire them out to cover the expense.<sup>66</sup> These investments would not have been an issue had the communities profited from their lands as they should have.

Anishinabe communities in Lambton County built their economies based on the use of available resources. Like their Eurocanadian neighbours, they tended to grow hardier crops

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the St. Clair Mission.

<sup>63</sup> Graham, *From Medicine Man to Missionary*, 65.

<sup>64</sup> LAC, RG 10/441, R. Keays, London to H.P. Chan, Port Sarnia, Draft list of Goods for the 1854 Provincial Exhibition, 22 June, 1854, 432-4; Jamieson, Letter to the SPG, 1878, in Krasowski, "'A Numiany' (The Prayer People) and the Pagans of Walpole Island First Nation," 195.

<sup>65</sup> "Agricultural Machinery" in Innis and Lower, eds., *Select Documents in Canadian Economic History, 1783-1885*, 542-544. This was approximately £20 to £25.

<sup>66</sup> Nin.Da.Waab.Jig, *Minishenhying Anishinabe-Aki*, 57; LAC, RG 10/438, M. Harson, Zone Mills to Clench, 18 May, 1850, 102; Holmes, "Pioneer Life in Kent County," 9.

suited for the climate including corn, oats and potatoes. In agricultural terms this has been described as “a kind of mixed farming.”<sup>67</sup> Ahbettuhwahnugund had “an orchard full of apples and cherries, and well-cultivated fields.” By the 1850s, officials noted that on Walpole Island, they “[n]ot only have... enough for home consumption, but they also manage[d] to export, in considerable quantities, potatoes, beans, corn, and even butter.”<sup>68</sup> As this chapter has shown, a great deal of labour and learning on reserves in the Western District was performed and acquired informally by Anishinabe for themselves. On the lands purchased in Enniskillen for example, five families cleared and planted “about forty acres” and built “two good log houses and two small log barns” without any government assistance.<sup>69</sup> Here, the Bear Creek lands contained more than 400 acres of sugar bush which Keating himself estimated produced 2000 pounds of maple sugar annually.<sup>70</sup> This is a substantial amount given that all of Lambton County produced 5901 pounds in 1851 and more than 100,000 pounds were produced annually in the Western District between 1842 and 1850.<sup>71</sup> The spring sugaring season lasted four to five weeks until the middle of April when the Anishinabe returned to fish and plant their fields.<sup>72</sup> Keating’s report suggested that the maple sugar was “wasted” and never lasted the winter but this seems rather disingenuous for a valuable product of so much time and labour.<sup>73</sup> The Anishinabe factored the hunting and sugaring land of Bear Creek into their economies as early as 1818 when Chawme pointed the area out as one they wished to reserve in the Huron Tract Treaty. When the chiefs

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<sup>67</sup> McCalla, “The Internal Economy of Upper Canada,” 255.

<sup>68</sup> LAC, RG 10/438, Jameson to Clench, 7 March, 1853, 519-21.

<sup>69</sup> *JLAPC*, 1844-5 Bagot Report, “Chippewas of the St. Clair Rapids or Upper St. Clair Reserve...,” np.

<sup>70</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, App. No. 22, 17 November, 1839, np.; McDougall and Valentine, “Treaty 29: Why Moore Became Less,” 254.

<sup>71</sup> *Censuses of Canada, 1665-1871*, Statistics of Canada, Vol. IV. (Ottawa, I.B. Taylor, 1876), Census of Upper Canada, 1851-2, Table VIII: Domestic Products, p. 197; *Censuses of Canada, 1665-1871*, Statistics of Canada, Vol. IV, (Ottawa, I.B. Taylor, 1876), Census of 1842, Table X: Domestic Manufactures, 139, Census of 1848, Table VII: Domestic Manufactures, 169, Census of Upper Canada 1851-52, Table VIII: Domestic Products, 197.

<sup>72</sup> LAC, RG 10/438, Jamieson to Clench, 26 March 1846, 377.

<sup>73</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, Appendix No. 22, 17 November, 1839, np.

realized the land had not been set aside, they immediately began petitioning to purchase similar lands in the area and proceeded to do so in 1841. For consumption, sale or trade, maple sugar formed an important part of the household economy, helping us understand why the chiefs wanted to protect the sugaring lands in the first place, and why the gradual loss of the Enniskillen reserve to unauthorized settlement in the 1840s was such a blow their economy.<sup>74</sup>

Experience taught Anishinabe peoples that success came with risk, and doing too well attracted speculators and squatters to their lands. A report from 1839 indicated that in one area, twenty Anishinabe families living in log houses cleared one hundred and forty-six acres. Of this amount, one hundred acres were under their cultivation. They had two oxen, three cows and two pigs and worked the land with three ploughs, two harrows and nine sleighs. By the 1840s, thirty-two families now cleared almost double the amount of land, and a few individuals had cleared thirty acres themselves.<sup>75</sup> These Anishinabe farmers lived alongside the Reynolds, Sayers and others on the Lower Reserve prior to 1843, and they were displaced when it was surrendered and sold “for their benefit.” William Renwick not only under-paid for the land but reaped the benefits of these improvements and clearings, while the Anishinabe residents started over on the other reserves. As late as 1858, official acknowledged that “[t]he transfer of improvements on land by an individual Indian for valuable considerations to a white squatter was an affair of frequent occurrence.” Without protection of the law or title to their lands, Indigenous peoples feared the loss of their land with every improvement made upon it.<sup>76</sup>

The system of requisitioning also impeded reserve agriculture and infuriated merchants.

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<sup>74</sup> McDougall and Valentine, “Treaty 29: Why Moore Became Less,” 253; LAC, RG 10/439, John Prince to Clench, 2 July 1849, 677-9. See glossary. Chief Miskokomon told attorney John Prince that they lived on the Bear Creek Reserve until 1833, when many “left it for Muncy Town.” The lands were slowly sold without a surrender.

<sup>75</sup> *JLAPC*, 1844-5 Bagot Report, “Chippewas of the St. Clair Rapids or Upper St. Clair Reserve, River Aux Sables and Kettle Point.” np.

<sup>76</sup> *JLAPC*, 1858 Pennefather Report, Part. 1, np.

To plant in the spring, quantities of all necessary supplies including the various seeds and any tools had to be estimated the previous winter. With so many links in the bureaucratic supply chain, errors, changes and delays could easily ruin an entire season of planting. In the 1850s for instance, it was intimated that Clench kept requisitions “detained at London for weeks and months” before sending them for approval. In the winter of 1852, Joshua and David Wawanosh estimated their requirements for the following spring planting season and sent in their requisitions. The much-needed seed and supplies arrived in July, more than two months too late to sow them. It was the need to “make some other arrangements to get their Annuity in a more convenient way” that compelled frustrated chiefs to consider land surrenders and covert deals with merchants like Malcolm Cameron.<sup>77</sup> Reserve economies held great potential in these early years as suppliers of goods to neighbouring towns. Though they complained about the lack of opportunities available to the Anishinabe, no one in the department displayed much interest or took any serious initiative towards helping Indigenous entrepreneurs establish themselves in farming or commercial enterprises.

**They “come with smooth words, hoping to get our money for nothing”<sup>78</sup>**

Anishinabe people were once central contributors to the colonial economy. The loss of the Northwest and declining resources in localized areas forced Aboriginal people to seek many creative ways of adapting to these changing circumstances. Initially, goods and money received from renters in Moore and on Walpole Island; supplies acquired on credit and the sale of utensils, crafts, fish and fur bridged this gap. In the 1840s and 1850s, exports of farm products and maple-syrup enabled them to be relatively independent.<sup>79</sup> At the same time that options in

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<sup>77</sup> LAC, RG 10/436, Chase to Clench, 14 July, 1853, 762-5.

<sup>78</sup> LAC, RG 10/439, Thomas Luckenbach and Timothy Snake to Clench, 15, March, 1847, 221.

<sup>79</sup> Oberly, “Land, Population, Prices, and the Regulation of Natural Resources,” 192; McNab, “Sovereignty, Treaties and Trade in Bkejwanong Territory,” 60-62.



the old economy declined, Anishinabe peoples found themselves pushed to the periphery in the new.<sup>80</sup> Instead of suppliers, they transitioned to consumers in the peacetime markets of Eurocanadians.<sup>81</sup>

Much remains to be explored about Indigenous peoples, commerce and economic development in the post-fur trade period.<sup>82</sup> Department officials and reformers ignored their past economic relationships with Indigenous peoples, and resisted any idea that reserve communities could supply themselves in even the most basic ways. Yet, reserve culture in the nineteenth century was infused with a positive, good-natured sense of competition driven not necessarily by profit but by the desire to benefit the community, earn “an acceptable livelihood,” and have a sense of purpose in life.<sup>83</sup>

The civilization program initially designed model villages like Sarnia along the lines of the European village centre which, according to observers, began with “the erection of a saw-mill and grist-mill...then a few shanties or loghouses...then a grocery-store...a tavern...a chapel...[and] a school-house...”<sup>84</sup> Though the government initially built sixteen log homes on the Sarnia reserve, virtually every structure thereafter was constructed either partially or completely by Anishinabe people with their own funds and labour. In the 1861 census, the sixteen log cabins had grown to forty-seven, and another four frame houses, thirty shanties and eleven camps housed four hundred people. In 1847, Walpole Island residents had built twenty-five log houses, three frame houses and four barns made of logs. Over the course of the next year, Keating expected a dozen more houses to be built using proceeds “from the produce of

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<sup>80</sup> Hedican, *Applied Anthropology in Canada*, 121.

<sup>81</sup> Steven High, “Native Wage Labour and Independent Production during the ‘Era of Irrelevance,’” *Labour/Le Travail*, Vol. 37 (Spring, 1996): 253.

<sup>82</sup> High, “Native Wage Labour,” 243-264; Robin Jarvis Brownlie, “‘Living the Same as White People’: Mohawk and Anishinabe Women’s Labour in Southern Ontario, 1920-1940,” *Labour/Le Travail*, 61 (Spring 2008): 43.

<sup>83</sup> Brownlie, “‘Living the Same as White People,’” 43; Plain, *A History of the Sarnia Indian Reserve*, 4-5.

<sup>84</sup> Jamieson, *Winter Studies and Summer Rambles*, 234.

their industry and the sale of their horses” to purchase the necessary building materials. By 1861, more than five hundred people lived on Walpole Island in one hundred log cabins, four frame houses and seventeen camps.<sup>85</sup> While chiefs often lobbied their agents for improvements and the supplies to build them, projects proceeded in an unorganized and haphazard way in the absence of a uniform policy to fund and develop infrastructure and services.

Irrespective of community interest, requisitions show that labourers and tradesmen from Sombra and Sarnia were hired instead of residents to construct churches and schoolhouses, and to do simple maintenance and repairs like masonry and whitewashing.<sup>86</sup> Moreover, in the absence of local tradesmen skilled laborers often came from as far away as Detroit. This unnecessarily increased costs and delayed completion particularly since many Anishinabe residents needed only to be properly supplied to do the work. The number of completed houses Keating and Jones refer to on the reserves suggests that individuals often found the means to complete projects themselves while they waited. Additionally, an 1847 report from Reverend James Coleman, who preceded Andrew Jamieson on Walpole Island indicates that contractual work performed by colonists contributed to a host of other social problems. Strangers entering the community brought unwanted items like alcohol and Anishinabe builders and farmers constantly had to go to town for supplies and services. Coleman argued that the department could alleviate a great many issues simply by approving the construction of a mill so the reserves could grind their wheat locally.<sup>87</sup> The mill, along with the general store was “the universal institutional

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<sup>85</sup> LAC, RG 31, *1861 Census Canada West*, Lambton County, Chippewa Indians Belonging to the Sarnia Band in the Townships of Sarnia, Bosanquet, Enniskillen and Walpole Island, 39-64; *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Evidence of Mr. Superintendent Keating, np. Some of the log homes on Walpole Island were occupied by more than one family or combinations of families.

<sup>86</sup> LAC, RG 10/444, Abstract Acct of debts due by the Chippewa Indians of the Upper Reserve..., Abstract of debts due by the Chippewa Indians of Walpole Island, 4 October, 1848, 326-8; RG 10/442, Estimate for £1025 to build Church on Walpole Island, 30 May, 1844.

<sup>87</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Evidence of the Reverend James Coleman, Appendix No. 34, nd., np. Coleman arrived in 1841 but he did not speak Ojibway and failed to gain their trust or

basis” of the Upper Canadian economy before 1850.<sup>88</sup> In the 1830s, Shaweny-Penince recognized that an Indian village needed a storehouse as did the sixty inhabitants in the neighbouring town of Wallaceburg. In the 1840s the tiny population supported one store, one tavern and a blacksmith.<sup>89</sup> The development of small reserve businesses and potential to supply some of their own needs at cost, in particular, would have perhaps eliminated the need for an onerous system of advanced requisitioning, put in place after 1845 to monitor expenses. Instead, as a missionary on the Sarnia reserve observed, “no special interest” was “taken in the improvement of Indian lands” in southwestern Ontario.<sup>90</sup>

Farming alone in the “backwoods” was not an easy endeavour.<sup>91</sup> Diversification and the ability to build connections with influential and like-minded individuals were necessary for financial success. Trading, buying and selling land and goods enabled John Askin to invest in many small projects at an early date. He had a ferry licence, owned a distillery, invested in shipbuilding, and grew hemp. He operated a store and supplied merchants, inns, taverns, as well as the Moravian Village on the Thames with all manner of goods. Amassing large quantities of land at low cost or through grants freed up capital that the average settler did not have.<sup>92</sup> Askin and other traders transferred their early fur trade and supplying knowledge into the monopolization of emerging domestic markets. Aboriginal Chiefs recognized the same but needed a ‘senior partner’ and access to the funds owed to them out of the Huron Tract Treaty to invest early in small projects. Before widespread settlement, cottage industries, mills, and stores and trades like blacksmithing and carpentry had low-startup costs. Investment here would have

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confidence.

<sup>88</sup> McCalla, “Internal Economy of Upper Canada,” 241.

<sup>89</sup> *Smith’s Canadian Gazetteer*, 202.

<sup>90</sup> *JLAPC*, 1847 Inquiry into the Affairs of the Indians of Canada, Appendix No. 33, Evidence of the Rev. W. Scott, nd. np.

<sup>91</sup> Jones, *A History of Agriculture*, 67.

<sup>92</sup> *Askin Papers*, Vol. 2, 129-30, 152-3, 5, 158-9, 313-15, 353-5, 361, 399; Johnson, *Becoming Prominent*, 52 & 47.

enabled communities to supply neighbouring settlers with services they required themselves. Instead, local businesspeople and merchants charged the Anishinabe to provide goods and services for them. While the Department's own parsimony and neglect forced individuals to engage Eurocanadians to supply and service their communities, they were chided for doing so. Keating concluded that "[t]heir ignorance of business causes them to be made dupes."<sup>93</sup> Perhaps Keating thought Anishinabe individuals would become entrepreneurs through osmosis since he offered no solution to rectify this 'ignorance.' Oblivious to reality, appraisals like Keating's carried great influence and contributed to the widespread belief that Aboriginal people remained incapable of participating in the economy in any way other than as passive consumers of goods.

The government regulated all mill sites and Indian Department officials viewed them as key components of experimental villages on Manitoulin Island, at Coldwater Narrows, Quinte, Muncey and the Credit. The Credit village had two sawmills in the 1830s that could cut five thousand board feet of lumber in twenty-four hours.<sup>94</sup> But in the Western District, good mill sites were assigned to loyalists and Crown grantees before the Anishinabe could acquire them. Burwell's diary suggests that Wawanosh attempted to secure sites near the mouths of at least two rivers when the reserves were surveyed. In addition to the Sarnia Reserve, Wawanosh requested one mile "at the River aux Perche," another mile "at his Wigwam, on Lake Huron...and the remainder opposite the Island in the River St. Clair, 5 or 6 miles below the Rapids so as to embrace the mills & some large clearings."<sup>95</sup> All three of these were mill sites and none of them were reserved for the Huron Tract Communities. In later years, Froome Talfourd operated a grist and sawmill on Commander's Creek in Moore and Henry Jones owned a sawmill on the Rivière

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<sup>93</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, App. 22, Keating's report, 16 December, 1842.

<sup>94</sup> Graham, *From Medicine Man to Missionary*, 68.

<sup>95</sup> RG 1, Series CB-1, Box, 16, Burwell Survey Diary, Chippewa Indian Reserves, Tuesday 24 October, 1826, 16. While Burwell's handwriting could be read either as "mills" or "hills," both descriptions accurately describe the same location on the creek near Froomefield.

aux Perches. Malcolm Cameron ran several mills in Sarnia that by the 1850s were steam-powered, fed from a canal carved out of the Rivière aux Perches -Lake Wawanosh river system.<sup>96</sup> By 1851, eight grist mills and thirteen sawmills employing nearly thirty people operated in the county.<sup>97</sup> While many of these sites were identified on Bear Creek and rivers in Plympton in the 1830s, no one in the Indian Department thought to acquire them for anyone but themselves.<sup>98</sup> Even if they did not specifically recognize them as mill-sites, the St. Clair Chiefs understood these rivers and the points where they intersected Lake Huron and the St. Clair River to be ecologically and economically important, and they sought repeatedly to reserve them in the Treaty and purchase them afterward. Eclipsed by the controversial plan to remove them to the Sable, the locations chosen by Wawanosh as well those on Bear Creek and elsewhere in Enniskillen were never officially reserved. By the time Reverend Coleman made his recommendation in 1847, all of the properties were in the hands of non-Aboriginals.

Department policy did not regulate the operation of mills and once constructed, there was no guarantee that the community would benefit. Some reserves built mills themselves but required outsiders to repair them while others did build, operate or repair their mills at all. The government built mills at Coldwater Narrows but leased them to non-residents, and hired incompetent locals at New Credit to fix the mill.<sup>99</sup> The community at Munceytown hired a man for fifty pounds to build a dam for their sawmill, but he hired cheaper labourers to do the job.

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<sup>96</sup> *Smith's Canadian Gazetteer*, 16, 61, 39, & 164; Nesbitt, "The Talfourd Brothers," np.; Richardson, *Tecumseh and Richardson*, 92. Commander's or Talfourd's Creek crossed his property. Rivière aux Perches similarly drained into Lake Wawanosh east of Point Edward near Henry Jones's settlement.

<sup>97</sup> Canada, *Census Report of the Canadas, 1851-2*. Personal Census, Vol. 1, Appendix No. 13, Table VII: Return of Mills, Manufactories, &c., County of Lambton, 204-7.

<sup>98</sup> Thomas Scott, "Rural Economy—Mill Seats," *Canadian Immigrant and Western District Advertiser*, Vol. 1, No. 8, Thursday 16 February, 1832, 1.

<sup>99</sup> LAC, RG 10/436, Campbell to Clench, c. 1847, 441; RG 10/441, Mississauga Petition to Clench, c. 1850, 614-15.

Several times, men “appeared and agreed to do work, only to “disappoint...”<sup>100</sup> Though the entire mill should have been operational by March 1847, the chiefs wrote Clench to complain that the work had not even begun. Incidents such as these must have had a terrible effect on the morale of the community. Chiefs and councils were repeatedly told that they were incapable of negotiating their own contracts, but many people hired by superintendents and interpreters were wholly incompetent. Forced to pay for sub-standard work but unable to compel them to honour their contracts, chiefs could only write and wait until other workmen arrived. As they complained to Clench, “[o]ur words to these men are of no value.”<sup>101</sup> Mills in particular, but other small businesses, represented easy, low-cost ventures that could have helped to bridge declines in fish and game but also to build positive relationships between the Anishinabe and their neighbours.

On the Credit Reserve, Peter Jacobs “made a comfortable living by selling things” in his store and George Wrapp [Rapp] operated a dock and tavern on Walpole Island.<sup>102</sup> “Industry on a large scale otherwise was not attempted”<sup>103</sup> nor were they offered assistance to supply themselves. Small, local businesses operated by “artisans and shopkeepers” built the towns adjacent to the reserves as historian David G. Burley discovered when studying Brantford, Ontario’s business sector after 1830.<sup>104</sup> In Sarnia, by the 1850s Malcom Cameron was described as having “a very good store here...he has...some good mills, which...constitute the chief wealth

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<sup>100</sup> LAC, RG 10/439, Thomas Luckenbach and Timothy Snake to Clench, 15 March, 1847, 221.

<sup>101</sup> LAC, RG 10/439, Thomas Luckenbach and Timothy Snake to Clench, 15 March, 1847, 221.

<sup>102</sup> Peter Jacobs, *Journal of the Reverend Peter Jacobs* (Toronto: Anson Green, 1853), iv. Smith, *Mississauga Portraits*, 103; *MPHS/16*, Appendix, p. 649, 737; Richardson, *Tecumseh and Richardson*, 51. George Frederick Wrapp (Rapp), described by Richardson as “one of the principal Indians on the island” was an interpreter in the Indian Department during the War of 1812 and 1827 Huron Tract Treaty. He built a wharf on Walpole Island in the 1850s, imported goods from Michigan and sold cordwood to the steamers.

<sup>103</sup> Graham, *From Medicine Man to Missionary*, 68.

<sup>104</sup> David G. Burley, “‘Good for all he would ask’: Credit and Debt in the Transition to Industrial Capitalism—the Case of Mid-nineteenth Century Brantford, Ontario,” *Histoire sociale/Social History*, Vol. 20, No. 39 (May 1987): 79-100.

of this very beautiful town.”<sup>105</sup> In terms of settlement and environment, Brantford and Sarnia share quite similar histories including the fact that Aboriginal peoples were not accepted in either location as entrepreneurs. After 1841, as the economy became more complex, many of the earlier opportunities vanished.<sup>106</sup> It became more expensive to enter the market and difficult to secure credit from financial institutions after the economic downturn in 1857. Loans now backed by “collateral security” instead of character and potential were especially problematic for Aboriginal communities and individuals whose lacked mortgageable assets. Lumber and grain exporting as well as speculation in land enabled a small number of men with capital to expand into manufacturing in the second half of the century. John Richardson, the observer of Cameron’s business ventures, felt compelled to note that the development of the town of Sarnia was “retarded by reason of the Indian reserve—a fine tract of land...”<sup>107</sup> With increasing frequency, businessmen described Aboriginal communities as impediments to their success.

This about-face ignored the presence of many Aboriginal craftsmen and women responsible for manufacturing goods valued by Europeans including canoes, snowshoes, moccasins, implements and household items. The notion that these activities could become commercial endeavors on a larger scale or that the skills could be transferred to the manufacture of European goods, were not considered.<sup>108</sup> At the very least, the ability to grind grain or manufacture and repair some of the goods they required, irrespective of profit, would have been a tremendous advantage.<sup>109</sup> Merchants in Wallaceburg and Sarnia did not grind grain for free and wagons, oxen, shingles, clothing and even coffins purchased at marked-up prices could have

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<sup>105</sup> Richardson, *Tecumseh and Richardson*, 91-92.

<sup>106</sup> Baskerville, *Ontario: Image, Identity and Power*, 110-11.

<sup>107</sup> Richardson, *Tecumseh and Richardson*, 92. Grandson of John Askin, author John Richardson [c.1796-1852] was of mixed descent.

<sup>108</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, App. 21, Keating’s Report, 17 December, 1842, np,

<sup>109</sup> Carter, *Lost Harvests*, 73.

easily been made by the residents for themselves or by some for sale to others. By the late 1840s, Anishinabe farmers sometimes procured oxen from each other at a fixed price of £12.10s but frequently agents purchased them from neighbouring non-natives for £13 to £21. In 1852, Walpole Islanders spent £90 on six yoke of oxen.<sup>110</sup> Pioneers in Kent County like most other rural householders possessed spinning wheels or looms and made their clothing from homespun cloth.<sup>111</sup> In 1842 the Western District's domestic manufactures included 36,585 pounds of wool, 4361 yards of home-made cloth, and 8231 yards of linen and 33,024 yards of flannel.<sup>112</sup> A very limited "cottage industry" evolved on the reserves, but this did not provide them with the goods they needed on a daily basis.<sup>113</sup> With the decline of game, access to warm clothing in particular was a persistent problem. Walpole Islanders raised sheep specifically to sell the wool for ready-made clothing, but were not given the opportunity to make the items themselves. Some missionaries tried to get spinning wheels for reserve communities<sup>114</sup> and Missionary E.F. Wilson's wife started a Mother's Sewing Club at Sarnia and taught knitting and needlework, but little seems to have materialized from their initiatives.<sup>115</sup> Even so, while women and men continued to make snowshoes, canoes, baskets, brooms and moccasins, and sold them in town, attempts to start businesses were rare. Jameson lamented that, "[w]e have clothed them in blankets – we have not taught them to weave blankets."<sup>116</sup> Anishinabe women still purchased most of their cloth from merchants in Sarnia and a lack of support and eventually legislation

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<sup>110</sup> LAC, RG 10/445, Payment for articles to Chippewa Indians, 1852, 735; RG 10/444, Abstract Acct of debts due by the Chippewa Indians of the Upper Reserve..., Abstract of debts due by the Chippewa Indians of Walpole Island, both 4 October, 1848, 326-8.

<sup>111</sup> Holmes, "Ipperwash Commission of Inquiry Historical Report," 9; Innis and Lower eds., No. 14: Excerpt, A Review of the State of Manufacturing in Canada, *Canadian Economist*, 8 August, 1846, 301-3.

<sup>112</sup> *Censuses of Canada, 1665-1871*, Statistics of Canada, Vol. IV, (Ottawa, I.B. Taylor, 1876), Census of Upper Canada, 1842, Table X: Domestic Manufactures, pg. 139.

<sup>113</sup> Graham, *From Medicine Man to Missionary*, 68.

<sup>114</sup> LAC, RG 10/444, Requisition for clothing, July 21, 1844 [paid in 1846], 33; Krasowski, "'A Numiany' (The Prayer People) and the Pagans of Walpole Island First Nation," SPG Report for December 31, 1867; Report January 9, 1877, 171, 188-92.

<sup>115</sup> Wilson, *Missionary Work among the Ojibway*, 42-3.

<sup>116</sup> Jameson, *Winter Studies and Summer Rambles*, 518.



rendered these opportunities non-existent after 1850.<sup>117</sup> Clothing could be bought when funds were available but by the 1870s, poorer residents received donated clothes from religious and charitable societies.<sup>118</sup>

While report after report commented on the aptitudes of children towards learning and the proficiency of adults in the performance of various activities on the reserve, apprenticeships in the trades or the acquisition of artisanal skills were neglected. The village of Manitowaning on Manitoulin Island for instance apprenticed ten boys in various trades and two shoemakers from the Credit reserve “worked as journeymen with much satisfaction round the neighbourhood. By 1847, New Credit also had a blacksmith, carpenter and cooper and three shops located on the reserve.<sup>119</sup> Chawme requested a blacksmith in 1818, and subsequent petitions asked for skilled tradesmen to apprentice youth at Sarnia, yet in 1842 Jones reported that not a single “regular tradesman” of Indigenous descent resided on the reserve.<sup>120</sup> Keating “purchased... a complete set of Carpenter’s and Blacksmith’s tools” for Walpole Island and suggested they maintained their own tools and guns. However, receipts show that they and Sarnia residents still paid local farmers, artisans and tradesmen exorbitant amounts of money to fix their ploughs and guns; mend their clothes and repair their houses.<sup>121</sup> Keating hired Sombra resident John McDonald to build a chimney at a cost of six dollars and Archibald McDonald to do two days of masonry repairs for three pounds. Together, their wages would have purchased a cow and calf.<sup>122</sup> In

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<sup>117</sup> LCA, file 10A-AD. Chippewas of Sarnia account with W.B. Clark, Sarnia, 1864.

<sup>118</sup> Krasowski, “A Numiany,” Report January 9, 1877, 171, 188-92.

<sup>119</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Appendix 23, Report of T.G. Anderson, 4 February 1840; Appendix No. 34, Report of James Coleman, np.

<sup>120</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Appendix No. 20, Evidence of Mr. Superintendent Jones..., 17 December, 1842.

<sup>121</sup> LAC, RG 10/444, Abstract Acct of debts due by the Chippewa Indians of the Upper Reserve..., Abstract of debts due by the Chippewa Indians of Walpole Island, both 4 October, 1848, 326-8; RG 10/445, Upper Reserve Account for repairing ploughs, September 1847, 343; *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Keating’s Report, np.

<sup>122</sup> LAC, RG 10/444, Account of John McDonald, December 1846, 23; Account of Archibald McDonald, October

contrast, the department paid Anishinabe carpenters on the Sarnia Reserve only 2s. 6p. per day. It took one man twelve days to earn £1.10s., half of what he could earn as a farm labourer and less than one third of Archibald McDonald's daily wage.<sup>123</sup> When Anishinabe tradesmen were employed in their own communities, they often earned a fraction of what their neighbours did for similar work. Individuals could only earn more money at the expense of their reserves, as their pay came out of communal funds. Moreover, the substantial wages paid to non-resident labourers left the reserve and could not be re-invested in the community.

Purchases made in Eurocanadian towns and labour performed by non-Aboriginal people slowly drained money out of reserve communities. The McDonald men no doubt spent their wages in the stores and taverns in Wallaceburg, Chatham or Detroit. Merchants had to profit from the goods they sold, and while I did not find evidence of deliberate price-gouging, local businessmen were less inclined to do Anishinabe communities any favours while relations between them continued to deteriorate. Jacob Harsen a resident on the Island that now bears his name, charged a dollar to Walpole Island's account just for the "Trouble & time spent at their request and for their Benefit." Harsen's dollar fee was in addition to eleven dollars interest levied for the six months the account remained unpaid.<sup>124</sup> Some merchants charged the Anishinabe upwards of ten percent interest on their outstanding accounts which, through no fault of their own often went several years into arrears.<sup>125</sup> Under the circumstances, Walpole Island and to a

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1845, 48; Account of Lionel Stewart, 7 September 1849, 283.

<sup>123</sup> LAC, RG 10/444, An Account of Carpentry work performed by the Undermentioned Chippeway Indians at Sarnia Reserve, 15 February, 1850, 279.

<sup>124</sup> LAC, RG 10/444, Account of Jacob Harsen, Michigan [adjacent to Walpole Island], 21 June, 1843, 68.

<sup>125</sup> BPP No. 595 (1860), Enc. 11, Pennefather to Head, 11 January, 1859, 28. 22 Vic. Cap. 85. *An Act to amend the Laws of this Province regulating the Rate of Interest*, 16 August, 1858, in *Statutes of the Province of Canada* (Toronto: Stewart Derbishire & George Desbarats, 1858), 275-76. Clarke, *Land, Power and Economics*, 274-5. The law relating to interest was amended in 1858 to permit private parties to charge any agreed-upon interest rates. Prior to 1858 usury laws limited interest rates to 6 percent, but private transactions always remained difficult to regulate and varied depending upon whether loans were in cash, debentures, stocks, bonds, mortgages, or in the form of goods received on credit. The act limited banks to a rate of 7 percent and the default rate, where no interest rate had

lesser extent Sarnia managed to control a great deal of their own building and maintenance projects. But malfeasance on the part of department officials combined with restrictions on debt introduced in 1839, and a lack of training had enormous ramifications for reserve communities; the least of which was the loss of even more money from their accounts for very little in return.

### **“This Baneful Practice”**

By the 1840s, unfulfilled promises of pensions and assistance combined with meagre annuities created economic inequity formerly unheard of in Indigenous communities.<sup>126</sup> The acquisition of debts by Aboriginal people was a natural byproduct of the department’s own policies and behaviours. Though Walpole Chiefs petitioned to control their annuity separate from Sarnia, the seeds of future conflict were planted in the somewhat arbitrary method used to calculate the appropriation. Beginning in 1836, Walpole Island and the St. Clair (Moore) received \$1400, while Sarnia, Kettle and Stony Point received \$3000.<sup>127</sup> After 1845, against the wishes of Walpole Island Chiefs, one-quarter of this amount went to fund the Mount Elgin Industrial School on the Muncey Reserve. While the communities welcomed Pottawatomi from Michigan and Chippewa from Anderdon, their threadbare annuities, limited to the descendants of the 440 original treaty-signers, would not increase. Thus by 1858, 442 people on Walpole Island received their annual payment of \$3.15 each while 313 Potawatomi, who resided among them, received nothing. Similarly 444 Chippewa on the Sarnia, Kettle Point and Bear Creek Reserves received \$6.76 per person, but 28 Potawatomi and 40 Ottawa were not entitled to a share at all.<sup>128</sup> Keating complained such small amounts were “squandered in drink” or wasted on “superfluous

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been agreed on, was 6 per cent.

<sup>126</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Keating Report, 16 December, 1842, np.

<sup>127</sup> *JLAPC*, 1858 Pennefather Report, Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia, np.

<sup>128</sup> *JLAPC*, 1858 Pennefather Report, np; LAC, RG 10/10028, Pottawatomis of Walpole Island, Minute in Council, 20 June, 1839, 149-51.

articles.”<sup>129</sup> Making matters worse, the interference of Jones and Keating in lease agreements between chiefs and residents on the Lower Reserve, and its surrender in 1843 eliminated another valuable source of goods and provisions.<sup>130</sup> Nevertheless, the accumulation of debt unfolded at the same time that Walpole Island, Sarnia and Bear Creek Chiefs complained regularly that they were not receiving their presents and that persons in authority misappropriated their annuities.<sup>131</sup>

In an economy almost wholly based on credit, merchants extended credit to farmers in anticipation of their harvests, and it was often required to enter or expand into various aspects of the market.<sup>132</sup> According to Gourlay, “[m]uch of the trade of the country is a species of indirect barter. The merchant trusts his customers with goods, and ...receives their produce in payment, and forwards it...to the importer.”<sup>133</sup> Anishinabe peoples were accustomed to a revolving credit system whereby merchants advanced seasonal goods on the promise that the debtor would return with furs or other marketable goods to exchange. This relationship was gradually abandoned in favour of monetized system of loans managed by financial institutions where transactions awaiting payment earned interest until paid with cash.<sup>134</sup> While it can be argued that the former relied on monopoly and trapped Aboriginal people in a cycle of debt, the likelihood of continued business functioned as collateral. A monetized system allowing individuals to purchase where they pleased required more stringent sureties, and guarantees that the debt would be repaid. Moreover, the Anishinabeg operated within a power dynamic not experienced by Eurocanadians and were forced to seek goods on credit from local merchants when their presents did not arrive

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<sup>129</sup> *JLAPC*, 1847 Report on the Affairs of the Indians of Canada, Report of J.W. Keating, 16 December, 1842, np.

<sup>130</sup> Taylor, *Divided Ground*, 340. Taylor suggests that even accounting for defaulters, the Haudenosaunee made substantial money from their renters.

<sup>131</sup> LAC, RG 10/441, Walpole Island Petition to the Governor-General, nd., 2005-6, RG 10/453, Bear Creek Petition to Froome Talfourd, 23 March 1855, 17.

<sup>132</sup> Douglas McCalla, “Rural Credit and Rural Development in Upper Canada, 1790-1850,” in *Patterns of the Past: Interpreting Ontario’s History*, ed. Roger Hall, William Westfall, and Laurel Sefton MacDowell (Toronto: Dundurn, 1988), 38 & 43.

<sup>133</sup> Gourlay, *Statistical Account of Upper Canada*, 108.

<sup>134</sup> See Gettler’s “Colonialism’s Currency” for an analysis of these issues in the nineteenth century.

and when they could not access their own annuity monies in sufficient amounts. While Indian agents were later found culpable in “this baneful practice,” by an Order-in-Council dated June 27, 1839 the government stated that it would no longer pay the debts of “Indians.”<sup>135</sup>

The 1839 Order-in-Council (OIC) arrived at the same time that Upper Canadian insolvency laws and particularly the imprisonment of debtors owing small sums were contentious issues in the district and legislature.<sup>136</sup> Debtors were held in terrible conditions in the Sandwich Gaol and in the Chatham jail after 1850. In 1842 the Warden and Councilors of the Western District petitioned the Assembly to have the law abolished, and by 1835, an act to abolish imprisonment for the “debtor willing to pay” was before them.<sup>137</sup> As legal historian Peter Oliver notes, backlash against incarceration for debt was part of a broader discourse of social justice and prison reform spreading throughout the Empire.<sup>138</sup> If they were not deemed a flight risk, unless a debtor was virtually insolvent (possessing less than £5 plus minimal personal and household items), imprisonment for debt could only be obtained by creditors for sums of more than £10. Yet, petitions and appeals from prisoners like Mary Young, who owed her lawyer fifteen shillings, made it painfully apparent that writs of *capias* (for debtors at risk to flee) were frequently abused.<sup>139</sup> Because proof of flight was not required, a writ of *capias* enabled men and women to be imprisoned for very small sums while denying them the ability to earn money to pay it. As a result, they were often kept in solitary confinement for long periods of time and

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<sup>135</sup> LAC, RG 10/438, Chief Sec’y. to Clench, 26 August, 1844, 189-90; RG 10/710, Order-in-Council dated 27 June, 1839, 26 & 57.

<sup>136</sup> Peter Oliver, *‘Terror to Evil-doers’: Prisons and Punishment in Nineteenth-century Ontario* (Toronto: University of Toronto Press, 1998), 186.

<sup>137</sup> AO, F2007, Western District Papers, Petitions, MS 168, Petition to the Commons House of Assembly... of the Warden & Councilors of the Western District, 12 November 1842, 00483-85; *British Whig*, 23 May 1835, 1; 9 April 1835, 2.

<sup>138</sup> Oliver, *‘Terror to Evil-doers,’* 49-51.

<sup>139</sup> F2007 Western District Papers, Petitions, 1842-1849, MS 168, Petition of William Emery, Sandwich Jail, 9 November 1842, 0078-0079; To the editor, *British Whig*, May 11, 1835, 1; Abuse of writs of *capias*, 16 March, 1835, 4.

forced to pay for their own housing and support. Reforms after 1835 gradually shifted focus from punishing the debtor to remedying the creditor but bankruptcy and insolvency laws remained elusive until after Confederation. In the meantime, merchants had a legitimate interest in protecting themselves from a perceived increase in the number of “fraudulent debtors” who had the means, but not the inclination, to honour their debts.<sup>140</sup> Aboriginal people were in a particularly difficult situation in this respect because their finances were little understood, and the line between the individual and the collective was often blurred. One merchant simply suggested that “perhaps the best plan would be to instruct the Indians to pay.”<sup>141</sup> While Peterwegeshig and the Chiefs approved payments to their creditors, they did not have actual access to their own annuities and could not understand why angry merchants continued to bother them for money.<sup>142</sup>

The 1839 OIC did not stop Aboriginal people from purchasing some goods on credit, and it did not stop merchants from extending it to them. In 1844 for instance, Keating requested an advance on behalf of the Walpole Island and Chenail Ecarté communities in the amount of £405 “for the purpose of paying off all our Public debts...”<sup>143</sup> In 1843, Malcom Cameron had assisted the St. Clair Anishinabe to lodge a complaint against Keating for the “unauthorized application” of £200 from their accounts.<sup>144</sup> Believing he was targeted because he was “a man of low birth,” Keating blamed the “Indians” who he said “did not fully understand what they signed.” Only a few years later, three questionable transactions involving cash disbursements to Jones, Keating and Clench totaling £1150 were discovered during the auditing of Superintendent Samuel P.

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<sup>140</sup> See Oliver, 43-85; *British Whig*, 16 March, 1835, 4; *British Whig*, 9 April, 1835, 2.

<sup>141</sup> LAC, RG 10/440, A. Young, Port Sarnia to Clench, June 25, 1829, 756.

<sup>142</sup> LAC, RG 10/437, Petition, Peterwegeshigh, Walpole Island to Clench, 26 March, 1846, 378.

<sup>143</sup> LAC, RG 10/571, Keating to Higginson, 23 June, 1844, 18-19.

<sup>144</sup> LAC, RG 10/457, Civil Sec’y. to Vidal, Talfourd and Joseph Biddle, 29 April 1843, 81240-1.; Civil Sec’y. to Jarvis, Draft, 22 November, 1844, 81299-81300.

Jarvis's accounts.<sup>145</sup> Though Keating also failed to mention the problem of debts in his submissions to the Commissioners of the Bagot Report, Aboriginal debts with merchants in violation of the 1839 OIC, continued to be a problem and a preoccupation of the Indian Department executive.

As part of the massive reorganization that followed the 1844 Report, Keating and Jones were removed. On the 26 of August, 1844, all newly appointed Visiting Superintendents received a circular expressing "His Excellency's displeasure that this custom [of contracting debts] should be preserved, in defiance of so many regulations to the contrary." Once again, Clench was reminded that goods had to be requisitioned and approved several months in advance as "neither the debtor nor the Creditor" would be able to access annuity monies for payment. Exceptions might be made for superintendents in extreme circumstances. On the whole, however, the order prohibited individual "Indians" from receiving credit of any kind.<sup>146</sup>

Despite the fact that Keating misappropriated community annuities and did not pay the merchants, the Department banned merchants from dealing with 'Indians,' not agents. Merchants from Sarnia, who remained unpaid several years after the 1839 order-in-council and 1844 reminder, retaliated by seizing goods they had sold to the Department.<sup>147</sup> In the fall of 1846 James Stewart repossessed a yoke of oxen purchased by Keating for Kahageshk. Though Jamieson requested another yoke on the man's behalf, nearly three years after, Kahageshk had not received anything. He eventually purchased his own team of oxen from a local man for forty dollars.<sup>148</sup>

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<sup>145</sup> LAC, RG 10/439, Keating to Clench, 16 December, 1845, 7-9; RG 10/571, Keating to Higginson, 23 June, 1844, 18-19; *JLAPC*, Appendix, No. 3 to the 6<sup>th</sup> volume, (Montreal: Rollo Campbell, 1847), App. V.V., 1847 Jarvis Inquiry, np.

<sup>146</sup> LAC, RG 10/438, Civil Sec'y. to Clench, 26 August, 1844, 189-90.

<sup>147</sup> LAC, RG 10/438, Andrew Jamieson, Walpole Island, 1 March, 1849, 431-2.

<sup>148</sup> LAC, RG 10/437, Jamieson, to Clench, 6 October, 1846, 386; Jamieson, to Clench 3 November, 1846, 404-5; LAC, RG 10/438, Jamieson to Clench, 1 March, 1849, 431-2. This is the standard rate for oxen purchased from

Relations between the communities and local merchants continued to deteriorate even after Keating's removal in 1845. Appointed Visiting Superintendent for all reserves west of London, Clench's files contain letters dating from the late 1840s from chiefs, individuals, merchants and local citizens complaining that he was not doing his job.<sup>149</sup> In 1846, Thomas Fisher, the Reeve of Moore Township wrote on behalf of "a number of persons" owed money by the department for goods supplied to local Anishinabe communities. As months passed without payment, Fisher wrote hostile and angry letters to Clench, protesting his "gross indifference" towards merchants who suffered for "Keating's actions as Agent."<sup>150</sup> In 1848 as the debts were going on four years in arrears, Fisher informed Clench that he would bring the issue to the Governor General.<sup>151</sup> By 1850, merchants like Fisher, Archibald Young and Alexander Leys, who supplied agricultural implements and oxen to Anishinabe communities, were still without payment. They led social and fraternal organizations and acquired important positions on Sarnia's Township Council. In the years to follow, many who began their careers in the merchant trade would make important decisions about the expansion of the town and the future of the reserve.<sup>152</sup> Third-party debts owed by these individuals to others awaiting payment expanded the circle of those frustrated by Indian Department business practices, contributing to the belief that Aboriginal peoples were simply reluctant rather than unable to pay.<sup>153</sup>

Though it was an economic transaction, credit was based on social relations, and the amount of credit extended to an individual was based as much on trust and character as

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Anishinabe breeders without a yoke and chain. In the mid to late 1840s, the Anishinabe typically paid \$50 to \$85 (£13-£21) for oxen purchased from 'whites' and slightly less (\$45-\$54 or £11-£14) if bought from each other.

<sup>149</sup> LAC, RG 10/439, Jamieson (on behalf of Peterwegeshig) to Clench, 7 September, 1847, 570; RG 10/436, H.P. Chase, Sarnia to Clench, 14 July 1853, 762-4.

<sup>150</sup> LAC, RG 10/437, Thomas Fisher, Moore, to Clench, 19 August, 1846, 251.

<sup>151</sup> LAC, RG 10/437, Thomas Fisher to Clench, 3 September, 1847, 249; Fisher to Clench, 26 January 1848, 247.

<sup>152</sup> LAC, RG 10/438, M. Harson, Zone Mills to Clench, 18 May, 1850, 102; RG 10/438, John Hyett to Clench, 15 January, 1850, 226. See biographical entries in Beers.

<sup>153</sup> LAC, RG 10/337, Fisher to Clench, 3 September, 1847, 249.



wealth.<sup>154</sup> Credit extended for excessive periods of time to the Indian department may have proven itself worth the effort to established merchants, but smaller storekeepers like the Waddell Brothers were unable to stay solvent with accounts outstanding for years at a time.<sup>155</sup> The inconsistent and sometimes illogical application of the OIC meant that some accounts were paid and others were not, even when the work was satisfactory.<sup>156</sup> In addition to “old accounts...of long standing,” “numbers of small accounts” for vital services like medical attendance; blacksmithing and agricultural implements remained in arrears.<sup>157</sup> Aggravating merchants and refusing to pay accounts on the part of the department reflected badly on Anishinabe communities, particularly since non-Aboriginals could be jailed for similar behavior.

Merchants continually harassed the chiefs to settle their accounts<sup>158</sup> and some likely stopped giving them goods on credit. The ban forced the Anishinabe to seek merchants with poorer product and reputations, increasing their chances of being misled while reducing their options for restitution. Purchasing through the department required that chiefs and missionaries anticipate their needs months in advance to allow time for their requisitions to work their way through the bureaucracy and for their much-needed goods to arrive. The chiefs who continually requested annuity funds to purchase items they needed and to pay their debts on time also realized that circumstances as they were threatened “to incur the ill will of the white people by whom they are surrounded.”<sup>159</sup>

Anishinabe people relied on familial relations with each other and familiar relations with Eurocanadians to acquire goods, foodstuffs and money they needed. Walpole Island bred ponies

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<sup>154</sup> Burley, ““Good for all he would ask,”” 80.

<sup>155</sup> LAC, RG 10/438, H.C. Hogg to Clench, c.1850, 302.

<sup>156</sup> LAC, RG 10/438, Civil Sec’y. to Clench, 11 September, 1845, 121-4.

<sup>157</sup> LAC, RG 10/446, Dr. Bell, Sarnia to George Vardon, 21 January, 1847, 849-56; RG 10/436, Chase to Clench, 24 September, 1846, 580.

<sup>158</sup> LAC, RG 10/438, Petition, Peterwegeshigh to Clench, 26 March 1846, 378.

<sup>159</sup> LAC, RG 10/439, Peterwegeshik to Clench, 2 May 1847, 572; RG 10/444, Copy of an abstract of debts contracted by Mr. Keating...made by the Walpole Island Chiefs in Council at Sarnia, September 1845, 285-7.

and individuals pawned or sold crafts and utilitarian items like baskets, bowls, ladles and brooms to local farmers and tourists.<sup>160</sup> The profits enabled them to deal directly with merchants or sometimes local businessmen came to them. A storekeeper sent a letter to Joshua Wawanosh notifying him that fine barrels of flour were available for \$5.50 if he wanted them.<sup>161</sup> Wawanosh and members of the Saugeen First Nation also wrote to each other surreptitiously in Ojibway and English about their “fishing affairs.” Wawanosh’s friends and relatives “exported” barrels of salted whitefish and herring to Sarnia, and Chief Jacob Metigoob told Wawanosh that he stood to “profit” if he could arrange a boat loaded with a seine, salt, barrels and goods to sell at Saugeen.<sup>162</sup> Goods could also be acquired by submitting requisitions for approval and then exchanging them for other articles before delivery.<sup>163</sup> Though Jameson thought such actions were “rather like practicing a fraud upon the Gov’t.,” even he recognized the policy was absurd and the practice sometimes necessary.<sup>164</sup> Despite the OIC, some merchants willingly created false receipts for goods and loaned them money anyway.<sup>165</sup> The most expert farmer could not predict every item he required months in advance, nor could he account for unforeseen circumstances attributable to accident, weather or disease. Jamieson himself advanced money to individuals on Walpole Island and purchased items for them on his own account.<sup>166</sup> Circumventing policy in these instances gave Anishinabe communities a measure of freedom to earn money, spend their own annuities and acquire the goods they needed and wanted.

Contrary to department rhetoric the chiefs did find ways to make some payments on their

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<sup>160</sup> SPG Letter, Dec. 24, 1882 in Krasowski, “‘A Numiany’ (The Prayer People) and the Pagans of Walpole Island First Nation,” 216; Elford, *Canada West’s Last Frontier*, 9; Ferris, *Archaeology of Native-Lived Colonialism*, 76.

<sup>161</sup> LCA, 10A-AC, John Thorn to Capt. Waywaynosh, 14 July, 1842.

<sup>162</sup> LCA, 10A-AC, Jacob Metigoob, Saugeeng to Joshua Wawanosh, 20 August, 1844; LCA, 10A-AD, Alex Madwayosh and John Nadahjigwon, Southampton, to Joshua Wawanosh, 17 September, 1859.

<sup>163</sup> *BPP*, No. 595 (1860), Pennefather to Head, 11 June, 1859, 28.

<sup>164</sup> LAC, RG 10/438, Jameson to Clench, 28, June 1851, 502.

<sup>165</sup> *BPP*, No. 595 (1860), Pennefather to Head, 11 June, 1859, 28.

<sup>166</sup> LAC, RG 10/438, Jamieson to Clench, c. 1850, 391-402, 477 & 483.

accounts. In one instance, Jamieson applied to the department for money which Peterwegeshig distributed in the spring of 1849. After payments for various expenses were made several individuals approached him for small amounts of two to eleven dollars to assist the unfortunate and pay their debts to local merchants.<sup>167</sup> Despite the 1839 OIC, communities continued to accumulate debt, and merchants continued to advance it to them because the business was, for the most part, necessary and lucrative. Two groceries in Port Sarnia were “principally supported by Indian funds.”<sup>168</sup> Department policy did not always guarantee bills would be paid in a regular or predictable way, but exorbitant amounts of interest accrued in the meantime, and when they did make good, it was in cash.<sup>169</sup> For better or worse, department officials remained complicit in the transactions too. Clench continued to submit accounts for payment, and the Civil Secretary continually reminded him that they were not allowed and would not be paid. Yet in 1849 again, the Walpole Island and Sarnia Chiefs received nearly £715 to pay debts incurred with local merchants.<sup>170</sup>

In a letter to Wawanosh, Metigoob wrote somewhat sarcastically; “we well know how poor & helpless we are in transacting our affairs with the white folks...”<sup>171</sup> These transactions, or more accurately the ones that Keating and Clench knew about, gave the Anishinabe a worrisome level of independence. Frustrated that he could not stop these exchanges Keating recommended the department issue pawnbrokers’ licences to locals to protect the Anishinabe from what he conceded was widespread “fraud.” Though some families were no doubt “deprived of the means of subsistence,” in the majority of cases, the opposite was probably true.<sup>172</sup> Owing to the

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<sup>167</sup> LAC, RG 10/439, Jamieson (on behalf of Peterwegeshig), 5 May 1849, 581-3.

<sup>168</sup> LAC, RG 10/570, Clench to Higginson, 5 July, 1848, 59-60.

<sup>169</sup> *BPP*, Vol. 595, (1860), Pennefather to Head, 11 June, 1859, 28.

<sup>170</sup> LAC, RG 10/445, Walpole Island and Sarnia Chiefs in Council, Walpole Island, 16 January, 1849, 401.

<sup>171</sup> LCA, file 10A-AC, Metigoob to Wawanosh, 20 August, 1844.

<sup>172</sup> LAC, RG 10/571, Keating to Higginson, 6 June 1844, 16-17.

parsimony of the department and the elimination of options available to them, these transactions were attempts to secure the means of subsistence to support their families.

The Indian Department went to great lengths to ban credit on the basis that it was abused by the Anishinabe, but those inclined to cheat or deceive them did so because they were seldom punished. Schemers employed simple methods that exploited their trust and the language barrier. By law, contracts had to be fully understood by both parties but unscrupulous “whites” simply changed the terms knowing the other party would be signing a contract for land or property that they could not read.<sup>173</sup> In one instance, John McDougal purchased a horse from a resident of Walpole Island but later told the man the money was bad (counterfeit). He gave him five dollars, assuring him he would return with the remainder, but he never materialized. The Customs Collector spoke to a local magistrate on the man’s behalf but conceded that “[i]t is almost impossible to keep a good horse or anything valuable about the place for rogues and robbers...such a system of defrauding the poor Indians ought not to be allowed.”<sup>174</sup> Walpole Island’s hay crops and the marsh and oak savannah grasses along the St. Clair were also plundered by residents from Sombra who let their livestock loose on the Island in the summer months to forage.<sup>175</sup> In the fall, they sometimes picked up animals that did not belong to them, leaving residents “to mourn in silence, the loss of...a horse, a calf or a pig.” Despite these incidents, the chiefs were willing to negotiate rental agreements with the residents to allow foraging for a portion of the year.<sup>176</sup> Neighbouring farmers had no interest in paying rent for resources they simply accessed at will. In the absence of any deterrent, livestock and resource theft continued to hurt Indigenous communities and harm relations with the broader community.

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<sup>173</sup> See *Owens v. Thomas* (1856), 6 U.C.C.P. 383, whereby a blind ‘Indian’ unknowingly signed a chattel mortgage for his horse.

<sup>174</sup> LAC, RG 10/436, John Bell, Customs Collector to J.B. Clench, 1 October, 1846, 159.

<sup>175</sup> Jones, *A History of Agriculture*, 31.

<sup>176</sup> LAC, RG 10/437, Jamieson, to Clench, 15 June 1846, 383-4.; RG 10/438, 26 November 1852, 516-17.

Agents also argued convincingly that annuity money and presents would be regularly exchanged for alcohol or otherwise tricked away if not vetted through the department and distributed on a limited basis. The Superintendent warned Talfourd to examine the accounts carefully for “ardent spirits” before arranging the payment.<sup>177</sup> Commissioners investigating Jarvis reminded Keating that “[m]oney given to the Indians confers no benefit upon them, but rather leads them into dissipation or wasteful extravagance.”<sup>178</sup> However, records I have examined in the district, suggest that Anishinabe peoples, for the most part, spent their money on provisions, tools and housing and tried to settle their accounts for these items whenever possible. After 1830, the financial situation of individuals was made worse by the commutation of presents to agricultural goods and the elimination of presents entirely in 1856. Chiefs constantly complained and petitioned that kettles, cloth, powder and ammunition and other goods were entitlements promised to them in perpetuity as allies of the Crown.<sup>179</sup> Meagre annuity funds were thereafter expended on the purchase of articles that were formerly trade goods and presents, and local merchants like W.B. Clark profited handsomely for it. Between April and September 1864, the Chippewas of Sarnia spent nearly one hundred dollars on items such as thread, ribbon, muslin, cotton and lace that they once received as presents. Also listed in the account were new and additional expenses for gloves, socks and stockings, items absolutely necessary to cope with the climate that were once made from hides.<sup>180</sup> While the burden of purchasing many items was transferred from the Crown to individuals, unscrupulous traders gave them alcohol for free. In 1836 Anna Brownell Jameson witnessed one such transaction on the St. Clair but she was also

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<sup>177</sup> LCA, file 10A-AD, William Spragge to Froome Talfourd, 2 August 1862.

<sup>178</sup> Appendix, No. 3 to the 6<sup>th</sup> volume, (Montreal: Rollo Campbell, 1847), App. V.V., 1847 Jarvis Inquiry, 20 July, 1847, np.

<sup>179</sup> LAC, RG 10/438, Petition by Peterwegeshik to Clench, 26 March 1846, 378-81; RG 10/ 436, Chase to Clench, 27 April, 1847, 604. Powder was eliminated in 1844.

<sup>180</sup> LCA, file 10A-AD, Chippewas of Sarnia account with W.B. Clark, Sarnia, 1864; Rogers, “Algonquin Farmers of Southern Ontario, 1830-1945,” 145.

shocked by “the prevalence of drunkenness” she encountered among Eurocanadians.<sup>181</sup>

Anishinabe leaders repeatedly complained about the scourge of alcohol in their communities, asking officials to enforce the existing law and punish local distributors. But the legislation passed in 1835 prohibited the *sale* of alcohol to Indians, it did not prevent it from being traded or exchanged.<sup>182</sup> Anishinabe peoples did not ‘waste’ the credit extended to them by purchasing extravagant items. It was instead abused by their neighbours, shopkeepers and the very people entrusted with their care. If they were “reckless and improvident” or their annuities were tricked away, it was only because the department would not give them what they wanted and would not enforce the law.<sup>183</sup>

Anishinabe Chiefs signed the Huron Tract Treaty in exchange for the support and provisions necessary to assist them to adjust in the changing economic world before them. Instead, years of cutbacks to the quality, kind and amount of their presents combined with mismanagement and outright theft of their land funds left them with insufficient annuities and made them vulnerable to the accumulation of debt. Reluctant to prosecute Indian Department officials and Eurocanadians for frauds perpetrated against them, prohibitions were instead placed on the Anishinabe. The 1839 Order-in-Council prohibiting the accumulation of debt together with the 1839 Crown Lands Act formed the core framework for future legislation regulating Indigenous peoples in Canada. Both were founded on the premise that only regulation and restriction could protect Indigenous people from the criminal behavior of Upper Canadian colonists. This policy was justified on the basis that Aboriginal people were not competent or

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<sup>181</sup> Jameson, *Winter Studies and Summer Rambles*, 311, 327-8 & 173-4; 3 Vict. c. 13. *An Act to amend and make permanent and Act passed in the fifth year of His late Majesty’s reign, entitled, “An Act to prevent the sale of Spirituous Liquors to Indians,”* 10<sup>th</sup> February, 1840 in *Acts Relating to Indian Matters in the Province of Canada*, 7. Jamieson mentions the problem of alcohol consumption in Upper Canada several times.

<sup>182</sup> TPL, Jarvis Papers, “Speech of the Indian Chief Beyigishigueshkam” September 1839.

<sup>183</sup> *BPP*, No. 595 (1860), Pennefather to Head, 11 June, 1859, 28.

sufficiently educated to act independently of the department, a concept that would later be described as wardship.

### **A Railway Economy**

Provincial debt was another matter and despite financial mismanagement and accumulated public debt ameliorated only by Confederation in 1867, railways in the Western District brought significant and irreversible change to Anishinabe peoples. They facilitated the rapid movement of people and goods over distances that were prohibitive just a few years earlier. Aided by the 1849 Guarantee Act, municipal and provincial governments amassed large debts constructing railways just in time for the market to crash in 1857-8, the same year the last leg of the Great Western Railway reached Sarnia.<sup>184</sup> By 1858, canal, road and bridge building had raised the Province of Canada's debt to more than \$22.5 million. More than \$2.5 million in outstanding in railway loan guarantees went to the Great Western Railway which Den Otter estimates, cost \$40,600 per kilometer to build.<sup>185</sup> While investors poured money into development, an investigation that same year into the Indian Department concluded that it had largely been "left to its own resources."<sup>186</sup> In light of the future elimination of the Imperial Grant and transfer to the Province, the total budget of \$17,316 was deemed too high. Though it was reduced from \$14,759 to \$12,964, funding for Indian Affairs in Upper Canada remained insufficient. It was recommended that the sale of excess 'Indian' land be used to bridge the gap in funding with or without consent.

In the meantime, Sarnia was no longer a remote outpost dependent upon Detroit for

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<sup>184</sup> Den Otter, *Philosophy of Railways*, 32-33, 64. The 1849 Guarantee Act pledged the province to underwrite half of the debt of railways running seventy-five miles (120 km) or more at a six percent rate of return. In 1859 the Grand Trunk also stopped at Sarnia.

<sup>185</sup> Den Otter, *Philosophy of Railways*, 32-33, 58; Adam Shortt and Arthur G. Doughty, *Canada and its Provinces*, Vol. 5, (Toronto: Glasgow, Brook & Co., 1914), 174, 177-8.

<sup>186</sup> *JLAPC*, 1858 Pennefather Report, Part I, np.

supplies; it was flush with investment money and a major hub in the Great Western Railway's London to Sarnia Line. Ancillary development such as wharves, warehouses and grain elevators as well as train stations, hotels and taverns at Point Edward forever changed the economies and geography of Anishinabe territory. In 1858, Talfourd reported that labour in Port Sarnia was "scarce"<sup>187</sup> but between 1861 and 1871, employment opportunities in Sarnia and Sombra and the number of people who described themselves as labourers were numerous and significant. Shipping and supplying local farm households provided the most employment in Sombra while Sarnia residents worked in occupations related to the railroad and in servicing the 'well-to-do.' Unlike the crafts and trades practiced years before, these positions required specialized education

**Table 7: Primary Occupations in Sombra and Sarnia, 1861-1871:**

	<b>Sombra Township</b>	<b>Walpole Island</b>	<b>Sarnia Township</b>	<b>Sarnia Reserve</b>
<b>Most Common Shared:</b>	-farmer, labourer, lumbermen, servant	-farmer, labourer	-farmer, labourer, servant	-farmer, labourer
<b>Cottage/ Artisanal:</b>	-carpenter, baker, shoemaker, merchant, innkeeper, teacher, blacksmith	(some employed in Michigan)	-carpenter, teacher blacksmith, cooper, fishermen, innkeeper, merchant	-Chief, Interpreter, Clergy, schoolteacher -carpenter (1)
<b>Post-1850 Skilled/ specialized:</b>	-clerk, mechanic, engineer, captain, mariner, painter, weaver, plasterer	-unskilled labour -farm -mills -railway -public works (roads/ditching)	-railway employee (unskilled and skilled), clerk, machinist, hotelkeeper	-unskilled labour -farm -mills -railway -public works

**Sources:** LAC, RG 31, *1861 Census, Canada West*, Lambton County, #185 Township of Sarnia, #187 Sombra, Indian Reserve in the Township of Sarnia, Walpole Island Indian Reserve; LAC, RG 31, *1871 Census of Canada*, Dist. 3: Bothwell, F-Sombra; Dist. 4, Lambton County, F-Township of Sarnia, Sarnia Town, Div. 1., 55-76.

<sup>187</sup> *JLAPC*, 1858 Pennefather Report, Chippewas and Pottawatamies of Walpole Island, Chenail Ecarté and St. Clair and Sarnia, np.



and mathematical training, and the ability to read and write in English. Talfourd's statement conceals the fact that labour was not scarce in Sarnia just as it was not in Sombra. As Table 7 above illustrates, Anishinabe peoples on reserves in both locations simply did not have much access to stable wage employment. By 1871, one literate male on the Sarnia reserve was described as a carpenter but skilled tradesmen, machinists and mechanics of North American, British, Irish and Scottish origin occupied all new employment opportunities in town.<sup>188</sup> This is surprising given that not all of these jobs required specialized skills. The Grand Trunk and Great Western Railways employed police, engineers, conductors and foremen but also a number of general labourers (identified in the census as railway employees). The enumerator noted that several farmers and residents in Sarnia were "well-off" indicating that they employed domestic servants and gardeners. While the township employed more in these fields, all hired help came from the British Isles. With the exception of Kettle and Stony Point who primarily hunted and fished, most Anishinabeg on reserves in Lambton were farmers or unskilled labourers like their Eurocanadian neighbours. However unlike Eurocanadians, they remained on the periphery of a changing economy offering opportunities they could not access, even in a thriving town like Sarnia.<sup>189</sup>

Eurocanadians who diversified early and built their fortunes acquiring cheap land were able to take advantage of lands on the St. Clair and Sarnia Reserve for development purposes. Malcolm Cameron, a self-proclaimed "friend to the Indians"<sup>190</sup> and Assistant Commissioner of Public Works [1848-50], sat on the board of the Grand Trunk Railway while they planned the Lambton County route.<sup>191</sup> Though reserve residents did not benefit from either the railway boom

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<sup>188</sup> LAC, RG 31, *1871 Census of Canada*, Lambton County, Township of Sarnia, Sarnia Town, Div. 1, 55-76.

<sup>189</sup> Crowley, "Rural Labour," 40.

<sup>190</sup> LCA, 10A-AC, General, Petition, Malcolm Cameron, c. 1840, np.

<sup>191</sup> "Malcolm Cameron," in MacWatt, *Wardens, Parliamentary Representatives, Judicial Officers*, 27-28.

or ancillary development, Cameron did. The substantial portion of the reserve he purchased for virtually nothing in the 1840s was extremely valuable by 1860. Continued surrenders and expropriation of the Sarnia Reserve throughout the second half of the century subsidized the expansion of the Great Western Railway. Anishinabe residents had little defense against such powerful interests and their allies on the Sarnia Town Council who openly discussed the elimination of their reserve in its entirety.

### **Conclusion**

Though Chawme and other Anishinabe Chiefs signed the Huron Tract Treaty to preserve and cultivate their relationships with Eurocanadians, the opposite occurred. In gross violation of the *Proclamation of 1763*, the 1839 Crown Lands Act separated Aboriginal peoples from the management of their lands and transferred the control to their superintendents. That same year an Order-in-Council prohibiting the accumulation of Indian debts separated Aboriginal peoples from the management of reserve economies and from fruitful commercial relations with their neighbours. As chronicled in the last chapter, Jones interfered with Anishinabe land transactions and Keating with their merchant accounts. Clench neglected their interests almost entirely so that he could focus on absconding with their land payments, the bulk of which were made before 1855 during his tenure. As Schmalz has written, if Indigenous peoples were to be flourishing communities these were indeed “financially decisive years” when “every cent was required.”<sup>192</sup>

Denied fair market value for the sale of their lands, the Anishinabe could neither access annuities nor credit to develop or diversify their economies beyond the basics of a mixed subsistence.<sup>193</sup> Beginning with guns and powder in 1844, items formerly given as presents were commuted to agricultural implements. After 1852, they were commuted to money at a rate of

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<sup>192</sup> Schmalz, *Ojibwa of Southern Ontario*, 169.

<sup>193</sup> Kuokkanen, “Indigenous Economies,” 221.

25% at a time and they were fully eliminated in 1857. Gourlay argued that presents were used by officials “to swindle the Indians out of their property.”<sup>194</sup> After 1858 their property was increasingly ‘swindled’ away from them in order to acquire what they had formerly received as presents. Funding and assistance originally promised by Great Britain were whittled away to such a degree that by Confederation, Anishinabe capital was depleted almost entirely in the task of acquiring the necessities of day-to-day life. As government officials recognized that debts were contracted to supply “provisions” and “prevent distress and starvation” they chose at the same time to focus on waste and fraud and cut the department’s budget even further.<sup>195</sup>

Aboriginal people fought for the right to utilize their own resources and to enjoy the profits of their own land and labour. Unfortunately much of this occurred in the shadows of a barter economy and remains undocumented.<sup>196</sup> Chiefs made oral agreements to buy, sell and trade goods with their neighbours and with each other, utilizing the mail system to circumvent Indian Department bureaucracy. Both intrusiveness and neglect drove them to conceal their transactions. Denied access to legitimate sources of credit, they were rendered vulnerable to debtor relationships with less scrupulous and honourable locals. Many of these individuals remained undeterred and seemingly unpunished by the law. Others, feeling that they did not need Indigenous business or thought it was more trouble than it was worth, came to see it as a form of charity or sacrifice or refused to serve them at all.

Neither agriculture nor commercial or wage employment necessarily had to compete with hunting, fishing or gathering. The notion that agriculture had to be practiced to the exclusion of any other strategy denied Anishinabe communities the ability to follow the same paths to stability and prosperity utilized by their neighbours of European descent. Anishinabe and

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<sup>194</sup> Gourlay, *Statistical Account of Upper Canada*, 336.

<sup>195</sup> *BPP*, No. 595 (1860), Pennefather to Head, 11 June 1859, 28.

<sup>196</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 39.

Eurocanadian household economies were not that different and in both communities, “[i]n order to survive, many people worked at a variety of jobs in their lifetimes.”<sup>197</sup> Civilization through agriculture in the Western District was not only externally imposed, paternalistic and foreign to Anishinabe culture, but it was imparted piecemeal and inconsistently on the reserves. Though the communities succeeded in developing their own particular economic strategies, “[t]hrough their own methods and their own sense of organization and consensus,” policy directives and bureaucratic red tape served only to impede them.<sup>198</sup> Even if they were permitted to access them, presents and annuities were not sufficient to develop small businesses on their own. Anishinabe peoples required a commitment from the government that supportive policies and funds would be earmarked for such purposes.<sup>199</sup> Assisting enterprising individuals or reserve communities to build mills, inns and wharves; to breed oxen, or become masons, contractors and artisans, could have developed the self-sustaining income the Colonial Office and the Assembly were always looking for and provided a source of skilled and unskilled labour required in the province. There seems no reason why shops owned by independent Anishinabe entrepreneurs could not have provided services to reserves or to residents in neighbouring towns. One leader observed; “[w]e see the white men put our money [in their] pockets & we get no benefit. We see our young men discouraged & cast down.”<sup>200</sup> Leaders and councils recognized that some development was necessary, particularly after the turn of the century, if only to keep youth in the community.<sup>201</sup>

Evidence suggests that Aboriginal people were ready, willing and frustrated that they could not apprentice themselves or supply at least some of their own needs. Because they could

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<sup>197</sup> Crowley, “Rural Labour,” 18.

<sup>198</sup> Harold Bherer, Sylvie Gagnon, Jacinte Roberge, *Wampum and Letters Patent: An Exploratory Study of Native Entrepreneurship* (Halifax: Institute for Research on Public Policy, 1990), 2.

<sup>199</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Appendix No. 34, Evidence of the Reverend James Coleman, nd.

<sup>200</sup> LAC, RG 10/439, Thomas Luckenbach and Timothy Snake to Clench, 15 March, 1847, 221.

<sup>201</sup> Plain, *A History of the Sarnia Indian Reserve*, 19.

not grow their own wealth through business development and neither possessed nor could access their annuities, they only had two options: they could acquire debt to purchase goods or cede their lands and resources to raise money. Both situations bled equity from their communities and transferred it into towns adjacent to the reserves. Rather than instruct the Anishinabe in arithmetic and commerce and prosecute those who cheated or defrauded them, the department attempted to curtail all economic transactions between the two communities. The inability to create positive relationships and the growth of negative encounters only served to foster misconceptions and isolate them from neighbouring colonists. By 1850, Aboriginal economic development was stunted and residents in neighbouring communities thought them culpable.

Observers continually described development in the Western District as backward, especially when compared to cities like Detroit just across the river in the United States.<sup>202</sup> Lacking reliable and cheap transportation, it was too expensive to ship goods from the region to the east.<sup>203</sup> Commercial elites believed that railways connecting Lambton County to the American Midwest and the St. Lawrence, would “make this fine country the granary and storehouse of the west...”<sup>204</sup> But railway expansion and other public works were only intended to provide work for Europe’s “surplus population,” increase demands for goods and raise land values.<sup>205</sup> For the Anishinabe, they heralded the beginning of a way of life where employment was difficult to secure and “very few were regularly employed outside of the reserve.”<sup>206</sup> Though the commissions of inquiry describe the overall process of ‘civilization’ as a humanitarian endeavor, the measures introduced in a piecemeal fashion under its guise prevented the Anishinabe from participating in this growth. Reserve communities instead possessed land and

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<sup>202</sup> Jameson, *Winter Studies and Summer Rambles*, 339-346; Johnson, *Becoming Prominent*, 151-4.

<sup>203</sup> Johnson, “The State of Agricultural Development in the Western District to 1851,” 142.

<sup>204</sup> Jameson, *Winter Studies and Summer Rambles*, 229-30; Den Otter, *Philosophy of Railways*, 33.

<sup>205</sup> Den Otter, *The Philosophy of Railways*, 58; The Drainage Act, *Globe and Mail*, June 24, 1870.

<sup>206</sup> Plain, *A History of the Sarnia Indian Reserve*, 7.

resources that would subsidize the expansion and development of the railway and port towns like Wallaceburg, Corunna and Sarnia.

Inquiry Reports discussed at length the costs associated with administering to Aboriginal people, creating the perception that much was expended on reserves with little return. While Indigenous peoples were criticized for not thinking about tomorrow, economic uncertainty limited their ability to plan for the future. The development of a “moditional economy” enabled them to survive by combining a number of economic strategies. Nevertheless, it remained uncertain, unfulfilling and ultimately unconscionable. Under the notion of alleviating “despondency and despair,” the department itself created and cultivated it.<sup>207</sup> For Anishinabe people in Lambton County, this was an economic purgatory. Prevented by policy from becoming commercial farmers, merchants, or tradespeople, they would also not be allowed to remain hunters or fishers either.<sup>208</sup> Resistance to taxation and expansionist desires on the part of township councils and business elites would transform the environment and transfer islands, reserve lands and resources to non-Aboriginal people. After 1850 however, Aboriginal people would be placed in “an anomalous position at once laboring under the disabilities imposed by law upon minors, and enjoying some of the territorial privileges of independent sovereigns.”<sup>209</sup> The next chapter will discuss how a legal definition of “Indian” based on race emerged from these circumstances. This definition would attempt to assimilate First Nations into the Dominion of Canada by denying them the equal rights, title and livelihood promised to Chawme and the Huron Tract Chiefs in 1818.

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<sup>207</sup> Hedican, *Applied Anthropology in Canada*, 159.

<sup>208</sup> McNab, “Herman Merivale and the British Empire,” 202.

<sup>209</sup> *BPP*, No. 595 (1860), Pennefather to Head, 24 November, 1856, 3-4.

## Chapter 5: ‘For a dying race the Indians have lasted very well’: Indigeneity in Lambton County, 1850-1867.

In 1837 Bond Head stood proud of the fact that “the Protection and Allegiance between the British Crown and the Indians has hitherto most happily existed as an unwritten code.”<sup>1</sup> Two years later, the 1839 Crown Lands Act transferred control of Indian lands to the Crown, and order-in-council prohibited Aboriginal people from using commonly held lands as collateral, and from receiving merchant credit. These twin directives form the core of the 1850 Act for the Protection of Indian Lands and legislation passed in 1857 and in 1869.<sup>2</sup> Ted Binnema argues that some Indigenous leaders, primarily in Lower Canada, helped to shape the “legal definition of Indian” and that officials drafting the legislation acknowledged their customs and opinions.<sup>3</sup> In contrast, Norman Shields suggests that the opinions of the chiefs in Upper Canada towards the early Indian Acts and the effects various provisions would have in their communities differed considerably.<sup>4</sup> While Indigenous leaders maintained control of community membership in Lambton County into the 1860s, it became increasingly difficult for them to do so after 1850. Under the guise of ‘protection,’ legislation preemptively regulated ‘Indians’ instead of punishing offenders.

In Lambton County, domestic law and policy usurped the *Proclamation of 1763* and the Huron Tract Treaty as guiding documents in the relationship between Anishinabe peoples and

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<sup>1</sup> BPP, No. 323 (1839), Bond Head to Glenelg, 18 October, 1837, 158.

<sup>2</sup> 13 & 14 Vict., c. 74. *An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury*, 10 August 1850, 10-16; 20 Vict. c. 26. *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857, in *Statutes of the Province of Canada* (Toronto: Stewart Derbishire & George Desbarats, 1857), 84-88; 32-33 Vict., c. 6., *An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the Provisions of the Act 31<sup>st</sup> Victoria, Chapter 42*, 22 June, 1869. Available online at, Aboriginal Affairs and Northern Development, accessed 5 May, 2011, <https://www.aadnc-aandc.gc.ca/eng/1100100010193/1100100010194>

<sup>3</sup> Binnema, “Protecting Indian Lands by Defining Indian: 1850-1876,” 6.

<sup>4</sup> Norman Shields, “The Grand General Indian Council and Indian Status Legislation,” in *Lines Drawn Upon the Water: First Nations and the Great Lakes Borders and Borderlands*, ed. by Karl S. Hele (Waterloo, ON: Wilfrid Laurier University Press, 2008): 218.

the British Crown.<sup>5</sup> The St. Clair Chiefs, unlike their Lower Canadian counterparts, were not consulted prior to the drafting of any of the Indian Acts. Even so, they continued to ‘see with two eyes,’ petitioning and meeting in general councils to coordinate resistance to the growing intrusion of law and policy into their communities. Ultimately chiefs and councils could not avoid the problems isolation and marginalization caused.<sup>6</sup> After 1850 growing intolerance and preoccupation with cultural and racial difference shaped the treatment of Indigenous peoples and physical, political and economic boundaries became entrenched in law.

Like prohibitions against ‘Indian’ testimony in the courts, Eurocanadians increasingly accepted cultural stereotypes and assumptions made about Anishinabe peoples, without question or reference to factual experience.<sup>7</sup> As earlier chapters discussed, notions of Indigenous inferiority and wardship evolved from a multitude of factors including displacement and devastation following the War of 1812. While treaties initially sufficed to deal with land and settlement, the paradigm of co-existence, once agreed to by both parties, broke down. Lambton County residents and their governments largely ignored Anishinabe reserve communities, particularly after publication of the 1845 Bagot Report and its condemnation of civilization policy.<sup>8</sup> By 1867, as the British North America Act transferred “Indians and lands reserved for Indians”<sup>9</sup> to Canada without their consent or inclusion, organized protest and political action remained the only avenues left to chiefs in southwestern Ontario.

Historians and legal scholars often write about policy and identity formation by analyzing outcomes. Catherine Hall outlines three distinct stages of British policy. If as she argues,

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<sup>5</sup> Joan Holmes, “The Original Intentions of the Indian Act,” Paper prepared for the Pacific Business and Law Institute Conference (Ottawa Ontario: Joan Holmes & Associates Inc., 2002), 6-7.

<sup>6</sup> Nin.da.waab.jig, *Minishenhying Anishinabe-Aki*, 47.

<sup>7</sup> Reginald Good, “Admissibility of Testimony from Non-Christian Indians in the Colonial Municipal Courts of Upper Canada/Canada West,” 23 *Windsor Y.B. Access Just.* No. 55 (2005): 55-94.

<sup>8</sup> J.R. Miller, “Canada and the Aboriginal Peoples, 1867-1927,” *Reflections on Native-Newcomer Relations: Selected Essays* (Toronto: University of Toronto Press, 2004), 174.

<sup>9</sup> British North America Act, 1867, Section 91 (24) in Bliss, *Canadian History in Documents, 1763-1966*, 137.



humanitarian ideals first shaped policy in the 1830s, by the 1850s, legislation created a racialized “vocabulary of biological difference,” separating ‘Indians’ on reserves from the rest of the population. By the 1860s, she suggests that legislation defined “Indigeneity,” in direct contrast to an idealized white, male “citizenship.” Not recognized as nations unto themselves, the Anishinabek would only be offered the opportunity to become ‘Canadian’ when they gave up what it meant to be ‘Indian.’<sup>10</sup> But as Borrows writes, “judicial power often cascades,”<sup>11</sup> suggesting that the processes by which this occurred, particularly before Confederation, are important to understanding the interconnectedness of law and policy. Though administrators reluctantly and clumsily interfered with community definitions of Indigeneity, their steadfast refusal to empower or involve Anishinabe peoples in protecting their own lands, necessitated passage of a series of bad laws after 1839, 1850, 1857 and 1869, each a futile attempt to correct the failures of its predecessor.

As already discussed, between the War of 1812 and 1850, ‘protection,’ may well have been the central goal of policy, but local conditions, complicated by the intersections of human agency and environments, rendered most of these measures ineffective. The desire to accurately classify and count Aboriginal people coincided with the Colonial Office’s desire to manage and understand what had become an unwieldy empire. As a tool of empire, “accounting discourses and techniques” as Neu writes, enabled the department to “create an alternative reality” using data that gradually made the imaginary real.<sup>12</sup> Curtis links the creation of uniform censuses to other bureaucratic reforms in government and standardizations in currency, weights and

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<sup>10</sup> Hall, *Civilising Subjects*, 21; Wicken, *Colonization of Mi'kmaw Memory and History*, 232.

<sup>11</sup> John Borrows, “Constitutional Law from a First Nation Perspective,” *UBC Law Review* 28 (1): 2; Binnema, “Protecting Indian Lands by Defining Indian: 1850-1876,” 6.

<sup>12</sup> Neu, “Presents for the Indians,” 164 & 175.

measures.<sup>13</sup> The science of “social management,” including statistics, phrenology and anthropology gave the Colonial Office a better though not accurate understanding of the different peoples inhabiting portions of British occupied Indian, Australia, Africa and North America.<sup>14</sup> The 1857 Indian Rebellion in particular, drew attention to the status of racialized peoples in the empire and led to greater use of the term “caste” in Canada and “half-caste” to refer to people of Aboriginal and Eurocanadian descent.<sup>15</sup> Synonymous with “breed,” it too morphed into an imprecise combination of tribe, birth, class and race; characteristics believed to be predictors of behavior and intelligence or capability.<sup>16</sup> But by 1857, there was a fiscal interest here as well for administrators in both the Colonial Office and Canada. On the eve of the transfer of Indian affairs to Canada, the ability to strike a significant number of people off the lists of those eligible to receive presents and annuities was extremely attractive.<sup>17</sup>

While the British generally recognized Aboriginal peoples “as they defined themselves,” local variations and consequences require consideration because “[u]ntil the first Indian Act of 1857 clearly made ‘Indians’ both non-citizens and legal minors, their status was subject to conflicting interpretations.”<sup>18</sup> Indeed, in some cases even after 1860, Anishinabe peoples saw their freedoms circumscribed, yet in others, they exercised immense control in their communities. Nonetheless, “*ad hoc* record keeping[,]...ongoing policy changes, dating back to pre-Confederation,”<sup>19</sup> and codification after 1850, strayed further and further from the intent to protect Aboriginal peoples and from their relationship with the state as nations and allies. Census

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<sup>13</sup> Curtis, *The Politics of Population*, 3 & 10.

<sup>14</sup> Kevin Hobson, “The Indian Caste System and the British.” Ethnographic Mapping and the Construction of the British Census in India,” *The British Empire*, accessed 3 August, 2014, [www.britishempire.co.uk](http://www.britishempire.co.uk)

<sup>15</sup> Jameson, *Winter Studies and Summer Rambles*, 321-322; Gorman, *Imperial Citizenship*, 62, 71.

<sup>16</sup> Hobson, “The Indian Caste System and the British,” np.

<sup>17</sup> “Métis Participation in the Treaty-Making Process in Ontario: A Reconnaissance,” *Native Studies Review* 1, No. 2 (1985): 68.

<sup>18</sup> Roberts, “A Mixed Assemblage of Persons,” 6; *Daniels et al. v. Canada*, [2013] F.C.R. 6, Reasons for Judgement, 56.

<sup>19</sup> *Daniels et al. v. Canada*, [2013] F.C.R. 6, Reasons for Judgement, 50.

data, policy and legislation together served to reduce the number of Anishinabeg who could claim entitlements, and in doing so imposed a racially-based definition of Indigeneity onto their communities.

Denied recognition as sovereign entities, Aboriginal people did not have the opportunity to define themselves within a growing collective consciousness centred on a shared British heritage.<sup>20</sup> While residents in the British Empire were subjects and not citizens, one historian surmised that loyalism is perhaps akin to citizenship because United Empire Loyalists could claim a distinct “personal relationship to the sovereign.”<sup>21</sup> Thus, the mark of distinction and the ‘pioneer myth’ were “the most powerful...in Ontario,”<sup>22</sup> and those who inherited their spirit and work ethic saw a growing dichotomy between the growth and progress in their towns, and isolation and poverty in the communities of their Anishinabe neighbours.<sup>23</sup> The empire’s Indigenous inhabitants provided a convenient foil against which insecure Canadian colonists juxtaposed themselves, quelling “uncertainty about their own cultural identity.”<sup>24</sup> Indigeneity, over the course of the nineteenth century, came to be defined by “treaty, by statute, and by departmental policy and practice,”<sup>25</sup> and by others who had a direct and conflictory interest in seeing them remain on the periphery. In the second half of the nineteenth century, outsiders usurped Indigeneity, once a fluid and flexible concept based on self-identification, kinship and place and transformed it into a legal ‘status,’ based on blood and separate from Canadian society and citizenship.

Though the British treasury controlled colonial policy, the colonial government withdrew

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<sup>20</sup> Berkhofer, *White Man’s Indian*, 23.

<sup>21</sup> Gorman, *Imperial Citizenship*, 9, 19.

<sup>22</sup> Good, “Colonizing a People,” 146.

<sup>23</sup> “British North America,” *The Colonial Intelligencer or, Aborigine’s Friend*, No. 3, May 1847, 34.

<sup>24</sup> Francis, “The ‘Civilizing’ of Indigenous People,” 55-56.

<sup>25</sup> Holmes, “Original Intentions of the Indian Act,” 24.

financial support just as domestic administrative costs increased.<sup>26</sup> The Parliamentary grant for Indian Department operating expenses declined, from more than £14,000 in 1849 to slightly more than £9000 in 1855 and was slated to disappear altogether in five years.<sup>27</sup> Following the Mica Bay incident, the acquisition of land on the North Shores of Lakes Superior and Huron in the 1850 Robinson Treaties would bring even more Anishinabe peoples and land under the purview of the government.<sup>28</sup> From his mission at the Sault, Reverend William McMurray wrote that the offer of citizenship and a part of the reserves in fee simple to “the most civilized” Indians might be an idea worth exploring, in exchange for renouncing their ‘Indian’ status.<sup>29</sup>

McMurray and others who influenced policymakers believed that Aboriginal people were a dying race and from the end of the War of 1812, their anecdotes were treated as fact. Even one of the founders of the Aborigines Protection Society, Thomas Fowell Buxton, stated with certainty that Aboriginal people “without exception...continued rapidly to dwindle away...in every British Colony.”<sup>30</sup> In the late 1830s, Anna Jameson gave Aboriginal communities only three generations before “the unmixed race” disappeared.<sup>31</sup> In the words of one historian, “[f]or a dying race the Indians have lasted very well.”<sup>32</sup> Indeed, epidemics in the colonial period took a devastating toll on First Nations newly exposed to European contagions but peace brought Anishinabe survivors with acquired immunity to Upper Canada, and by the 1850s, community populations stabilized with improved living conditions and a vaccination program. Anishinabe

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<sup>26</sup> McNab, “Herman Merivale and the British Empire,” 52-3.

<sup>27</sup> *BPP*, No. 247 (1856), Appendix No. 7, Statement of the Sums voted by the Imperial Parliament for Defraying the Expense of the Indian Department in Canada, 34.

<sup>28</sup> See ‘Mica Bay’ in Appendix A.

<sup>29</sup> *BPP*, No. 247 (1856), Bury to Rev. William McMurray, 19 May 1855, 29-30 and Appendix No. 835-36. McMurray [1810-1894] was stationed at Sault Ste. Marie with his wife, a woman of mixed Ojibway-English ancestry. Richard E. Ruggle, “McMurray, William,” *DCB Online*, University of Toronto/Université Laval, 2003–, accessed 30 March 2014, <http://www.biographi.ca>

<sup>30</sup> Quoted in Knorr, *British Colonial Theories 1570-1850*, 383.

<sup>31</sup> Jameson, *Winter Studies and Summer Rambles*, 323.

<sup>32</sup> Elford, *Canada West’s Last Frontier*, 10.

peoples on the St. Clair were not dying out.

Nevertheless, reserve-based self-sufficiency was not working and reducing the number of ‘clients’ served several purposes that became more apparent to bureaucrats in the second half of the nineteenth century. The 1844-5 Bagot Report condemned nearly every aspect of the civilization program. Placing the Indian Department under extreme scrutiny for incompetence and mismanagement, the report served as a catalyst for many stakeholders and policymakers who wanted to eliminate the department and redirect its budget. In the meantime, department officials believed that ‘Indians’ “ought to support themselves.” Presents would increasingly be replaced with annuity payments from the sale of their land.<sup>33</sup> In order to put this into effect, officials needed to know how many Aboriginal people resided in the province and if in fact, they were in decline. If this could be proven, even further reductions in Indian Department expenses could be made.<sup>34</sup> In 1845 Clench received orders to create a master list of all those who received presents at the fall distribution. Children born after January 1<sup>st</sup> 1846 and anyone not able to attend on the one day they were given out would forfeit their eligibility.<sup>35</sup> Declining numbers reassured superintendents that Aboriginal people were indeed “a fated people,”<sup>36</sup> if not in actual numbers, then in their incapability to achieve self-sufficiency. Training Anishinabe people to ‘assimilate’ into Eurocanadian society instead of ‘wasting’ funds on reserve development reduced the budget and freed up excess reserve land to be sold. The profits along with money formerly spent to manage their affairs could then be applied to much-needed public works projects like roads, railways and drainage. The creation of different categories of Indigeneity with corresponding benefits fermented dissent, lessening the likelihood that reserve communities could collectively

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<sup>33</sup> LAC, RG 10/441, Anderson to Oliphant, 11 September, 1854, 765-7.

<sup>34</sup> LAC, RG 10/457, Memorandum, George Vardon, 22 August 1842, 81021-32.

<sup>35</sup> LAC, RG 10/436, Thomas Coxworth, Commissariat Office to Clench, 26 September, 1845, 1117.; *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, np.

<sup>36</sup> Jameson, *Winter Studies and Summer Rambles*, 351.

resist these economizing policies. But gathering information about Aboriginal people was not that simple and the Civil Secretary disputed the accuracy of Clench's numbers for months after the distribution of presents.<sup>37</sup> For the time being a centrally-controlled register of officially recognized 'Indians' had to wait until the technology of scientific management made it possible.

In the 1840s, rough terrain, limited funds and enumerators with little education limited the kind of data officials could gather. Beginning in 1842, the Western District council conducted annual censuses of freeholders for the purpose of taxation. To this end, questions focused on acreage under cultivation, improvements and livestock. The funding for public buildings necessitated questions about religious affiliation and the number and ages of school-age children in the second half of the century but the logistics of enumeration and evasion of the 'tax man' continued to plague remote areas. The Council struggled to find literate and competent individuals willing to conduct censuses and assessments particularly since they also had to be returned to Sandwich.<sup>38</sup> Unless individual 'Indians' owned land off-reserve or performed statute labour, enumerators seemed to pay them little concern.<sup>39</sup>

Separate from non-Aboriginal inhabitants in the district, the Indian Department continued to collect statistics for its own purposes of monitoring Aboriginal people and reforming their behavior. In 1855 Bury informed Talfourd that it was imperative for the future management of Indian Affairs to determine "whether the Indian race in Canada is diminishing in numbers or otherwise." Convinced that Aboriginal people or their agents had inflated past estimates to increase the amount of presents, Bury told Talfourd that he could only place Anishinabe people

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<sup>37</sup> LAC, RG 10/436, Campbell to Clench, 22 November, 1848, 5 December 1848, 443-5.

<sup>38</sup> F2007-2, Western District Fonds, Minutes of the Municipal Council of the Western District, Council Records, 1842-49.

<sup>39</sup> Curtis, *Politics of Population*, 59-60; John F. Leslie and Public History Inc., "Aboriginal People and Canadian Census Records: An Historical Overview to 1961," (Claims and Historical Research Centre, Indian and Northern Affairs Canada, May 2008), 18, 21.

on the list that he could verify himself, “from personal observation or absolute knowledge of his or her existence.”<sup>40</sup> In reports and inquiries, the last of which was conducted by Superintendent Richard Pennefather, Froome Talfourd and Thomas Worthington in 1858, the department counted ‘Indians’ who received presents and annuities, attended school, and farmed for headquarters and the Colonial offices but all were for immediate purposes and few used consistent categories from year to year. In 1861, Alexander Vidal, the Census Commissioner for the County of Lambton arranged for local merchants and officials to enumerate the last census for Canada West conducted before Confederation. This census did include space for the identification of individuals as “coloured,” “Indian,” or “mulatto” but for Vidal and the others, who seldom encountered them, it was “very troublesome and difficult work” to enumerate Aboriginal people.<sup>41</sup> While they resided in the township together, Anishinabe and Eurocanadian residents continued to be counted separately.

In 1850s, national origin rather than ‘race’ was of prime importance to a government focused on immigration and settlement issues. As a consequence, the 1851 Rural Census for Canada West included ‘Indians if any’ but most of the manuscript schedules for Lambton County have not survived. These totals were later included in the “General Abstract of Origins” and Lambton County aggregates according to place of birth.<sup>42</sup> By 1861 attitudes had changed drastically and enumerators counted every “Chippewa Indian belonging to the Sarnia Band” residing in the Townships of Sarnia, Bosanquet, Enniskillen and Walpole Island, as “Indian” in a column marked “Colour.” Even though the Town of Sarnia breached the reserve boundary, the

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<sup>40</sup> LAC, RG 10/451, Bury to Talfourd, 10 August 1855, 47-48.

<sup>41</sup> Quoted in Curtis, *Politics of Population*, 192; LAC, RG 31, *1861 Census Canada West*, Lambton County. Some enumerators used the initials “I” for ‘Indian,’ “n” for ‘negro,’ and “m” for ‘mulatto.’ Other enumerators spelled the words out in full while another group simply marked the box without placing the individual in a category.

<sup>42</sup> *Census of the Canadas, 1851-2*, Vol. 1, (Quebec: John Lovell, 1853), No. 1, Upper Canada Personal Census by Origin, County of Lambton, 14-15; General Abstract of Origins—Upper Canada.

Anishinabe were not enumerated with them. Symbolic of their physical separation from the social and economic life of the township, the Sarnia reserve schedules are filed at the end together with other 'Indian' reserves in Lambton Township.

Off-reserve, census methodology starkly reveals what appears to be the complete physical segregation of the Anishinabe from the surrounding community. According to the 1861 Census, not one 'Indian' lived in the Township of Moore. Furthermore, no one of Aboriginal descent resided off-reserve in the Townships of Sarnia, Sombra, Plympton or Bosanquet. Only one 'Indian' person, Henry Rod[d], lived in the Town of Sarnia and five 'Indian' families, totaling sixteen people, remained on the original reserve land in Enniskillen.<sup>43</sup> Portrayed as a static, isolated and homogenous group located only on reserves, the 1310 "Indians" in Lambton County include people known to be of mixed ancestry, like the Rodd and Menass families, in Sarnia and Enniskillen.<sup>44</sup> By 1871, no one of Indigenous ancestry was recorded as living in Essex, Kent, Bothwell or Lambton and not a single "Indian" lived off reserve in any of the townships formerly inhabited by the Anishinabe.<sup>45</sup> The act of "making and unmaking Indians,"<sup>46</sup> to use Miller's words, had dire consequences. Identities could be shifted, managed and manipulated by the state when self-ascription and community control did not remain a part of the process of census-taking.<sup>47</sup>

### **The Problems with Census-taking**

Archival evidence and literature suggests that colonial governments did not consult with Aboriginal communities before conducting censuses and this affected the quality of the data they

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<sup>43</sup> LAC, RG 31, *1861, Census Canada West*, County of Lambton, Sarnia Town and Gaol, Dist. 2., 19; Enniskillen, Dist. 1., 19.

<sup>44</sup> *Census of the Canadas, 1860-61*, Personal Census, Vol. 1 (Quebec: S.B. Foote, 1863), General Abstract of Origins—Upper Canada, 1861, 78-79.

<sup>45</sup> Canada. *Census of Canada, 1870-71*, Vol. I, (Ottawa: I.B. Taylor, 1873): Table III: Origins of the People, 252-3.

<sup>46</sup> J. R. Miller, "'Designer Labels': Shaping Aboriginal Identity," in *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McClelland and Stewart, 2004), 20.

<sup>47</sup> Andersen, "From Nation to Population," 351.



collected. District and provincial governments conducted censuses in the spring, and the Indian Department counted in both spring and fall when they distributed presents and annuity monies.<sup>48</sup> Both were particularly inopportune times in Anishinabe seasonal cycles when the majority of community members were away hunting, fishing and gathering. In 1846, Interpreter H.P. Chase attempted to determine the annual number of births and deaths on Walpole Island in March when most were at the sugar camps. Peterwegeshig petitioned the government stating that “few of the Indians are now on the Island. We will not be able to procure the exact number of births and deaths until planting time.”<sup>49</sup> Despite the timing of censuses, Jones and Keating routinely accused the chiefs of being difficult and purposely uncooperative. This is perhaps because ‘fudging’ the numbers or refusing to provide information were methods used by communities to resist the intrusion of officials into their affairs and better their own material circumstances.

In 1831, Walpole Island Chief Bauzhigeeshigwashekum “refused to give...their names or numbers” to Jones, and Peterwegeshig also gained notoriety for resisting attempts to collect data in the community.<sup>50</sup> The ages of children in particular varied widely, and in some years, the number of children decreased significantly but the number of adults increased. The last year that agents allowed children to be added to present lists saw the largest number of children under four years old ever reported, and Clench could not seem to explain the ‘increase.’ In other years, the opposite occurred. Boys over the age of 13 and girls over age 14 received adult presents and Chase suspected that in order “to receive more and better goods” for their families, Anishinabe mothers “by a scheme,” made “their children older than they actually are.”<sup>51</sup> Keating, Jones, Clench and Chase often informed headquarters that they were waiting for the chiefs to give them

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<sup>48</sup> In Lambton County, the 1861 Census was conducted in the third week of March.

<sup>49</sup> LAC, RG 10/438, Petition, Peterwegeshigh to Clench, 26 March 1846, 378-81.

<sup>50</sup> AO, F454, *WJLB*, 17 November, 1831.

<sup>51</sup> LAC, RG 10/436, Campbell to Clench, 22 November 1848, 443; Campbell to Clench 5 December, 1848, 445; RG 10/436, Chase to Clench, 24 April, 1847, 599-600; LCA, file 10A-AC, Chase to Clench, 12 October, 1846, np.

vital and agricultural statistics, suggesting that Chiefs Wawanosh and Peterwegeshig as well as the Odawah and Potawatomi Chiefs on Walpole Island controlled the amount of information they relayed to officials, and did so whenever they could. Though it sometimes contributed to the inaccuracy of census data, this ‘obstinacy’ was not without purpose.

The desire to count Aboriginal peoples in this period remained complicated by simple geo-politics. Superintendents at various locations counted “resident Indians” and “wandering Indians” who received presents, estimating them to number about 5000 in both provinces. At Amherstburg, Walpole Island and Port Sarnia, 1155 received presents in 1847 and 1532 the following year.<sup>52</sup> In contrast, various estimates suggested that 14,000 Aboriginal people lived in the American borderlands in the 1840s and a further 332,500 were believed to be “within striking distance of the Western frontier.”<sup>53</sup> Whether they remained in the borderlands or crossed over into Canada West, neither was a desirable scenario if the British government cut the funding for their presents and settlement. As the resident expert, Anderson wrote from Manitowaning, that it was “impossible to know the exact number of who may come.”<sup>54</sup> The fear that a large, unknown body of ‘wandering’ or ‘visiting Indians’ could cross over and become Canada’s ‘problem’ was ever present so long as inaccurate and conflicting data remained an issue.

At the same time, a great deal of economic and social mobility is distorted in Eurocanadian and Indigenous communities by using the *de-jure* method, or enumerating people where they ought to be, rather than where they might be found on census day.<sup>55</sup> Farmers

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<sup>52</sup> LAC, RG 10/443, Numerical Return of the Indians who have received Presents for the year 1847, 360; Richardson, *Tecumseh and Richardson*, 98-99. Aboriginal people were divided into three classes: “Resident Indians” living in the province, “Wandering Indians” in very remote portions and in Hudson’s Bay Territory and “Visiting Indians” who resided in the United States but fought for the British and attended the annual distribution of presents. In 1847, 826 received presents at Walpole Island and 696 at Port Sarnia.

<sup>53</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, np.; *The Monthly Review: Devoted to the Civil Government of Canada*, Vol. 1, No. 1 (H. Scobie, 1841), 383.

<sup>54</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, T.G. Anderson, 4 February, 1840, np.

<sup>55</sup> Curtis, *Politics of Population*, 26 & 192.

travelled to market, to town, to work for wages and visit relations, yet the impression that Anishinabe people ‘wandered’ to excess remained. Even at Sarnia, missionaries and interpreters complained that the Anishinabe would not stay put long enough to be counted. In 1845 the department instructed Clench to encourage them to adopt English names so they could be tracked with better accuracy.<sup>56</sup> However, the overwhelming majority, particularly on Walpole Island and at Kettle and Stony Point, did not change their names.<sup>57</sup> In fact, their proximity to the border and tendency to “mix up together” continued to frustrate officials.<sup>58</sup> The close relationship shared by Sarnia, Saugeen and Owen Sound sabotaged departmental efforts to maintain superintendency boundaries and to count and monitor them in their communities. Their ability to disappear at will, particularly into the United States frustrated officials as they could not be pursued. Well into the 1840s Chase often had to leave lists of questions in advance and rely on the “council census” or statistics later given to him by the chiefs and councilors of each reserve in response. Later in the decade, he sometimes took it upon himself to place people where he believed they ought to be.<sup>59</sup>

Categories that might have made sense to officials held little meaning for the Anishinabe. Population and other statistics fluctuated largely because departmental policies constructed artificial categories and placed Anishinabe peoples into them. Administratively, families could be divided by the international boundary, reserve boundaries, Superintendnencies, treaty regions, ‘tribal affiliation’ and ‘band,’ all at the same time. These demarcations never corresponded to culturally significant locations, hunting and fishing camps or clan and kin-related units. Censuses reflect both the problems associated with attempts to artificially contain them and the lack of

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<sup>56</sup> LAC, RG 10/438, Circular, 20 Feb 1845, 72.

<sup>57</sup> LAC, RG 31, *1861 Census Canada West*, Lambton County, Chippewa Indians Belonging to the Sarnia Band in the Townships of Sarnia, Bosanquet, Enniskillen and Walpole Island, 39-64.

<sup>58</sup> LAC, RG 10/436, T.G. Anderson to Clench, 3 September, 1845, 32-33.

<sup>59</sup> LAC, RG 10/436, Anderson to Clench, 3 September, 1845, 32-33; Chase to Clench, 27 April, 1847, 602-4.

initiative on the part of agents. William Jones seems to have rarely visited Stony Point (Sable) and it is difficult to know at times if he included them with Kettle Point, estimated their numbers or omitted them altogether. Further, as the years went on and reserve economies increased in complexity, different groups gained and lost their entitlement to different sums of money. Treaty annuity lists often combined all the recipients at Sarnia, Kettle and Stony Point together, while others counted only certain groups across all the reserves. Subsequent data sets manufactured from these statistics do not consider the artificiality of manufactured categories, causing errors and omissions to multiply and become untraceable.<sup>60</sup> The inability to control these variables confounded the department executive and officials in the British Colonial office. Superintendents of Indian Affairs could not reconcile these inconsistencies with the degree of micromanagement increasingly demanded of them by their superiors. Indigenous communities suffered from incessant policy changes resulting from constant conflict between the “hard” data demanded by officials and less-verifiable observations made by missionaries, settlers and others in the field. It was within this context that Indianness became a category that was scrutinized more severely in the process of census taking.

While this chapter has demonstrated that Aboriginal people frustrated attempts to count and classify them, it cannot be established with any certainty that officials manufactured data, census or otherwise, to prove Aboriginal people were dying out. It can be stated however that officials interpreted data they received with pre-set policy goals in mind and emphasized and publicized data that furthered those goals. These factors notwithstanding, reports made by observers in the 1840s almost unanimously agree that the Anishinabe steadily increased in number and were not ‘dying out.’ Despite repeated outbreaks of cholera and smallpox, no evidence exists to suggest that Anishinabe people in the Western District were any more prone to

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<sup>60</sup> Curtis, *Politics of Population*, 151.

dying than their non-Aboriginal neighbours.<sup>61</sup> Historians and epidemiologists interested in the effects of disease in Indigenous communities tend to focus on epidemics, but by late 1847 Dr. Thomas Johnston had vaccinated most residents of Walpole Island and Sarnia against smallpox. When the disease returned to the county in 1850, Andrew Jamieson's wife vaccinated 87 more. By May of that year, 181 more people received vaccinations, and the community did not have a single case as a result.<sup>62</sup>

Alfred Digby, physician to the Six Nations, reported that there was no difference in the prevalence of disease between people of European or Indigenous origin. Rather, the problem was a lack of access to prompt and effective medical attendance, particularly in remote areas. He recommended that officials build an Indian hospital in a centralized location to contain contagious diseases when they first appeared and provide access to adequate medical care, which many reserve communities lacked.<sup>63</sup> Despite the absence of an 'Indian' hospital, Keating informed his superiors that their health was better than "average" and "far better than that of the white population."<sup>64</sup> Three years after Digby's recommendation, the government in concert with the Wesleyan Methodist Society willingly financed and began construction on the Mount Elgin Institution at Muncey to more efficiently 'civilize' Anishinabe peoples.<sup>65</sup> The government would never build a central Indian hospital to improve their health and well-being.

Aboriginal deaths were also widely attributed to alcohol abuse. In the 1840s, Reverend James Coleman suggested that alcohol-related accidental deaths due to fire and exposure plagued

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<sup>61</sup> Bilson, *A Darkened House*, 114. Upper Canada reported cholera "epidemics" in 1849, 1851, 1852 and 1856.

<sup>62</sup> LAC, RG 10/438, Jamieson to Clench, 15 March 1850, 470-473; Jamieson to Clench, 21 March 1850, 499-500; Jamieson to Clench, 2 May; 1850, 478-9.

<sup>63</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Report, Alfred Digby, 13, December, 1842, np.

<sup>64</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Keating Letter, 16 December 1842, np.

<sup>65</sup> Initiated by Peter Jones, the school had the support of most First Nations in southern Ontario when it opened in 1851. As children ran away and stories of abuse, neglect and disease surfaced, it soon became apparent that this vision was lost. The St. Clair Chiefs vigorously opposed its continued operation and the use of their annuities to run it. It did not close until 1946.

reserves in the district, but by 1860, this did not seem to be the case.<sup>66</sup> According to Table 8 below, in 1861 approximately 32 Indigenous people on the reserves under study died the previous year out of an estimated population of more than 1200. While large-scale epidemics

**Table 8: Main Causes of Death: 1861 Census, “Chippewa Indians.”**

Cause	Infants (-2yrs.)	Children (3-15)	Adults (16+)	Total
Unspecified Fever & Brain Fever	4		2	6
Consumption		7	9	16
Measles	1	1		2
Unknown	7			7
Infirmity/Old Age			1	1
<b>Total</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>32</b>

**Source:** LAC, RG 31, *1861 Census of Canada West*, Lambton County, Chippewa Indians Belonging to the Sarnia Band in the Townships of Sarnia, Bosanquet, Enniskillen and Walpole Island, 39-64.

appeared to be under control, Dr. Digby’s observations are corroborated by this data. Untreated and unspecified fevers and illnesses as well as consumption (Tuberculosis) took the greatest number of lives. Many were infants or individuals between the ages of twenty and thirty who lives might have been saved with timely access to medical care.

According to William Jones, the Anishinabe in the district were “generally on the increase” as two-parent families in the 1840s typically had five children and raised three of them to adulthood.<sup>67</sup> By 1847, community populations in the district increased to such an extent that Superintendent T.C. Campbell demanded that Clench explain the “anomalies.” In 1847 Sarnia’s population declined by 47 but Walpole Island’s increased by 68 for a total increase of 21 people. Communities at the Thames also increased by 82 and the largest increases in all the communities

<sup>66</sup> *JLAPC*, 1847 Report on the Affairs of the Indians, Keating Letter, 16 December 1842; Appendix 34, evidence of Rev. Coleman, np.

<sup>67</sup> *JLAPC*, 1847 Report on the Affairs of the Indians, William Jones, 17 December, 1842, np.

were women and very young children.<sup>68</sup> In 1856 Pennefather confirmed what was becoming a consistent trend, reporting that “in some bands the births...exceeded the number of deaths” and the number of deaths were “scarcely appreciable.”<sup>69</sup> While much was made of infant mortality in the 1847 Report, by 1855 an estimated 200 children, half of them school-aged, lived in the Sarnia Indian village alone.<sup>70</sup> Officials continued to greet such statistics with surprise, focusing on decline, whenever and wherever they could find it. Most importantly, they failed to provide for additional growth on the reserves.

Some communities appeared to be in decline, but further investigation into the numbers reveals that people left the reserve, they did not die.<sup>71</sup> As already discussed, some frustrated with department bureaucracy and conditions on the Sarnia Reserve in particular decided to relocate elsewhere in the province, in Canada and the United States.<sup>72</sup> For instance, it appears that Sarnia and Kettle Point had a decline in population of 35 people between 1856 and 1857. Talfourd calculated a general decline by adding 12 who died to the 23 who moved elsewhere. While this number would be the centerpiece of his statistics, at the same time, he did not report that the birth rate exceeded the death rate. That same year, 17 babies were born, increasing the resident net population by five. Births were increasing during tough times when cycles of extreme weather alternated with crop failures caused by disease and insects. An extreme cold snap in the winter of 1846 killed off game and fowl to such a degree that it is arguable whether food and fur bearing animals ever recovered to their former numbers.<sup>73</sup> In the 1850s heat and drought destroyed half

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<sup>68</sup> LAC, RG 10/436, Campbell to Clench, 22 November, 1848, 5 December 1848, 443-5.

<sup>69</sup> BPP, No. 595 (1860), No. 3, Pennefather, S.G.I.A, to Sir Edmund W. Head, 24 November, 1856, 4. At this time, Walpole's population stood at 824, while Sarnia's (including Kettle and Stony Point) was 559.

<sup>70</sup> JLAPC, 1847 Report on the Affairs of the Indians in Canada, Keating, 16 December 1842, np.; Report, Solomon Waldron, 15 June, 1855, *Wesleyan Missionary Notices*, No. IV., (Aug. 1855), 54.

<sup>71</sup> LAC, RG 10/436, Chase to Clench, 1 March, 1849.

<sup>72</sup> LAC, RG 10/453, Sarnia Council Resolutions, 15 December 1856, 19-20; RG 10/436, Chase, to Clench, 14 July, 1853, 762-764.

<sup>73</sup> Elford, *Canada West's Last Frontier*, 93, Hamil, *Valley of the Lower Thames*, 258.

the fruit and spring crops in the southern portion of the district.<sup>74</sup> In 1859 a “great famine,” caused by wheat midge not only killed the crops but sent hungry farm families into the district in search of “squirrels, pigeons, rabbits and deer.”<sup>75</sup> Population increases, combined with climate change and resource depletion created a perfect storm of mutual reinforcement.

When deaths are emphasized and factors like out-migration are ignored, departmental statistics fit into a general discourse of ill health and decline.<sup>76</sup> Out-migration varied and peaked in only a few years and the statistics do not distinguish between individuals who were seasonally absent or who moved temporarily in search of employment and other economic opportunities in cities and towns like Sarnia, Windsor and Detroit.<sup>77</sup> They often returned, and there was also no guarantee that individuals who genuinely intended to leave permanently would not return home too. When populations did increase, officials attributed better health to the acceptance of civilization and associated high rates of death and disease to unsettled and ‘pagan’ peoples like the Potawatomi. So while officials publicly bemoaned the looming demise of Indigenous peoples, privately the authors of the Bagot Report were made well aware of population increases, and that Anishinabe peoples were stable and increasing in the borderlands of Upper Canada both by natural increase and immigration.<sup>78</sup> Continuously declining populations in even the smallest amounts justified funding cuts, enfranchisement policies and the sale of reserve land. While the Anishinabe in Lambton County were not a vanishing people, they were treated as if they were.

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<sup>74</sup> RG 10/439, John Prince to Clench, c1850, 708.

<sup>75</sup> Hamil, *Valley of the Lower Thames*, 258-60; Crowley, “Rural Labour,” 30.

<sup>76</sup> LAC, RG 10/436, Chase, to Clench, 14 July, 1853, 762-764.

<sup>77</sup> Chris Andersen, “Urban Aboriginality as a Distinctive Identity, in Twelve Parts,” in *Indigenous in the City: Contemporary Identities and Cultural Innovation*, ed. Evelyn Peters and Chris Andersen (Vancouver, UBC Press, 2013), 60. Known as ‘churn theory,’ cyclical migration on and off reserve in pursuit of economic opportunities in urban areas becomes more common and necessary as populations increase and standards of living decline. My thanks to Stacey Alexopoulos for bringing this to my attention.

<sup>78</sup> *JLAPC*, 1844-45 Bagot Report, Indians of Canada West, np.; LAC, RG 10/10017, [Reserve Populations compared between the 1867 and 1891] Censuses, 3; Richardson, *Tecumseh and Richardson*, 112. Further analysis needs to be done to conclusively prove this occurred over time in the communities under study. However, officials acknowledged that as a general trend, population increases continued into the post-Confederation period.



They became trapped in an administrative system designed for their eventual elimination as distinct communities.

If resident populations continued to increase and thousands of “American Indians” could arrive at any time, something had to be done to limit access and entitlement to goods and services. By 1855, the parliamentary grant for presents amounted to only £4600, and the British treasury was eager to eliminate even this small amount.<sup>79</sup> In years to come, officials would spend extraordinary time and effort determining individual entitlement to receive money, supplies, presents or pensions based on “lifestyles, bloodlines and national boundaries”<sup>80</sup> instead of “community, family and history.”<sup>81</sup> As record-keeping improved and descent could be traced, the definition of “Indian” by 1868 would become much more restrictive. But officials would also discover that the accuracy of the numbers mattered little so long as they could tell a story of decline and degeneration. For that reason, controlling ‘Indianness’ and imposing racialized understandings of Indigeneity, became key aspects of the process of policy formation. If Aboriginal people were not dying out, other ways had to be created to eliminate them.<sup>82</sup>

### **Bloodlines**

Though Aboriginal people historically governed admission to their own communities, Great Lakes First Nations understood their military alliances to be familial in nature. At a meeting at Mount Johnson in 1755 the Mohawk told William Johnson that they were “as one Body, one Blood & one People; the same king our common Father...your Enemies were ours...”<sup>83</sup> As discussed in earlier chapters, kinship relations with British officials, traders and merchants provided Indigenous peoples with economic stability and protection against American

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<sup>79</sup> *BPP*, No. 247 (1856), App. 7, Classification of various Charges on the Parliamentary Grant, 35.

<sup>80</sup> Berkhofer, *White Man's Indian*, 24.

<sup>81</sup> Hele, “Manipulating Identity,” 168.

<sup>82</sup> Miller, “Canada and the Aboriginal Peoples” 182.

<sup>83</sup> LAC, RG 10, Series 4/4, Council Meeting at Mount Johnson, 17 May 1755, 35.

aggression. Sir William Johnson married Joseph Brant's sister Molly, Alexander McKee married a daughter of Shawnee Chief Blue Jacket, and Matthew Elliot had a Shawnee wife and children.<sup>84</sup> Clench, a direct descendant of Sir William Johnson, and Ironside Jr., whose mother was related to the Prophet Tenskatawa were the last generation of Indian Department employees of Indigenous ancestry who "shared [an] identity and a common past" with the communities they administered.<sup>85</sup> Also of mixed descent, Peter D. Clarke wrote that, historically First Nations in the region adopted Euroamericans and African children into their families and that in his lifetime, most families were "mixed with the whites or with Indian blood of other tribes."<sup>86</sup>

But race, prior to the publication of Darwin's *Origins of Species* in 1859 did matter, according to Calloway and Taylor. The works of both historians tragically describe the racial dimensions of colonial warfare and chronicle atrocities committed by and between settlers and Aboriginal people in Northeastern North America. Where settlement directly interfered with Aboriginal ways of life, local acts of violence often erupted. Chiefs attending the Council at the Glaize, southwest of present-day Toledo, Ohio in 1792, repeatedly used the term "Nations of our colour" to refer to sovereign allies in the Western Confederacy and "the white people" to refer to Americans.<sup>87</sup> While colour in this instance tended to represent the differing worldviews of two nations; Indian and American, 'racialized' violence in the colonial period captivated historians like Francis Parkman. Calloway suggests that colonial conflict in this period, as it was re-told, provided fodder for a "racial war" that lived on "in the national mythology[ies]"<sup>88</sup> of the United States and Canada. In the colonial period "white Indian" referred to European adoptees and

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<sup>84</sup> Travers, "Empire Revisited, 90

<sup>85</sup> Dennis Carter-Edwards, "Ironside, George," *DCB Online*, accessed 27 March, 2014, <http://www.biographi.ca>

<sup>86</sup> Clarke, *Origin and Traditional History of the Wyandotts*, 67, 72.

<sup>87</sup> AO, F 4337, A.E. Williams Papers, 18<sup>th</sup> Century, Various Documents, file F4337-2-0-1 (Copied from PRO, Book 279, "Upper Canada"), Council at the Glaize, September 30, 1792.

<sup>88</sup> Calloway, *The American Revolution in Indian Country*, 49.

sympathizers or individuals who ‘went native,’ but ‘red’ and ‘white’ continued to be used informally to broadly differentiate between the cultures and worldviews of Aboriginal people and Eurocanadians into the nineteenth century. Certainly the publication of Darwin’s *Origin of Species* influenced the development of pseudo-scientific elements in the discourse of difference after 1859. Decades prior however, racial difference confounded those who sought a simple methodology for human classification.<sup>89</sup> Confusing and contradictory descriptions of people in the Western District highlight the fact that Indigeneity proved to be an extremely difficult thing to identify.

Appearance complicated definitions of Indigeneity and perhaps as a result, officials did not use skin colour as a primary characteristic to identify people of Aboriginal ancestry in the first half of the century. For example, a “complexion” scale ranging from “fair” to “black” used to describe convicts in an 1846 penitentiary report did not identify Aboriginal people at all.<sup>90</sup> Local municipal and provincial administrators focused their efforts counting taxable property and tracking potential troublemakers based on their creed and origin. Municipal documents from the Western District and Kent and Lambton Counties, rarely mention their Indigenous neighbours for any reason. The 1842 and 1848 aggregate censuses were supposed to contain a “coloured race” category but the column is missing in most of the handwritten township manuscript schedules. Earlier legislation, prohibiting the sale of alcohol to “Indians” or exempting “Indians” from hunting regulations, rested on residency in the Province and did not define them in law.<sup>91</sup> Sheriffs sometimes identified the prisoners they transported as ‘Indian’ and

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<sup>89</sup> Stocking, *Victorian Anthropology*, 102, 105.

<sup>90</sup> *JLAPC*, Appendix No. 1 to the 6th volume (Montreal: Rollo Campbell, 1847), Appendix N: W.H. Smith, Warden, B. Return of Convicts Discharged, “Provincial Penitentiary: Annual Report of the Board of Inspectors for the Year 1846...” 1 October, 1847, np. Undefined categories included: dark, black, mulatto, sallow, florid, sandy, fresh and fair.

<sup>91</sup> 3 Vict. c. 13. *An Act to amend and make permanent and Act passed in the fifth year of His late Majesty’s reign, entitled, “An Act to prevent the sale of Spirituous Liquors to Indians,”* 10<sup>th</sup> February, 1840, 7.; 22 Vict. c. 61, s.9 *An*

several individuals were convicted in the District for selling liquor to ‘Indians,’ but until passage of racially-based legislation, local authorities recognized ‘Indians’ on the basis of appearance, social familiarity and residence.<sup>92</sup> As already discussed, for much of the first half of the nineteenth century, officials attributed the propensity to commit crimes or engage in anti-social behavior to Americans or the French or Irish.<sup>93</sup>

Historically, the diverse origins of the population belied, attempts to create a systemic method of classification. Thus, ‘racial’ difference in the Western District was often a geographically specific conflation of colour, class, “manners, customs, practices and beliefs.”<sup>94</sup> French and Indigenous nations were joined by waves of African-Americans, discharged Swiss, German and other Continental soldiers, Scots at Baldoon, famine Irish and British emigrants. These latter groups sometimes received worse treatment than their Indigenous neighbours. Susanna Moodie described the Irish as “vicious, uneducated barbarians” while Anna Jameson thought that the further Eurocanadian settlers lived from “civilization,” the more they “retrograde[ed]” into something wild and “savage.”<sup>95</sup> On her travels through the district, she and other writers described the French Canadians, Scots and Irish, who lived precarious lives along the St. Clair and in the back townships, as “dirty” and “ragged.”<sup>96</sup> Members of the upper classes attributed the deficiencies they encountered, not in terms of race or ethnicity, but to a lack of ‘civilization’ and education. In the early years of settlement, Elizabeth Simcoe believed that

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*Act Respecting Game Laws of Upper Canada*, (1859), in *Consolidated Statutes of Upper Canada*, (Toronto: Stewart Derbishire & George Desbarats, 1859), 701-2.

<sup>92</sup> RG 22-112, Western District Criminal Files, Court of the Quarter Sessions, Convictions by Justices of the Peace, MS 10815, p. 1808-10.

<sup>93</sup> *JLAPC*, Appendix No. 1 to the 6th volume (Montreal: Rollo Campbell, 1847), “Provincial Penitentiary: Annual Report of the Board of Inspectors for the Year 1846...” Appendix N, 21 June, 1847, No. 4, Report of the Warden & A. Return of Convicts Received, B. Return of Convicts Discharged, np.

<sup>94</sup> Anthropologist T.F. McIlwraith quoted in Francis, “The ‘Civilizing’ of Indigenous People,” 51-52.

<sup>95</sup> Susanna Moodie, *Roughing it in the Bush; or, Life in Canada* (1852, reprint, Toronto: McClelland & Stewart Inc., 1989), 29-32.

<sup>96</sup> Jameson, *Winter Studies and Summer Rambles*, 11, 254-5, 291-3, 327; Hamil, *Valley of the Lower Thames*, 51, 201; Stocking, *Victorian Anthropology*, 213 & 229.

Aboriginal people, like the Brant family, could acquire these arts as easily as the Irish or anyone else. She found their manner of dress, work ethic and educations impressive.<sup>97</sup> Gourlay “suspected that civilization” had “upon the whole, retrograded in the province” and would continue to do so if officials did not address the conditions of settlement and improve access to the institutions of “civilized society.”<sup>98</sup>

As early as the 1820s, officials referred “Bona fide Indians” but this tended to be a reference to people of Aboriginal descent allied to Great Britain and known to the Indian Department as reputable or trustworthy. German geographer Johann Kohl’s writings suggest that individuals of mixed British or French and Indigenous ancestry around Lake Superior were distinguished by colour, or by a loosely-applied fractional blood-quantum, but the precise amounts were immaterial.<sup>99</sup> While observers made these and other generalized references to the existence of “distinguishing characteristics of Indians,” culture and lifestyle mattered as much as colour.<sup>100</sup> Some officials believed that ‘half-breeds’ in the Upper Lakes were easier to identify because they knew the lineages of individuals and on the basis of dress and language, “the line of distinction can clearly be drawn.”<sup>101</sup> The 1836 Treaty identified two classes of “half breeds.” One “adopted the manners, habits and customs of the Savages, lived with them...were completely identified with them and...recognized fully as Indians.” The second group “adopted the habits, manners & customs of the white people and spoke either...French or English.” While the former were often enumerated as Indians under terms of the treaty, the latter were distinguished by their reputation with the Anishinabe and their “greatest capacity to use and take care of property.”<sup>102</sup>

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<sup>97</sup> See Robertson, *Diary of Mrs. John Graves Simcoe*, 141-8, 166.

<sup>98</sup> Gourlay, *Statistical Account of Upper Canada*, 311-312.

<sup>99</sup> LAC, RG 10/589, Darling to A.K. Johnson, 5 April 1822; Johann Georg Kohl, *Kitchi-Gami: Wanderings Round Lake Superior* (1860, reprint, Minneapolis: Ross and Haines, 1956), 260-265.

<sup>100</sup> *BPP*, Vol. 44, No. 247 (1856), Bury to Sir Edmund Head, 5 December, 1855, 30.

<sup>101</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, np.

<sup>102</sup> J.W. Edmonds, Commissioner to Carey A. Harris, Commissioner of Indian Affairs, 9 February, 1837, in the 1836

In later years, placing individuals in pre-defined categories became more difficult. One census enumerato reported in frustration that, “[t]hese people are so mixed up with Indians that I scarcely know what to call them. The principal mixture is white, and they cultivate the soil, so I call them white.”<sup>103</sup> In the Western District too where practicable, most officials threw up their hands and deferred the task of identification to individuals and the chiefs.<sup>104</sup> Relationships to communities and individual acceptance into them carried greater importance. Indigeneity was fluid and flexible and one did not have to be ‘full blood’ to be ‘Indian.’<sup>105</sup>

### **Bloodlines**

Mixed ancestry in the Upper Lakes might have been common but intermarriages between non-Aboriginal and reserve communities in western Upper Canada varied. Benjamin Slight, the missionary at the Credit, reported that relationships between the Mississauga and Eurocanadians “were common,” but they seemed to be less so elsewhere.<sup>106</sup> Prior to 1857, reports from Walpole Island and Sarnia stated with virtual certainty that intermarriages between ‘whites’ and ‘Indians’ did not occur, and children of mixed parentage did not reside in any of the communities. Reserve residency was fluid in this period and a number of ‘Indian,’ ‘Metis,’ and ‘non-Aboriginals’ frequently came from Michigan, the Sault and the northeast to settle or conduct business in the St. Clair region. Richardson reported that at Sarnia, he could see a “dash of the white blood... in the bellies of the day.” At Walpole Island, he noted that there were “no regular half-breeds among them.” This however does not mean that individuals of mixed ancestry were not there at all. Rather, they were just not “recognized as such.”<sup>107</sup> Keating stated that he knew of no

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*Mixed-Blood Census Register*, np.; Hele, “Manipulating Identity,” 169.

<sup>103</sup> Leslie and Public History Inc., “Aboriginal People and Canadian Census Records,” 22.

<sup>104</sup> Binnema, “Protecting Indian Lands by Defining Indian: 1850-1876,” 31.

<sup>105</sup> *Daniels et al. v. Canada*, [2013] F.C.R. 6, Reasons for Judgement, 110.

<sup>106</sup> *JLAPC*, 1847 Report on the Affairs of the Indians, Evidence, No. 32, Report of Benjamin Slight, np.

<sup>107</sup> Richardson, *Tecumseh and Richardson*, 88 & 112.

instances of white women married to “Indian” men except for Mrs. Peter Jones, and he and Reverend Coleman both denied ever seeing an identifiable child of “mixed-parentage.”<sup>108</sup> Three years after making this claim, Keating identified F.X. Cadotte, the interpreter and witness of a number of deeds on Walpole Island, as “a half Indian.” Cadotte captured the interest of many visitors to the Island including Richardson who was also of mixed Aboriginal and European descent. The pair travelled from Walpole Island to Sarnia in 1848 to witness the distribution of the presents. There, Richardson described Cadotte as “a half-breed, and a tall and well[-] proportioned fellow...”<sup>109</sup> Along with the Rodd and Riley ‘bands,’ Richardson and the Cadottes descended from several generations of voyageur trader and administrative families in the northwest.<sup>110</sup> According to Chute and Knight, “the Cadottes were regarded as more Native than European, yet not as fully Ojibwe” as Chiefs Little Pine and Nebanagoshing (Joseph Sayers).<sup>111</sup> In 1855, Missionary Solomon Waldron complained of the distraction caused by “numerous...French and Half-breeds at St. Clair (Sarnia),” particularly during lumbering season, and returns from fishery inspector William Gibbard, identify a French community, of mixed ancestry, further along the shore between the Sable and Goderich.<sup>112</sup> Many Indigenous and Eurocanadian families intermarried, suggesting this had been a fact in the St. Clair-Lake Huron region since the seventeenth century.<sup>113</sup> At the same time, local variations reflect not only how

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<sup>108</sup> *JLAPC*, 1847 Report on the Affairs of the Indians, No. 34, James Coleman; Keating, 16 December 1842, np.

<sup>109</sup> Richardson, *Tecumseh and Richardson*, 49; LAC, RG 10/121, Keating to Higginson, 31 April, 1845, 4861; Petition, George Jasperson, 26 May, 1844, 4683.

<sup>110</sup> Beasley, “Richardson, John,” *DCB Online*, University of Toronto/Université Laval, 2003, accessed 11 October, 2012, <http://www.biographi.ca>; *MPHS/17*, B.C. Farrand, “Early History of St. Clair County,” 434-9; Plain, *Plains of Aamjiwnaang*, 88 & 98. Alexander Rodd [“She-she-pe-anee” or “Little Duck”] was part French and his wife, known as Old Mother Rodd, “of full Indian lineage,” died in 1870 when she was believed to be more than 115 years old. Ojibway Chief and “half-breed” John Riley, of Aboriginal and German ancestry, came from Saginaw to Sarnia in the late 1830s.

<sup>111</sup> Knight and Chute, “In the Shadow of the Thumping Drum,” 105.

<sup>112</sup> Reverend S. Waldron, 15 June, 1855, *Wesleyan Missionary Notices*, No. IV (Aug. 1855), 54; *Province of Canada, Sessional Papers*, 1<sup>st</sup> Session, 7<sup>th</sup> Parliament (Quebec: Hunter, Rose & Lemieux, 1862), No. 11, Fisheries Report of William Gibbard, Overseer in charge of Lakes Huron and Superior, 31 December, 1861, np.

<sup>113</sup> Patsy McArthur, David T. McNab and Paul-Emile McNab, *Historic Saugeen Métis: A Heritage Atlas*

the communities identified and defined themselves, but (aside from curiosity), how relatively unimportant ancestry was to Richardson, Keating and Waldron in the execution of their duties.

Attitudes towards ancestry changed as an increasing number of non-Aboriginal people attempted to settle on reserves. After 1839, Keating and Jones relied on community acceptance and belonging to identify trespassers but proving this in a court of law, as previous cases demonstrate, was difficult. In 1850, the *Act for the better protection of the Lands and property of the Indians in Lower Canada* contained the first legal definition of ‘Indian.’ It defined “Indians” as anyone with an Aboriginal parent residing on a reserve or an individual married to or adopted “in infancy” by someone who fit this criteria. This definition maintained Anishinabe cultural traditions that welcomed such people as community members without distinction.<sup>114</sup> The Upper Canadian Act did not contain this definition. Instead it distinguished Indians from the rest of the population on the basis of residency and marital status.<sup>115</sup> In the years prior and in remote places afterwards, many people of European-Indigenous ancestry lived on reserves, signed treaties and received presents within an informal system of community acceptance based upon ‘métissage’ or combinations of culture, lifestyle, kinship and ancestry.<sup>116</sup> Individuals sometimes “drifted” between categories, identifying as ‘Indian’, mixed and white because of discrimination faced in surrounding Eurocanadian communities.<sup>117</sup> In other words “‘Indians’ often included people of mixed blood” but “not all people of mixed blood were understood to be ‘Indians.’”<sup>118</sup> The nature

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(Southampton, ON: Saugeen Metis Council, 2013), 17-19.

<sup>114</sup> 13 & 14 Vict. c. 42, s. 5. *An Act for the better protection of the Lands and property of the Indians in Lower Canada*, 10th August, 1850, in *Acts Relating to Indian Matters*, 9-10. Section V; Binnema, “Protecting Indian Lands by Defining Indian,” 20-21.

<sup>115</sup> 13 & 14 Vict., c. 74. s. IV, V. *An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury*, 10<sup>b</sup> August 1850, 11. References are made only to “Indians, those inter-married with them or who reside on Indian lands.”

<sup>116</sup> Victor P. Lytwyn, *Historical Report on the Métis Community at Sault Ste. Marie* (27 March, 1998), 2.

<sup>117</sup> Hele, “Manipulating Identity 168.

<sup>118</sup> Wicken, *Colonization of Mi'kmaw Memory and History*, 187; *Daniels et al. v. Canada*, [2013] F.C.R. 6, Reasons for Judgement, 73.



of early record-keeping meant that the Indian Department, whether it wanted to or not, simply could not apply categories or definitions in any rigid way. Unable to prove that someone was European, intermarried, adopted, or full or fractionally of Indigenous ancestry meant that identity and residence largely remained in the hands of individuals and their communities.<sup>119</sup> On the one hand, the St. Clair Chiefs had to rely on their agents to eject troublemakers like Robert Little, but on the other, they continued to define the parameters of membership by determining who did or did not belong in their communities. As categories began to trump family histories, the purpose of legislation after 1850 changed from managing Indian lands to controlling the people who lived upon them.

The notion that people of mixed Aboriginal and European ancestry acquired “the worst of both worlds” gained credence in the late 1840s.<sup>120</sup> Bond Head’s letters contain similar themes of social and racial degeneration which he attributed to alcohol, intermixing and the acquisition of ‘vices’ resulting from contact with ‘whites.’<sup>121</sup> Richardson was rather surprised that upon his arrival at the Sarnia village, he did not see “the half-civilized, and...degenerate beings” that he “had been led to...find.”<sup>122</sup> Expressed earlier as a set of complex curiosities, throughout the 1840s, ‘Indianness’ acquired more identifiable boundaries. Richardson’s comments also show that mixed ancestry was becoming a mark of lesser status and conceived as something inherent, biological and permanent. As discussed in Chapter 4, though they shared kinship relations with nearby Anishinabe communities, officials increasingly began to describe the Métis as opportunistic squatters and after the 1849 Mica Bay incident, as agitators and sympathizers

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<sup>119</sup> For the history of one such community see Karen J. Travers, “The Drummond Island Voyageurs and the Search for Great Lakes Métis Identity,” in *The Long Journey of Canada’s Forgotten People*, 219-244.

<sup>120</sup> McNab, *Circles of Time*, 24.

<sup>121</sup> See letters from Bond Head to Glenelg in *BPP*, No. 323 (1839) esp., 20 November 1836, 128.

<sup>122</sup> Richardson, *Tecumseh and Richardson*, 62.

too.<sup>123</sup> If there was a reticence to acknowledge mixed relationships in the past, after 1850, perhaps because of the complex nature of the task at hand, there was outright denial that intermarriage occurred at all.<sup>124</sup> Even Froome Talfourd, a long-time neighbour of the Sarnia Reserve and of many of the region's French inhabitants, reported that he "never heard any reason...for the introduction of white blood among" the Indians except for the fact that "years ago, it was common for young French men to take Indian wives."<sup>125</sup> The prospect of children between people of Aboriginal and English descent so inflamed Indian Department clerk and accountant George Vardon that he felt it necessary to associate "white Indians" with degeneration, alcoholism, and the immoral sexual proclivity of Indian women in a lengthy investigation into Indian annuities.<sup>126</sup> While British policymakers and humanitarians like Herman Merivale and Saxe Bannister spoke of an eventual "amalgamation of the races," this was understood as the unavoidable and natural outcome of two peoples mingling in the same space.<sup>127</sup> Until this occurred, humanitarians insisted that, "[s]eparate Laws must be made for different classes in society, whose wants, and conditions in life, are essentially dissimilar...not because the two races differ in complexion or in descent, but because their wants and occupations are entirely different."<sup>128</sup> The period saw a transformative change from this optimistic view, described as "humanitarian" and "paternalistic," to a pessimistic one premised on elimination.<sup>129</sup>

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<sup>123</sup> Lytwyn, "Historical Report on the Métis Community at Sault Ste. Marie," 8-10 & 19.

<sup>124</sup> Constance Backhouse, "The Historical Construction of Racial Identity and implications for Reconciliation" (Halifax N.S., Report prepared for the Department of Canadian Heritage, 2001), 8.

<sup>125</sup> LAC, RG 10/585, Talfourd to Professor Daniel Wilson, University College, 8 May, 1861, np.; Smith, "Macdonald's Relationship," 66.

<sup>126</sup> McNab, *Circles of Time*, 24; LAC, RG 10/457, Memorandum, George Vardon, Annuity Report, 1839-42, , 81021-81032; *JLAPC*, 1847 Report on the Affairs of the Indians, No. 91, T.G. Anderson, 21 December, 1842, np.

<sup>127</sup> McNab, "Herman Merivale and the British Empire," 184.

<sup>128</sup> 1836 Select Committee on Aborigines, quoted in Paul Knäplund, *James Stephen and The British Colonial System, 1813-1847* (Madison: University of Wisconsin Press, 1953), 23.

<sup>129</sup> McNab, "Herman Merivale and the British Empire," 184.

While studies of interracial marriage in the eighteenth and nineteenth century almost exclusively focus on relationships between “Indian women and French [or European] men,”<sup>130</sup> economizing directives issued in the 1840s forced the department executive to deal with a number of unanticipated combinations that challenged the utility of racial classification in policies to curtail ‘Indian’ rights. In 1829, a number of “Canadian women” married to “Indians,” particularly on the Wyandotte Reserve at Anderdon, attracted the attention of the Indian department executive. From that point on, agents inundated the head office with inquiries about what to do in such instances. Jarvis issued a policy directive in 1843 stating that only white women who were “actually the wives of Indians” and “not living in illicit connection with” them could live on the reserve, share in the presents, and receive the family annuity.<sup>131</sup> Conversely, as early as 1818, storekeepers expressed concern with a growing number of Indian women who lived with European men. Deputy Storekeeper General William Robertson instructed officials to deny presents to these women and their children “because in almost every instance” they were “well provided for by the Europeans with whom they were living.”<sup>132</sup> In the reserve period, Keating and Jones also assumed that Aboriginal women married to white men automatically left the community and moved in with their husbands, but this was not always true.<sup>133</sup> In order to combat a growing number of ‘white’ men claiming the right to reside on reserves, women married to them after 1847 forfeited their presents. Children of such marriages deemed ‘Indian’ or not, as well as “half breeds, or descendants of half breeds,” would also no longer receive

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<sup>130</sup> Margaret Jacobs, “The Eastmans and the Luhans: Interracial Marriage between White Women and Native American Men, 1875-1935,” *Frontiers*, Vol. 23, No. 3 (2002): 30-31. See Susan Sleeper-Smith’s *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes*.

<sup>131</sup> LAC, RG 10/569, Ironside to Givins, 15 September, 1829, 299. RG 10/456, Memorandums sent to Jones, Ironside and Keating, 1 July 1843, 172-3 and RG 10/458, Memorandums sent to Jones, Ironside and Keating, 7 October, 1843, 207-9.

<sup>132</sup> *MPHS/16*, Thomas Trew, Storekeeper General, Drummond Island to William Robertson, Deputy Storekeeper General, Quebec, 17 August 1818, 633-64 and Robertson to Bowles, 15 October, 1818, 642.

<sup>133</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Report of Keating, 16 December, 1842 and Jones, 17 December, 1842, np.

them. If the couple permanently separated, the department re-instated her presents. However, if her husband abandoned her, as long as they were raised with their ‘Tribe,’ only the children would receive them. Agents admittedly had difficulty monitoring and determining ancestry and marital status, and these directives mark increasing attempts to apply stricter residency requirements in an effort to control eligibility. After 1847, some Métis continued to receive presents and annuities but only if they were “adopted by the Tribe” and “live[d], as Indians among them.”<sup>134</sup> These instances represent only a few examples where policy and the authority given to agents in 1839 sanctioned the denial of Indian rights before specific legislation targeted Indigeneity in Upper Canada in 1857.

It is evident that some combinations simply taxed the agents to the point where policy could not provide them with any solution. The Delaware or Leni Lenape at Munceytown and Oneida included descendants of African, European and Indigenous heritages. Hundreds of fugitive slaves arrived in the years after the War of 1812, joining African-Canadian Loyalists at Amherstburg, in the Buxton settlement near Chatham and in several other communities in the Western District. When an Anishinabe woman married “a coloured man” in 1849, Clench argued that she had a right to live on the reserve and receive annuities but could not access money, schooling or goods requisitioned for collective use by the chiefs.<sup>135</sup> In 1857, Ninham, a man of mixed African and white ancestry, married an Oneida women and claimed an “equal right” to live on the reserve. The chiefs requested the assistance of the government to expel him, not because of his ancestry but because they considered him a “bad character.”<sup>136</sup> In the absence of legislation, these instances suggest that chiefs sometimes retained the authority to regulate

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<sup>134</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, T.G. Anderson, 21 September 1842, np.; Recommendation No. 3: As to the means of limiting and gradually abolishing the Issues, np.

<sup>135</sup> LAC, RG 10/573, Clench Letterbook, 21 March, 1849, np.

<sup>136</sup> LAC, RG 10/450, Abraham Sickles to Talfourd, 5 June 1857, 412; Curnoe, *Deeds/Nations*, 84. It is possible that this is Henry Ninham [1804-c.1852], an Oneida Chief also of Wyandotte descent.

admission to their communities, but in other situations, they did not. Regardless, the department legally had the power to “make due inquiries” into the status of anyone living on Crown reserve land and to override the decisions of chiefs and council, if necessary.<sup>137</sup>

Of prime importance, these policies and later legislation defined ‘Indians’ as male. The notion that Indigeneity like other ethnic or ‘racial’ origins was transferred through the male was partly rooted in Western European concepts of marriage law in which a woman became the property of her husband. In 1869 Aboriginal women, who married ‘Indian’ men became members of their husband’s bands. But elements of the “one-drop rule” later characterized instructions given to census enumerators, and after 1901, all children of mixed ‘race’ marriages, irrespective of parentage, were to be placed in non-‘white’ racial categories.<sup>138</sup> Despite this, “categorical instability” continued to plague census-taking as people of mixed ancestry “were variously classified as Indian, white, ‘other’ and from time to time again as half-breed.” Though it took until 1869 for a ‘homogenized’ yet no less “ambiguous” definition of ‘Indian’ to become law,<sup>139</sup> department practices and policies in the interim gradually extended into areas that were formerly and unquestionably within the purview of communities alone.

The 1857 Gradual Civilization Act retained the definition from the 1850 Lower Canadian Act, defining ‘Indians’ as those with Indian blood, married to persons of Indian blood or acknowledged as members of the ‘tribe.’<sup>140</sup> While it can be argued that legally, chiefs retained

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<sup>137</sup> 20 Vict. c. 26. s. III. *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857, in *Statutes of the Province of Canada* (Toronto: Stewart Derbishire & George Desbarats, 1857), 85.

<sup>138</sup> Monica Boyd, Gustave Godmann, and Pamela White, “Race in the Canadian Census,” in *The Politics of Race in Canada*, ed. Maria Wallis and Augie Fleras (Don Mills, ON: Oxford University Press, 2009), 64-65, 67.

<sup>139</sup> Andersen, “From nation to population,” 354-356.

<sup>140</sup> 20 Vict. c. 26. s. I, *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857, in *Statutes of the Province of Canada* (Toronto: Stewart Derbishire & George Desbarats, 1857), 84.

the right to determine who lived in their communities,<sup>141</sup> in practice, prior Crown Lands Acts and the 1850 Act made Indian Agents justices of the peace, and they possessed the power to eject trespassers as Crown Lands Officers. As the next chapter will discuss, this grey area gave agents and interpreters like Keating, Jones, Clench and Chase extraordinary power to control the lives of Anishinabe peoples, when and if they chose to do so. The inadequacy of legislation, as we have seen, left gaps that were sometimes filled by Anishinabe resistance, by policy, and occasionally by the individual proclivities of department employees and settlers.

Enfranchisement, introduced voluntarily in 1857 and forcibly under certain circumstances in 1869, automatically included a man's wife and children, but it also contributed to negative stereotypes among those who refused it.<sup>142</sup> Open to Indian men who were over the age of twenty-one, literate, free of debt and of good character, enfranchisement eliminated legal distinctions between 'Indians' and any other British subject. Once the government established the legislative process of enfranchisement as a prerequisite for social acceptance and financial independence, it created an adversarial and hostile situation between the Anishinabe and their neighbours. So long as reserves existed, Eurocanadians perceived that the people living on them were not self-sufficient and did not own property—they were not 'good characters.' Worst of all, because civic rights and property rights intertwined, the legislation suggested that Anishinabe people choosing to live on reserves rejected their civic responsibilities to vote and pay taxes. Consequently, though it did not specifically intend to do so, the 1857 Act reinforced notions that unenfranchised 'Indians' who lived on reserves had to be illiterate, uneducated and fiscally irresponsible.

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<sup>141</sup> Binnema, "Protecting Indian Lands by Defining Indian: 1850-1876," 20.

<sup>142</sup> 20 Vict. c. 26. s. III. *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857, 85.; 32-33 Vict. c.6, s.6. *An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31<sup>st</sup> Victoria, Chapter 42*, 22 June 1869. Available online at AANDC, Historical Legislation, accessed 5 May, 2011, <https://www.aadnc-aandc.gc.ca>. In later years, males could be enfranchised against their will if they obtained a sufficient knowledge of English, earned a university degree or spent more than five years abroad.

Moreover, by refusing enfranchisement their political, economic and social separation appeared to be a conscious choice after 1857.

The “hardening of attitudes”<sup>143</sup> in the wake of the almost wholesale rejection of enfranchisement is evident in the 1869 Gradual Enfranchisement Act. It stated that anyone not meeting what were essentially ‘blood-quantum’ requirements would be enfranchised against their will. Indigenous peoples lacking at least one Aboriginal grandparent (one-quarter Indian blood), and Anishinabe women who married ‘white’ men, along with their children, lost their status.<sup>144</sup> Such persons lost access to property, annuities and services on reserves. Officials claimed that if this had not been the case, non-Aboriginal spouses could gain an interest in Indian reserve land and resources in the event the marriage dissolved.<sup>145</sup> If it protected Indigenous women from white men with dubious motives, at the same time the Act ultimately forced ‘Indians’ with uncertain ancestry, and women and children, out of their communities and away from their culture and extended families.<sup>146</sup> Women who married non-Aboriginal men shared the same history and ‘blood’ as many of their relatives with ‘status.’ Despite this, their children became untraceable in subsequent censuses and they became “forgotten people.”<sup>147</sup>

As already discussed, executive officials had difficulty determining individual eligibility to what were already complex distributions of annuities and interest money long before the 1869 law. But after 1857, intrusion into the lives of couples, and women in particular, reached the height of absurdity. In a confidential letter to Talfourd, the Civil Secretary wanted to know how

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<sup>143</sup> Hall, *Civilising Subjects*, 47.

<sup>144</sup> 32-33 Vict. c.6, s.6. *An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31<sup>st</sup> Victoria, Chapter 42*, 22 June 1869. Women became members of their husband’s band. In the event they married men of Aboriginal ancestry from countries other than Canada, they lost their status as ‘Canadian Indians.’

<sup>145</sup> Binnema, “Protecting Indian Lands by Defining Indian,” 15, 24.

<sup>146</sup> Holmes, “Original Intentions of the Indian Act,” 19.

<sup>147</sup> Wicken, *Colonization of Mi’kmaw Memory and History*, 188. A reference to *The Long Journey of a Forgotten People: Métis Identities and Family Histories*, ed. Lischke and McNab.

the superintendent judged cases where white women married to Indian men lived together, what he did when the husbands were absent and what happened when husbands and wives lived elsewhere but attended on the date of distribution.<sup>148</sup> Correspondence suggests in the most difficult cases, the department took the path of least resistance, opting to simply limit entitlement rather than expend the effort to locate individuals or amend policies to accommodate their economic or social circumstances. Overall officials could reduce the number of ‘Indians’ on paper but they could not hide the reality of growing Indian poverty on and off reserve.

Though these policies were implemented initially for fiscal reasons, they also became an important tool in ‘civilizing’ Indigenous peoples. Reform groups like the Aborigines Protection Society, determined to create English-speaking Anishinabe Christian families, as well as missionaries and officials, hoped these laws would encourage the Anishinabe to marry within their own communities and form nuclear families.<sup>149</sup> As letters and petitions to the department demonstrate, the Anishinabe were reluctant to abandon their customs and many refused to conform to definitions of ‘Indian’ forced upon them. Some never married, and Quakgwán the chief at the Sable, seems to have retained the custom of keeping two wives. If it is true, only his Methodist wife appears in the public record. His other wife likely lived with him according to Anishinabe custom and kept well away from the prying eyes of officials.<sup>150</sup> In places like the Sarnia village, where private intimacies became public knowledge, survival rather than cultural preference dictated that interracial couples and their children conceal their identities. In the hands of authorities, the unscientific and subjective nature of the exercise of defining transformed into a powerful tool that could prevent non-compliant individuals from receiving their entitlements

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<sup>148</sup> LAC, RG 10/451, Higginson to Talfourd, 1 October, 1860, 258; RG 10/583, Higginson to Talfourd, 30 October 1860, Higginson to Talfourd, 8 May 1861, np.

<sup>149</sup> Neu and Graham, “Birth of a Nation,” 47-8.

<sup>150</sup> LAC, RG 10/570, Clench to Campbell, 22 September, 1849, np.



until they behaved in an appropriate manner.

Over time, the politics of identification also contributed to the growth of inaccurate data and statistics that did not reflect the conditions on or off reserves. In theory, but not in fact, the generations of men, women and children who lost their 'Indian status' diminished the overall number of Aboriginal people.<sup>151</sup> Fearing they could be struck off the list at any time, instances of intermixing and real evidence of spaces in the second half of the nineteenth century where Eurocanadians and Aboriginal people coexisted in a way their ancestors once envisioned remained hidden.<sup>152</sup> This contributed to the impression that reserves were culturally homogenous, completely divorced from the communities around them and that their inhabitants willingly chose to reject Eurocanadian society.

Evidence suggests that intercultural relationships across Canada declined in proportion to the economic, social and political distance placed between the two groups and the arbitrary inclusion and non-inclusion of individuals in particular categories.<sup>153</sup> In accordance with the law, every year after 1857, Talfourd had to enumerate the number of "half-breeds and illegitimate children" in each of the communities and submit the numbers to head office.<sup>154</sup> Walpole Island Chiefs appear to have controlled some aspects of this recordkeeping as Chief Buckwheat only identified six families or fewer than thirty people of mixed ancestry in October 1860.<sup>155</sup> In contrast, a more detailed report from Sarnia suggests that 'racialized' policies did result in an intergenerational decline in the number of children born of mixed ancestry in the village. Forty-six people claimed mixed heritage in 1860. More than two-thirds, or 34, were second generation,

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<sup>151</sup> Hamilton, "Anyone on the list might as well be dead," 57 & 60.

<sup>152</sup> Hele, "Manipulating Identity," 179-80.

<sup>153</sup> Wicken, *Colonization of Mi'kmaw Memory and History*, 188-9. This is particularly true of subsequent children of mixed ancestry, born off reserve.

<sup>154</sup> LAC, RG 10/451, Higginson to Talfourd, 1 October, 1860, 258; RG 10/583, 30 October 1860, 8 May 1861, np.

<sup>155</sup> LAC, RG 10/443, "List of Halfbreeds & Illegitimate Children as given by the Chief Buckwheat," 31 October, 1860, 727-728. This list did not include the Potawatomi because they were not entitled to monies.

born to a parent or parents who were themselves of mixed ancestry, and all but one set of parents had married in the church. In the same document, only eleven were first-generation, born to parents of mixed ancestry and of these, the list reported six as “illegitimate.”<sup>156</sup> Without further research, it is difficult to assess whether interracial couples actually declined in number, concealed their status, or lost their entitlements and moved off the reserve. Anishinabe leaders argued that women would evade legislation by consciously avoiding marriage, a prediction that evidently came true in many reserve communities.<sup>157</sup> By 1860, fewer recorded interracial couples married in the church or lived openly on the Sarnia reserve, and fewer children of mixed heritage were documented as born in the community as a result.

By the late 1860s, dire consequences sometimes awaited those who had identities foisted upon them by the state. Had he been alive in the 1860s, Peter Jones, whose father was English, would have been white, and the children, born of his English wife Eliza, white too.<sup>158</sup> In Sault Ste. Marie officials labeled Métis who lived in log homes and farmed as ‘white,’ whereas individuals of mixed heritage in similar circumstances further south were identified as ‘Indians.’ In 1840, former St. Clair Chief Wahpoose (George Menass) petitioned for the deed to his farm in Enniskillen which he had occupied before the land was purchased with Huron Tract annuities. While the government acknowledged that he had “a very strong claim,” they did “not know of any means of legal relief” for him. The Legislative Council suggested a licence of occupation be issued to him but the Indian department, who referred to him as a “half-Indian,” preferred to recognize his Anishinabe “half” instead of his European and would not approve it.<sup>159</sup> While

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<sup>156</sup> LAC, RG 10/443, “List of names of Halfbreeds and Children of Unlawful Parents of Sarnia Indian Reserve and Kettle Point...12 July, 1860,” 730-732.

<sup>157</sup> Shields, “The Grand General Indian Council and Indian Status Legislation,” 209.

<sup>158</sup> Smith, *Sacred Feathers*, 239.

<sup>159</sup> LAC, RG 10/436, “Minute/Order-in-Council...on the Petition of Wapoose, a Half Indian of the Tribe of Chippeways on the River St. Clair,” 20 February, 1844, 60-61.

other Eurocanadian settlers around him received deeds for land, he was denied even a licence of occupation, solely on the basis of his heritage. Indian Affairs records in the Western District contain dozens of appeals for justice where officials applied categories to the disadvantage of Anishinabe people.

Once an integral part of the formation of cultural alliances, the internalization of racial categories was a natural response to the prospect of having to admit and accommodate non-Aboriginal spouses and their children as ‘Indians’ without any additional funds for their support. By 1875, so many former residents wanted re-admission to the Anderdon Wyandotte reserve that the community feared they would be overwhelmed and “absorbed by whites.”<sup>160</sup> Thus in the face of negative fiscal consequences, the process of community integration and acceptance changed from ‘métissage’ or what Algonquin-Anishinabe-kwe scholar Lynn Gehl calls “redness,” (the combination of ancestry, values and philosophical world-view), to a status based solely on ancestry or blood-quantum.<sup>161</sup> Utilizing policy in the field, biology in the census and legislation, the state assumed the power, not only to define Indigeneity and bestow identities upon people, but to take them away.<sup>162</sup>

### **“Strangers among Us”**

Treaty entitlements and British parliamentary largesse, according to policy and tradition, belonged to Britain’s Indian allies who resided in the province and were of good moral character. The department could significantly reduce expenses if it could deny benefits to those who did not ‘deserve’ them. The term “undeserving,” would come to encompass a host of ‘immoral’

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<sup>160</sup> LAC, RG 10/455, Joseph Worrow, Wyandot Indian to David Laird, SGIA, 6 December, 1875, 435.

<sup>161</sup> Lynn Gehl, “How Red Should Natives Be, and How Should We Maintain this Redness?” *Ottawa Algonquin First Nation*, accessed 8 July 2010, [ottawaalgonquins.com/index\\_files/redindians.pdf](http://ottawaalgonquins.com/index_files/redindians.pdf).

<sup>162</sup> Hamilton, “Anyone not on the List Might as well be dead,” 79.

behaviors.<sup>163</sup> At this time it remained a label affixed to individuals who fought on the American side in the War of 1812, who were recent ‘American’ arrivals, or who could not prove they had sufficient ‘Indian’ ancestry.<sup>164</sup> Odawah and Potawatomi Chiefs petitioned the Prince of Wales in 1857, stating; “Great Chief! Altho’ we have no written words to remember by we still retain in our minds the promises made to us, and we felt when driven from our planting grounds and the graves of our dead that still we were coming Home when we crossed that River [the St. Clair] which marks the limits of their sway.”<sup>165</sup> British officials seized the opportunity to curtail the distribution of presents to “visiting” Indians after 1843, but found it difficult to distinguish ‘American’ Indians from ‘British,’ or ‘Canadian’ Indians. While officials acknowledged that past promises had to be honoured, Colonial Secretary Lord Stanley recommended in 1842 that officials stop encouraging Aboriginal people in the borderlands to live permanently in Upper Canada. In his opinion, “they add little or nothing to the strength of the Province, and are, of all settlers, the least desirable.”<sup>166</sup>

The elimination of presents the same year the 1857 Gradual Civilization Act passed meant that the use of collective annuities to pay communal expenses increased significantly. Individuals whose ancestors did not sign the Huron Tract Treaty did not receive annuities or goods paid in lieu of them, but the complexity of reserve economies raised serious and divisive questions. Did officials consider Huron Tract annuities to be communal funds and if so, were the items purchased with them only to be used by treaty signers and their descendants? Or were annuities, once paid into the hands of individuals, private funds? In either situation, did the ‘band’ or agent retain a say in their use? Unless individuals purchased goods through the

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<sup>163</sup> Brownlie, *A Fatherly Eye*, 117-18.

<sup>164</sup> *BPP*, Vol. 617 (1834), Thomas Wilson to R.W. Hay, 5 January 1832, 139.

<sup>165</sup> LAC, RG 10/453, Petition to the H.R.H. Prince of Wales from Potawatomies and Ottawas, 1857, 1-3.

<sup>166</sup> RG 10/457, Lord Stanley, Downing Street, 3 May, 1842, 1094-81098.

department, how could anyone prove that they were paid with annuities, wages or received in barter? Though agents discouraged the Anishinabe from engaging in private transactions and working for wages in town without permission, officials simply lacked the means to prevent them from doing so. Moreover, Anishinabe farmers able to purchase their own farm implements often did so because the communal use and repair of the few items purchased by the department caused conflict.<sup>167</sup> Eliminating presents not only increased reliance on annuities but empowered agents to insert themselves into band affairs under the guise of protecting communal funds and the movable property purchased with them.<sup>168</sup> Individuals who could not earn their own money had far fewer options.

Superintendent Pennefather denied that indebtedness and poverty were the direct result of the elimination of presents. Instead, he suggested that “the reckless and improvident” used the non-forfeiture provisions “as a method of defrauding their creditors.” The Six Nations accumulated so much debt to merchants that the department conducted an inquiry into the matter in the 1850s to adjudicate claims against them.<sup>169</sup> Most claims were for agricultural goods, livestock and labour and had been in arrears for nearly ten years. In addition to the language barrier, it was clear that many individuals had unresolved disputes with merchants over prices and quality of goods received. In these instances, non-payment remained the only recourse available to them.<sup>170</sup> Assumptions arising from this incident again convinced Eurocanadians that Aboriginal people were irresponsible with money, that they were incapable of dealing with merchants and that they did not have earned income on an individual basis.

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<sup>167</sup> LAC, RG 10/450, Vogler to Talfourd, 5 October, 1857, 612-13.

<sup>168</sup> *BPP*, No. 247 (1856), Bury to Head, 5 December, 1855, 28-29; No. 595 (1860), Pennefather to Head, 11 January, 1859, 28.

<sup>169</sup> *BPP*, No. 595, (1860), 28. This prohibition was lifted for a time so that Six Nations creditors could be paid out the annuities. However the inquiry led to more restrictive provisions on debt and reserve economies in the 1857 Gradual Civilization and 1869 Gradual Enfranchisement Acts.

<sup>170</sup> LAC, RG 10/784, Claims Against the Indians for Unpaid Debts, 1850-1854, 180748-874.

Pennefather's denials concealed a growing problem of reserve poverty among those unable to work and unwilling to break the rules. Growing class differences on the reserves appeared between reserve employees, annuity recipients, wage labourers, crafters, hunters and fishers, as well as the old, sick and young. As early as 1842, Keating noticed the 'better off' on Walpole Island and the other reserves assisted the poor and hungry.<sup>171</sup> Sometimes this was community assistance in the form of food or clothing and in other cases, the chiefs and councils voted to requisition small amounts from their annuity to alleviate distress. However, if the recipient was judged insufficiently 'deserving' the department could veto these decisions. In one instance Keating overruled the Walpole Chiefs and Council who wished to donate £25 to a poor widow.<sup>172</sup> Additionally, in the late 1850s, language in Indian department correspondence increasingly referred to entitlements and land payments as charity and relief,<sup>173</sup> making a mockery of Prevost's promises to support veterans, widows and orphans.

To alleviate poverty among the young and old, after 1856 the department issued blankets and permitted the distribution of annuity monies to "aged, infirm and orphaned Indians." While data for Walpole Island is incomplete, an average of 35 "aged Indians" in the community received a blanket in 1856 and 1858.<sup>174</sup> In a humiliating and condescending letter, the policy was described as a "special favour" given only upon recommendation to "the oldest and best conducted." A temporary expense that would decline in subsequent years, once a master list was compiled no more names could be added.<sup>175</sup> But assistance was needed by more than the old and infirm. The number of individuals left destitute by fire also increased substantially in this period. Belongings accumulated in log cabins or huts heated by open pit fires and wood stoves were at

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<sup>171</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Keating Report, 16 December, 1842, np.

<sup>172</sup> LAC, RG 10/571, Keating to Higginson, 23 June 1844, 18-9.

<sup>173</sup> Neu, "Presents for the Indians," 169.

<sup>174</sup> LAC, RG 10, Vol. 448, Walpole Island Oldest Indians, 28 August, 1856, 801-2.

<sup>175</sup> *GBPP*, Vol. 44, No. 247 (1856), Bury to Head, 5 December, 1855, 19.

the most risk when left unattended for extended periods of time while residents procured fish and game.<sup>176</sup> Even though four insurance companies operated in Port Sarnia, and two agents had extensive dealings with the Indian Department and Sarnia reserve as merchants and dry-goods wholesalers, I did not find any evidence that houses on the Sarnia Village were insured against fire.<sup>177</sup> Once again, community annuities bore the brunt of Indian department policy-failures. The cases of those who became sick or infirm or who lost their belongings to fire were brought before their Chiefs, Council and Indian Agent, where they were judged to be ‘deserving’ of community charity. In 1858, the Sarnia reserve council paid a total of \$340 and in 1859, \$295, out of their annuity to support infirm males, and widows, the aged and orphans. The former received between \$10 to \$50 and the latter, \$5 each per year.<sup>178</sup> After 1869, legislation empowered the Superintendent General to distribute “aid from the funds of each tribe” for the support of “sick, disabled, aged or destitute” residents.<sup>179</sup> The department judiciously maintained detailed lists of the entitled in each category to ensure that individuals, who were able to shift for themselves, did not receive them. Like other department charges, small amounts allowed for charitable purposes, did not make any measurable difference in the living conditions of recipients. Blankets and allowances provided little comfort while draining band accounts a dribble at a time.

While some suggest contact irreparably altered Anishinabek customs and practices,<sup>180</sup> in

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<sup>176</sup> LAC, RG 10/453, Sarnia Council Resolutions, 15 December, 1856, 19-20; RG 10/441, Petition, Chiefs and Principal Men of the Upper (Sarnia) Reserve to the Earl Cathcart, c. 1846, 575-6.

<sup>177</sup> Robert W.S. Mackay, *Canada Directory: Containing the Names of the Professionals and Businessmen of every description in the Cities, Towns, and Principal Villages of Canada* (Montreal: John Lovell, 1851), 282. The agents were W.B. Clarke of the Amsterdam Fire and Canada Life Insurance Companies and Alexander Young of the Equitable Fire Company.

<sup>178</sup> LAC, RG 10/443, List of Aged, Infirm and Orphan Children to be paid out of the Annuity payable to the Chippeways of Sarnia, 1 April 1858 and 1 April 1859, 737-8, 748-9.

<sup>179</sup> 32-33 Vict. c.6, s.8. *An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31<sup>st</sup> Victoria, Chapter 42*, 22 June 1869.

<sup>180</sup> See Binnema, “Protecting Indian Lands by Defining Indian: 1850-1876,” 31; Graham, *From Medicine Man to*

most cases, the chiefs supported some discriminatory measures in an attempt to alleviate growing fiscal and social problems in their communities. By the 1860s, several generations of Aboriginal people from the United States and other First Nations intermarried. While Chief Joshua Wawanosh disagreed, Chief John Summer recognized that policies confining them to reserves made out-marriage inevitable. He is quoted as saying, that “when we look at the towns &c. there are all sorts of people—English—French—&c. It is not strange there should be some mixture amongst us. We have strangers amongst us—men who married our sisters. It would not be proper to marry our own sisters.” Summer and some other leaders supported provisions in the 1869 and 1876 Acts that forced women to become members of their husband’s communities. New marital connections not only had the potential to improve their financial circumstances<sup>181</sup> but also to enlarge family and kin networks. Summer’s reference to marrying “sisters” suggests that small reserve communities had difficulty adhering to some Anishinabek kinship customs like cross-cousin marriage, to the extent that exogamy became spiritually and biologically imperative. Some elders believed that many social and economic problems in their communities resulted from “violation[s] of the incest-taboo against intra-nindoodem marriage.”<sup>182</sup> Though many of these policies disproportionately affected women, they represent attempts to reconnect the communities and reestablish Anishinabek kinship alliances. But as the next chapter will discuss, individuals and communities who were not consulted on legislation, had to creatively adapt policy to address circumstances that prevented them from living in smaller and more mobile clan and kinship groupings.

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*Missionary*, 91.

<sup>181</sup> Binnema, “Protecting Indian Lands by Defining Indian,” 30; LCA, file 10A-AD, Sarnia Addresses sent to Ottawa, Council House, Sarnia Reserve, 8-9 October, 1879; Curnoe, *Deeds/Nations*, 100, 128. John Summer [also Sumner, fl. 1871-1885] was an Ojibwa Chief on the Sarnia Reserve who traced his lineage through his father Kahka-gezehighk and grandfather Chief Petahdick who signed the Huron Tract Treaty.

<sup>182</sup> Bohaker, “Anishinabe Toodaims,” 112.



Until well into the 1860s, the original treaty and incomplete paylists were the only documents available to agents and interpreters. This forced H.P. Chase to rely on the chiefs to identify descendants eligible to receive the annuity. By 1850 there were more than 225 on Walpole Island alone.<sup>183</sup> This control sometimes benefitted individuals who, under laws passed after 1857, might otherwise have been ineligible to receive them. But by its very subjectivity, identity and belonging could be used by chiefs, councilors, department employees and individuals, as tools to resolve disputes on reserves and punish dissenters. The ability to add or strike individuals off lists gained greater consequences as the department acquired more permanent and accurate methods of taking censuses and keeping other forms of records from year to year.<sup>184</sup> Similarly, vague moral judgements found in legislation like “sober and industrious,” “conducted himself to their satisfaction” and attained a sufficient “degree of civilization” not only masqueraded as legal terms, but found their way into agent reports as markers of deservedness for various entitlements.<sup>185</sup> Shifting the control of membership away from the chiefs and councilors meant that the ‘undeserving’ could not only lose their annuities. In some cases, they and their descendants could be ejected from the reserve and permanently impoverished as a consequence.

Because officials remained unwilling to recognize Anishinabe people as sovereign and independent of either the United States or Canada, they treated them as an uncontrollable element in the borderlands when convenient. In attempts to discredit and reduce claims to British ‘generosity,’ officials often questioned the loyalty of individuals who resisted policy. Some were

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<sup>183</sup> LAC, RG 10/436, Chase to Clench, 27 April, 1847, 602-604.

<sup>184</sup> See Hamilton, “Anyone not on the List Might as well be dead,” 58.

<sup>185</sup> 20 Vict. c. 26. s. III, IV. *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws Respecting Indians*, 10 June 1857, 85.; 32-33 Vict. c.6, s. 13 & 14. *An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31<sup>st</sup> Victoria, Chapter 42*, 22 June 1869.

referred to as ‘American Indians’ or ‘American emigrants’ and others, like Bauzhigeeshigwashekum were accused of fighting on the American side in 1812 and branded American sympathizers.<sup>186</sup> Though these monikers were synonymous with treachery and treason, the estimated 3000 Miami, Shawnee, Delaware, and others invited by Alexander McKee as well as several thousand more Chippewa and Potawatomi who came in the 1830s and 1840s possessed only vague memories of their youth in what was now a foreign country.<sup>187</sup> Other Chippewa who signed treaties in Minnesota, Wisconsin and Michigan, arrived as late as 1855, and many more passed the border unrecorded and settled in communities with the permission of various chiefs.<sup>188</sup> Because they fought to retain their language, culture and spiritual beliefs, the Western Anishinabe and the St. Clair Chiefs in particular found themselves frequently characterized as ‘American’ in origin and ‘defiant’ in attitude.<sup>189</sup> The Potawatomi came to embody the worst of all ‘Indian’ stereotypes. They were characterized as American, “wild, turbulent, mendicant, and dishonest,” averse to civilization and a nuisance to their neighbours. Roaming the back townships, officials and farmers alike accused them of spending their days drinking, hunting and wasting what little game they could find. Most arrived destitute because federal officials forced them to leave their personal property behind. They remained poor because they lost their treaty annuities and land entitlements for leaving the United States and were not eligible for similar consideration under the terms of the Huron Tract Treaty.<sup>190</sup> While the government initially invited all of the Western Nations to settle in Upper Canada, after the presents were discontinued in 1857, it would not provide any additional funds for their support.

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<sup>186</sup> Smith, “Bauzhi-geezhig-waeshikum,” *DCB Online*, accessed 31 March, 2013. [www.biographi.ca](http://www.biographi.ca).

<sup>187</sup> Bellfy, *Three Fires Unity*, 98; LAC, RG 10/2022, Investigation into the Right of Certain ‘American’ Indians to Reside on Walpole Island, Kettle Point and Sarnia Reserves, 1877-1887, irregularly paginated.

<sup>188</sup> See Bellfy, 112-113 & Table 6: Chronological Listing of Anishinaabeg Treaty-Signings, Appendix; Rogers, “Algonquin Farmers of Southern Ontario, 1830-1945,” 122-124.

<sup>189</sup> Curnoe, *Deeds/Nations*, 96-7.

<sup>190</sup> Richardson, *Tecumseh and Richardson*, 108 & 112; *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, Keating letter, 16 December, 1842, np.

There was little if any documentation from the colonial era that could ‘prove’ the origins of people whose ancestry hitherto did not matter and whose world had been “turned upside down.”<sup>191</sup> Many chiefs welcomed them and until the 1860s, used marriage and adoption to control community membership. Several widows or women widowed shortly after arriving in Canada married ‘treaty Indians.’ By doing so, the entire family received the annuity, including any children from their former husbands if their new spouse adopted them.<sup>192</sup> But with the elimination of presents, the time one arrived in Upper Canada and ancestral ties to the original 440 Huron Tract treaty signers carried new and enormous financial implications. While the Chiefs on Walpole Island appear to have ignored these distinctions,<sup>193</sup> on the other reserves the original 440 had become nearly 1200. By the late 1860s and there was not enough money and not enough land for all of them. On the northern reserves, non-treaty descendants acquired incomes and considerable power as chiefs and councilors, and “the strangers became the Majority.”<sup>194</sup>

In an effort to clarify the various rights and entitlements of individuals on the reserves, Joseph Wawanosh and some descendants of the original treaty signers initiated an investigation into “foreign Indians” in the 1870s. The dozens of individual interviews of Anishinabe people are a precious historical resource documenting the early history and placement of various peoples in the Great Lakes, but they also tell a story of wartime displacement and separation, as the international boundary severed their territories and reserves divided their families. Defining origin and allegiance in a world of shifting boundaries was as difficult as determining identity

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<sup>191</sup> Calloway’s book of the same name chronicles the turmoil of the period and its effects on Aboriginal peoples.

<sup>192</sup> LAC, RG 10/2022, file 8520-3, Investigation into the Right of Certain ‘American’ Indians to Reside on Walpole Island, Kettle Point and Sarnia Reserves, c.1877, irregularly paginated.

<sup>193</sup> Shields, “The Grand General Indian Council and Indian Status Legislation,” 211.

<sup>194</sup> LAC, RG 10/2022, file 8520-3, Investigation into the Right of Certain ‘American’ Indians, Sarnia Reserve, 3 October, 1878.

and the intense scrutiny into family histories had tragic consequences. Antoine Rodd, then 80 years old, signed the Huron Tract Treaty and had always received annuities along with his wife and children. According to a list of “Halfbreeds” made on the Sarnia Reserve in 1860, Rodd was born of “halfbreed parents in wedlock” and he personally stated his mother “was a pure Indian.” But after the investigation, the Indian Agent wrote to headquarters to state that Rodd’s father was the “illegitimate son of an Indian woman...and a French Canadian.” On this basis and because he was also married to a white woman, his children had “very little” Indian blood, and none of them could be considered ‘Indians’ according to the Indian Act.<sup>195</sup> Indian agent Ebenezer Watson remained unsure when individuals became “Canadian,” when they became “British” and when they remained ‘American.’ However, after 1869, with some confidence he felt he could determine when they were not ‘Indians’ and to remove their benefits as a result. Andrew Nageeshig, an elderly 1812 veteran wrote “our Fathers lived some on one side of the River and some on the other...”<sup>196</sup> At one time it had not mattered.

The creation of multiple hierarchies of status, further divided people of Aboriginal ancestry from each other, interfering with their ability to control their own membership. The thrust of the subsequent 1869 *Act for the Gradual Enfranchisement of Indians and the better management of Indian Affairs* is contained in the title—Aboriginal people had to be managed until they could be enfranchised. Assimilation paired with nation-building meant that enfranchisement would be made compulsory. It was said in 1829 that Indian “improvement has

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<sup>195</sup> RG 10/2022, file 8520-3, Investigation into the Right of Certain ‘American’ Indians to Reside on Walpole Island, Kettle Point and Sarnia Reserves, c.1877, Sarnia Reserve, 3 October 1878 and Ebenezer Watson, Sarnia, to Min. of Interior, 15 Mar, 1879, 02833.

<sup>196</sup> LAC, RG 10/2022, file 8520-3, Investigation into the Right of Certain ‘American’ Indians, Sarnia Reserve, 3 October, 1878; LCA, file 10A-AD, Sarnia Addresses sent to Ottawa, Council House, Sarnia Reserve, 8-9 October, 1879. Curnoe, *Deeds/Nations*, 75. Andrew Nageeshig or “Pointing Cloud” [fl. 1843-1875] was the grandson of Chief Mashkeash, a signer of the Huron Tract Treaty.

been so great and rapid within these few years, that the hand of God seems to be visible in it.”<sup>197</sup> But by forcibly attempting to assimilate Aboriginal people into British society and culture at a faster rate, legislation passed in 1869 effectively curtailed attempts to co-exist that were being made or might have been made. Speaking English, reading and writing or possessing other skills and education effectively put Aboriginal people at the risk of enfranchisement. Moreover, involuntary enfranchisement provisions targeted those best able to ‘see with two eyes,’ removing them from the communities and discouraging others who might follow. Anishinabe people responded with a renewed Indigenous political awareness, through which they would create their own parallel path, whether the Canadian state recognized it or not. “Traditional patriarchs” in Ontario, though they faced renewed challenges, covertly corresponded in Ojibway, visited England, confronted the Prince of Wales and met annually in Grand Indian Councils to formulate their own policies and hold governments to account for their actions.<sup>198</sup>

Métissage and intercultural interactions that once fostered co-existence and cooperation between the Anishinabe and other First Nations and Eurocanadian settlers by 1869 threatened their very existence. Confederation and the passage of legislation in 1869 represented an attack on Indigenous governance itself. Rev. Allen Salt, formerly of the Sarnia Indian Village, “wanted four natives in the House of Commons, in Ottawa, to represent the different tribes.”<sup>199</sup> In June 1870, delegates at the General Council agreed that it was “the position of the Indians of Western Canada...to have their interests more consulted by the Government, to allow them more weight in their own affairs. The Council voted to study the 1869 legislation in detail, “consider it carefully” and “reject what, is bad and keep what is good.” The Council ultimately rejected

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<sup>197</sup> *BPP*, Vol. 617 (1834), Lord Bishop of Quebec to Sir James Kempt, 22 April 1829, 53.

<sup>198</sup> LCA, file 10A-AD, Sable and Kettle Point Chiefs to Joshua Wawanosh, 17 September 1867; LAC, RG 10/436, Carey to Clench, 6 May, 1848, 514-15.

<sup>199</sup> *The General Council of the Six Nations and Delegates from Different Bands in Western and Eastern Canada*, Jun 10, 1870 (Hamilton, ON: Hamilton Spectator Office, 1870), 16, 21, 25-27.

almost all sections of the Gradual Enfranchisement Act because they transferred control of land, membership and money from the authority of communities and their leaders to the federal government.

While the confederation debates and *British North America Act* excluded Indigenous peoples almost entirely, it would later become apparent that they could not expect acceptance in Ontario either.<sup>200</sup> The premise that Aboriginal people would assimilate and the two cultures would merge “into a harmonious and egalitarian society” was “naïve.”<sup>201</sup> While Herman Merivale desired an “amalgamation” or the “acculturation” of the ‘races,’ by 1867 neither could be reconciled with what McNab calls the “dark side of responsible government.” The estimated 12,000 Aboriginal people in Ontario and 120,000 ‘Indians’ in the new county<sup>202</sup> became representations of the past rather than partners of the future, symbolizing “the primitive condition of the colonies before the colonizers had laid on the hand of progress.”<sup>203</sup> Transferred to Canada, “Indians and lands reserved for Indians” would be managed between 1869 and 1875 by the Enfranchisement Act. In 1876 the Consolidated Indian Act nationalized and legalized the inherent incompatibility of Indianness and civil rights in Canada.<sup>204</sup>

## Conclusion

Recommendations of the Bagot Report forced colonial officials to make extremely difficult decisions based on incomplete and inconclusive data. Their demands for regulation and information could not be reconciled with circumstances as they existed in Upper Canada. Instead of relying upon the expertise of the people they sought to manage, officials too often made

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<sup>200</sup> Smith, “Macdonald’s Relationship with Aboriginal Peoples,” 68-70.

<sup>201</sup> George W. Stocking, *Victorian Anthropology* (Don Mills: MacMillan, 1987), 85.

<sup>202</sup> McNab, “Herman Merivale and the British Empire,” 203 & 215 and *No Place for Fairness*, 21; Miller, “Canada and the Aboriginal Peoples,” 171 & 173.

<sup>203</sup> Radforth, “Performance, Politics and Representation,” 4.

<sup>204</sup> Berkhofer, *White Man’s Indian*, 29.

assumptions and generalizations based upon the recommendations of local self-proclaimed experts, many of whom had little experience or evidence farther than the tip of their nose. In the 1850s Indigenous communities sat on a precipice: reports consistently demonstrated that Anishinabe people had the desire, health, and aptitude to be partners. Acknowledging that it was “impolitic to keep a large body of people in a state of tutelage for ever,”<sup>205</sup> government officials could either commit public funds and energy to work with First Nations leaders to create something akin to sovereign Anishinabe municipalities, or they could give up and withdraw support altogether. They chose the latter. Beginning in the mid-1840s, minimal policies maintained a façade of assistance as communities in most cases they were “left to fend for themselves.”<sup>206</sup> By Confederation ‘Indians’ would be a group apart, defined by blood, and confined to reserves.

But it did not have to be this way and many First Nations refused to accept this proposition. Peter Jones and others continued to ‘see with two eyes;’ to advocate for property rights, for the vote and economic development—while retaining their culture and worldviews. The next chapter shows how Quakgwan utilized the legislative ambiguity between 1839 and 1850 to his advantage by raising funds to purchase land in Bosanquet Township. The underlying themes of this study are taken from the major events in Quakgwan’s life. He devoted his life to finding ways to co-exist with Eurocanadians while maintaining his independence and self-sufficiency. He ultimately became the trustee of his own village and formed beneficial relationships with non-Aboriginal residents in the adjacent community who supported him in his endeavour: for a time Quakgwan had the best of both worlds. But Quakgwan’s experiences demonstrate that irrespective of the presence of legislation, self-interested members of the Indian

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<sup>205</sup> LAC, RG 10/457, Memorandum, George Vardon, 22 August, 1842, 81021-81032.

<sup>206</sup> McNab, “Herman Merivale and the British Empire,” 215.

Department could manipulate policy and local circumstances to characterize the Anishinabe leader as a troublemaker and turn his people against him. This occurred years after the 1839 Crown Lands Act and mere months before the passage of the 1850 Act for the Protection of Indian Lands, legislation that would not protect Quakgwan's land because he would not allow the state to define him.



## **Chapter 6: A ‘Lot’ in Common: Quakgwan’s Settlement in Bosanquet Township**

In 1849, Quakgwan, a St. Clair Chief, 1812 veteran and Huron Tract Treaty signer, petitioned the Governor General for the deed to one hundred acres of land he had purchased with several others in 1840. On this lot, southeast of the Sable Reserve, Quakgwan lived in a large log home and the ‘band’ made extensive improvements, cleared the land and planted crops. Over the course of nearly ten years, the residents cultivated friendships and sought assistance from their neighbours to sustain their village. Leading them steadily towards self-sufficiency and independence, this community represents the kind of co-existence envisioned by First Nations leaders in 1825. A shining light in what has otherwise been an overwhelming discourse of Anishinabe struggle and imperial policy failures, this settlement might have just been the solution everyone was looking for...had officials allowed it to continue.

In the wake of the 1844-5 Bagot Report, officials pressured “wandering bands” to relocate themselves on established reserves where they could be “civilized” in a more intensive and cost-effective manner. Officials targeted Quakgwan as part of this aggressive removal strategy in 1847 demanding that he resettle the community either at Sarnia or on Walpole Island. The chief reluctantly agreed to surrender the land to the Crown but only under two conditions: he wanted the land and improvements sold at fair market value and the proceeds equally divided between the residents who had expended the effort. Curiously, not long after, the community fragmented and the families who settled with him primarily moved to Sarnia. Determined to stay on the land, Quakgwan petitioned the Governor General to have the deed sent to him. Thus, in 1849 in Upper Canada, a “Chippewa Chief”, member of the Sarnia reserve and recipient of treaty annuities, stood poised to take possession of a lot of land in fee-simple. He would be legally recognized as both an “Indian” and a “freeholder,” entitled to participate fully in the social,

economic and civic fabric of both Indigenous and Upper Canadian communities. Authorities, no doubt aware of the precedent this would set, denied Quakgwan his deed allowing the Indian Department to intervene and sell his land to the son of a prominent UEL, Allen Kennedy who eventually became a reeve and magistrate.<sup>1</sup> In the spring of 1851 as he prepared to embark the sixty mile journey to Walpole Island, Quakgwan suddenly died and the Chippewa Indians of Port Sarnia received the proceeds of the sale of the lot.<sup>2</sup>

Self-sufficiency and prosperity should have followed passage of the 1839 Crown Lands Act. But as already discussed, without enforcement, Anishinabe lands and resources could be taken at any time, and they often were. Anishinabe and Eurocanadian communities grew distant and fearful of each other as they competed for dwindling resources. Legislation passed in 1850 combined earlier land and debt restrictions into what we now know as legal wardship.

Increasingly restrictive acts sought to define ‘Indigeneity’ by blood, confine them to reserves and curtail their participation in Upper Canadian society unless they enfranchised and renounced this status. Though this latter period is well-known, this chapter discusses Quakgwan’s community in the context of evolving definitions of Indigeneity, status, and landholding in Upper Canada. Aboriginal landholding strategies in Upper Canada prior to 1850 are complex and fluid, defying characterization according to Western notions of legal tenure. As a result of policy, local circumstances and personalities, ideas that Anishinabe peoples were a collective in need of protection evolved in Upper Canada as options available to Indigenous peoples declined. In the latter half of the 1840s, under these auspices, officials justified the

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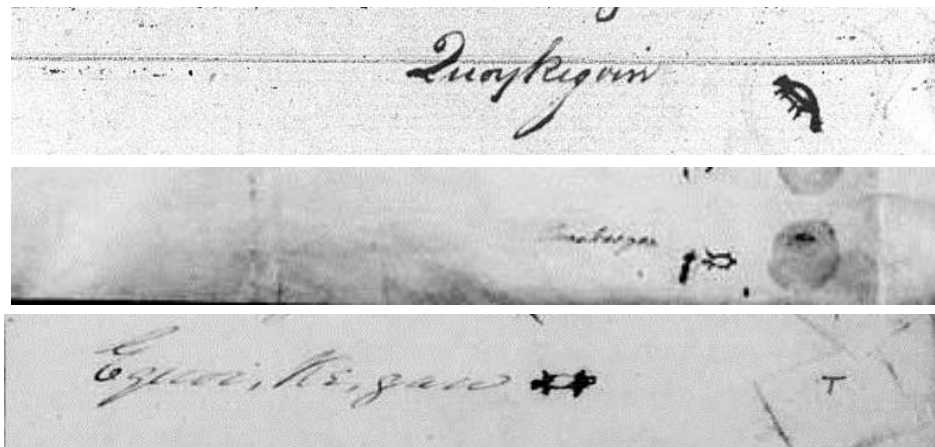
<sup>1</sup> Ward Cemetery Plaque, 9411 Sitter Road, Municipality of Lambton Shores, Ontario; Beers, *Commemorative Biography*, 25-28; LAC, RG 10/441, “Land the Natives sold at the Sable Belonging to Quakegwan’s Band,” 5 February, 1850, 311. Allen Kennedy [1817-1895], son of Minister Morris Kennedy [1794-1886], became a Reeve and Justice of the Peace in the township of Bosanquet. He and his many siblings managed family landholdings in Lambton, Halton County and Magnetawan Township where he is buried.

<sup>2</sup> LAC, RG 10/570, Clench to Bruce, 19 June, 1851, np.

confiscation and sale of Quakgwan's land.

Quakgwan embodied "two-eyed seeing," and his settlement is indicative of what might have been had Anishinabe peoples controlled their own destinies. He and the other St. Clair Chiefs historically portrayed as superstitious traditionalists who stubbornly clung to their old ways, simply refused to sacrifice their own cultural beliefs as a prerequisite for economic coexistence with Eurocanadians. Quakgwan spent his youth immersed in some of the worst fighting in the Northwest, and as a young man, he and the St. Clair Chiefs fought alongside Tecumseh in the War of 1812.<sup>3</sup> These experiences would not soon be forgotten and Anishinabe leaders exercised greater caution and exhibited considerably less optimism in peacetime, as a result.

**Figure 14: Quakgwan's Dodems (Totems):**



**Sources: Top:** LAC, MG 19 F1, Claus Papers, Vol. 11, 1819 Provisional Agreement, 190; **Middle:** RG 10/1843, IT 087, 1825 Provisional Agreement; **Bottom:** RG 10/1843, IT 091, 1827 Huron Tract Treaty.

Quakgwan attended three of the four 'official' Huron Tract Treaty gatherings. Soon after the War of 1812, he was shot in the face and permanently disfigured during a disagreement with

<sup>3</sup> Nin.Da.Waab.Jig, Walpole Island Heritage Centre, accessed at LCA, file 10B-A, Kettle Point & Stoney Point, Declaration of George Ashqugonaby in favour of the descendants of Chief Wapagace..." c.1880, Plain, *Plains of Aamjiwnaang*, 80.

“an old Indian.” As a result, he may have been too injured to attend the council and hear Chawme’s speech at Amherstburg in 1818.<sup>4</sup> Quakgwan did sign the three subsequent agreements with what appear to be two forms of beaver totems (see figure 14 above).<sup>5</sup>

Amherstburg post records reveal that Quakgwan received presents along with a number of other men, women and children between 1820 and 1825.<sup>6</sup> Listed as a “Deserving” Chief and Warrior, he sustained serious injuries fighting in the War of 1812 and received presents “of a finer texture” and quantity as his pension. Observing the distribution of the presents conducted by Chase and Clench in 1848, author John Richardson no doubt watched as Quakgwan received a “beautif[ul] white blanket tied up at the corners...containing cloth for leggings and breech-clouts, Cavendish tobacco, thread, needles, knives, combs, linen for shirts, &c.,” as well as “three day’s ration of pork and flour,” and a shawl.<sup>7</sup> The life histories of this “last generation” of Anishinabe leaders in southwestern Ontario, according to historian Donald B. Smith, are absolutely vital in order to contextualize Anishinabe responses to colonialism. Quakgwan and this generation of Chiefs on the St. Clair, not only had “direct memories of...life before the War of 1812,” but of a time after its conclusion when they “were promised great things.”<sup>8</sup>

Like many Indigenous veterans, Quakgwan came to Upper Canada, permanently camping on Squirrel Island, one of six that make up Walpole Island First Nation (Figure 15 below). Intrigued by the prospect of learning to farm at the Sarnia Village, he leased part of this land in November 1831 to Duncan and Dougal McDonald of Sombra for a term of twenty-one years.<sup>9</sup> Like other leases he agreed to on the St. Clair, the McDonald lease should have protected the

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<sup>4</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 677.

<sup>5</sup> LAC, MG 19 F1, Claus Papers, Vol. 11, “Minutes of a Council held at Amherstburg, 16<sup>th</sup> October 1818”; Holmes, “Upperwash Commission of Inquiry Historical Report,” Appendix B: Chief’s Names and Totems, 79-81.

<sup>6</sup> DPL, George Ironside Papers, Box 16, Folder 4, 13 October, 1820.

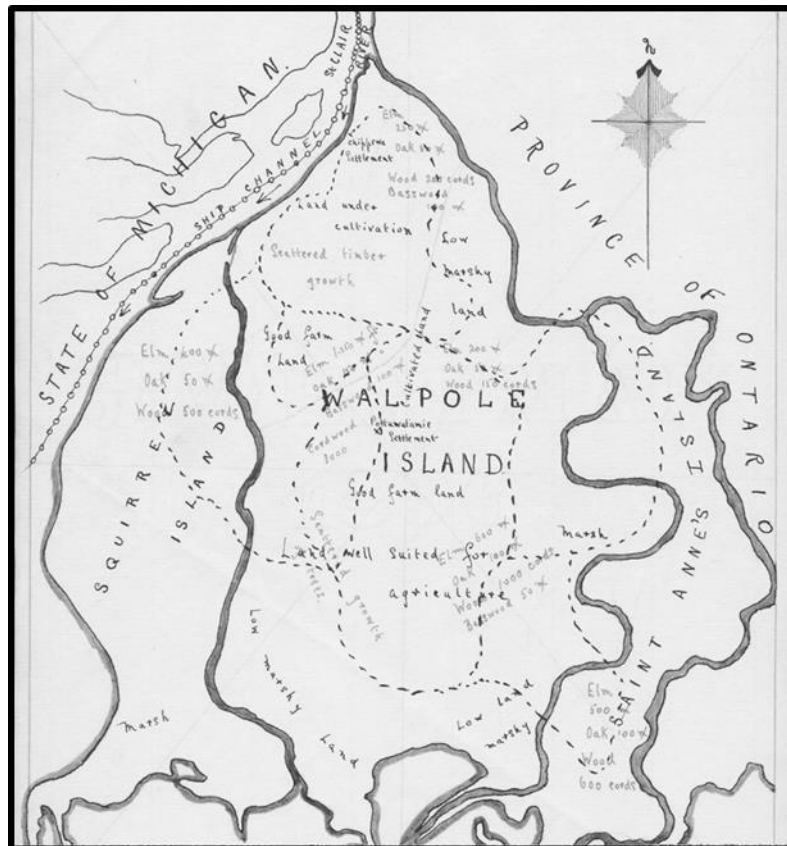
<sup>7</sup> Clifton, *A Place of Refuge for all Time*, 34; Richardson, *Tecumseh and Richardson*, 59-61, 101.

<sup>8</sup> Smith, *Mississauga Portraits*, 242, 244.

<sup>9</sup> LAC, RG 10/121, No. 35, Petition, Hugh Alexander & Neil McDonald, 6 January 1845, 5134-5. Quakgwan’s totem appears on Isabel Fraser’s lease (See Figure 13).

land from squatters and earned Quakgwan rental income while he was away. When the lease expired in 1852, should he wish to return to Walpole Island, he would come home to a house and improved farm.

**Figure 15: Plan of Walpole Island Indian Reserve, c.1915.**



**Source:** LAC, RG 10 M78903/78, Cartographic Material, File 442626 pt. 1, Box 2000002033, Microfiche NMC27435.

Anishinabe chiefs chose the locations of the reserves but had no say afterwards in the development of civilization policy.<sup>10</sup> As Quakgwan and other leaders of small family groups gathered together on reserves, disagreement, dissention and conflict divided them, making it more difficult to resist more coercive aspects of the civilization program as a unified force. Historically, Anishinabek political structure was ‘flat’ or exercised on the basis of consensus

<sup>10</sup> Holmes, “Original Intentions of the Indian Act,” 6 & 15.

rather than in a hierarchical order.<sup>11</sup> One person did not hold administrative power for the entire community or the authority to speak on their behalf but some like Joshua Wawanosh rose to this role at the Sarnia Village simply because the government demanded it of them, particularly after the implementation of elected councils. British officials tended to support those they deemed most compliant and foisted artificial designations onto Anishinabe political and family structures.<sup>12</sup> The department considered Quakgwan a “Chippewa Chief” and those who accompanied him as “his band.” He represented the group, perhaps because he was adept at dealing with Eurocanadians, but unlike Wawanosh, he seems to have reluctantly accepted this role and exercised it in a limited capacity.

Tested by a number of complex issues that came to a head in the early 1840s, Anishinabe councils found it difficult to achieve consensus.<sup>13</sup> Mounting debts and delayed and poor quality goods caused hardships, made worse by the fact that between 1837 and 1839, Munsey Town, Walpole Island and the Upper and Lower St. Clair Reserves did not receive presents. Though the department blamed supply issues caused by the Rebellions of 1837-8, previous chapters argue this is only one of many problems communities faced with respect to presents.<sup>14</sup> The communities welcomed Chippewa and Potawatomi fleeing removal in the United States, but the new arrivals strained already meagre resources. By virtue of population alone, Sarnia out-voted the other communities on a regular basis.<sup>15</sup> Further disruption came at the hands of a succession of Methodist and Church of England Missionaries who barely had time to establish a routine of school and religious instruction before their transfer to other locations. Until the Methodists built

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<sup>11</sup> Plain, *Ways of Our Grandfathers*, 2.

<sup>12</sup> Gulewitsch, *Chippewas of Kettle and Stony Point*, 17.

<sup>13</sup> LAC, RG 10/437, Thomas Fisher, to Clench, 3 September 1847, 249; RG 10/436, Chase to Clench, 24 September 1846, 580.

<sup>14</sup> LAC, RG 10/438, Colonial Secretary to Lieutenant General Charles Murray, The Earl Cathcart, 16 February 1846, 165.; RG 10/441, Walpole Island Petition to the Governor General of British North America, Clench Papers, 563-564.; AO, F454, *WJLB*, Jones to Jarvis, 12 December, 1839.

<sup>15</sup> Gulewitsch, *Chippewas of Kettle and Stony Point*, 17-18.

a separate church in town in 1837, Eurocanadian residents of Port Sarnia worshiped at the Anishinabe Methodist Church and Schoolhouse on the reserve and buried their dead together in the cemetery. But by 1840, the services were largely divided by race and held in separate locations.<sup>16</sup> In 1861, all but 19 residents of the Sarnia Village were identified as Wesleyan Methodists. With this majority, Sarnia became known as the Christian Village while the “pagans” remained at Walpole Island and at Kettle and Stony Point. On Walpole Island, though the majority were ‘pagans;’ under the influence of Andrew Jamieson, they had a large number of Church of England converts, a slightly smaller number of Wesleyan Methodists and even fewer Roman Catholics.<sup>17</sup> Quakgwan’s Methodist leanings may have provided the impetus for his move from Walpole Island to Sarnia.

In terms of the degree and manner in which they dealt with non-Aboriginals, the chiefs differed philosophically and politically. Joshua Wawanosh believed that surrendering some reserve land and resources to people of influence like Malcom Cameron were gestures of goodwill that cemented partnerships and secured funds for the Sarnia community.<sup>18</sup> Other St. Clair Chiefs, fearful that too much conciliation was at their expense, disagreed. The fact that Sarnia could numerically overpower them in council votes made Wawanosh’s leadership appear “overbearing and dictatorial.”<sup>19</sup> Quakgwan seems to have been one of the Head Chief’s harshest critics. In November 1839, William Jones wrote that four families, who could “no longer endure the arrogance of Waywanosh,” left Sarnia and “several others...intend going away for the same reason.”<sup>20</sup> By the 1840s, “traditional patriarchs” like Peterwegeshik, Joshua Wawanosh and

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<sup>16</sup> John Morrison, *The Central Methodist Church, 1832-1919: Sarnia Methodism*, Sarnia, CIHM 80557, 9-10.

<sup>17</sup> LAC, RG 31, *1861 Census of Canada West*, Lambton County, Chippewa Indians Belonging to the Sarnia Band in the Townships of Sarnia, Bosanquet, Enniskillen and Walpole Island, 39-64.

<sup>18</sup> McHugh, “The Politics of Historiography,” 180.

<sup>19</sup> Plain, *Plains of Aamjiwnaang*, 105.

<sup>20</sup> AO, F454, *WJLB*, Jones to Jarvis, 14 November, 1839.

Wahpagas, though they disagreed in their approaches, sought creative ways to evade and deflect the intrusion of departmental administration into their affairs.<sup>21</sup>

Quakgwan's experience suggests that by 1840, it was already difficult for Anishinabe in the district to leave a reserve and strike out independently of the department. In the midst of the debt and land crisis precipitated by the questionable dealings of Jarvis, Keating and Jones, the Western Superintendency spiraled into dysfunction, fed by rumours of inappropriate behavior involving agents, chiefs, missionaries and interpreters at Walpole Island and Sarnia. Wawanosh was removed in 1844 and the department overhauled, but until then, both Wawanosh and Jones wielded considerable power to thwart Quakgwan's success and make a return to Sarnia impossible.<sup>22</sup>

In 1839, Quakgwan walked away from a house and ten acres of cleared land in the Sarnia village.<sup>23</sup> His dodem [totems] and those of his brother and several others, who settled with him, suggest the majority were members of the beaver clan. Consequently, he and those who went with him must have felt it absolutely necessary to leave and re-establish themselves in smaller kin or clan groupings of the pre-treaty period.<sup>24</sup> Before he left, Quakgwan asked Jones to vouch for him in a "certificate," stating that they were not "defiant" and leaving on good terms. If Quakgwan felt he had to have written proof of character to show his neighbours, did they in turn feel obliged to seek the Indian Agent's permission before dealing with him? If this is true, it suggests that Jones could discourage merchants or 'blacklist' individual Anishinabe he deemed 'troublesome.' Either scenario opens a disturbing window into the nature of the power that Jones

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<sup>21</sup> Gulewitsch, *Chippewas of Kettle and Stony Point*, 18.

<sup>22</sup> For a detailed analysis of this situation, see Telford, "The *Nefarious* and Far-ranging Interests of Indian agent and Surveyor John William *Keating*, 1837 to 1869," 382-3; McHugh, "The Politics of Historiography," 180-1.

<sup>23</sup> *JLAPC*, 1847 Report on the Affairs of the Indians, Return of Indians possessing houses on the Upper Indian Reserve... William Jones, 3 August 1839, np.

<sup>24</sup> Gulewitsch, *Chippewas of Kettle and Stony Point*, 18; LAC, RG 10/441, Sarnia Petition for Assistance, 27 February, 1854, 596-8.



and agents in general wielded in their communities. Regardless of the circumstances under which he left, Jones did not give Quakgwan the letter.<sup>25</sup>

Quakgwan did not go to the reserve at Stony Point which had a population of about fifty people in 1839 under Chief Wahpagas. The residents of Stony Point found it difficult to farm the sandy soils and repeatedly sought to exchange it for better land containing maple groves. At the 1818 council, Chawme insisted that they retain the right to “augment” the reserves.<sup>26</sup> Twenty years later the chiefs reminded Jones of this promise. They retained the right to control their reserves, to control the funds arising from their land sales and to purchase more land “from the Government or from the individuals who may have located on such places.” In 1836 the chiefs approached Jones unanimous in their desire to trade or sell the Sable and Lower (Moore) Reserves for several “small tracts of land.” One month after Quakgwan left, Sarnia’s frustrated Chiefs again demanded to know when they could purchase land.<sup>27</sup>

Locating himself southeast of the Stony Point Reserve, Quakgwan returned to an area where large chert and flint deposits at Kettle Point had attracted Early Archaic hunters. The Crawford Site, located just east of Quakgwan’s lot was a “densely populated” village, occupied long before the Attawendaron/Neutral and their displacement by Iroquoian peoples in the 16<sup>th</sup> and 17<sup>th</sup> centuries.<sup>28</sup> During the occupation of the region by the Neutral, the emergent Western Chippewa hunted and fished in the St. Clair River and Michigan region and returned after 1701. As one resident of the Sable notes, “we were one of several Nations, organized under traditional Chiefs. We did not live in one location, but migrated seasonally throughout our territory which

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<sup>25</sup> AO, F454, *WJLB*, 14 November 1839.

<sup>26</sup> LAC, MG 19 F1, Vol. 11, “Minutes of a Council held at Amherstburg, 16<sup>th</sup> October 1818,” 95-96.

<sup>27</sup> AO, F454, *WJLB*, Jones to Jarvis, 1 December, 1839; 6 March 1836; McHugh, “The Politics of Historiography,” 179-80.

<sup>28</sup> Gulewitsch, *Kettle and Stony Point History*, 2, 5; Wilfrid Jury, *Crawford Prehistoric Village Site*, Museum of Indian Archaeology, Bulletin No. 7 (London: Museum of Western Ontario, 1948), 2, 7-8. The location is north east of the present town of Thedford on Lot 21, Concession 1, Bosanquet Township, Lambton County.

included southwestern Ontario. We used the available resources of the local river valleys, the Lake Huron shoreline and numerous inland hunting and maple sugaring areas.”<sup>29</sup>

At Rock Glen near Arkona, the Sable River descends into a series of waterfalls, pools and springs known for plentiful fish, and extremely rare plants, rock and fossil formations. Early pioneers noted it as a sacred and important place for local Indigenous peoples, and it soon became a part of Eurocanadian folklore.<sup>30</sup> Bosanquet itself contains a variety of ecological zones which by the nineteenth century included Carolinian forest in the southwest, cedar and tamarack swamps in the northeast and sandy dunes in the northwest. A high ridge of land between the southeast shore of Lake Huron and west bank of the Ausable (Sable) River continued to be used by peoples well into the historic period. Quakgwan chose this location southeast of the Stony Point Reserve. The Anishinabe noted the agricultural fitness of this particular area in 1830 when they initially refused to remove to the Sable. According to Ironside, the location chosen by Givens “was represented to me by the Indians to be a place quite unfit for settlement....excepting a small piece about a mile back from the lake and River Aux Sables and covered thickly with Pine, Cedar, Birch, [and] a few Oak and Maple Trees.”<sup>31</sup> Until the 1870s, the ridge was adjacent to three small lakes and remained the only portion on an unstable floodplain suitable for farming.<sup>32</sup>

The area also figures prominently in the pursuit to preserve a large portion of the remaining Indian Territory in Ontario as a refuge for Indigenous peoples. Evidence suggests that Captain John Norton visited England in 1816 with the intention of establishing a “settlement” on

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<sup>29</sup> Aazhoodena, “History of Stoney Point First Nation,” 3.

<sup>30</sup> Mary Maude Cameron, Letter to the Editor, *Canadian Observer*, Maurice Jefferies, “Rock Glen hidden from popular tourist routes,” Sarnia Bureau of *The Windsor Star*, undated, both in *A History of Bosanquet Township in Lambton county and Centennial Souvenir of Arkona and Thedford*, ed. George L. Smith, (Bright’s Grove, ON: Published by the Author, 1867),11-12.

<sup>31</sup> LAC, RG 10/569, Ironside to Givins, 5 May 1830, 6-8.

<sup>32</sup> In the 1870s, the Canada Company cut a channel (The Canada or Ausable River Cut) to drain Lakes George and Burwell and open up these lands for settlement.

the Sable or “Sand” River as compensation for the Western Nations “who had suffered losses in the war.” His letter, recorded by Christian Denke on Christmas Day at the Moravian Settlement on the Thames, stated that a “grant in perpetuity” for a large “Indian Territory” was “graciously approved.”<sup>33</sup>

Anishinabe people discussed the idea of creating a refuge again, after the disastrous 1836 Bond Head Treaties. If they could not get deeds on an individual or collective basis for their reserves, maybe they could compromise and voluntarily move to lands of their choosing. Joshua Wawanosh as well as many Anishinabe in southwestern Ontario had family and clan ties to the Saugeen and he and Alexander Madwayosh corresponded frequently in Ojibwe about economic and political matters.<sup>34</sup> Arguing the 1836 Saugeen Treaty was invalid without their consent, Chiefs from Walpole Island and Wawanosh, who was directly related to Saugeen Chief Tagannini, believed the western Anishinabe retained interest in the land from the Sand River (Sable River), west to Goderich and Owen Sound.<sup>35</sup> Undated council documents from the 1840s suggest a number of Anishinabe Chiefs, including David Sawyer, Peter Jones, Madwayosh and Wawanosh discussed “emigrating” to the Saugeen for the purpose of creating their own reserve; “a future refuge for a general colonization of the ojibway Nation comprising the settled Tribes in Canada West.” Though Wawanosh did not move, as the Town of Sarnia continued to encroach on the reserve, the chief seriously considered it.<sup>36</sup> Knowing they were all facing increased pressure to remove themselves from southwestern Ontario, these lands would be “opened to all the Tribes” so that “they might have nothing to fear [from removal].” These sentiments were

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<sup>33</sup> Denke Diary, 25 December, 1816, quoted in Aazhoodena, “History of Stoney Point First Nation,” 1. Many thanks to David McNab for alerting me to this reference in the Moravian Mission records.

<sup>34</sup> Tagayonine, Penetanguishene to Waywaynosh, River St. Clair, “statement of your Chieftain ship,” 27 April, 1844; LCA, 10D-AC, Tagannini, to Joshua Wawanosh regarding claim to Goderich, 10 Feb, 1846.

<sup>35</sup> LAC, RG 10/438, Higginson to Clench, 23 July 1845, 112-117.

<sup>36</sup> LAC, RG 10/442, Clench Papers, Annuity Accounts-Claims, 1850, 550-1; LCA, file 10A-AC, Letter, Alexander Madwayosh, Saugeeng to Wawanosh, June 22, 1843.

placed in a petition presented by Wawanosh and George Copway to the Lieutenant-Governor to secure them these lands, “still known as the Indian Territory.” The request, signed by more than a dozen chiefs asked to “have the only remaining lands we have to ourselves unmolested.”<sup>37</sup>

Quakgwan’s fear that they were losing too much land and his anger at Wawanosh for acquiescing to demands for more land were not unfounded. In 1854, most of the remaining territory in the Saugeen was surrendered in Treaty 72, and the opportunity for an Indian Territory in southwestern Ontario was lost forever.<sup>38</sup>

The Colonial Office undersecretary Robert Wilmot-Horton also looked to the region to raise funds to pay for Upper Canadian war losses. In 1826 he authorized John Galt and other London merchants to form the Canada Company, to purchase and colonize the one million acres of land surrendered in the Huron Tract Treaty.<sup>39</sup> Bosanquet, the township named after the company’s Governor Charles, remained the least desirable and the last to be settled.<sup>40</sup> Though a large reserve would not materialize, the area was a veritable wilderness into the 1850s rendering it ideal for all Aboriginal subsistence strategies. Until the mid-1840s, limited credit offered by the Canada Company ensured that only very few settlers of means could purchase land there and the adjacent townships.<sup>41</sup> But difficulties purchasing land did not impede settlement, and Quakgwan was not the only person drawn to the area. During his 1826 survey, Burwell encountered several well-established settlers including Asa Townsend, who came to exploit the region’s salt deposits further south in Arkona. Townsend received a grant of 300 acres as

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<sup>37</sup> LCA, File 10A-AC, Undated Council Documents, Petition in Council, D. Wawanosh, George Copway No. 1, Petition of Ojibway Chiefs, General Council, c.1846.

<sup>38</sup> See Chippewas of Nawash, “Origins of Cape Croker Indian Reserve No. 27,” *Neyaashiinigiing Chippewas of Nawash Unceded First Nation*, accessed 15 November 2013, <http://nawash.ca/index.cfm?page=home>. This was in addition to the 1836 Treaty negotiated by Bond Head (No. 45) for 1.5 million acres. A few years later, Nawash, Colpoy’s Bay and islands reserved in Treaty 72 were surrendered under questionable circumstances.

<sup>39</sup> Clarence Karr, *The Canada Land Company: The Early Years*, Ontario Historical Society Research Publication, No. 3 (Ottawa: Love Printing Service, 1974), x.

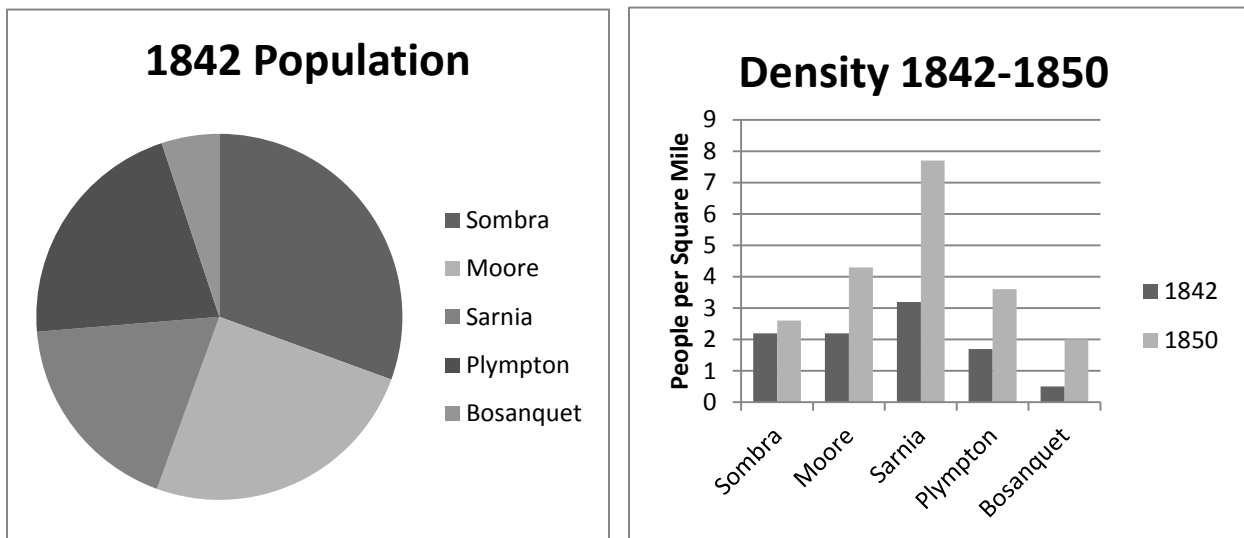
<sup>40</sup> Johnson, “The State of Agricultural Development in the Western District to 1851.”

<sup>41</sup> Karr, *Canada Land Company*, 26-30.

payment for assisting the surveyor and established a farm. Benjamin Brewster also settled on a military grant and built the first mill on the Sable River.<sup>42</sup>

The “most remote settlers of the district,” became even more so in the early 1840s, when the Sarnia-Plympton road tumbled into Lake Huron during a storm, severing Bosanquet from the western townships. The Western District Council voted a paltry £50 to pay for repairs the surveyor estimated would cost at least £500. The location of the new road became mired in conflict between farmers on inland lots and “a few influential individuals” on the waterfront who did not want their properties bisected by the route. Storms continued to wreak havoc on the

**Table 9: Township Populations and Densities**



**Source:** F2007, Western District Municipal Records, General Returns of Population, 1842-1845. General Return of the Population of the Western District for the Year 1842, MS 168, File 10, 0135; *Historical Atlas of the County of Lambton, Ontario, 1880* (Edward Phelps, Sarnia, 1973) 64.

sandy shoreline and new construction as well as the maintenance of bridges over the several

<sup>42</sup> LAC, RG 1, Series CB-1, Box 16, Burwell Survey Diary, Chippewa Indian Reserves, 11 September-30 December 1826; Karr, *Canada Land Company*, 67; R.H. Stapleford, “Asa Townsend came to Arkona for Salt but Stayed to Farm...” and W.A. Edwards, “Founder of Arkona Village...” both in *History of Bosanquet Township in Lambton County*, 2, 11, 22.

creeks proved too expensive and controversial for ratepayers.<sup>43</sup> As a consequence, the dispersed population remained so small; it had to be merged with Warwick for administrative purposes until 1847 when residents formed a municipal council.<sup>44</sup> Until the 1850s, Bosanquet was remote and essentially unorganized territory, largely ignored but administered by officials in the adjacent townships of Warwick and Plympton via the Western District council at Amherstburg. Table 9 above illustrates the marked differences in population between the earliest settled waterfront townships and the interior, as evident in the 1842 Census. Extreme differences between Sarnia and Moore and Bosanquet for example, would have been reflected in their environments, economies and lifestyles of the people who lived in them.<sup>45</sup>

The land Quakgwan purchased was owned by an old and well-established Loyalist family named the Wards.<sup>46</sup> Petitioning in 1830, on behalf of themselves and their now widowed mother, Rachel, Sampson and Henry explained that during the American Revolution, their father John served on the British side as a private in McGregor's Company. His mother's "house was Plundered," in his father's absence forcing her to flee "on account of the Enemy's and the Indians." The family settled on waterfront lots #55, 56 and 57 in Moore Township on the basis of an Indian deed negotiated between John and the St. Clair Chiefs in 1811. In 1812, John and Sampson fought together in the Kent Militia and were present at the 1814 battle of Longwoods.<sup>47</sup>

On two occasions while he was surveying the township in 1829, Roswell Mount stayed at the

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<sup>43</sup> F2007, Western District Fonds, MS 134, Municipal Records Road Papers, 1842-1849, Petitions of the Inhabitants of the Townships of Plympton and Sarnia, 595-598; Petition of Joseph Lang against Survey of Road, 1844, 599-605, Petition of Inhabitants of Plympton against Road, 16 May, 1844, 605-607; F2207, Western District Fonds, Municipal Section B, Minutes of the Municipal Council of the Western District, Sixth Session, 9 May 1843, 22.

<sup>44</sup> Historical Sketch of the County of Lambton, *Illustrated Atlas of the Dominion of Canada*, xii.

<sup>45</sup> Censuses between 1843 and 1846 combine the population of Bosanquet with Warwick.

<sup>46</sup> LCA, Surname File, Ward containing "Ward-Munger Genealogy." Three major family groupings of Wards settled in southwestern Ontario in; Bosanquet (Lambton County), Amherstburg (Essex County) and Wardsville (Middlesex County). The Moore/Bosanquet Wards appear to have come from New York to Cramahe before moving to Moore. Sampson's [1791-1871] mother Rachel Henderson Ward [1767-1851] was the sister of Lower (Moore) Reserve resident Rufus Henderson.

<sup>47</sup> LAC, RG 1 L3, UCLP/548, Bundle W Misc., No 5, Petition of Rachel Ward and Others; Bundle W18, 1833-1835; UCLP/533, No. 45 Rachel Ward and No. 63 Sampson Ward.

home of Sampson Ward<sup>48</sup> where he perhaps explained how insecure the family's tenure was. Not long after, along with other settlers of Moore, Sampson's petition arrived before Sir John Colborne, explaining that his father was dead and his mother ill. They had lost everything in the Revolution and served the Crown faithfully, and though they had lived in Moore for twenty-two years and had extensive improvements, they did not possess a deed. Approved for grants by an Order-in-Council in 1833, like other Loyalists on the St. Clair, Sampson and Henry chose to locate some of them in Bosanquet.<sup>49</sup> In later years, Sampson, Henry and their brother Samuel expanded their holdings by purchasing and leasing additional land from the Canada Land Company southeast of the Stony Point reserve boundary in adjoining lots 26, 27 and 28 in Concessions 3, 4 and 5 (see Figures 16 and 17 below).<sup>50</sup> This height of land was known as "the 'Ridge' which formed the south-western boundary of the Lake Burwell tract."<sup>51</sup>

In September 1837, Sampson Ward purchased Lot No. 27 in Concession 6 (Figure 16 below). He received the deed less than one year later and made a final payment in 1840. That same year, H.P. Chase, the Indian Department interpreter for the region reported that Quakgwan and his brother Ashqigonaby (later George c1810-1872) agreed to purchase the lot from Sampson Ward by installment over a period of ten years.<sup>52</sup> Quakgwan collected money from approximately eight individuals and, no doubt using some of his rental income from Squirrel Island, paid almost £4 down on the lot.<sup>53</sup>

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<sup>48</sup> LAC, RG 1, Series CB-1, Box 23, Roswell Mount, Survey of Moore Township, Friday 2<sup>nd</sup> and Thursday 15<sup>th</sup> of October, 1829, 29, 31.

<sup>49</sup> LAC, RG 1 L3, UCLP/548, No 5, Rachel Ward and Others, No. 45 Rachel Ward, and No. 63 Sampson Ward. John Ward died in 1822.

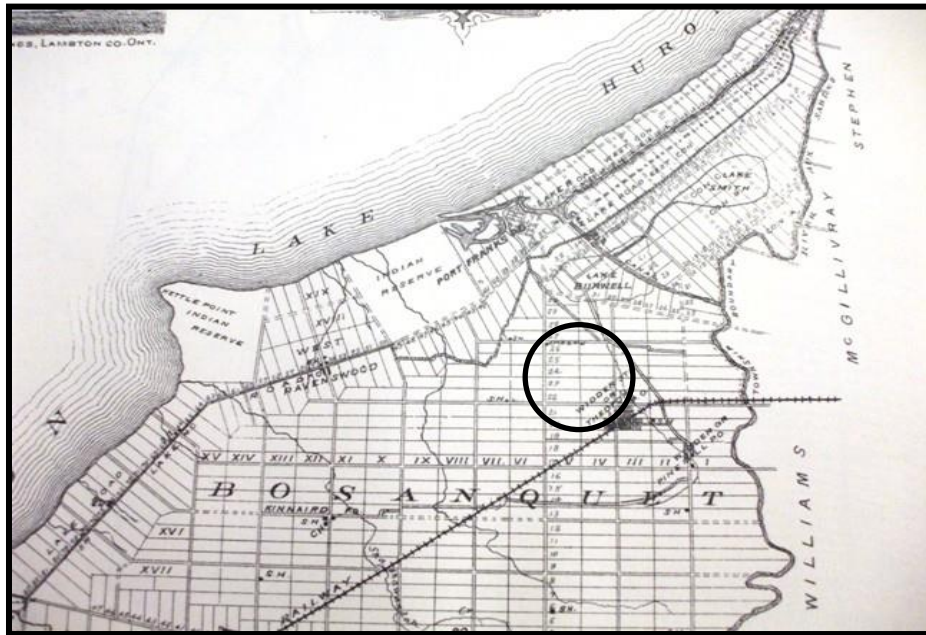
<sup>50</sup> AO, F129, Canada Company Fonds, Series B-3, Registers and Deeds, MS 729, Vol. 19, 30, 31.

<sup>51</sup> Lambton Township, *Illustrated Atlas of the Dominion of Canada*, xi.

<sup>52</sup> LAC, RG 10/436, Chase to Clench, 14 January, 1848, 617-618.; AO, F129, Canada Company, Series B-3, MS 729, Vol. 19, 30, 31, p. 174. Ward originally paid £62.8.9 for the lot in two installments (£50 down + £12.8.9). After the payment system in 1842, lots in Bosanquet typically sold for between £60 and £80 and buyers paid five or six installments of £10 to £15. Quakgwan's band raised £15 for the first payment with little trouble.

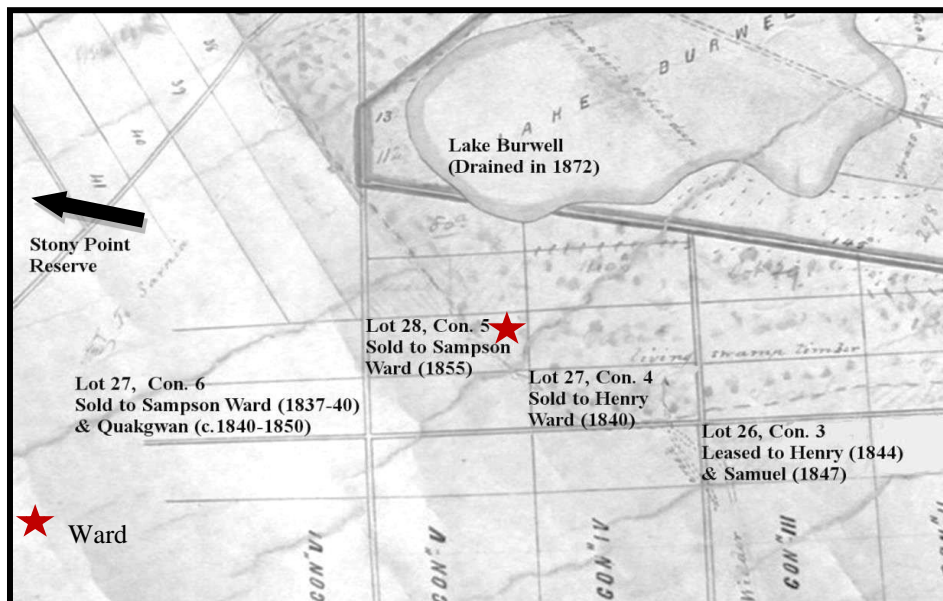
<sup>53</sup> LAC, RG 10/436, Chase to Clench, 14 January, 1848, 617-618.

**Figure 16: Quakgwan's Lot and Ward Family properties in the Township of Bosanquet**



**Source:** *Beldon's Illustrated Historical Atlas of the County of Lambton*, ed. Edward Phelps (Sarnia, ON: 1973). With the exception of the reserves, the Canada Company purchased all unsold lands in Bosanquet, Williams, McGillivray and Stephen Townships in 1826.

**Figure 17: Quakgwan's Land and Ward Family Lots in Bosanquet**



**Source:** OA, F129, Canada Company Fonds, Pkg. 2, Map 163, D750948. Map of Part of the Township of Bosanquet, Stephen and McGillivray Recertified for the Drainage of Lake Burwell, July 1865; and Series B-3, Registers and Deeds, MS 729, Vols. 19, 30, 31.



Though the Crown assumed control of Indian Reserves and ungranted ‘wild’ land in the 1839 and 1849 revised Crown Lands Acts, no laws expressly prohibited Aboriginal people, individually or collectively, from purchasing or owning land. Officials could only control items incidental to land ownership such as annuity money, business opportunities, or access to documentation and registration. Until 1850, colonial officials and agents appointed as trustees and commissioners of Crown Lands simply operated on the assumption that individual ‘Indians’ could not own land in fee simple. By scrounging up the money to purchase the lot, Quakgwan assumed the role of trustee himself, exploiting a window of opportunity to circumvent the civilization program. In ten years, he would hold the deed on behalf of the community and together, they could manage the land as they saw fit. Moreover, he would possess all the rights and entitlements of any other landowner in the district, including the right to vote and run for office. Though it would gradually become illegal after 1850 to be an ‘Indian’ and a landowner, until such time, Quakgwan’s neighbours treated him as a freeholder in the Township of Bosanquet.

Quakgwan found a way to meld two extremes of landholding into gray area—one that utilized the legal and economic security that individual title provided but that was worked by the residents in a communal way. Moreover, this settlement provides further evidence that Anishinabe people successfully farmed prior to the reserve period and that their methods and results matched or exceeded those of their neighbours. At 111 acres, Quakgwan owned one of the largest lots in Bosanquet.<sup>54</sup> In 1848, Chase reported the community “made large clearings” that were fenced and “enlarge[ed] annually...” More significantly, this report indicated that they

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<sup>54</sup> LAC, RG 1-32/64, Crown Lands, Schedules and Land Rolls, MS 400, Lots in Huron County belonging to the Canada Company, 1843.

had “cleared ninety acres...by themselves.”<sup>55</sup> Even if this is an overestimation, and they cleared significantly less than eighty percent of the lot, compared to other farmers in the region, the number is remarkable. Between 1826 and 1848, the average clearance rate for all of the Western District never reached more than twenty percent of the lands occupied.<sup>56</sup> In 1851, Lambton County farmers had cleared about twenty percent of the lands they occupied, and by 1871 they still on average had cleared less than thirty-five percent. Clearance rates in Lambton County were so low that in 1880 the authors of an atlas speculated that census numbers might have been recorded in error.<sup>57</sup> As already discussed, farming records from Walpole Island, where lots were also worked by family groups, suggest that communal fields were more productive than individual lots. Here too, the several “large clearings,” worked by either individuals or families, were all fenced and under cultivation by 1849.<sup>58</sup>

Their housing and improvements were also comparable to those of Eurocanadian settlers in the area. Francis Wilson (Wahbahnoosay), the half-brother of Mississauga Reverend Peter Jones, owned a house and schoolhouse on the neighbouring lot where he taught the children in the community.<sup>59</sup> Though others might have lived in more customary forms of housing, Quakgwan lived in a twenty by twenty four foot, two-room log home with three windows, a door and a “[s]tone Fire Place and Chimney.” Another home was almost as large, and both were

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<sup>55</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 676 and 14 January 1848, 617-18.

<sup>56</sup> *Censuses of Canada, 1665-1871*, Statistics of Canada, Vol. IV. (Ottawa, I.B. Taylor, 1876). “Cultivated” versus “Uncultivated lands” are calculated as a percentage of lands occupied.

<sup>57</sup> Province of Ontario *Sessional Papers*, Vol. 16, Pt. 7 (Toronto: Grip Printing & Publishing, 1884), No. 55, Table No. XLI: Annual Report of the Bureau of Industries for 1883, 118. *Illustrated Atlas of the Dominion of Canada*, 5. This seems to be comparable with clearance rates in the region. In 1871 average clearance rates as a percentage of lands occupied in Essex and Kent were 36 and 34 respectively. In 1851 eight grist mills operated in the entire County but only three were in operation in 1861. The authors were convinced that enumerators did not visit a large part of the region.

<sup>58</sup> LAC, RG 10/436, Chase to Clench, 14 January 1848, 617-618 and 18 September 1849, 676.

<sup>59</sup> Smith, *Sacred Feathers*, 208. A Methodist Minister and interpreter, Wahbahnoosay also studied medicine in Toronto. Many thanks to Dean Jacobs who recommended I revisit Peter Jones for potential information about Wahbahnoosay and the community.

shingled and “comfortably arranged and furnished.”<sup>60</sup> It will be remembered that houses slightly more than half this size were built on the Sarnia reserve. Without an Indian Agent or Royal Engineer, these residents provided ample and comfortable housing and secured access to a school, and a competent teacher, minister and interpreter in Wilson.

### **Partnerships**

The community balanced their desire to remain undisturbed and independent with the need to engage non-Aboriginal people for economic purposes. As Ferris notes, “it is likely that some Ojibwa activities were minimized or ignored in the records, while other aspects of Ojibwa settlement-subsistence remained unknown, particularly if such pursuits were conducted away from observers.”<sup>61</sup> Given the distance to markets and the lack of land suitable for farming, early “pioneers” depended on Quakgwan’s community to supply them with maple sugar, fish, game and other supplies. In return, settlers developed cottage manufactures and processed local resources like wheat, which the Utters could grind in their grist mill.<sup>62</sup> The Wards had access to a wide array of agricultural tools, goods and livestock and Brewster’s mill cut lumber for the community’s housing. Both supplied requisitioned items to the Stony Point Reserve under contract with the Indian Department.<sup>63</sup> Between the time he purchased the lot in 1840 and 1848, there is almost no record of Quakgwan or the families living on the lot in Bosanquet, suggesting they were independent and fairly self-sufficient on the land.

Quakgwan’s success was in large part due to a number of advantageous relationships he established with his neighbours. If he knew English, he never publicly made it known and communicated to the Indian Department through interpreters. Wahbahnoosay and influential

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<sup>60</sup> LAC, RG 10/436, Chase to Clench, 14 January 1848, 617-18.

<sup>61</sup> Ferris, *Archaeology of Native-Lived Colonialism*, 40.

<sup>62</sup> Elford, *Canada West’s Last Frontier*, 32 & 102; *History of Bosanquet Township*, 6. Henry Utter received a United Empire Loyalist grant.

<sup>63</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 677; 24 September 1846, 580.

non-Aboriginal people like George Hyde acted on his behalf and bridged the language and cultural barriers between the two communities. By 1848, Hyde was Reeve of the nearby town of Plympton, an active member of the council, and sat on a number of committees. He investigated several of his colleagues for irregularities and was instrumental in crafting council rules and procedures. He referred to Quakgwan as “my Indian friend” in correspondence to the department.<sup>64</sup> During the Rebellions, Henry and William Jones, Hyde, Vidal and Keating all served as officers in the Sarnia and Plympton Militias.<sup>65</sup> Since retiring from the Navy in the 1830s, Hyde had lived on a waterfront lot near the town of Errol, an important stop along the principal shoreline route to and from Sarnia.<sup>66</sup> He would have been quite familiar with most, if not all of the residents in the northern half of the township. Quakgwan engaged influential individuals who could advance his interests, and these people rendered him assistance. Relationships with Hyde, the Wards and other local residents were based on Covenant Chain principles: a mutually beneficial exchange of friendship, goods and information.

Indian Department censuses show that the community of approximately 50 men, women and children owned at least four yokes of oxen, two steers, various farming implements, and potatoes and seed.<sup>67</sup> In 1842 Henry Ward assumed the role of Township clerk and performed a number of administrative tasks including the execution of a comprehensive census of freeholders. According to this census taken on March 30, 1842, Bosanquet had 26 resident families and a total population of 134. The average family size was five but five families alone had nine or more members, accounting for one third of the population. The ratio of males to

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<sup>64</sup> LAC, RG 10/438, Hyde to Clench, 17 January 1850, 323-4. Eleanor Nielson, *The Egremont Road: Historic Route from Lobo to Lake Huron* (Sarnia, ON: Lambton County Historical Society, 1993), 21; Elford, *Canada West's Last Frontier*, 72. George Hyde [1793-1868] was born in Ireland and came to the Western District as a Petworth settler.

<sup>65</sup> Nielson, *The Egremont Road*, 46.

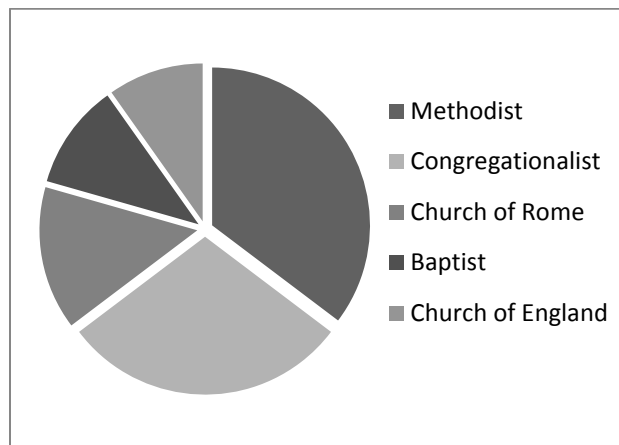
<sup>66</sup> Elford, *Canada West's Last Frontier*, 72.

<sup>67</sup> LAC, RG 10/436, Chase to Clench, incl. census, 18 September 1849, 675-677; 24 September 1846, 580.

females over sixteen was fairly even with 38 men and 34 women, but there was a larger gap of 38 boys and 24 girls under the age of sixteen. Ward recorded Quakgwan and his wife in this census along with one son over the age of sixteen. Much later, he would be reported as having “several sons & daughters” as heirs.<sup>68</sup> One document in the late 1840s suggests that “his two wives exercise an influence over him,” but the identity of a second wife remains elusive.<sup>69</sup> Since Quakgwan was the only taxable “freeholder,” Henry Ward did not count any other Anishinabe community members in the township census. There were no single men among any of the non-Aboriginal residents living on their land alone and with the exception of one widow who lived with her son, Bosanquet at this time was a community of families, recorded and unrecorded.

Methodists and Congregationalists were the principal settlers in Bosanquet, (Table 10)

**Table 10: Denominations as a Percentage of the Population of Bosanquet, 1842**



**Source:** AO, F2007, Records of the Western District, 1842 Census of Bosanquet. MS 390.

suitable because in the 1842 Census, ‘Jacob Quakgwan’ and his family were recorded as

<sup>68</sup> AO, F2007, Records of the Western District, MS 390, 1842 Census of Bosanquet; LAC, RG 10/438, Jamieson to Clench, 2 September, 1852, 512; RG 10/2452, file 94,254, Claim made by the Heirs of the late Ka-Ke-Guan alias Jacobs. Owner of lot 27, Con. 6, Township of Bosanquet, 1889-1890.

<sup>69</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 676; RG 10/570, Clench to Campbell, 22 September 1849, np.

Methodists, and would have attended services along with the Ward and Brewster families.<sup>70</sup>

Congregationalists were the next most populous denomination, and there were several Roman Catholics, a smaller number of Baptists and even fewer members of the Church of England and Scotland. Neither the numerical superiority of two denominations nor the presence of a number of other religions appears to have been divisive, even within families. In fact, the diverse backgrounds of the settlers may have been a substantial unifying force in the community.

Many settlers in Bosanquet could be called “persisters.” These founding families, along with succeeding generations, profoundly influenced the history and development of the region.<sup>71</sup> Though they might not have been considered extremely wealthy or influential elsewhere, this local elite gained power and prominence as clerks, path masters, tax assessors, postmasters and councilmen. At various points in the 1840s, Henry Ward was the Township Clerk, Thomas Ward served on the council and as a Path master in 1848, and the Utter, Eastman and Brewster families filled other administrative and public duties.

For all intents and purposes, Quakgwan lived as any other settler in the community and exercised what we normally consider the rights of citizenship. Along with families already mentioned, Quakgwan was present at the house of John McWilliams in January 1848 and voted in the township elections held there. Elected one of six path masters for the “Quakgwan Indian Village,” Quakgwan assigned and inspected roadwork fronting the land and collected money paid in lieu of labour. That year his division performed thirteen days of statute roadwork on the portion fronting the lot.<sup>72</sup> That fall, Quakgwan and nine of his neighbours signed a petition requesting the formation of a school section in their district, presumably to replace Francis

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<sup>70</sup> AO, F2007, Records of the Western District, MS 390, 1842 Census of Bosanquet.

<sup>71</sup> Widdis, “Generations, Mobility and Persistence,” 64. *Illustrated Atlas of the Dominion of Canada*, Lambton Township, List of Subscribers, xii; LAC, RG 31, *1871 Census*, Lambton County, Div. 4: Bosanquet, Dist. 4, p. 30. In 1880 Henry’s son Lorenzo Ward was still living on the south-eastern half of the lot.

<sup>72</sup> F2007, Western District Municipal Records, MS 168, File 8, Statute Labour Returns (1842-1849), 997 & 820.

Wilson's. Sometime in early 1847, Wahbahnoosay contracted smallpox while away at school. His tragic death that same year left the community without a teacher and school.<sup>73</sup>

By the latter half of the 1840s, Jacob Quakgwan was a veteran of the War of 1812, a community leader, landowner and path master. As a freeholder, he voted in township elections, and was elected to a position of responsibility. He and the others residing on the land with him suggest that, at least in some parts of Upper Canada, it cannot be assumed that political, social and economic conditions prior to 1850 were necessarily the same for Aboriginal people after. Quakgwan's community demonstrates that with proper supplies, autonomy and encouragement, Indigenous settlements like this could have flourished throughout Upper Canada. He had access to the same routes to 'prominence' as his neighbours, and yet by 1850, the community no longer existed. So the question remains, why weren't the members of Quakgwan's community persists too?

#### **“the supposed township of Bosanquet”<sup>74</sup>**

Unfortunately there is very little documentation from the early years of the settlement and from Bosanquet Township. Residents of Bosanquet had stronger ties to Goderich than Sarnia. Consequently, while the residents of Plympton petitioned the District Council for a road west along the Huron shoreline to Port Sarnia, the residents of Bosanquet petitioned for a road north to the harbour at the mouth of the Sable River.<sup>75</sup> Perhaps even as a measure of self-imposed exile, settlers willingly went to a township that possessed one of the lowest population densities south of the Canadian Shield.

Early on, Quakgwan formed relationships with a heterogeneous “pioneer” generation

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<sup>73</sup> Smith, *Sacred Feathers*, 209; F2007, Western District Papers, School Papers, Bosanquet Township, MS 168, Petition of R. Burdell & Others, October 1848, 0047-48.

<sup>74</sup> F2007 Western District Fonds, MS 134, Municipal Records, Section B, Minutes of the Municipal Council of the Western District, Eighth Session, June 1843, 76-77.

<sup>75</sup> F2007 Western District Fonds, MS 134, Municipal Records Road Papers, 1842-1849, Bosanquet, 32-34.

who shared similar histories of persecution and beliefs that, by the 1830s, increasingly conflicted with rigid class-based liberal and religious values of the Family Compact establishment.

Bosanquet settlers largely consisted of three groups: loyalists, soldiers and militia with land grants, “alien” Americans and native-born settlers who squatted until they could apply for land, and emigrants from the British Isles who came as part of Colborne’s plan to settle Britain’s excess and indigent populations. Early settlers to Plympton and Bright’s Grove like Hyde were discharged soldiers and naval officers. Awarded large grants based on service and loyalty, they located themselves in the front concessions along Lake Huron.<sup>76</sup> While Henry Jones’ Maxwell settlement fell victim to fire and lack of interest, he and a number of the original residents stayed in the area.<sup>77</sup> In the 1830s, the Petworth Emigration Committee similarly assisted the poor from towns and cities in Southern England to settle in remoter parts of Plympton and Warwick.

Though they were promised settlement aid in the form of housing and supplies, many found this support wanting.<sup>78</sup> Remote and topographically and environmentally challenging, the interior portions of Plympton, Bosanquet and Warwick presented challenges that stretched the mental and physical resources of the most experienced settlers. Without roads or close access to open navigable waters, the low-lying nature of much of the district rendered its habitability extremely susceptible to flooding caused by fluctuations in temperature and rainfall. Initially by necessity and perhaps later by choice, the backgrounds of the people and conditions of settlement created a particular dynamic that brought Indigenous peoples and Europeans together in the interests of survival.

The temperaments expressed by settlers in their petitions to the council suggest they were

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<sup>76</sup> Elford, *Canada West’s Last Frontier*, 69; Nielson, *The Egremont Road*, 21.

<sup>77</sup> Woodcock, “Jones, Henry (1776-1852),” *DCB Online*, [www.biographi.ca](http://www.biographi.ca).

<sup>78</sup> See Wendy Cameron and Mary McDougall Maude, *Assisting Emigration to Upper Canada: The Petworth Project, 1832-1837* (Montreal & Kingston: McGill-Queen’s University Press, 2000), 130, 148, 155.



fiercely individual in their personal and spiritual beliefs but cognizant that their survival necessitated cooperation. There were disputes over the distribution of contracts and frustration that the tax base did not support improvements, yet the residents of Bosanquet did not seem engage in the same kinds of conflict characterizing other townships at the time. As already discussed, a shortage of land framed disputes in Moore and Sombra while residents in Plympton argued that particular classes received unfair advantage in that location. As the town of Sarnia expanded into the reserve, competition over development acquired racial dimensions as the 'Indian' reserve was constantly blamed for impeding progress. Bosanquet functioned at the local level on a grassroots basis because well into the 1850s, it lacked civil, religious or political hierarchies of authority. When Benjamin Brewster's mill kept flooding farms on the Sable River, residents protested, and the Canada Company took him to court, to no avail. In 1860 the mill mysteriously burned down.<sup>79</sup> When Henry Ward wrote to the Western District Council to be paid for his services, the council decreed that since Bosanquet was not a township, "there could be no town clerk."<sup>80</sup> But these circumstances would not last, and it is no coincidence that the pressure placed on Quakgwan to relocate occurred at the same time that the district's population rapidly increased. The Hyde's, Ward's, and Maxwell and Petworth settlers were really the first half of a wave of immigration punctuated only by the uncertainty of the rebellion period. In the early 1830s, as good available land ran out, the populations of Essex and the southern townships of Kent leveled off. The growth of Kent, which began to outpace Essex in 1835, represents the beginning of a new phase of settlement which expanded into hitherto less desirable lands in the northeastern interior. By 1851, the population of the new County of Lambton stood at 10,815, lagging only slightly behind Essex and Kent whose populations were 16,817 and 17,499

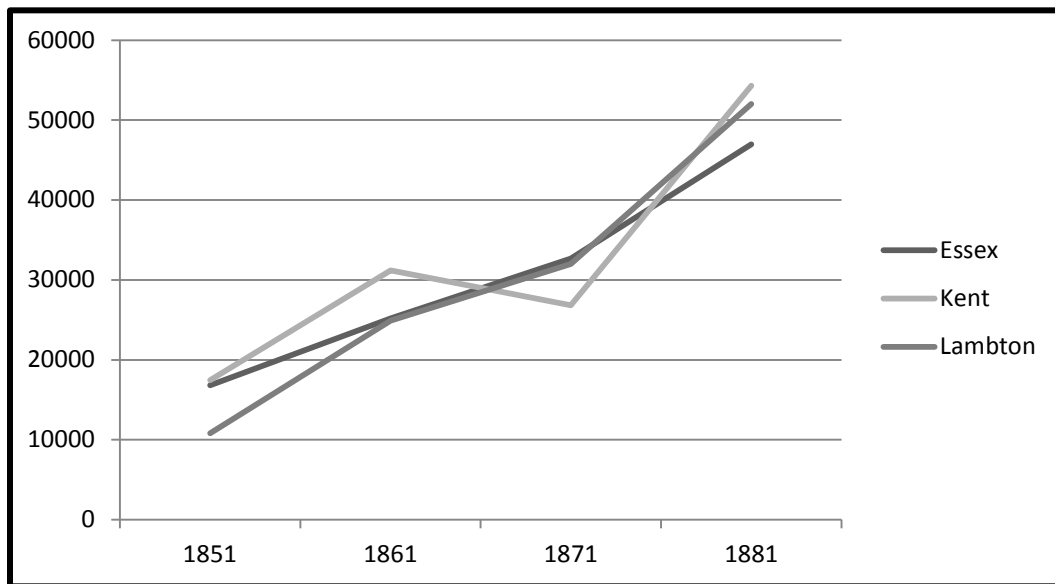
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<sup>79</sup> Elford, *Canada West's Last Frontier*, 107.

<sup>80</sup> F2007 Western District Fonds, MS 134, Municipal Records, Section B, Minutes of the Municipal Council of the Western District, Eighth Session, June 1843, 76-77.

respectively.<sup>81</sup> As the Great Western Railway reached Sarnia, the town, along with Chatham and Windsor, laid the foundation for the region’s development into western Ontario’s urban commercial and industrial powerhouse. (See Table 11 below). At the root of this rapid growth would be an increasingly homogenous population of British emigrants changing the way of life of this “pioneer” generation. Chatham incorporated as a town in 1855, “Port” Sarnia in 1856 and Windsor (Sandwich), in 1858.

**Table 11: Population Growth, Essex, Kent and Lambton, 1851-1881.**



**Source:** Province of Ontario, *Sessional Papers*, Vol. XVI, Part VII, No. 55, (Toronto: Grip Printing and Publishing Co., 1884), Table XLI, Area and Population, 118.

### Fragmenting

To hasten assimilation and cut the exorbitant expenses of the Indian Department identified in the Bagot Report, the Governor General issued instructions to amalgamate smaller “bands” on larger reserves where superintendents could undertake more aggressive forms of schooling and social control. In 1848, Chase arrived to assess the value of Quakgwan’s

<sup>81</sup> *Censuses of Canada 1665-1871*, Statistics of Canada, Vol. IV, (Ottawa, I.B. Taylor, 1876), Census of Upper Canada, 1851-2:Table II: Population by Religion, 180.

improvements so the lot could be sold.<sup>82</sup> Several decades' worth of broken promises and a rash of suspicious surrenders initiated by Sir Francis Bond Head in the 1830s led Anishinabe peoples to hold steadfast. Contrary to the Governor General's instructions, they and Quakgwan demanded protection for unsurrendered land and title to their reserves.

By the late 1850s, Quakgwan's remote community could not escape the hardening of attitudes towards racial difference and a lack of enforcement of Indigenous land rights. He was pressured to surrender the lot at the same time that his options to resist were eliminated. Torn between staying and complying with what can only be described as a policy of removal, Quakgwan understandably took considerable time weighing his options. He considered a return to the lot on Walpole Island in 1848, but when the time arrived, he refused and said he would stay on his "improvements." Quakgwan added, through missionary Andrew Jamieson, that he would only relocate if their removal was "urged" and only if he "and the families under his care" received the proceeds of the sale of the land.<sup>83</sup> While they were 'urged,' the sale of the lot caused significant controversy.<sup>84</sup>

Despite Quakgwan's concern for the residents of the community, sometime between January 1848 and September 1849, most or all of the people returned to the Sarnia Indian Village.<sup>85</sup> Given the circumstances under which he left, Quakgwan did not want to return to Sarnia. But he could not return to Squirrel Island either. Two settler families claimed leases directly from Quakgwan: Duncan and Dougal MacDonald and John McDougall Sr. The MacDonalds held a 20 year lease authorized by Keating in 1831 while McDougall Sr. held a 21 year lease negotiated in 1833 with the Chief and Jones. Though the original lease was slated to

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<sup>82</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 676.

<sup>83</sup> LAC, RG 10/438, Jamieson to Clench, 21 October 1847, 409.

<sup>84</sup> LAC, RG 10/436, Chase to Clench, 14 January, 1848, 618.

<sup>85</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 676.

expire in 1851, in Quakgwan's absence, the MacDonalds subdivided the land and sub-leased it to others for terms well beyond the original agreements.<sup>86</sup> I was able to find no less than eight people by the 1840s, who claimed rights on the Island traceable through these original two leases.<sup>87</sup> These and other overlapping claims eventually swallowed up most of Squirrel Island. If Keating claimed to have expelled them in 1841, how could they lawfully prevent Quakgwan from returning to a lot on unsurrendered 'Indian' land nearly ten years later?

The original agreement between the MacDonalds and Quakgwan was purportedly translated by Cadotte and witnessed by William's son, Alexander Jones.<sup>88</sup> Within two years of receiving their agreements, renters violated them by sub-leasing the land to others.<sup>89</sup> Like petitioners in Moore, after 1839, the original renters claimed legitimacy as veterans and loyalists returning from defending the province. They believed that they possessed legal lease agreements and claimed to have spent enormous sums of money on improvements. Subsequent renters pled that they were innocent third parties.

But Anishinabe Chiefs did not negotiate leases to deprive themselves entirely of the use of the land. It is evident that leaders invited some of the original lessors, like the MacDonalds and McDougalls, to protect the land. They settled on the basis of historic relationships and agreed to oral conditions permitting the shared use of the land. But as discussed in chapter 4, the petitions of sub-lessors on Walpole Island state clearly that they also expected the Island to be surrendered imminently and used leases to claim lots before they were officially put on the

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<sup>86</sup> LAC, RG 10/121, No. 35, Petition, Hugh, Alexander and Neil McDonald, 6 January, 1845, 5134-5135; No. 3 John McDougall, 25 May, 1844, 4866-7.

<sup>87</sup> LAC, RG 10/441, 23 April, 1849, Clench copy of Keating's Letterbook, 377. RG 10/571, Keating to Jarvis, 12 June 1843, 4-6. Hugh, Alexander and Neil McDonald, George Jasperson and Jacob East are linked to the 1831 lease while John McDougall Sr., Lauchlan McDougall(d), Isaac Klein and Kelsey Ripley claimed on the second.

<sup>88</sup> LAC, RG 10/121, Petitions of George Jasperson, 26 May, 1844, 4682-4 and John McDougall, 25 May 1844, 4865-8.

<sup>89</sup> LAC, RG 10/438, Jamieson to Clench, 19 November, 1849, 457-8; RG 10/121, No. 35, Petition Hugh, Alexander and Neil McDonald, 6 January, 1845, 5134-5.

market.<sup>90</sup>

Whether the chiefs actually received rent from the settlers is also uncertain. Quakgwan seems to have received enough to assist him to purchase the lot, but this was in the 1830s. Several years later, the chiefs complained that settlers around the mission house were delinquent in their payments and it is possible that some rent payments found their way into the pockets of Jones and Keating.<sup>91</sup> In 1839 three men who sub-leased land from the MacDonalds had their farms burned to the ground and their property destroyed.<sup>92</sup> But as we have already seen, the motives behind Keating's seemingly altruistic efforts to evict the squatters two years later are complex. Keating and Jones blamed Aboriginal people for their own misfortunes, for inviting whites to settle on their land in the first place. Jones told Jarvis that Americans "made the Chief Quaykegouin drunk and prevailed on him to sign a Lease for a very large tract of the Island after I had warned them not to do so."<sup>93</sup> Used to justify and further extend departmental authority into the management of Indian lands, Jones and Keating did not advertise the fact that they sanctioned many of the leases to Baldoon Scots.

The same letter accusing Quakgwan of intoxication contains Jones' admission that he witnessed and signed leases in ignorance before he entered the Indian Department. However, Jones authorized both of Quakgwan's leases *after* he was on the Indian Department payroll and the latter lease, while he was supervising the construction of the Sarnia Village. Despite these admissions and the fact that Walpole Island was legally unsurrendered Indian land, the bearers of these problematic leases were allowed to trump the rights of a legitimate Aboriginal person wishing to return to his community.

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<sup>90</sup> LAC, RG 10/121, No. 35, Petition, Hugh, Alexander and Neil McDonald, 6 January, 1845, 5134-5.

<sup>91</sup> LAC, RG 10/438, Jamieson to Clench, 23 June, 1849, 442-3.

<sup>92</sup> LAC, RG 10/438, Jamieson to Clench, 19 November, 1849, 457-8.

<sup>93</sup> AO, F454, *WJLB*, 1 February, 1839.

In 1849, Quakgwan planned to remove to the portion of Squirrel Island “rented” by John McDougall Sr., known as “The McDougall Farm.” In Quakgwan’s absence, McDougall divided the farm and leased the halves to merchants Jacob East and Thomas Fisher. Fisher abandoned the farm and moved to Moore after his lease expired in 1846 but East, who claimed to lease several lots on the Island, continued to cause mischief.<sup>94</sup> Chief Nahdee, an old and respected veteran of the War of the 1812, who “pitched his tent” near the farm, said that the chiefs did not agree to East’s lease, and it was void. To the contrary, East insisted that two years remained on his lease. He claimed the timber and prevented “the Indians” from farming the land and Nahdee was “very much annoyed at this conduct...”<sup>95</sup> In November 1849, just as Quakgwan was set to move back to Walpole Island yet another claimant stepped forward with a lease for the farm. East and the newest claimant, Lauchlan Macdougall said they paid rent to the previous leaseholders under agreements witnessed by Keating and Jones. Jamieson wrote to Clench on Quakgwan’s behalf, but by 1849, Keating was in Sault Ste. Marie and Jones was dead.<sup>96</sup> Without any witnesses, Lauchlan Macdougall demanded that if he was going to be ejected, the ‘Indians’ were going to compensate him for the rent he paid. Other renters wanted the Anishinabe to pay them rent to use the land and compensate them for damaged or confiscated property.<sup>97</sup> Valid or not, the amounts would have come out of Walpole’s accounts which had dwindled to virtually nothing under Keating’s stewardship. The department again took the path of least resistance and permitted East and Macdougall to stay for the duration of their leases.<sup>98</sup>

If Quakgwan could not return to Sarnia and the farm on Walpole Island was no longer an

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<sup>94</sup> LAC, RG 10/438, Jamieson to Clench, 8 June, 1848, 427-8.

<sup>95</sup> LAC, RG 10/438, Jamieson to Clench, 20 June, 1849, 441, Jamieson to Clench, 19 November 1849, 457-8.

<sup>96</sup> Telford, “Nefarious and Far-Ranging Interests,” 384. Keating was on the North Shore of Lakes Superior and Huron exploring the mining potential of Anishinabe lands.

<sup>97</sup> LAC, RG 10/438, Jamieson to Clench, 2 September 1852, 512.

<sup>98</sup> LAC, RG 10/438, Jamieson to Clench, 20 June, 1849, p. 441; Jamieson to Clench, 19 November 1849, 457-8.

option, he now had to fight the sale of the lot. In January 1848 Chase determined that the land and improvements, with ninety acres, was worth £2 per acre or £222.<sup>99</sup> This amount appears reasonable as two years earlier, raw Huron Tract land without improvements sold for an average of 13s.<sup>100</sup> But Chase valued Quakgwan's house at £25, the cost to build it six years earlier, and nothing was said of two other substantial log houses, cattle and oxen, agricultural implements and other items owned by the community. Sampson Ward originally paid £62.8.9 for the lot and documents suggest that Quakgwan paid him £78 for the land.<sup>101</sup> Described as still making payments, Quakgwan was friendly with other landowners in the area and would have known that he possessed some of the best cleared land in the township. By 1849, good quality land in this state was highly valuable, and the community would barely recover their initial investment if they accepted Chase's estimate. It seems no coincidence that Quakgwan petitioned the Governor General demanding his deed right after the valuation was made. Consequently, the Indian Department took control of Quakgwan's land the only way they could; they divided the community and questioned the source of the funds for the initial purchase and improvements. Chase summarily mounted a concerted effort to turn Quakgwan's community, the government, and Indian Department executive against him. He suggested Quakgwan, having "acted contrary of the Governor General's instructions" was some kind of despot determined to profit from a collective interest in the land. By the fall of 1849, Chase reported that most or all of the people at the settlement "have obeyed their great Father, the Governor General and...left Bossanquett. He boasted that they were now living on the Sarnia Reserve "enjoying equal privileges and share of

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<sup>99</sup> LAC, RG 10/436, Chase to Clench, 14 January 1848, 617-19.

<sup>100</sup> LAC, RG 1 L3, UCLP/148, Canada Company Papers, 1829-1844, Canada Company booklet for prospective settlers to Canada West, 2; LAC, RG 10/436, Chase to Clench, 24 September 1846; Gates, *Land Policies of Upper Canada*, 226.

<sup>101</sup> LAC, RG 10/436, Chase to Clench, 14 January 1848, 617-620, Chase to Clench, 18 September, 1849, 675-677. Chase claims in one letter that they leased it for £3 13s 9d over a period of ten years while another said they made a lump-sum payment of £56 10s. but still owed £25.

their Annuity.” That Chase uses the words “equal privileges” and “share” is not insignificant.<sup>102</sup>

Once officials eliminated the possibility of resistance from the community, the department launched an investigation to find the source of the funds used to purchase the land and improvements. If they could find that any monies came from annuities paid under the Huron Tract Treaty, officials could question Quakgwan’s sole interest in the land and prevent him from disposing of it. By doing so, the lot would become communal land: in other words, a reserve. Officials were aided by the passage of the 1849 Crown Lands Act. The bill, which received Royal Assent in April that year, repealed the 1839 Act and extended the power of Commissioners to police all Crown lands in Upper Canada with the authority of magistrates.<sup>103</sup> Intended to protect Crown, Clergy, School, and Indian lands, occupied or not, from squatters and trespassers, the act empowered officials to protect the Anishinabe of Sarnia from Quakgwan.

Chase was convinced Quakgwan only wanted the deed “to deprive [the residents] of any claims on the Lot in future.”<sup>104</sup> The Chief may have indeed felt abandoned by the community. Even so, it seems more likely that a sense of responsibility compelled him to hold it on their behalf until a better solution became known to him. We cannot assume that he wished to sell the land or that he would not have repaid the original contributors, if he did. He was adamant that “the people under his care” reap the benefits of any sale, and this alone is evidence of his concern for their economic well-being.<sup>105</sup> But by 1849, the government viewed Aboriginal peoples as only ever having a collective interest in land and this land could only be on reserves held in trust for them by the Crown. So long as Quakgwan stayed on the land, he deprived the

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<sup>102</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 676. Quakgwan petitioned the Governor General in 1849.

<sup>103</sup> *JLAPC*, 2<sup>nd</sup> Session, 3<sup>rd</sup> Parliament, vol. 8 (Montreal: Rollo Campbell, 1849), 86-87, 131-132, 261; 12 Vict. c. 9. s. 1 *An Act to explain and Amend an Act of the Parliament of the late Province of Upper Canada...An Act for the protection of the Lands of the Crown in this Province from trespass and injury, and to make further provision for that purpose*, 25 April, 1849.

<sup>104</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 676.

<sup>105</sup> LAC, RG 10/438, To Clench, 21 October 1847, 409.



others, now residing at Sarnia, of their fair “share” in it.

In departmental correspondence between 1847 and 1849, Quakgwan’s role changed from that of a caretaker to a schemer. Initially, Chase used neutral language describing him both as a trustee and sole purchaser who used funds raised independent of the annuity to purchase the lot, on behalf of the community. But in 1849, Chase informed Clench that contributions from the annuity were made to purchase the land and supplies in common. In another letter, Clench suggested that the land was purchased for them by the Department.<sup>106</sup> The latter two scenarios contradict a matter-of-fact explanation offered to Jamieson by the Chief himself. During a visit to Walpole Island in 1847 he requested Jamieson write to Clench to clear up any confusion.

Jamieson wrote:

He says that he thinks that you are labouring under some wrong impression in regard to the said land. He informs me that the land was purchased by himself—that it was purchased by money earned by himself---that with the exception of 84 dollars advanced by Mr. Jones late Indian Agent—all the money paid for the land was paid by himself...<sup>107</sup>

Quakgwan then explained that for these reasons, he wanted the proceeds to go to those who expended the effort to clear and farm it.

Unfortunately we do not know where all the funds came from to purchase the lot. Two plausible scenarios were offered: the payment plan in Chase’s valuation in January 1848 and the lump sum explanation offered in response to Quakgwan’s petition for the deed. Chapter four discussed how Anishinabe people came to have some cash on hand earned by working fields or selling fish, Aboriginal crafts, baskets or other items. Richardson noted the Anishinabe frequently sold handicrafts to tourists and to visitors and observers during gatherings for the

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<sup>106</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 675; RG 10/570, Clench to Campbell, 22 September 1849, np.

<sup>107</sup> LAC, RG 10/438, Jamieson to Clench, 21 October 1847, 409.

distribution of presents.<sup>108</sup> Chase himself suggested an external source like “the proceeds of Pipes,” and Quakgwan had some rental income paid by his tenants on Walpole Island.<sup>109</sup> Keating complained that money gave the Anishinabe enough independence to thwart attempts to confine them and control their behavior. To counteract this, in the 1820s and 1830s, officials first worked to prevent the accumulation of presents and access to annuity funds. In the 1840s, they diverted rental income away from the chiefs and discouraged settlers and merchants from engaging in commercial transactions with ‘Indians.’ Though Quakgwan purchased land before these policies could stop him, by 1850, they prevented him from keeping it.

The suggestion that Jones contributed \$84 towards the purchase would be Quakgwan’s undoing. Without offering any evidence, Chase penned a hostile-toned letter to Clench in 1849, in which he stated with certainty that they did not have legitimate sources of income to purchase the lot.<sup>110</sup> According to Chase, Quakgwan used the contributions of eight individuals, “deprive[d] the Chiefs on Walpole Island” of their rent money and received an advance of £16 (approximately \$80), from an anonymous source which he used to buy the lot. If this were not scandalous enough, Chase now asserted that the three houses, oxen, seed and implements on the property had been requisitioned through the department and paid out of the annuity, along with £25 to pay Quakgwan’s personal debts. Chase concluded that Quakgwan “has no good reason to complain as he “received much more of the Annuity than any one Indian in the whole Community.” Since some of the initial funds used to purchase the lot were paid with common funds, “all Claimants of the Annuity” had “a claim in the tract of land.”<sup>111</sup> Chase only made the allegations when officials deemed the community a threat and acted to remove them.

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<sup>108</sup> LAC, RG 10/436, Chase to Clench, 14 January, 1848, 617-620; Richardson, *Tecumseh and Richardson*, 82-86.

<sup>109</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 675-677.

<sup>110</sup> LAC, RG 10/436, Chase to Clench, 18 September 1849, 675-677.

<sup>111</sup> LAC, RG 10/436, Chase to Clench, 14 January, 1848; Chase to Clench, 18 September 1849.

For most of the decade department officials did not even know where Quakgwan lived and repeatedly confused him with the Stoney Point community led by Chief Wahpagas. Initially it seems that the department thought Quakgwan lived within the boundary of the Stoney Point Reserve since both communities were separated by only two concessions. An 1845 Census taken by Chase indicates that 32 lived with Wapagace and Quakegwun had 45 in his “band,” but he did not differentiate between their living arrangements suggesting even to historians that they lived together at the Sauble.<sup>112</sup> Francis Wilson ministered to both communities and their children probably attended the schoolhouse on his property.<sup>113</sup> In correspondence, officials referred to Wahpagas and Quakgwan both as the “Indian Chief[s] at the Sable” and their residents as the “River aux Sable,” “Aux Sable” or “Sable” Indians.<sup>114</sup> Conforming to the Governor General’s instructions, the Civil Secretary instructed Clench to secure a number of surrenders in the area. In 1847, Clench told him that “a small band headed by Chief Wahpagas in the township of Bosanquet on the River Aux Sable, has expressed a desire to remove to the Walpole Island with his party and the lot containing 100 acres, 82 cleared, which they command shall be sold for their benefit.”<sup>115</sup> Clench was obviously mistaken because the Sable Reserve settled by Wahpagas’ ‘band’ to the northwest contained ten times the acreage of Quakgwan’s lot. On more than one occasion the superintendent muddled the names of leaders and locations of the Chippewa of Anderdon, and the northern reserve communities.<sup>116</sup>

If Quakgwan was aware of the confusion, he may not have been too eager to correct the misconception. It does seem that his community received some items through the department. In

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<sup>112</sup> Johnston, “Connecting People to Place,” 21.

<sup>113</sup> LAC, RG 10/444, Abstract acct of debts due by the Chippewa Indians of the Upper Reserve on the River St. Clair... 4 October 1848, 326, RG 10/444, Abstract acct of debts due by the Chippewa Indians of the Upper Reserve on the River St. Clair... 1 January 1849, 398.

<sup>114</sup> Gulewitsch, *Kettle and Stony Point History*, 18.

<sup>115</sup> LAC, RG 10/10028, Clench to Major Campbell, 9 April, 1847, 140.

<sup>116</sup> LAC, RG 10/10028, Clench to Campbell, 9 April, 1847, 140; Campbell to Clench, 20 April, 1847, 141.

1846, Chase complained to Clench that the chiefs made requisitions to pay “Mr. Ward” for “one Yoke of oxen and two Steers and a quantity of Potatoes for seed.” These were apparently delivered to “Chief Quakejewan’s Band” in 1841 or 1842.<sup>117</sup> At the time Chase wrote, the requisitions were five years old, and Ward and Brewster’s accounts appear on Sarnia’s massive list of debtors made in 1848 as suppliers of housing, potatoes, seed grain and lumber. But these were only supposed to be paid if all the chiefs agreed and after all the details were “read and explained to them” in council. Quakgwan may not have even aware of the debts as Wahpagas signed but Quakgwan did not, and there is no way to prove that the goods went to, or remained with the communities that requisitioned them.<sup>118</sup>

An examination of some receipts suggests the chiefs exploited their collective administration and Clench’s ignorance by charging supplies to each other and sharing goods. Quakgwan received farm implements ordered for the Sable, and Sarnia seems to have received supplies to build two houses at the same time Quakgwan was billed for them.<sup>119</sup> In 1853 Clench received a bill for “dwelling houses, working oxen” and “farming implements &c.” supplied to Quakgwan’s band based on an estimate dated September 4, 1852. This was simply not possible. The community dispersed and the land was sold more than two years earlier.<sup>120</sup> Some of these expenses occurred during the tenure of Keating and Jones and others after. It is plausible that in a few instances merchants double-billed and communities did receive the goods they ordered. Quakgwan also no doubt circumvented the department entirely and bartered with Ward privately, since Sampson and Henry lived just down the road. Only when they thought they could discredit

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<sup>117</sup> LAC, RG 10/436, Chase to Clench, 24 September 1846, 580.

<sup>118</sup> LAC, RG 10/444, Abstract acct of debts due by the Chippewa Indians of the Upper Reserve on the River St. Clair...4 October 1848, p. 326; RG 10/444, Abstract acct of debts due by the Chippewa Indians of the Upper Reserve on the River St. Clair...1 January 1849, 398. Dodems on the first account belong to Mesheebishee and Wawanosh for Sarnia and Peter Wegeshigh for Walpole Island. Mesheebishee, Wawanosh, Nageshegh, Wapugass, Meegezeence approved the second.

<sup>119</sup> LAC, RG 10/436, Chase to Clench, 24 September 1846, 580.

<sup>120</sup> LAC, RG 10/570, Clench to Robert Bruce, 15 September 1853, np.

him, did the department seek to correct any misunderstandings about the community.

Finding the source of funds to purchase the lot and improvements proved to be moot once Chase realized that Quakgwan had outstanding debts. The department used this as a window of opportunity to eliminate any doubts, by paying them with Sarnia's annuities.<sup>121</sup> Clench could now argue that since band funds were expended on Quakgwan's enterprise, the department was morally compelled to do something, including confiscating the land in order to pay back the annuity. Therefore, by October, 1849, Superintendent General T.E. Campbell assuredly wrote that "the land was purchased in partnership with other Indians and was in part paid from the funds of the tribe."<sup>122</sup> Once the department shifted the focus away from his legal entitlement to the deed, to protecting the collective interests of the residents, Quakgwan had no defence.

In 1847, government officials recognized that "Indians have purchased land for themselves with the proceeds of their annuities" or became "landholders by the purchase or leasing of lands from whites."<sup>123</sup> According to law and the Department's own policy, Quakgwan's lot was owned by an 'Indian,' it was not Indian land. As Figure 18 below illustrates, the land began as Indian Territory under the *Proclamation of 1763*, but the Crown argued that Anishinabe Chiefs surrendered all their rights and entitlements in the Huron Tract Treaty. The Crown sold it to the Canada Company and the Canada Company sold it to Sampson Ward. Based on the leases and other documents made on the St. Clair, Quakgwan had considerable experience negotiating with non-Aboriginal people, and he made a similar agreement to purchase the lot from Ward. As discussed in previous chapters, it is also evident that the ability to control documents and access to them formed an important aspect of colonial control in the period before 1850.

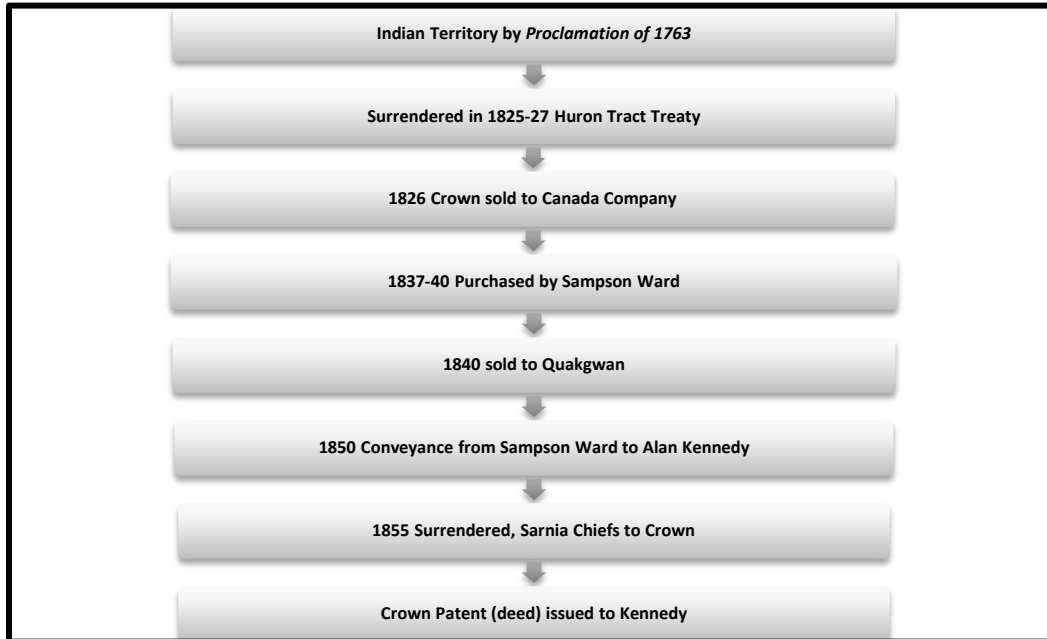
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<sup>121</sup> LAC, RG 10/570, Clench to Campbell, 22 September, 1849, np.

<sup>122</sup> LAC, RG 10/570, Campbell to Clench, 3 October 1849, 502.

<sup>123</sup> *JLAPC*, 1847 Report on the Affairs of the Indians in Canada, "Lands," np.

**Figure 18: Anatomy of a Lot**



If this was indeed a ‘gentleman’s agreement,’ Quakgwan relied on those involved to honour it and to secure the paperwork necessary for him to legally possess the lot.<sup>124</sup> According to Jamieson, Jones, who retained connections with the Canada Company from his tenure as a land agent in the Baldoon office between 1830 and 1835,<sup>125</sup> contributed money to help purchase the lot. Writing in January 1850, Quakgwan was under the impression that William Jones kept the deed and told Hyde as much. But Jones died sometime the previous year, and Clench did not receive his papers until May 1851.<sup>126</sup> Quakgwan knew that he needed paper proof to keep the land. Sampson Ward’s deed for the lot signed by William Allen and Thomas Mercer Jones of the Canada Company is in the Lambton County Archives. Whether Quakgwan’s deed was lost or simply concealed, he did not have it, and its whereabouts at this time are unknown.

More than twenty years after he signed the Huron Tract Treaty, and after three private

<sup>124</sup> Karsten, *Between Law and Custom*, 282.

<sup>125</sup> Karr, *The Canada Land Company*, 84.

<sup>126</sup> LAC, RG 10/438, Hyde to Clench, 17 January 1850, 323-4.; RG 10/570, Clench to Bruce, 14 June 1851; LCA, “Ward Surname File.” A letter from Hyde inquiring about the whereabouts of the deed is in Clench’s files however his response, if one was written, is unknown.

land transactions, the Superintendent General of Indian Affairs argued Quakgwan's lot was Indian land simply because Anishinabe people lived on it. Once ceded by treaty and opened for settlement, nothing existed in law to prohibit or prevent people of Aboriginal ancestry from purchasing land privately like any other settler. But the surrender provisions outlined in the *Proclamation of 1763* and the outcome of the dispute between Peter Russell and Joseph Brant concerning the alienability of Six Nations lands seem to have empowered officials to act as trustees in all transactions involving Indigenous lands.<sup>127</sup> The 1839 Crown Lands Protection Act transformed Indian land into Crown land. However, this initially only applied to reserves. The 1849 amendment, extended the provisions to unsold Crown lands, but Sampson Ward's lot was not Crown Land. Nevertheless, by the late 1840s, in theory, opinions appear to have shifted to a general understanding that Aboriginal people could not purchase land, and that these restrictions applied to 'Indians,' rather than 'Indian Reserves.' Preventing access to annuities and blocking access to government without the permission of the superintendent meant that land could not be purchased, located, registered or deeded after 1850. By law, in 1857 and most assuredly by 1869, Aboriginal people as individuals on reserves, could not shed these encumbrances without renouncing their status and enfranchising.

But in 1849, legally there was nothing to prevent Quakgwan from possessing his deed. Rather, policy and ideology empowered the department to assume control. George Hyde, who by all accounts was an educated man, a council member and a magistrate appeared genuinely confounded when Quakgwan asked him to inquire about his deed. Quakgwan appears to have told Hyde that he was going to sell the lot himself. But the magistrate did not know, as he

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<sup>127</sup> Hagopian discusses the dispute in detail in "Joseph Brant vs. Peter Russell: A Re-examination of the Six Nations' Land Transactions in the Grand River Valley."

confessed to Clench, “whether he has the right to do so or not[,] I am ignorant...”<sup>128</sup> The fact that Quakgwan owned land privately off reserve, or was in the process of purchasing it, shows that he operated in a legislative vacuum. It was in that space, in the absence of any legislation saying otherwise, that Indian department policy gained a foothold and prevented him from receiving his deed.

Department officials did not care whether Quakgwan intended to keep the lot, or sell it on his own, for the benefit of his people. Quakgwan simply could not get more than his fair share, even if community members earned their money individually through paid labour, even if his ‘band’ contributed more than Sarnia, and even if he was summarily disadvantaged by that very equality. Placed in a catch-22, Quakgwan could not keep the land himself because the government insisted it be sold to pay back the annuity fund. He could not sell the land himself because no one would let him have the deed. As he feared would happen, the government took care of it for him. Left with no choice, in February 1850, he reluctantly agreed to surrender the lot and move to Walpole Island. One year later, in February 1851, the lot was sold to Allan Kennedy, the local postmaster and magistrate. That same spring, Quakgwan died.<sup>129</sup>

### **Post-Script**

In 1880 Quakgwan’s son Wilson Jacob, hired a lawyer and launched a claim on behalf of the family. According to Jacob, Quakgwan eventually did surrender the land for the benefit of the Sarnia Indians. Sampson Ward, who seems to have possessed the deed all along, agreed to pass it to the Crown. In exchange, Quakgwan would receive \$900: \$100 to move him to Walpole Island, \$400 to build him a house and \$400 to be placed in trust for his children. But he died before these conditions were fulfilled. His wife and children went to Sarnia, and they never

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<sup>128</sup> LAC, RG 10/438, Hyde to Clench, 17 January 1850, 323.

<sup>129</sup> LAC, RG 10/441, “The Land Natives Sold at the Sable belonging to Quakegwans Band,” addressed to Chase, 5 February 1850, RG 10/570, Clench to Bruce, 19 June 1851.



received the money.<sup>130</sup> The Crown Lands Office searched the files, but found no evidence that Quakgwan ever purchased the land and no agreement, in writing, for \$900.<sup>131</sup> Crown Lands informed the attorney that the family was not entitled to any money because the lot had been Indian land surrendered to the Crown for the benefit of the Sarnia Band, and he was presented with a copy of the surrender as proof. But this is not quite true. Quakgwan thought he transferred the land to the Crown, but Sampson Ward transferred it by direct conveyance to Kennedy in 1850. Kennedy did not make any payments until early 1851, after passage of the Act for the Protection of Indian Lands gave Clench the exclusive legal right to deal with Indian lands, after it prohibited non-natives from engaging in commercial transactions with Anishinabe people, and after it banned ‘Indians’ from contracting debts.<sup>132</sup>

Kennedy paid the amount recommended by Chase in four installments, receiving an incredibly valuable lot cleared for him with the sweat of Anishinabe labour. But when he applied for his patent in 1855, officials discovered that no surrender had been made. To rectify what the Department perceived to be a minor procedural error, four years after Quakgwan’s death on the 27<sup>th</sup> of September 1855, the principal Chiefs of the Sarnia reserve surrendered his lot to the Crown.<sup>133</sup> By the end of the decade Kennedy and his brothers possessed land worth more than

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<sup>130</sup> LAC, RG 10/570, Clench to Bruce, 13 May 1851, Clench to Bruce, 19 June 1851, Clench to Bruce, 2 August 1851.

<sup>131</sup> LAC, RG 10/570, Clench to Bruce, 5 November 1851. Clench’s Letterbook makes reference to a requisition made by Sarnia at this time in the amount of £911.10s. but it was sent to headquarters. More research will perhaps uncover the destination of the funds.

<sup>132</sup> 13 & 14 Vict., c. 74. *An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury*, 10 August 1850. Several parts of the act gave officials the legal authority to intervene in transactions with Indigenous peoples. The first part states that “no purchase or contract for the sale of land in Upper Canada... made of or with the Indians or any of them, shall be valid unless made under the authority and with the consent of Her Majesty...” Further, no one could “purchase or lease any lands...from the said Indians...or make any contract with such Indians...for or concerning the sale of lands therein, or shall...give, sell, demise, convey or otherwise dispose of any such lands, or any interest therein...or shall enter on, or take possession of, or settle on any such lands, by pretext or colour...” Violators risked a fine of £200 or more or imprisonment, or both.

<sup>133</sup> LAC, RG 10/570, Clench to Bruce, 5 February 1851; Bury to Talfourd, 14 April 1855, 24 and 18 September, 1855, 64; Canada, *Indian Treaties and Surrenders*, Vol. 3, No. 266, 257.

five times what they paid for it.<sup>134</sup> Eerily similar to the circumstances surrounding the McKenna lot in Moore Township, they also stood accused of poaching timber from the Stony Point Reserve which they processed in their sawmill.<sup>135</sup> These agreements not only deprived Anishinabe peoples from the enjoyment of their lands and the proceeds of their sale, they introduced people into the community who continued to steal the limited resources that remained.

Quakgwan and the estimated forty-five people who resided on the lot with him are virtually erased from the land records of Bosanquet and from the history of the area. His name does not appear in the records of the Canada Company, in the municipal land records or even in the transfer of the lot from Ward to Kennedy. The roads adjacent to the land are named after Eurocanadians and the local cemetery, where the Ward and Kennedy families are buried, bears no hint of these Anishinabe residents.

## **Conclusion**

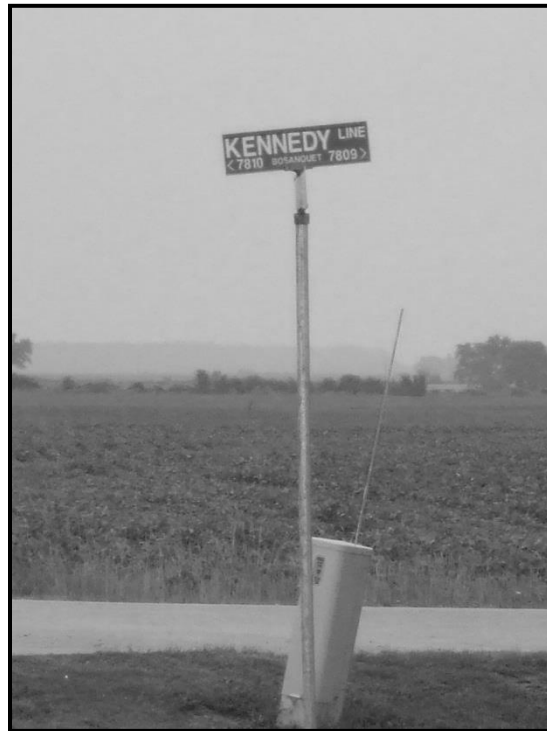
Despite a potential language barrier, Quakgwan developed close relationships with those around him and over the course of ten years, became a part of the community. However, these relationships were primarily oral agreements made in the course of their day-to-day existence, on the farm, in church and on the road. Quakgwan trusted that people would act honourably and that his community would flourish as his neighbours did. By the late 1840s, attitudes began to change and officials and policy makers increasingly viewed Indigeneity as something incompatible and separate from Upper Canadian society and institutions. Though Quakgwan had proven this wrong, legislation passed in the second half of the nineteenth century forced this

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<sup>134</sup> LAC, RG 31, *1861 Census Canada West*, 188A Agricultural Census of Lambton County, Bosanquet, 30. Kennedy and his brothers appear to have informally divided their acreage. Allen occupied 200 acres which he said was worth \$4000.

<sup>135</sup> LAC, RG 10/450, Jacob Rogers, Bosanquet to Talfourd, 27 December, 1858, 212; LAC, RG 31, *1871 Census*, Lambton County, Bosanquet, Div. 4, Schedule. 1, p.30 and Schedule 6, p. 1-2.

**Figure 19: The Corner of Lot 27, Concession 6, Municipality of Lambton Shores, Ontario.**



**Source:** Photo by the Author, 2013.

status upon all Indigenous peoples, limiting the possibility that such instances of co-existence could, or would exist in the future. Clench and the Indian Department executive mounted a concerted effort to deny that that the community ever existed. As a result, only the Wards and Kennedys are remembered and commemorated as founding pioneers. There is no evidence that the “Quakgwan Indian Village” once stood here. By the time Quakgwan’s heirs came to claim their fair share they were confronted with a history that erased their family’s story and the stories of the other families who lived with them.

The aggressive ‘civilization’ program and the proposition foisted upon Aboriginal people either to remain ‘Indians’ isolated on reserves or ‘citizens’ without a homeland, was by design, a plan to “break them to pieces.”<sup>136</sup> By assuming the role of trustee instead of deferring to Crown

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<sup>136</sup> Quoted in J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1989), 141.

**Figure 20: The Ward Cemetery**



**Source:** 9411 Sitter Road, Municipality of Lambton Shores, Ontario. Photo by the Author, 2013.

officials, Quakgwan threatened the system of communal landholding and economic and legal wardship. Paradoxically, these became the central tenets of a civilization policy designed to teach Aboriginal people to farm, so their reserves could be severed into individual lots and sold to non-‘Indians.’ Quakgwan and the people who moved with him to Bosanquet Township rejected this policy. By the late 1840s they had molded a way of life that worked in both Indigenous and Eurocanadian worlds. While they recognized that they could no longer live as they had in the past, neither did they have to wholly embrace a society and economy devoid of Anishinabek culture and values.

But by the second half of the nineteenth century, this was not acceptable. While the settlement in Bosanquet was part of a customary or oral arrangement between Quakgwan, the residents and Sampson Ward, it occasioned little notice and in the absence of any law prohibiting it was tolerated by Jones and Clench. Once Quakgwan demanded the right to reside on the land alone, he assumed a role that would not be tolerated in the 1850s—that of an independently

established Aboriginal yeoman farmer. Though Quakgwan saw himself as a freeholder, entitled to his deed and possessing title, owning land of this quantity entitled him to all the rights such a position conferred.<sup>137</sup> But legislation passed in 1850 combined the worst of both restrictions concerning the alienability of land in the 1839 Crown Lands Act, and those in the 1839 Order-in-Council prohibiting contract and debt. Additional legislation that followed in 1857 and 1869 served to further separate Aboriginal people by defining Indigeneity and reserves as something physically and economically separate from the towns and villages around them.

By the time Quakgwan died, he had an interest in three separate plots of land all held under different systems of tenure. According to Anishinabeg systems of land allocation, Quakgwan had a spot allotted to him on Walpole Island for his own use. In his absence, Nahdee camped on a portion and in 1831 he leased another for a term of twenty-one years. Had he lived, Quakgwan would have returned to a house built for him with the proceeds of the sale of the lot on Unceded Indian land. On the Sarnia reserve, he also had a village lot that he farmed from 1831 to 1839. The reserve was later surveyed and divided into individual lots for which he would have received a location ticket. Instead he moved to Bosanquet, put some money down and paid for a lot of land by installment. Though his name would have been on the deed, he held the land in trust and farmed it in common with “the families under his care.” This was another oral agreement based on mutual benefit, trust and kinship. In the Township of Bosanquet, Quakgwan was a farmer, a path master for the township, and a landowner. Along with other freeholders, he signed a petition, voted in township elections and was elected to a position of authority. Yet, at the same time he retained his language, culture and chieftainship. In ten short years, Quakgwan and his band were able to achieve a level of self-sufficiency and independence that the Indian

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<sup>137</sup> Elections Canada Online, *A History of the Vote in Canada*, Chapter 1, last modified 6 May 2014. <http://www.elections.ca/content.aspx?section=res&dir=his&document=chap1&lang=e>. To be entitled to vote, a person had to own property sufficient to produce an income of £2 per year.

Department could not in one hundred, precisely because they settled on their own terms.

Though more research needs to be done, Quakwan's life and his settlement in Bosanquet has the potential to provide new information concerning the settlement of Aboriginal people in Ontario and the many ways they negotiated the unrelenting and suffocating intrusion of colonial policy into their daily lives. It suggests that custom was very much alive in the post-treaty period and that customary ways of working the land came to be reworked yet preserved within the narrow confines of Western notions of landholding. By mutual agreement they merged the advantages of communal land use with the protection of fee-simple ownership, adapting parts of the civilization policy to their own benefit and rejecting others, thereby giving them the best of both worlds.

## CONCLUSION

Upper Canada evolved politically, economically and socially in what was initially an Indigenous homeland. However, in terms of our present historiographical understanding, the period between the American Revolution and the first legislation directed at Aboriginal people in the 1850s is understudied. Though the Aborigines Protection Society informed Lord Durham in 1838 that, “[a] very general prejudice” considering Indigenous peoples “an inferior race of men,”<sup>1</sup> already existed, between the 1780s and 1850, attitudes formed in the absence rather than the presence of law. While the ‘traditional patriarchs’ saw the future with two eyes, British officials crafted Indian policy with one eye focused on assimilation and agents implemented it by “[g]roping in the dark.”<sup>2</sup> Although it is true that the Anishinabe began the century as allies and transformed into wards, it was not always this way. This dissertation examined some of the processes involved in this transformation in the years before Confederation by exploring how Upper Canadians understood Indigeneity and how Indigenous lives were lived and transformed.

In 1818, Anishinabe leaders on the St. Clair chose Chawme to express their collective will to John Askin. In contrast, in 1857 the Potawatomi and Ottawa of the St. Clair gave a petition to the H.R.H. Prince of Wales which read, in part:

Great Chief! We are poor! We were hunted from the Lands we occupied and we deeply regret that we no longer receive the presents which by your Chiefs were promised to us, “so long as the waters of our rivers flowed towards the vast Salt Lake, so long as the grass grows up towards Heaven.”

Great Chief! Altho’ we have no written words to remember by we still retain in our minds the promises made to us, and we felt when driven from our planting grounds and the graves of our dead that still we were coming Home when we crossed that River which the St. Clair mars the limits of their [Americans] sway.

Great Chief! We were not deceived---We are sheltered and protected but your warm blankets no longer cover us—Why is this? Are the “White Elk’s” [Alexander

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<sup>1</sup> *1839 APS Report*, Memorial to the Earl of Durham from the APS, 3 April, 1838, p. 24.

<sup>2</sup> *JLAPC*, 1858 Pennefather Report, np.

McKee] words forgotten? Shall we grieve...that his promises to us are not fulfilled... Great Chief! When you wanted us we were ready—Should you want us again soon... should we echo back the reply that we are ready[?]<sup>3</sup>

Anishinabe leaders in both of these instances looked to a history of relationships with each other and with British officials to build a mutually beneficial future in what would become Lambton County. This dissertation argues that a complex combination of politics, policy, land and economics coalesced over the first half of the nineteenth century to radically transform Chawme's vision from one that contained the seeds of self-sufficiency and independence to one that by Confederation, sought to confine and define 'Indians' as legal wards.

In keeping with the parallel paths symbolized by the Two Row Wampum, the Proclamation provided a legal basis for the separate treatment of Indigenous peoples. Though they were not British subjects, the 'traditional patriarchs' sought to 'see with two eyes' or establish a partnership in which they remained separate but sovereign. This seemed entirely possible when the Indian Territory consisted of much of the interior of North America, but as European settlement slowly eroded the boundary and the population of non-Aboriginal people increased in their territories, the choices available to these Indigenous leaders changed. Both American and British governments looked to settling Indigenous lands as a way to rebuild economies decimated by years of colonial warfare. If Anishinabe peoples could not be dispersed they would have to be collected somewhere and for many, the Northwest was no longer an option.

After the War of 1812, the St. Clair Chiefs had no recourse to the tools of direct action utilized by Pontiac, Bluejacket and Tecumseh. Settlement and removal in the former Northwest forced Bauzhigeeshigwashekum and his son Peterwegeshig, Shaweny-Penince, Wawanosh, Quakgwan and other leaders, into new and complex economic and social relationships with the

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<sup>3</sup> LAC, RG 10/453, Petition/Speech to the H.R.H. Prince of Wales, 1857, 1-3.



growing number of settlers, officials and merchants in the remnants of the Indian Territory in Upper Canada.

The Western Confederacy was loyal, but it is evident that they were loyalists of another kind. Throughout the latter half of the eighteenth century, the destruction of Aboriginal villages, the decimation of their cornfields and displacement of their inhabitants were cornerstones of American Indian policy designed to populate the land west of the Appalachian Mountains with settlers.<sup>4</sup> If the Western Confederacy was not in dire circumstances in 1778, their plight most certainly resembled that of their fellow loyalist refugees by 1815 and in 1830, when the Saginaw Chippewa and Potawatomi faced removal in the United States. But the reality of settlement in the Western District focused on compensating non-Aboriginal loyalists with Anishinabe land is fundamentally different from nineteenth century United Empire Loyalist narratives grounded in King and Country.

It is generally assumed that Anishinabe peoples and Eurocanadians originally settled in Upper Canada together as refugees and veterans as equals, with access to similar opportunities. This is part of a broader historical “fiction” generally accepted by Canadians premised on the belief that ‘our’ Indian policy was more “liberal” or humane than the militaristic American removal program.<sup>5</sup> To the contrary, this research shows that to many loyalists, the Anishinabe symbolized their persecutors, and remained reminders of the horrors and losses they suffered during the Revolution and American occupation of the Western District. Successive governments and their employees failed to honour Prevost’s promises of presents, pensions and assistance to veterans and their families. While sympathetic officials and Indigenous peoples negotiated shared settlement in the 1790 McKee and 1796 Chenail Ecarté Treaties, the agreements

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<sup>4</sup> For the scope of this, see various maps of the period in Tanner, *Atlas of Great Lakes Indian History*, 108-114.

<sup>5</sup> Haring, “The ‘Liberal’ Treatment of Indians,” 355. The recent War of 1812 commemorations celebrating Tecumseh and Indigenous contributions to the ‘defense of Canada’ is an apt example.

contained oral promises that were insufficient to protect the land from newcomers ignorant of the terms. The Huron Tract Treaty, meant to rectify this deficiency by building a foundation for Indigenous self-sufficiency, was not honoured either in terms of settlement or payment for the land. The department continually reduced entitlements and cutback expenses by draining Anishinabe annuities without providing agricultural or trades training to replace the loss. By 1862, recipients of Huron Tract Treaty payments were “very poor,” receiving a little more than \$2 each per year.<sup>6</sup> In contrast, settlers in Canada historically received enormous amounts of government assistance in the form of money, tools and provisions as well as tax and settlement exemptions. Governors-General consistently accepted their appeals over the needs of Anishinabe communities, yet the misconception that Aboriginal people were undeserving or gratuitous recipients, remains.<sup>7</sup>

Anishinabek Chiefs could see that growing settlement in the northwest and Western district threatened their way of life. While they, and waves of Delaware, Shawnee, Wyandotte and others wished to play a role in the future development of the region, they also demanded that change be culturally sensitive, at their own pace and on their own terms. In 1818, when Indian Agent John Askin approached the Chenail Ecarté, St. Clair, Kettle and Stony Point and Thames River people to discuss a surrender of their lands, they knew they needed the tools to successfully make this transition in exchange for the use of the land. A letter written by the Aborigines Protection Society, on behalf of the Chippewa and Munsee of the Longwoods Tract, states that the signers expected to “receive the proceeds” of the sale of land to white settlers.<sup>8</sup>

Access to these funds, combined with farming and other economic activities, would have

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<sup>6</sup> LAC, RG 10/453, Walpole Island Petition, 4 August 1862, 10.

<sup>7</sup> See Carter, *Lost Harvests*, 215. The British and Canadian governments propped up agricultural settlers, assisted various emigration schemes in the 1840s and orchestrated prairie settlement in the 1880s.

<sup>8</sup> LAC, RG 10/438, William Gladstone, Colonial Secretary to Lieutenant General Charles Murray, The Earl Cathcart, 16 February 1846, 161.

allowed communities or individuals to purchase more land if required. As discussed, Aboriginal economies did not solely depend on agriculture, and lands suitable for hunting, fishing, gathering and maple-sugaring were equally, if not more, important than farmland. Controlling the lands they possessed combined with income generated from lands surrendered formed a strategic plan designed to provide a solid economic base for future generations. A long history of Indigenous leasing as well as purchases of maple groves in Enniskillen and the land in Bosanquet demonstrate that Anishinabe peoples intended to, and were capable of, managing their own communities. Beginning in colonial America, the pattern of transferring Anishinabe lands through Indigenous leases and treaties, to settlers for a fraction of its value, compelled leaders from Hendrick to Quakgwan, to recreate the Indian Territory with each successive loss, at Stanwix, Ghent, Shawanoe, the Sand River and Saugeen.

Lord Goderich wrote that settlers would spread “everywhere over the country like a flood of water.” Aboriginal people could either be “swept away,” or they could take up “grants of land.” If they took up agriculture, Goderich assured them, they would “gradually increase their numbers and their wealth, and retain their situation in a country in which they were so well entitled to have a share.” He maintained that the British government “had a very sincere desire to see them prosperous and happy.”<sup>9</sup> Seeking balance and compromise, Anishinabe leaders wished to have their children educated to facilitate economic and social exchanges with Eurocanadians on an equal basis. The development of a new ‘trade’ economy with the assistance of a blacksmith, agricultural implements and instructors to teach them to farm, when added to the culture, language and lifeways they learned at home, would enable them to ‘see with two eyes,’ so they would possess the best of both worlds. Nonetheless, instead of cementing an ongoing partnership, many settlers conceived of the treaties as nothing more than one-time transactions.

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<sup>9</sup> “The North American Indians,” *The Penny Magazine*, No. 182, December 31, 1834 to January 31, 1835, 53-55.

Believing the Anishinabe were paid handsomely for the land, they no longer wished to deal with them and felt they should be removed from areas they formerly frequented and utilized.<sup>10</sup> While presents, promises, pensions and settlement assistance were understood as separate payments to be provided by the British and Canadian governments, Aboriginal people ultimately paid for them out of their land sales.<sup>11</sup> The Anishinabek lost their land and sacrificed as much as their neighbours. However, ‘Loyalists’ were not created equal in Upper Canada.

Non-Indigenous Loyalists could do what they wished with their land grants, monetary compensation and settlement assistance. In contrast, the 1828 Darling Report outlined a program to ‘civilize’ Anishinabe peoples by congregating them into villages where they could be provided with instruction in Christianity and agriculture and inculcated with British culture. As this dissertation discussed, the difficulties Anishinabe communities experienced had nothing to do with their culture and everything to do with outside control and interference. Anishinabe people knew where to locate the village, how big their houses should be and that working the land together proved more efficient than individually. Yet it the Sarnia Village did not function until the late 1830s because colonial officials insisted Jones locate them in the interior. His dithering and the unexpected appearance of cholera and rebellion meant that Anishinabe farmers had barely begun to harvest a crop and develop their communities before officials deemed the village and the civilization policy expensive failures.

Aside from instructions related to broad projects such as village settlement, much of the *ad hoc* nature of British Indian relations really occurred in a legal and policy vacuum. Though the 1849 Municipal Act incorporated townships with as few as 100 households,<sup>12</sup> colonial

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<sup>10</sup> Quoted in Hamil, *Valley of the Lower Thames*, 18. This is from a 1790 petition signed by Isaac Dolson and thirty other settlers on the Thames to the Land Board.

<sup>11</sup> *BPP*, Vol. 617 (1834), No. 9, Sir James Kempt to Sir George Murray, 22 June, 1829, 54.

<sup>12</sup> 20 Vict. c.26. s. II. *An Act to provide one general law, for the erection of Municipal Corporations, and the*

officials denied Anishinabe reserves any legal status. While English law did not protect or impose upon Aboriginal people, by far, the fact that they were not permitted to exercise independent legal authority in the face of settler illegality on their lands, wrought the most destruction in their communities.<sup>13</sup> It rendered them completely dependent on their agents and officials who in years past might have looked at Aboriginal people with “hopeful eyes.” Their replacements by the mid-1850s lacked even the most basic patience and understanding.<sup>14</sup>

Anishinabe leaders and their communities constantly found ways to work within a system that worked against them. The number and size of deeds and treaties negotiated in the Detroit and later the St. Clair River region are directly related to changes in their political and economic circumstances. After pouring thousands of pounds of goods, ammunition and other supplies into the Northwest in the 1790s and again in 1812, the Colonial office called for an inhumane level of thrift. Anishinabe Chiefs and their villages struggled to retain what they could of the Indian Territory along with a “means of livelihood.”<sup>15</sup> Nevertheless, once peace was achieved the disbursement of land became intertwined with loss and sacrifice.

The rights of particular people to occupy and possess Aboriginal lands directly linked to their class and the extent and nature of their social connections. Initially, McKee and Elliot believed their oath to protect the public good, and their obligations under the Covenant Chain entitled them to bend the rules.<sup>16</sup> Less inclined to build positive relationships with Anishinabe peoples, Ironside and Clench amassed control and influence through a developing state bureaucracy, favouring themselves and local settlers and merchants, while excluding others.

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*establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, 30 May, 1849 in *Statutes of the Province of Canada, Vol. III* (Montreal: Stewart Derbyshire & George Desbarats, 1849), 453.

<sup>13</sup> Haring, *White Man's Law*, 97, 25-26, 32-33. Haring notes that from 1791 onwards, a differentiated legal position akin to wardship was assigned to Indigenous peoples; one which he describes as “legal dualism.”

<sup>14</sup> *BPP*, No. 247 (1856), Bury to Sir Edmund Head, 5 December, 1855, 25.

<sup>15</sup> Borrows, “Wampum at Niagara,” 168.

<sup>16</sup> Travers, “Empire Revisited,” 102.

Policy therefore, did not solely determine the ‘outcomes’ of land and economic disputes on the St. Clair.

Anishinabe Chiefs could not have known that the Crown would usurp the responsibility for the protection and control of Indian lands in 1839. By the 1840s, the Colonial office under Herman Merivale acknowledged “that ‘laws and regulations’ were almost always unenforceable. The actions of the “trader, the backwoodsman, the pirate, the bush ranger’ were far more important elements in the development of the relationship between the native peoples and Europeans than laws.”<sup>17</sup> In the course of mediating disputes between local settlers and the Anishinabe, Jones and Keating occasionally appealed to higher powers for guidance. However, they manufactured policy by manipulating leases on Walpole Island and judging character in their capacity as magistrates and Crown Lands officers. But throughout the 1840s, officials simply allowed encroachment on the reserves to continue and the government looked the other way as the town of Port Sarnia slowly invaded the Indian village. Rather than prosecuting trespassers on Aboriginal lands, British policymakers effectively sanctioned squatting by offering compensation and goading communities into surrendering small surrenders of occupied lands. Under such circumstances, reserve residents became suspicious. In the late 1840s they resisting attempts to survey and subdivide the land and demanded deeds to protect them.

Restrictions on land ownership combined with the inability to borrow to purchase land, tools or businesses prevented the Anishinabe from engaging in any meaningful business transactions off reserve after 1850, except as clients and customers. Keating and Clench’s treatment of Indian Department creditors soured relations further, and when economic conditions worsened after 1857, merchants would not engage in any substantial credit transactions without the surety of collateral. Upper Canada’s stunted growth and stalled development was noted by

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<sup>17</sup> McNab, “Herman Merivale and the British Empire,” 197.

Gourlay, Jameson and other travelers which they attributed to labour shortages and deficits in innovation and production. In the meanwhile, Anishinabe people had to leave their communities to purchase the most basic necessities and could not even saw their own lumber or grind their own grain. Indian Department business, highly sought out by local tradesmen and suppliers, channeled opportunity and Anishinabe annuities, into the pockets of non-residents. While agent incompetence and disinterest thwarted independent initiatives, stunting economic growth on the reserves, the Anishinabeg funded development in the neighbouring towns of Sarnia, Wallaceburg (Baldoon), Chatham, and Algonac, Michigan.<sup>18</sup> By the 1860s, access to Anishinabe business, land and resources, provided Malcolm Cameron, the McDougalls, the Mackenzies and other founding families, with the financial and political wherewithal to create the “state and business enterprise” that rationalized Confederation.<sup>19</sup> If Indigenous and Euroamerican loyalists settled together in the district by 1867, neither local settlers in Lambton County nor their representatives in Ottawa, gave much credence to Anishinabe contributions to the county’s cultural, economic or political development.<sup>20</sup> Documents and petitions demonstrate that this was the exact opposite of what Chawme, Quakgwan and others intended when they signed the Huron Tract Treaty.

Neither Kempt nor Colborne wished ‘civilization’ policy to create dependent and impoverished communities nor did missionaries Andrew Jamieson or E.F. Wilson or interpreter H.P. Chase, choose to become accomplices in the process.<sup>21</sup> It was also not the outcome expected by Peterwegeshig and Wawanosh when they asked for schooling and economic assistance in their communities. ‘Seeing with two eyes’ became a response to these policies and an attempt to survive in a changing world, while preserving Anishinabe culture and values.

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<sup>18</sup> Neu, “Accounting and Accountability,” 31.

<sup>19</sup> Baskerville, *Ontario: Image, Identity and Power*, 110.

<sup>20</sup> Elbourne, “The Sin of the Settler,” 2.

<sup>21</sup> *BPP*, Vol. 617 (1834), No.13, Extract of a Letter from the Lord Bishop of Quebec to Sir James Kempt, 22 April, 1829, 52.

Enfranchisement ran completely counter these values and the costs, in the end, were not worth it. If law and policy failed to ‘protect’ and ‘civilize’ the Anishinabe, legislation introduced after 1857 would fail to ‘assimilate’ them as well.<sup>22</sup> To renounce everything for a slim chance of success in an indifferent and sometimes openly hostile British world was a gamble few Anishinabe people were willing to make.

Officials implementing the civilization program failed to accommodate and consult with the very people intended to benefit, transforming it into a temporary system designed for their elimination after 1857. Crown Lands legislation, which the Anishinabe thought would confirm their rights and provide a way to prosecute squatters, did the opposite. It allowed non-Aboriginal people to erode Indigenous land and resource rights which when combined with the 1839 OIC, prevented them from engaging in the kind of self-sufficient commercial activities government officials always demanded they acquire. As early as the 1840s, policies drove Anishinabe people off the Sarnia reserve in search of opportunities elsewhere. Development of state and bureaucratic infrastructure necessary to count, categorize and track populations gave legislators false confidence that ‘Indians’ as well as their residency, rights and entitlements could be regulated in some legitimate or consistent way. Permissions, bans and regulations contained in Acts passed in 1857 and 1869, along with the increased use of annuities for commercial transactions, became powerful tools of control in the hands of Indian agents allowing them to play favourites, show preference and punish those who protested. As discussed in chapters four and five, the failure to protect Anishinabe communities from encroachment and assist communities in implementing reserve-based education and economic development became more evident as populations increased. Great Britain and then Ottawa abandoned the communities entirely on the premise of failure, but reserves could not be sold unless they were emptied of

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<sup>22</sup> Tobias, “Protection, Civilization, Assimilation,” 39.



residents, either by the enfranchisement of ‘bona fide’ Indians or the expulsion of persons not entitled to live on them. By 1876, Superintendent of Indian Affairs David Laird summed up the choices available—‘Indians,’ he stated, “must either be treated as minors or as white men.”<sup>23</sup> In this statement, there is no suggestion of coexistence, no evidence of a partnership and no recognition of several hundred years of history that came before.

Laird and officials operated under the assumption that “Indians were incapable of dealing with persons of European ancestry without being exploited.”<sup>24</sup> The examples presented in this study show this to be patently false. Instead, the ability to exploit Anishinabe peoples without fear of punishment made such behaviours permissible and even socially acceptable in heavily populated locations on the St. Clair. In the interior, Quakgwan lived his entire life according to the principles of ‘two eyed seeing’ and the settlement in Bosanquet is indicative of what might have been, had officials allowed Anishinabe people in the Western District to control their own destinies. Quakgwan’s ability to purchase land and develop a community shows that until 1850, legal and ethical boundaries were fluid, and Aboriginal people could transgress them. Quakgwan was not any different than Peterwegeshig, Shaweny-Penince, Wawanosh, Ahbettuhwahnugund or Wahpagas, and each leader defined their relationships with Eurocanadians in their own way and in accordance with the values of their own communities. Striking out on his own with a small group, Quakgwan essentially established an Anishinabe Township in Bosanquet. His community challenged civilization policy, demonstrating that Anishinabe and Eurocanadian economies remained symbiotic well into the 1840s, and that fee-simple land ownership, combined with communal ways of working the land, led towards self-sufficiency.<sup>25</sup> Recognized

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<sup>23</sup> Dominion of Canada, *Debates of the House of Commons*, Third Session, Third Parliament, (Ottawa: Maclean, Roger & Co., 1876), 30 March, 1876,. 933.

<sup>24</sup> Tobias, “Protection, Civilization, Assimilation,” 39.

<sup>25</sup> Cronon, *Changes in the Land*, 77. Few settlers were self-sufficient and no one could make every item they

as a leader in the “Quakgwan Indian Village,” he built political alliances at both the municipal and district level. He fulfilled civic responsibilities in the broader community, voted, worked with residents in Bosanquet to maintain the roads and added his name to petitions for services. By the mid-1840s, residents recognized the village as a part of the Township. This was a direct threat to Indian policy which was entirely premised on the belief that Indigenous peoples were incapable of managing their own affairs or contributing to Upper Canadian society.

Increasing financial independence, education and alliances with individuals, missionaries and organizations like the Aborigines Protection Society, allowed an increasing number of Anishinabe people to publicize their plight to sympathetic audiences in the United States and Great Britain. Peterwegeshig worked tirelessly to make their concerns known to the government and Bagot Commissioners and to convince all the Western District Chiefs to appear before the Queen.<sup>26</sup> Though Clench and allies of the department dissuaded the other Chiefs, Peterwegeshig and a delegation from Walpole Island went to England “on a mission connected with the encroachment of the whites” to demand restitution.<sup>27</sup>

Designed to address the Bagot Report’s scathing criticism of the status quo, Superintendent Clench and locals like Jones and Kennedy used the removal instructions issued by the Governor General to undermine Quakgwan’s trusteeship and profit from his displacement. Defined as ‘Indians,’ department officials told Quakgwan and the families who farmed with him that no single person could own land because their lands were held in common. When officials could not force Quakgwan to surrender the lot, they made his land a reserve and sold it on behalf of the residents of Sarnia, and they did this using the language of equity and fairness. Once

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required.

<sup>26</sup> LAC, RG 10/438, Higginson to Clench, 29 August, 1844, 193-5; Higginson to Clench, 23 July, 1845, 112-117.

<sup>27</sup> “Ojebway and Potawatami Indians,” July 12, 1856, *Illustrated London News*, Vol. 29, (London: William Little, 1856), 41.

officials eliminated the threat of individual ownership, legislation targeted collective tenure by subdividing the reserves into allotments and encouraging their allocation to enfranchised Indians in fee-simple. Anishinabe communities clung to communal landholding to protect the reserves against a government bent on dismantling them through private ownership.<sup>28</sup>

Anishinabe people in Lambton County have waited 187 years for the promises in the Huron Tract Treaty to be honoured. In 1996, the RCAP recommended a renewed partnership to restructure the relationship between First Nations and Canadians (via governments). Measures to recognize the treaties and implement self-government, economic development, education and training and resource sharing programs should be well established today.<sup>29</sup> But so little has been done eighteen years later that Ontario's Regional Chief Stan Beardy and the organization known as "Canadians for a New Partnership," (CFNP) had to reiterate the same demands for a restructured "partnership" between First Nations and Canadians.<sup>30</sup> Locally, seven years after the inquiry into the death of Dudley George at Ipperwash (Stoney Point), "minimal if any progress has been achieved" to implement the thirty-one recommendations in the report. Though partnership once again was one of the principal recommendations made by Justice Linden, the descendants of Chawme, Wawanosh, Shaweny-Penince, Quakgwan and the other chiefs who signed the original Huron Tract Treaties, still wait for a commission to implement the terms of the treaty that they, and the Crown agreed upon nearly two hundred years ago.<sup>31</sup>

How might the partnership be restructured and the spirit of the treaties honoured? Many historians explain the differences between the original treaty expectations and outcomes as we

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<sup>28</sup> Carter, *Lost Harvests*, 17.

<sup>29</sup> RCAP, "People to people, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples," np.

<sup>30</sup> "Ontario Regional Chief Calls 'Canadians for a New Partnership' a vital step forward in educating Canada about First Nations Priorities," *Anishinabek News*, September 9, 2014. [anishinabeknews.ca](http://anishinabeknews.ca)

<sup>31</sup> Nicole Latulippe, "Seven Years on, still no treaty implementation mechanism in Ontario," September 2, 2014, *Anishinabek News*, [www.anishinabeknews.ca](http://www.anishinabeknews.ca)

know them today, as “misunderstandings.”<sup>32</sup> McKay rejected this term, citing it as another example of the liberal project and a ruse frequently used by the Crown to evade its responsibilities under a rubric of equality.<sup>33</sup> As a consequence, the inability or unwillingness to uphold treaty promises has also been characterized as fraud.<sup>34</sup> As an analytical tool used to discuss fissures in the relationship between First Nations and the Crown, it implies intent and as this study demonstrates, is not nuanced enough to fully explain how events transpired in pre-Confederation Ontario.<sup>35</sup> More accurate perhaps is Webber's notion that periods existed at different times during European and Aboriginal contact, when “rules” and laws were flexible, and “the structure of the relationship was formed as much from the compromises on the ground as from abstract principles of justice.”<sup>36</sup> That this may have been deliberate at times and intermittent and unplanned at others better explains the variability inherent in relationships between Europeans and Indigenous peoples in Upper Canada. The British 'fraudulently' articulated a partnership couched in Covenant-Chain style language, indicating the spirit of coexistence and 'two eyed seeing' would continue, but failed policy outcomes, lack of interest, and employee incompetence were not always deliberate or intentional. Evidence instead suggests that misunderstanding, fraud, trial and error, incompetence and consequences both unintended and unforeseen were simultaneously involved in the disintegration of the partnership between First Nations and the Crown and later Canada.

According to the residents of Kettle and Stony Point, “[t]he issues which flow from the

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<sup>32</sup> White, *Middle Ground*, x. White defined the middle ground as “a process of creative, and often expedient, misunderstandings...[out of which emerges] new meanings and new practices...” Though the metaphor caught on like wildfire, White's 'creative misunderstandings' are not applicable to Indian-White relations in the nineteenth century.

<sup>33</sup> McKay, “The Liberal Order Framework,” 637.

<sup>34</sup> Cardinal, *The Unjust Society*, 31.

<sup>35</sup> Canada. Department of Justice, *Criminal Code* (R.S.C., 1985, c. C-46, s. 380), Fraud, accessed 30 September 2011, [aws-lois.justice.gc.ca/eng/acts/c-46/page-187.html#docCont](http://aws-lois.justice.gc.ca/eng/acts/c-46/page-187.html#docCont)

<sup>36</sup> Jeremy Webber, “Relations of Force and Relations of Justice: The Emergence of Normative Community Between Colonists and Aboriginal People,” *Osgoode Hall Law Journal*, 33, Vol. 623 (1995): 627.

violation of our Treaty rights and the imposition of legislation are historically complex and require ongoing investigation.<sup>37</sup> Rotman explains that the Crown's fiduciary relationship with Aboriginal Peoples is "situation-specific" and "rooted in the historical, political, social and legal interaction of the groups from the time of contact."<sup>38</sup> Furthermore, he argues that the judiciary in Canada will continue to lack the understanding necessary to determine Crown duties and responsibilities towards Aboriginal peoples in a modern context until more localized studies are written to document their complex histories.<sup>39</sup> After countless court decisions reminding the Ontario government that it has a fiduciary duty to Aboriginal peoples as a trustee, it and all the citizens it represents should not need commissions, inquiries or court decisions to do what is fair, just or sensible.

Compensation for losses continues, most often in the form of large cash settlements awarded to Anishinabe communities for specific historic treaty breaches. These decisions neither protect the land base, nor force governments to create long-term resource sharing agreements. The failure to implement the terms of the treaties combined with Indian Act regulations that hamper innovation prevent community recipients of compensation from implementing any fundamental change to the status quo.<sup>40</sup> The federal government's willingness to 'breach now and pay later,' and steadfast refusal to 'inconvenience' "good faith purchasers," is no different than the myriad of concessions given to Jacob East, the McDonalds and the Moore deed holders

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<sup>37</sup> Gulewitsch, *History of Kettle and Stony Point*, 16.

<sup>38</sup> Rotman, *Parallel Paths*, 13.

<sup>39</sup> Rotman, *Parallel Paths*, 15.

<sup>40</sup> Allan K. McDougall and Lisa Philips Valentine, "Law versus Law and Order: Challenges to the Implementation of Treaty Rights," *Thirty-Second Papers of the Algonquian Conference*, ed. John D. Nichols (Winnipeg: University of Manitoba, 2001), 340; McHugh, "The Politics of Historiography," 333-42. Why are the Chippewa of Sarnia not entitled to rent or tax revenues from the City of Sarnia? Much of downtown Sarnia sits within a four by one mile strip of the Sarnia reserve surrendered under suspicious circumstances to Malcolm Cameron in the Cameron 'grant'. While the agreement violated the surrender requirements of the *Proclamation of 1763*, the Ontario Court of Appeal dismissed a specific claim launched in 2000 on the basis that the land was purchased in good faith.

in the 1830s and 1840s.<sup>41</sup> Today, it is in the “public interest” to favour “equity’s darlings,” not because of their loyalty, good character and improvements, but because too much time has passed and remedies for trespassing applied in such circumstances, to “third party land titles” are viewed by the courts as unfair.<sup>42</sup>

We must stop looking to the past to justify the present and instead study the past to understand our future.<sup>43</sup> Understanding the massive framework of colonial laws, policies and processes is absolutely necessary to deconstruct them. Anishinabe communities in this region were cheated out of much needed annuities, assistance and opportunities in the early nineteenth century. Had they been paid the true value of the land and paid the interest that would have accrued on their investments over the course of more than one hundred and fifty years, they would today be some of the most successful communities in the province. Most importantly, as Upper Canada cried for artisans and skilled workers in the 1840s, Ontario today continues to fail to benefit from a great deal of the creative energy and innovation in its midst. The status quo is not acceptable, either for Anishinabe communities, whose ancestors did not surrender them into poverty, nor for governments and non-Aboriginal people, who no longer wish to subsidize a policy of political, economic and cultural apartheid. As the Aborigines Protection Society stated in 1839, the benefits and profits from Indigenous lands “makes us already their debtors for whatever funds are wanted.”<sup>44</sup> Ontario has the largest, youngest and fastest growing First Nations populations in Canada.<sup>45</sup> It is far more expensive to continue to support the breach of the treaties than to cooperatively build mechanisms to honour them.

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<sup>41</sup> Karsten, *Between Law and Custom*, 152.

<sup>42</sup> McDougall and Valentine, “Law versus Law and Order,” 337 & 340-1; McHugh, “The Politics of Historiography,” 185-6.

<sup>43</sup> McHugh, “The Politics of Historiography,” 167.

<sup>44</sup> *1839 APS Report*, 51.

<sup>45</sup> Statistics Canada. *Aboriginal Peoples in Canada: First Nations People, Métis and Inuit, National Household Survey, 2011*, last modified 28 March 2014, <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm>

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## APPENDIX A: GLOSSARY

**Anishinabe, Western Anishinabe:** Refers to Ojibwe (Chippewa), Odawa (Ottawa), Potawatomi, Shawnee, Miami and Delaware (Lenni Lenape) peoples occupying the northwest and Lake Huron, Michigan and Ohio borderlands. They are members of the Central Algonquian language family, speaking variants of the *Anishinaabemowin* dialect. See **Western Confederacy**

**annuity:** Replaced lump-sum payments of goods for surrendered Indian land after 1818 in Upper Canada. Depending on the specifics of the treaty, Indian Affairs retained and managed the principal. Indian agents dispensed small percentages or per-person amounts on a half-yearly or annual basis in money, or the equivalent value in goods.

**band:** An anthropological term used by Indian affairs to describe individuals linked by clan, kinship or alliance to particular chiefs or headmen. In the reserve period officials also used it to describe political alliances or factions associated with individual chiefs like ‘Wawanosh’s band’ and to individual reserve communities (Sarnia Indian Band). In the Indian Act, ‘band’ is a legal and administrative term referring only to communities recognized by the Department of Aboriginal Affairs (Indian band, band funds, band council etc.). The term has fallen into disuse in favour of ‘nation’ or ‘First Nation.’

**Big Bear Creek/Bear Creek/Sydenham River:** Where it meets the Chenail Ecarté at St. Anne’s Island (Walpole Island), the Sydenham River branches off into a northern and a southern branch. Bear Creek Chippewa Territory consisted of the area between two branches of the river. The southern branch, also called **Big Bear Creek**, runs eastward from Wallaceburg, through Camden to the town of Florence in Euphemia Township. The northern branch, sometimes called **Bear Creek**, flows northeast through Sombra and the town of Petroilia in Enniskillen Township. **See Enniskillen.** Officials divided this territory between the Huron Tract and Longwoods Treaties. Chawme requested the reserve for Tomago’s group, believed to have camped west of the town of Florence in 1818 and it was supposed to have been included in the 1822 Longwoods Treaty. The reserve was never made and the Chippewas of the Thames settled the “Big Bear Creek Claim” with the Federal Government in 2013. Because the reserve was never made, some Bear Creek Chippewa moved to the Thames while others continued to frequent the northern branch in Enniskillen. As a result, officials often confused the two. (See Ferris’ report on the location of the Bear Creek Reserve cited herein).

**Cholera:** Cholera is spread by ingesting bacteria found in contaminated water or food or through contact with an infected person. Severe diarrhea and vomiting most often resulted in death from dehydration. When it appeared in Canada, high fatality rates and an unknown method of transmission incited fear and panic and captured the attention of doctors and scientists. As a result, cholera played an important role in the development of sanitation and public health measures. Major outbreaks also occurred in 1832, 1849, 1851, 1852 and 1854.

**Currency Conversions:** Until Canada produced its own currency in (1858 for coins and 1866 for paper bills), economic transactions were conducted in American dollars and British pounds. One British pound (£1) equals 20 shillings or 240 pence. In Canada, £1 *Halifax currency* was



worth about £1.11 or \$4 U.S. Conversions used in this study use a 1:4 exchange ratio.<sup>1</sup>

**Cuyahoga Purchase:** In the 1790s, John Askin and his son John Jr. along with William Robertson, surveyor Patrick McNiff, Israel Rutland, John Dodemead and Alexander Henry negotiated a 999 year lease with Ottawa, Chippewa and Mississauga Chiefs for land on the southern shore of Lake Erie from the Cuyahoga River (Toledo) to Sandusky. The Chiefs received the equivalent of one dollar (five shillings Halifax currency), plus fifteen shillings rent per year and unspecified benefits. The 1795 Treaty of Greenville voided these private agreements. See **Stanwix, Treaty of**.

**Dodem/Totem:** Var. spellings. *Dodem* in *Anishinaabemowin* means ‘clan.’ Clans or dodems are Anishinabe kinship groups whose members descend from a common animal ancestor. Certain dodems like the Crane around Sault Ste. Marie were associated with specific locals. Individuals representing different clans resided together in villages which served to unite Anishinabe peoples spiritually, socially and politically throughout the Great Lakes and beyond. Pictographic symbols or totemic ‘signatures’ found on treaties and other documents from the St. Clair show that Wawanosh and Wahpagas used antlers, believed to be representative of the caribou dodem. Quakgwan and his brother Ashqugonaby used a beaver dodem while Peterwegeshig’s resembles a bird foot. Additionally, individuals from Walpole Island, Sarnia and Kettle and Stony Point throughout the 1800s, used crane, pike and turtle dodems, as well as unidentified birds, fish and animals. (For illustrations, see Joan Holmes cited herein).

**enfranchisement:** Administrative process contained in legislation after 1857 enabling literate males over the age of 21, free of debt and of good character, to renounce their ‘Indian’ status. At the end of a probationary period individuals would receive a one-time payout of treaty annuities and 50 acres of reserve land. Subject to taxation, liable for debts and entitled to run and vote in elections, enfranchisement severed all legal distinctions between ‘Indians’ and non-Aboriginal people and automatically included spouses and children. Under certain circumstances, after 1869 ‘Indians’ could be forcibly enfranchised against their will.

**Enniskillen:** Township bounded on the west by Moore and in the north by Plympton. Both the St. Clair Anishinabe and Bear Creek Chippewa frequented the area for hunting and sugaring. Officials granted land in Enniskillen to United Empire Loyalists, veterans and elites who resold and leased them to others. Increasing settlement compelled the chiefs purchase land in the area to protect it and they proceeded to do so with their annuities in 1841. In the late 1850s, speculators and squatters lured to the area by the discovery of oil flooded the area and the Town of Petrolia was established just east of the lots reserved by the Anishinabe. Five families resided there in the 1860s but the integrity of the reserve could not be maintained and the government illegally sold the lots. Residents moved to the Thames and St. Clair reserves. See **Bear Creek**.

**Haudenosaunee or Six Nations:** Confederacy of Mohawk, Seneca, Oneida, Onondaga, Cayuga and Tuscarora. Along with the Six Nations, the Wyandotte (Huron), Petun (Tobacco) and Neutral are members of the Iroquoian language group and lived in large palisaded villages in southern Ontario and New York State. To avoid confusion with documentary references, this

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<sup>1</sup> A.B. McCullough, “Currency Conversion in British North America, 1760-1900,” *Archivaria*, 16 (Summer, 1983): 92.

study uses Six Nations after 1784, to refer to the administrative superintendency and reserve community located on the Grand River at Brantford Ontario.

**improvements:** Changes made to land that increase its productivity and value. Fencing, drains, removal of stones, trees and brush, and the construction of houses, barns and other structures are all improvements.

**Loyalist:** Historically defined as men, women and children who fled from the Thirteen Colonies to British North America during the American Revolution. They and their children were awarded monetary compensation, settlement assistance and land grants in Upper Canada. In 1789 Lord Dorchester created an official register of these individuals who arrived before 1783 and permitted them to use the title “United Empire Loyalist” (UEL). References to these individuals, their contemporaries and descendants are capitalized. The term ‘**late-loyalist**’ refers to individuals who arrived between 1792 and the end of the War of 1812. I refer to loyalist sentiment in general; individuals who appealed to their personal duty and sacrifice and others who tended to support the British in whole or in part as small ‘l’ ‘**loyalists.**’

**Maxwell Settlement:** In 1829, Henry Jones [1776-1852] established the Maxwell settlement, an agrarian utopian community based on Owenite principles of cooperation. It was located north-east of the town of Sarnia on lots fronting the Lake Huron shoreline. The community dissolved but many residents continued to live in the county.

**Métissage:** Studies identifying Métis communities on the basis of “mixedness” or miscegenation are often criticized for racializing the process of identity formation. Métissage refers to a broad spectrum of political, economic, cultural and kin-based connections and exchanges shared between Indigenous peoples and Europeans, including, though not exclusive of blood quantum or ancestry.

**Mica Bay:** A protest led by Chief Shingwaukonse, First Nations, Métis and their sympathizers in 1849 demanding compensation for trespass and illegal mining on their lands. The action led to the 1850 Robinson-Huron Treaties.

**Moravians/Muncey/Chippewa of the Thames: Also known as Moraviantown or Munceytown.** In 1792 a number of Moravians and their Munsee-Delaware (Lenape) converts fled Ohio. After brief stays in Michigan and on the McKee estate they established the village of Fairfield on the Thames River. After it was destroyed by Americans in 1813, a village called New Fairfield was rebuilt in its current location just east of Chatham-Kent. After 1830 Chippewa (some from Bear Creek) permanently settled a portion of the community, as did Oneida from New York State in 1841.

**presents:** Presents are an extension of covenant-chain gestures of goodwill and ceremonial gift-giving. The French and English exchanged gifts with Aboriginal peoples before engaging in trade and diplomacy. Distributions continued in the reserve period however economizing directives after the War of 1812 reduced them in quantity and quality until the British government eliminated them entirely in 1857.

**Shawano Township:** Also called 'Shawnee' Township. A block of more than 92,000 acres reserved by Anishinabe leaders in the 1796 Chenail Ecarté Treaty adjacent to and north of Walpole Island. By the 1840s, the area known as Sombra Township was overrun by squatters and gradually sold for settlement.

**Stanwix, Treaty of:** Negotiated in 1768, the treaty moved the boundary established by the *Proclamation of 1763* north from the Appalachian Mountains to the Ohio River. This was the Northwest, claimed by the American Republic and subsequent 1812 Ohio Valley battleground. The 1795 Treaty of Greenville moved the Stanwix Line north from the Ohio to the Maumee River east along a straight line to the state of Pennsylvania. Subsequent treaties eliminated it entirely. See also **Cuyahoga Purchase**.

**Tribe:** Now fallen into disuse, 'tribe' was a popular term used to describe groups sharing a similar geographical location, political organization, ancestry, language, and culture. In the nineteenth century Aboriginal people and officials used 'tribe' to refer to other 'nations' (Anishinabe, Haudenosaunee, Wyandotte etc.) and occasionally to individual reserve communities. Some Indigenous peoples, particularly in the United States and Western Canada, continue to refer to themselves as 'tribes' and to their collective organizations as 'tribal councils.' Similar usage to 'band' and 'nation.'

**Vandalia:** Proposed colony containing more than one million acres south of the Ohio River. Under the guise of protection, these lands were deeded by Haudenosaunee Sachems to British officials and traders in the eighteenth century. The scheme was never approved and the bulk of the region became the states of Kentucky and (West) Virginia.

**Western Confederacy:** A coalition of First Nations that grew after the 1760s in response to American intrusions in the Indian Territory and Ohio Valley. Under charismatic leaders like Blue Jacket, Tecumseh and Joseph Brant, western nations like the Anishinabe, Shawnee, Delaware, Miami, and Wyandotte were joined by chiefs and warriors from the Six Nations, Midwest, and Quebec. All shared a collective interest in protecting their territory from advancing American settlement and many allied themselves with Great Britain.

**Western Superintendency:** In accordance Bagot Report recommendations, after 1845, Canada West was divided into five Indian Department Superintendencies: Six Nations, Central (Toronto), Eastern (Alnwick), Northern (Manitoulin) and the Western (Sarnia) Superintendency. Joseph Brant Clench, the former resident agent at Muncey/Carradoc, became Visiting Superintendent (VSIA). He replaced George Ironside Jr. (Anderdon), William Keating (Walpole Island & the St. Clair) and William Jones (Sarnia, Kettle & Stony Point), and assumed oversight of all communities west of the Grand River.

**Wyandotte (Wendat):** Also known as Huron. Iroquoian-speaking confederacy originally inhabiting the Georgian Bay region known as Huronia. In 1649 the Haudenosaunee attacked the villages and the inhabitants fled to Quebec and the Detroit borderlands. This latter group settled on the Anderdon reserve near Amherstburg. Residents surrendered portions of the reserve throughout the nineteenth century until the entire community enfranchised in the 1880s.