

Engaging Indigenous Communities
**Resources, Rebellions,
and Resurgence**
CONFERENCE PROCEEDINGS

Edited by Karl S. Hele



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**Aboriginal Issues Press
2021**

The information and perspectives presented in *Engaging Indigenous Communities: Resources, Rebellions, and Resurgence Conference Proceedings* are the sole opinions of the authors and not those of the funding agencies, University of Manitoba, Aboriginal Issues Press, its employees, editors, and volunteers. All profits from the sale of this book are used to support the refereed publication of Aboriginal scholarship and the Aboriginal Issues Press Scholarship Endowment Fund at the University of Manitoba.

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Aboriginal Issues Press
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Managing Editor Elenore Hood

Cover Design, Illustration and Text Layout by Karen Armstrong Design, Winnipeg
Printed in Canada by Hignell Printing Ltd., Winnipeg

Library and Archives Canada Cataloguing in Publication

Title: Engaging Indigenous communities : resources, rebellions, and resurgence (conference proceedings) / edited by Karl S. Hele.

Names: Hele, Karl S. (Karl Scott), 1970- editor.

Description: A collection of essays presented at Engaging Indigenous Communities: Resources,

Rebellions, and Resurgence, held at Delta Hotels by Marriott, Sault Ste. Marie Waterfront, from

August 9-13, 2010. | Includes bibliographical references.

Identifiers: Canadiana 20200306510 | ISBN 9781928008118 (softcover)

Subjects: LCSH: Indigenous peoples—North America—Congresses. | LCSH: Canada—Ethnic relations—

Congresses. | LCSH: United States—Ethnic relations—Congresses. | LCSH: India—Ethnic relations—

Congresses. | LCSH: Imperialism—Congresses. | LCSH: Reconciliation—Congresses. | LCSH:

Decolonization—Canada—Congresses. | LCSH: Decolonization—United States—Congresses. | LCSH:

Decolonization—India—Congresses. | LCGFT: Conference papers and proceedings.

Classification: LCC E77.2 .E54 2020 | DDC 305.897—dc23

This volume is dedicated to my family, friends, and colleagues as well as all scholars working toward advancing reconciliation through the exploration of the Indigenous-Settler and Colonial experiences.

Table of Contents

List of Illustrations and Maps	vii
Acknowledgements	ix
List of Contributors	xi
Introduction	
<i>Karl S. Hele</i>	1
1. Rebellions of Indigenous Communities in India: A Quest for Conserving Their Resources	
<i>Birinder Pal Singh</i>	7
2. Shrinking Natural Resource Base: The Plight of Punjab's Bangala Tribe	
<i>Harinder Kaur</i>	31
3. "Our forefathers kept this Reserve for their children & it is our duty to keep it": Atikameksheng Anishnawbek / Whitefish Lake Resource Issues to 1930	
<i>Peter Krats</i>	49
4. Accommodation and Resistance: The Construction of Roads and the Advent of the Automobile on the Walpole Island First Nation	
<i>Paul-Emile McNab</i>	97
5. The Constellations Reveal Themselves One Star at a Time: The Mississauga and Board of Arbitration, 1890 - 1900	
<i>Daniel E. Shaule</i>	115
6. The US-Canada Border and the Unceded Status of Sugar and Neebish Island	
<i>Phil Bellfy</i>	145

7. **Becoming Christian:**
The Sault Anishinaabeg Missionary Experience, c.1828-1871
Karl S. Hele _____ 163

8. **"Are we really sorry?":**
Indigenous Sovereignty and the Kelowna Treaty (Accord) of 2005
David T. McNab _____ 207

9. **Métis Stories and Reconciliation:**
A Perspective from Spirit Memory
Olive Patricia Dickason (1920-2011) and David T. McNab _____ 217

List of Illustrations and Maps

Figure 3.1: Estimate Traditional Territories / 50

Figure 3.2: HBC Location / 55

Figure 3.3: Location of Reserve / 58

Figure 3.4: Boundary North of CPR Algoma Branch from Abrey, 1884 / 59

Figure 3.5: Later Survey Boundary South of CPR Algoma Branch / 60

Figure 3.6: "Alternative" Boundaries on Modern Map / 60

Figure 3.7: Perimeter of Reserve According to Chief Mongowin / 61

Figure 3.8: Timber Company Location in Reserve / 66

Figure 3.9: Sulphur Pollution Damage on Reserve, 1917 / 73

Figure 3.10: Timber Tote Road and Depot Reserve / 76

Figure 5.1: Map of claim area not covered by treaty, 1869–1923 / 114

Figure 6.1: The upper St. Mary's River, showing the "termination line" of the US-British border in 1828 / 151

Figure 6.2: The rapids of the St. Mary's River, showing the "termination line" of the US-British border in 1828 / 153

Figure 6.3: A Map of the Acting Superintendency of Michigan,
September 16, 1837 / 154

Figure 6.3a: A Map of the Acting Superintendency of Michigan,
September 16, 1837. Detail showing the Sugar Island reservation
/ 155

Figure 6.3b: A Map of the Acting Superintendency of Michigan,
September 16, 1837. Detail showing the number of “souls” for
each reservation; the Sugar Island “reservation” is omitted from the
list / 155

Figure 6.4: Satellite image of the upper St. Mary’s River showing the
US-Canada border / 158

ACKNOWLEDGEMENTS

The origins of this collection date to a conference held in Sault Ste. Marie in August 2010. The conference, “Engaging Indigenous Communities: Resources, Rebellions, and Resurgence”, sought to bring scholars, Indigenous Knowledge Keepers, Elders, and community members together to share knowledge and stories. It came together thanks to the hard work of volunteers from the Anishinaabekwek of the North Shore – Ontario Native Women’s Association Local. Without their assistance the conference would not have been possible. I would also like to acknowledge the support of the City of Sault Ste. Marie, the Ermatinger Old Stone House, and the Sault Ste. Marie Museum staff for welcoming conference participants and providing gratis admission to their attractions. Additional thanks are extended to Dr. Tanya Gogan for her ongoing advice, support, and continued lessons on style and grammar. Finally, I would like to thank all the contributors for bearing with the publication process, the able editors of the Aboriginal Issues Press at the University of Manitoba as well as the anonymous peer reviewers.

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Introduction

Engaging Indigenous Communities: Resources, Rebellions, and Resurgence is a collection of papers that reflect on the historical and contemporary relation between Indigenous peoples, Settlers, and the colonial state in North America and India as well as how people have interacted or engaged with one another in a variety of circumstances. Drawn from a conference organized in honour of the spirit and intent of the 1850 Robinson Treaties, that are based on concepts of sharing, reciprocity, and equality from an Anishinaabeg perspective, scholars sought to address these principles more broadly. The vision of the Anishinaabeg Ogima to protect our heritage and resources while simultaneously sharing with the newcomers is a vision that remains relevant today. Yet it is through access to, or exploitation of resources (i.e. human, land, forest, mineral, water, and animal), that the colonial project has made the greatest effect on Indigenous peoples and non-Indigenous peoples. As such, the conference, and now this volume, seeks to address instances where Indigenous peoples have engaged the colonial project to protect or contest its goals, while seeking equality and positive relationships.

The chapters within this volume explore various aspects of engaging Indigenous communities in terms of resources, rebellions, and resurgence. Through the collective efforts of the authors this volume can also claim to be part of a growing body of works that explore decolonization and the need for reconciliation between the state and Indigenous Nations

globally. Each chapter also illustrates that the process of engagement is an ongoing and multistoried process. There is no single path toward reconciliation, nor is it a process with a definitive end at least not in the near future. Relationships evolve and change, requiring ongoing engagement. Moreover, these works hint that the resurgence of Indigenous peoples' claims to resources and rebellions is a long process not a recent phenomenon. To assert otherwise is a denial of Indigenous stories, knowledges, and lengthy histories of engaging with colonial and post-colonial actors. Yet, by telling stories that are unknown outside of local Indigenous communities, the papers themselves are participating in a resurgence of the importance of restorying, knowledge, and history. It is within these contexts that each contributor's chapter was written. Only with the dissemination of Indigenous stories, uncomfortable or otherwise, and by engaging with Indigenous communities, can decolonization and reconciliation occur.

The first three chapters explore the linkages between resources and rebellion as well as the importance of Indigenous peoples maintaining or regaining control of resources. Two chapters explore the context of Indigenous peoples, or tribal peoples in India, and their effect on the colonial and post-colonial state assuming control of resources – both lands and forests. In Chapter One Birinder Pal Singh discusses the causes of several rebellions in India as a defensive reaction to spoliation of resources, denial of rights, and increased colonial or outsider impositions on tribal peoples. Singh sees contemporary resistance by Indigenous peoples as a continuation of the resistance to the commodification of resources and the changes demanded of tribal peoples by modernity and capitalism. Chapter Two adds to the discussion by exploring how modernity and capitalism are affecting the Bangala people in India. Specifically, the chapter by Harinder Kaur argues that urbanization as well as the imposition of Western colonial forestry and agricultural practices have and continue to negatively impact the Bangala. The control of resources by the state and the overall failure to engage with the Bangala has led to their increasing poverty and social displacement. Similarly, Peter Krats in Chapter Three examines how colonial and post-colonial land and forestry policies affected Atikamekshen Anishnawbek (Whitefish Lake First Nation). In his words, the colonial policies created a “tug-of-war” for

resources and the “pressures working against Indigenous control of long-standing natural resources.” Unlike the tribal peoples described by Singh and Kaur, Krats notes that Whitefish Lake First Nation did manage to resume some semblance of control over its on-reserve forests by the later 1920s. Likewise Singh, Kaur, and Krats recognize and argue that the ability of Indigenous peoples to control their lands and resources represents a pathway forward to a resurgent presence, better future, and equity.

Building upon the notions of colonial assumption of resources, Paule-Emile McNab’s Chapter Four explores the imposition of western-style roads on Walpole Island First Nation (WIFN). While exploring the debates and controversies of road construction from the late-nineteenth to early twentieth centuries, McNab argues that the construction and maintenance of the roads on WIFN is a form of colonialism and assimilation that intersected with technology and notions of modernity. The imposition of modern roads, like the assumption of forestry resources discussed by Kaur and Krats, were done to accommodate and benefit Settlers.

Likewise, Chapter Five by Daniel E. Shaule, illustrates how colonial authorities in Canada sought to impose colonial solutions to compensate the Mississauga for lost lands and access to the forest’s resources. Simply, Shaule deftly illustrates that Indian Affairs sought to use the Board of Arbitration, established to work out differences between Ottawa and Ontario created by Confederation in 1867, to foister treaty annuity costs onto the Province of Ontario. For Shaule the efforts by Indian Affairs to shift responsibility reflect efforts to “manipulate justice, law, and fairness.” Despite this the Mississauga continued to demand fair compensation for their lands and lost resources.

Chapter Six entitled “The US-Canada Border and the Unceded Status of Sugar Island and Neebish Island” by Phil Bellfy, similarly looks at how colonial players sought to claim Indigenous lands. To do this Bellfy connects the Papal Bulls of 1452 and 1493 to the claim made by Saint-Lusson at Bawating in 1671, to the 1763 Royal Proclamation, to the rules established by the newly minted United States in 1783 and 1789 regarding Indian lands, and to the 1814 Treaty of Ghent as well as the subsequent US-Canada border surveys and negotiations of 1828 and 1842 and Indian treaties of 1836, 1850, and 1855. By tracing a connecting line through each of these documents, Bellfy ably shows that the US

unilaterally assumed that Neebish and Sugar Islands belonged within its jurisdictions as well as the right to sell lands to Settlers. According to Bellfy, these actions as well as the documents themselves also raise many other questions relating to the status of the islands and the St. Mary's River itself when considering Anishinaabeg territorial rights, treaties, and Indigenous reactions to US and British-Canadian actions tied to the border. Bellfy's article offers a starting place for research and a resurgence of a claim to Sugar and Neebish Island that was denied, ignored, and forgotten by Settler societies. This chapter is a call for a resurgence of rights and land claims across the border drawing from multiple documents and stories.

In Chapter Seven the focus shifts from lands and resources to a focus on community engagement. Here Karl Hele explores the multi-faceted process of Indigenous conversion to Christianity. By using the Anishinaabeg of Bawating, or Sault Ste. Marie, Hele connects community engagement, loss of land and resources, colonial border claims, and pressures by Settler societies, to explanations of, or resistance to, conversions. Being divided by an international border while being proselytized by several Christian denominations presented the Anishinaabeg with a multiplicity of choices. It is these choices that allowed the Anishinaabeg the opportunity to protest colonial policies, by choosing a particular faith, or to convert because a missionary was more successful in engaging with a community.

David T. McNab's question, "Are we really sorry?", in Chapter Eight builds upon the idea of engaging with Indigenous communities. McNab offers a profound reflection on the nature of engaging Indigenous communities through his examination of the denied potential of the Kelowna Treaty (Accord) of 2005 as well as the Conservative Government of Stephen Harper's denial of the United Nations Declaration of the Rights of Indigenous People (UNDRIP) in 2008. McNab wonders if Harper's "we are sorry" contains substance or is merely a hollow apology – engagement denied. McNab maintains that the denial rests upon a Settler fear that state will lose control of usurped resources through the constitutional implementation of Aboriginal Rights and Indigenous sovereignty. Regardless, throughout the chapter there is a feeling of promise, if only Canada and Canadians would act to mend their relationship

with Indigenous peoples thereby building a more equitable nation in the twenty-first century. This conclusion reflects the early chapters by Singh, Kuar, Krats, McNab, and Hele who all note in one way or another the importance of engaging with Indigenous communities as a way of improving Indigenous lives and relationships with Settlers and states.

Finally, Chapter Nine by Olive Patricia Dickason and David T. McNab explores the presence and roles Métis people have played throughout the history of Canada. The chapter focuses on how the Métis have resisted, rebelled, and engaged with Canada in their effort to seek equitable and just treatment by the colonial state. By bringing these stories to the fore, Dickason and McNab are speaking to a resurgence of knowledge about the historic and ongoing roles Métis people play within Canada. Without knowledge of these stories, Dickason and McNab maintain that Métis reconciliation with Canada is not possible. By speaking a truth about the Métis and the importance of their stories, Dickason and McNab echo the points made in every chapter. Simply, as Indigenous people experience a resurgence within their Nations, and if colonial states want true reconciliation, states need to recognize and engage with Indigenous people, communities, and Nations.

Taken as a whole, these nine chapters constitute a multifaceted exploration of colonialism and its effects on the relationships between the state and Indigenous peoples globally. While the majority of the chapters focus only on the Anishinaabeg and Canada, acts of rebellion, loss of resources, and a resurgence of Indigenous peoples are global phenomena. The two studies from India help to reinforce that point. All papers are linked by Indigenous resistance to and engagement with Anglo-Settlers and their successor state colonialisms. As such, it is clear that Indigenous peoples globally have responded to colonialism in a variety of ways that are unified by a desire to ensure equitable relations and successful futures for subsequent generations. Regardless, this volume should be seen as a starting point in larger discussions of the relationships Indigenous peoples have engaged in with colonial and post-colonial states to protect or reacquire resources, rebel (peacefully or not), and how this contributes to our resurgence as Peoples.

Rebellions of Indigenous Communities in India:

A Quest for Conserving Their Resources

Birinder Pal Singh

This is what was spoken by my great-grandfather at the house he made for us.... And these are the words that were given him by the Master of Life: "At some time there shall come among you a stranger, speaking a language you do not understand. He will try to buy the land from you, but do not sell it; keep it for an inheritance to your children."

—Aseenewub (Red Lake Ojibwe)

I

The indigenous communities in India are called the “tribes,” or *adivasi*. The concept of tribe is not yet settled, either in the academic discipline of social anthropology, or as a category of administration. The *Dictionary of Anthropology* notes: “The word ‘tribe’ has a long and ignoble history and remains one of the most variably used terms within and outside of anthropology. Anthropologists often use it as a catch-all substitute for ‘primitive’....”¹ In India, the problem of characterizing a people as tribal is yet not settled because here it is primarily used as an administrative category. It is rather becoming murkier, as more and more communities are putting forth claims for tribal status.²

It is relevant to quote Dube: “In the Indian context the term tribe has never been defined precisely and satisfactorily. It was used, at one time, to

denote a bewildering variety of social categories that were neither analogous nor comparable. The Rajput and the Jat as well as the aborigines, for example, were categorized as tribes.... *At no stage, however, did we have a set of clear indicators of tribalness*³ (emphasis added).

The issue here is not to discuss the problem of definition, but only to suggest that these people, who have not been defined properly and clearly, speak of the attitude toward them of the powers-that-be. The state or academia may define such peoples ambiguously—aborigines, indigenous, primitives, savages, first nation people—but it is certain that most of these people remain marginalized everywhere, in all parts of the world, compared to the so-called “civilized” and “mainstream” communities. These people are believed to be living close to an animal existence, from where they must be rescued, educated, and civilized. They may be evacuated from their habitat physically, if necessary for the developmental purposes so very essential for the economy of a modern nation-state. They may be compensated nominally or located at an alternative site.

The problem of defining the tribal and non-tribal became a contentious issue only fairly recently. In pre-modern times, tribal settlements in and around the forests were not usually interfered with, either by feudal lords or urban/rural elites, until the onset of industrial revolution and the subsequent expansion of the economy and society. Consequently, the urban, “civilized” merchant capitalist launched the process of encroaching upon the territories of tribal or indigenous peoples in order to trade the forest produce. The forest yields everything necessary for human existence, which is why it is home to these people. The merchant capitalist had his eye on this mine of wealth of natural resources. The expansion of industry, markets, and urbanization is largely dependent upon the forest; hence intrusion into the tribal territories, which the merchant capitalists consider as their property. It is a legacy of British colonialism and modernization that the problem of tribal and non-tribal has become so crucial and central to development.

The connection between these two phenomena—colonialism and modernization—has been well defined by scholars, including Karl Marx, for whom it represented a mechanism for waking these sleeping societies from their changelessness. It was considered a positive development in their history, and expected to usher them into an era of individual

liberty and freedom. Sociologists, too, have always upheld the virtues of modernity and modernization, which have made possible social change in “traditional” and “backward” societies.

Paradoxically, the process of marginalization has quickened with modernization, and has become even more intense with globalization. Jairus Banaji cites data in support of this claim: “there are about 40,000 natives left in Australia as opposed to 2,50,000 [250,000] at the beginning of the 19th century, most, if not all, of them hungry and disease ridden, threatened in their deserts by mining plants, atom bomb testing grounds and missile ranges. Between 1900 and 1950 over 90 tribes have been wiped out in Brazil.... During the same period 15 South American languages have ceased to be spoken.”⁴ He argues further: “The other part [of the globe] (Africa, China, South-East Asia, South Asia) has suffered the impact of capitalism with profound modifications of the traditional social structure, or moved completely out of the orbit of world imperialism.”⁵ This has resulted in the rapid disappearance of the “primitive totality” and the “tribal microcosm,” and “will, within a few decades, entirely cease to exist.”⁶

Native Americans in the United States numbered some 846,000 in 1492, but just 337,366 in 1937. Now only three hundred tribes remain of the earlier total of two thousand, with 250 languages and dialects spoken today.⁷ The same fate is meted out to indigenous people everywhere, thus validating the Maori proverb: “A white man’s rat has driven away the native rat so the European fly drives away our own, and the clover kills our fern, so will the Maoris disappear before the white man himself.”⁸ This situation represents not only the fears of the indigenous and the illiterate alone, but was also the dictum of a modern scientist, Charles Darwin: “Where the European has trod, death seems to pursue the aboriginal.”⁹ Thus, such a fear of the alien in the minds of tribal or indigenous peoples is not out of place; it is no phobia emerging out of close-mindedness.

The market economy has manifestly accentuated the gravity of this tribal encounter with the non-tribal. The indigenous communities were no idlers. They pursued occupations specific to their material conditions and specialized in various productive activities, making items for domestic and other uses, and even for the non-tribal communities. The tribal people crafted them aesthetically and obtained from the non-tribals

such items as they needed for their consumption and survival. They also collected honey, herbs, and edibles for similar purposes. Those tribals living deep inside the forest were content with what they had, and did not practice trade or barter for commercial purposes. The launch of the market economy, the laying of roads and railway tracks, industrialization, urbanization—and the consumer market, above all—established the middlemen and traders, who exploited both the tribal people and the forest's produce for their profit. These processes were set in place in the eighteenth century under British colonialism, and continue unabated today. The pace has quickened with the opening-up of the Indian market under liberalization, privatization, and globalization (LPG). The key issues of tribal protest and revolt have hence remained the same over three centuries.

It was not the local market that encouraged this plundering of the forest; rather, the colonial government itself was a great buyer of forest products, which is why the Forest Department was established in 1864. The government thus became the owner of all forests. Ramchandra Guha notes: "by 1860 Britain had emerged as the world leader in deforestation, devastating its own forests and the forests of Ireland, South Africa, north-eastern United States, and parts of colonial coastal India to draw timber for shipbuilding, iron smelting and farming. In India, a generally hostile attitude to forest preservation was reinforced by the belief, widespread among colonial administration, that forests were an impediment to the expansion of agriculture and consequently to the generation of land revenue."¹⁰ Guha quotes Thomas Weber in observing that the "destructive energy of the British race all over the world was rapidly converting forests into desert."¹¹ It would be pertinent to note that Britain then had a worldwide empire whose sun never set.

Until the advent of consumer markets, the tribal villages had their specific tracts of forest to which all households had equal right, sharing equally in the forest's wealth, be it as wood fuel, fodder, timber, fruit, herbs, or other edibles. During my fieldwork (1993) in the remote Pangi Valley in India's Himachal Pradesh province, where people still live as they did in ancient times, I was informed that the forest there is very rich in a variety of edibles: herbs, vegetables, fruits, etc. The village *panchayat* (council) fixes a date upon which their collection from the forest

will be made. Most of the items collected are commercially expensive nowadays, and fetch them a good price. Earlier, they used some collected items to exchange for other items of domestic use. Government officers from outside the valley have wreaked havoc upon the forest's fine timber stocks—cedar and walnut—the latter being used for luxury furniture.¹² The opening-up of this hitherto landlocked valley to outsiders has resulted in huge losses to the forest and its people; between 1852 and 1887, the Chenab Timber Agency, with the support of the British, axed 504,955 high-quality cedars in the valley.¹³

Fürer-Haimendorf notes: "In Northeast India there are to this day tribes among whom specific forest tracts with clearly defined boundaries are claimed as clan or village property, where only members of the clan or village in question are allowed to hunt or cut firewood."¹⁴ He explains the general situation in India: "Tribal communities dwelling in enclaves inside the forest were either evicted or denied access to the forest produce on which they had depended for many necessities. Thus, arose a conflict between the traditional tribal ownership and the state's claim to the entire forest wealth. Numerous revolts ... were the direct result of the denial of the local tribals' right in the forests which they had always considered their communal property."¹⁵

The problem of encroachment upon tribal wealth and property was not limited to the colonial power alone. The present-day people's government of India also carries out the legacy of its former colonial masters. The globalized economy has invited large manufacturing and other corporations to the mineral-rich tribal belt of central India, home to the country's oldest living tribes. Native peoples who resist the loss of their land and forest are persecuted by labelling them Maoists who pose a threat to law and order. The Indian government launched Operation Green Hunt in 2009, deploying police and paramilitary forces to comb the "Maoist-infested" forests and capture those responsible for this menace.¹⁶

Arundhati Roy, who visited Chhattisgarh, writes: "Over the past five years or so, the governments of Chhattisgarh, Jharkhand, Orissa and West Bengal have signed hundreds of Memoranda of Understanding (MoUs) with corporate houses, worth several billion dollars, all of them secret, for steel plants, sponge-iron factories, power plants, aluminium refineries, dams and mines. In order for the MoUs to translate into real

money, tribal people must be moved. Therefore, this war.”¹⁷ She continues:

The antagonists in the forest are disparate and unequal in almost every way. On one side is a massive paramilitary force armed with the money, the firepower, the media, and the hubris of an emerging Superpower. On the other, ordinary villagers armed with traditional weapons, backed by a superbly organised, hugely motivated Maoist guerrilla fighting force with an extraordinary and violent history of armed rebellion.... Each time, they have re-emerged, more organised, more determined and more influential than ever. Today once again the insurrection has spread through the mineral rich forests of Chhattisgarh, Jharkhand, Orissa and West Bengal—homeland to millions of India’s tribal people, dreamland to the corporate world.¹⁸

Amit Bhaduri, a noted economist, has this to say: “In Chhattisgarh, tribals are being forcibly evacuated in thousands from their villages in the name of fighting extremism under the Salwa Judum¹⁹ and carted off to huddle in Vietnam-style concentration camps while the corporations greedily eye their mineral resource rich land.”²⁰ He states further:

And this process of internal colonization is being carried out in India today by the state for “public purpose,” by handing over land for mining to large private corporations like the Tatas and Jindals and others. This is the name of the game everywhere: iron ore rich lands in Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa are all covered by mysterious memorandums of understanding between giant corporations and the concerned state governments. They are seldom revealed, despite applications under the Right to Information Act.... Very often, even supporting infrastructure is provided by the government at Public cost.... It shows up in the fast growth of corporate profit and wealth.... According to one set of estimates, corporate profit since the mid-1990s has grown three times faster than the country’s GDP (Gross Domestic Product).²¹

II

Tribal revolts as a pan-Indian phenomenon began in the later half of the eighteenth century with the advent of British colonialism, as the British sought to harness the mineral wealth of the tribal home—the forest—and modernize Indian society along different lines. The first recorded tribal revolt was carried out in 1778 by the Pahariya Sirdars, of eastern Bihar, against the British government. This was followed by the Koli disturbances in the western state of Maharashtra in 1784–85. The Koya uprising in the south (Andhra Pradesh) took place in 1803, while the Assam tribes in the far northeast revolted in 1828, followed shortly after by the Khasi tribe in 1829. Tribal revolt was not limited to these three directions, however; in northern India, the Meos and Minas also revolted against the Raj. The spark of resistance and revolt ignited indigenous peoples across the land.

The revolts carried on across a temporal dimension, as well. Each decade of British rule, from 1778 until August 1947, when India was declared independent, witnessed a series of resistances and rebellions in various parts of the country. Of them all, some notable revolts became part of the folklore—not only of a particular tribe, but of the entire region: the Bhil revolts in Mewar (1818–60) and Gujarat (1809–28), and later in 1846 and 1857–58; the Great Kol insurrection of Chhota Nagpur (1831–32); the Munda revolt in Bihar (1867); and the Kondh revolt in Orissa (1850). Precursors to the celebrated Indian Rebellion (or “Mutiny,” according to the British) of 1857 included the Santal rebellion in Bihar (1855); the Bastar revolt (1911); the Tana Bhagat rebellion of Bihar (1920–21); and the Rampa rebellion and the Gond uprising in Andhra Pradesh (1922 and 1941).

If one looks at the factors that sparked these uprisings, the invasion of their traditional forest territory and communal property—and especially the curbing of the rights they had enjoyed since time immemorial, and their subsequent evacuation from their territory—were primary. The question of insider versus outsider was also very important, whether the latter meant the British, the local lord, or traders and contractors. Exploring the relation of the tribals with the great Indian “mutiny” of 1857, Singh argues: “For students of tribal history participation of such communities in the 1857 uprising was the culmination of almost sixty

years of their resistance to the colonial rule. The tribal movements in this phase from the end of the 18th century to 1857 have been described as primary forms of resistance, elemental, spontaneous, violent, led by tribal chiefs or other chiefs, aimed at overthrowing the colonial authority that destroyed the old system. Most of these characteristics were present in the 1857 uprising.”²²

The question of tribal ethnic identity, marking them off from others; or alignments with other castes or communities against the colonial power; or even the launching of certain reform movements—these are subsidiary and secondary. It must be noted that the entire span of colonial rule, studded as it was by the rebellions of feudal lords or kings, was subsequently formalized at the pan-Indian level by the nationalist elite under the leadership of Mahatma Gandhi, Jawaharlal Nehru, and many others. Political parties, of all shades and hues, sought to activate the urban, rural, and tribal people alike in support of the country’s freedom. Many a time, however, the party leaders, who hailed from the plains, failed to comprehend the essence of tribal revolt. Roy Burman notes:

Among the tribal revolts centring around the question of reservation of forests during colonial rule, mention may be made of the Garos, Koyas and Kondhs. These revolts rarely attracted the attention of the nationalist leaders carrying on the anti-colonial struggle. As most of them hailed from the plains and did not have any real knowledge of the actual conditions prevailing in the hills, they seem to have been taken in by the propaganda of the apologists of colonial rule that they were fighting the battle of civilization against barbarism; of science against primitivism; of increasing resources as against wasting them. One important exception was the satyagraha launched by the forest dwellers of the Kumaon region.²³

On the other hand, Burman further notes: “In some other parts of the country also, the leaders of the forest dwellers tried to link up their uprising with the national movement. For instance, in 1920 Alluru Sitaram Raju, who led the revolt of the Koya against the oppressive

practices of the forest administration, swore by the name of Gandhi. In her fight against the British, Rani Gaidailu of Manipur also referred to Gandhi as her source of inspiration.”²⁴

III

The tribes are not to be seen as a static, homogenous, primitive people who do not want any change. Over the years, many of them have specialized in a variety of occupations, depending on their location. Those on the fringes of urban centres practiced trade, some specialized in making weapons and smelting iron, while most pursued their traditional lifestyle—whatever that was, and whatever they might produce for their subsistence. Those who remained in isolation deep within the forests remained happy and content. Baidyanath Saraswati’s characterization of tribals as “masters of their microworld,” with an “aesthetically perfect rhythm of life, and “that their lifestyle changes within an unalterable form beyond which they perish,” is instructive.²⁵

The issue of resistance and rebellion arose when these tribes were disturbed and threatened with evacuation, and also with the plunder of their resources. I would suggest that they had never conceived of tacit or covert exploitation on the part of others, given their isolation and innocence regarding the deceitful activities of the non-tribals. When one looks into the intricacies of each revolt or rebellion, various precipitating factors may be identified, which on the surface may appear dissimilar, yet the core issue remains the same. It is likewise the case that one tribe may not behave similarly to another. A great variety of issues and concerns are relevant to an in-depth understanding of their problems and issues. Burman suggests some relevant sociological factors:

The response of the tribals to the challenges ... has not been uniform. Tribes like the Bhuiya or Nagesia seem to have submitted to their fate without presenting much organised resistance. But tribes such as the Santal, Ho, Oraon, Munda and Bhumij have tried to resist, even resorting to violence. One of the reasons for the differential responses might be that the tribes which offered resistance are the ones who are more stratified internally than the ones which did not offer significant collective opposition.²⁶

Later Burman argues: “The foregoing case studies show that while the presence of internal stratification does not by itself play a decisive role in mobilizing the tribals to take organised action against the loss of their resources, particularly land resources, it still has some relevance in determining the course of events.”²⁷ Burman himself attests to such an exceptional case of internal stratification in regard to the Santals, who made a powerful rebellion in 1855.

Troisi, who has studied the Santal rebellion and other movements, states that they are the largest homogeneous tribe in the subcontinent. He notes that their rebellion was a “powerful expression of the collective protest of the Santals against conditions of economic exploitation and social oppression.”²⁸ Troisi adds: “Though in some cases the tribal response to these impinging forces has been one of acceptance and adaptation, the reaction of almost all the major tribal communities has been one of resistance giving rise to a number of social movements varying in ideologies and modes of organisation and effectiveness. Each of these uprisings expressed the desperation of the tribal groups and invariably they were ruthlessly suppressed.”²⁹ He concludes: “Our analysis of the ... movements shows that the rebellion was restorative in nature in that it aimed at the expulsion of the British Raj and the Hindu landlords, money-lenders and traders, and sought to usher in the earlier autonomy and social order. It had a religious rationale which was effective in mobilizing the people for the achievement of the primary objective—the restoration of the Santal Raj.”³⁰

IV

As mentioned above, rebellions studded the entire span both of colonial rule and independent India. Many scholars have studied the natures and types of these revolts, and classified them accordingly. The former director-general of the Anthropological Survey of India, K. Suresh Singh, has categorized them both in terms of historical period and the nature of the issues involved. In the first phase (1765–1860), resistance owed itself largely to the introduction of new systems of administration and taxation, and against the new class of exploiters. Anti-colonial, anti-*diku* (outsider), and pro-ethnic sentiments were dominant. There were murders of British officers, police, and other outsiders during the Great

Kol insurrection (1831–32) and the revolts of the Bhumij (1832) and the Santals (1855). The second phase (1860–1920) comprised a mix of agrarian, religious, and political reasons, themselves a consequence of deeper penetration by both the colonial administration and business interests into the tribal areas and intensified plunder of the resources necessary for tribal subsistence. The Munda revolt of 1867, led by Birsa Munda, a folk hero of the region, was the most famous of these. The third phase (1920–47) included movements more of a political and secular nature. Gandhi's political thinking and activism also influenced their leaders. The Tana Bhagat revolt in Bihar (1920–21) stands out among these.

In the introduction to his book, Singh writes:

There are variations in tribal movements from region to region. In the northeast, the tribals are in an overwhelming majority; the tribal system, both social and economic, is relatively secure. The tribal movements in this area have been essentially political and secular in nature. As against this, the situation is far more complex in middle India. The tribals have been reduced to a minority in many areas, and have been exposed to the processes of rapid change. Industrialisation has come about in a big way.... Agrarian issues have also been in the forefront.³¹

Reviewing the literature on tribal movements, Ghanshyam Shah describes an element of continuity between India's pre- and post-independence movements:

Various studies on tribal movements highlight the militancy of the *adivasis* in various struggles during the pre- and post-independence period. They also point out that the line between the changing nature of the issues that the tribals raised in the past and the present movement is thin and getting blurred as the tribals become peasants. Few scholars believe that *adivasis* because of their locale and dependence on natural resources are closer to nature. They respect nature. Hence their struggles ... particularly in the nineteenth century largely focused on their land and forest rights.³²

Amit Prakash, studying decolonization and tribal policy in Jharkhand, reinforces the above argument: “Effective utilisation of mineral resources required a greater degree of direct rule. Consequently, a system of exclusion premised on direct paternalistic rule by the Governor of the province through the district officers developed in this region. It was this model of exclusion that went on to significantly influence the tribal policy of later years as well that of the independent Indian State.”³³

V

It would be useful to sketch out the important rebellions in different parts of the country to understand the factors and issues involved. I have endeavoured, here, to select the representative cases for better understanding of their natures and types.

1. The Santal Rebellion

The Santal tribe is one of the largest and oldest of central India, and is to be found in the states of Bengal and Orissa. They are also highly concentrated in the Santal Pargana of Bihar. After the Battle of Plessey, in 1765, the British introduced Permanent Settlement (land/revenue) in this region, which created a new class of landlords who enticed the tribal people to leave their forest homes for higher wages or rent-free land elsewhere. The new settlement was known as Damin-i-koh—that is, the land occupied by the Santals. From their earlier life of freedom and independence, they were made into tenants required to pay heavy rents. They could not return home, as the lands there were occupied by the new settlers. W. J. Culshaw and W. G. Archer cite the official account of the rebellion as given by McPherson in his *Settlement Report of Santhal Pargana*.³⁴ Pontet is said to have reported in May 1855 the tension between the Santals and the *mahajans* (moneylenders), who charged exorbitant interest to the tune of 59 percent.

...10,000 Santals gathered together at Bagnadih in the heart of the Barhetai valley under the leadership of the four Brothers Siddhu, Kanhu, Chand and Bhairab and proclaimed war against *mahajans*, *zamindars* [landlords] and all rich Bengalis. On the 7 July the *daroga* of thana Dighi attempted treacherously to arrest the leaders of the revolt and was himself killed with nine

of his escort.... The rebels then got out of hand and committed numerous acts of atrocity, butchering many of the *mahajans* who had held them for so many years in a state of bondage.³⁵

The Santals were excluded from the terms of Regulation I, of 1827, and exposed to the rapacity of the police and civil court underlings of Bhagalpur, who worked hand-in-glove with extortionate *mahajans*, and, outside the Damin-i-koh, oppressive *zamindars*. McPherson continues: “it is now generally recognised that a deeper, or at any rate, a supervening cause was the Sonthal yearning for independence, a dream of the ancient days when they had no overlords perhaps a memory of the pre-historic times when according to some speculators they were themselves masters of the Gangetic valley and had not yet been driven back by the Aryan invaders.”³⁶ The two ranking Santal leaders, Siddhu (Sido) and Kanhu, were brothers. Bestowed with spiritual powers, they sought the blessing of Suba Thakur to lead their people into revolt against tyranny. They announced: “We should give 8 annas per buffalo plough and four annas per bullock plough (annual rent), and if the government did not accept these terms we should begin to fight; we should kill the unspeakable Deko,³⁷ and rule ourselves.”³⁸

Culshaw and Archer narrate: “The rebellion followed a pattern one might expect when ill armed rioters on the one side were faced by the armed troops. The Santals gathered, sometimes in companies of several thousand, and proceeded to plunder the nearby accessible bazaars; undeterred at first by their own danger, they murdered police officers and money lenders, and also other hapless people who fell across their path. They looted the possessions of the Deko, seeking out their oppressors.”³⁹

The rebellion began in June 1855 and was suppressed in May 1856. Sido and Kanhu were captured and hanged to death from a tree on the Jhilmil Plain. They died, but their deeds echoed far and wide. In 1867, E. G. Man summarized the causes of the Santal rebellion, or “Hul,” as it was known in local parlance:

- The grasping and rapacious spirit influencing the *mahajuns* or money lenders in their transactions with the tribe.
- The increasing misery caused by the iniquitous system of allowing personal and hereditary bondage for debt.

- The unparalleled corruption and extortion of the police in aiding and abetting the mahajuns.
- The impossibility of the Sonthals obtaining redress from the courts. And last, but not least, the improvidence of the Sonthals themselves. These all combined were, in my opinion, the primary causes of the rebellion.⁴⁰

The legacy of the Hul extended even until after independence from colonial rule in 1947. The Leninist-Maoist Naxalite movement, which took off in Naxalbari, Bengal, in 1967, and was directed against the landlords and bourgeoisie, became popular thanks to the Santals. According to Edward Duyker, “the Santals stamped an indelible mark on the movement through the use of distinctive tribal weapons and tactics ... but the Santal concept of liberation war exemplified a syncretic identification with the Hul, and thus an equation with the heroes of the past.... From the tribal perspective, although the Hul failed it succeeded in re-integrating the tribe and reinforcing a self-perception of militant opposition when conditions became intolerable.”⁴¹

2. The Kherwar Movement

After the Santal insurrection of 1855, socio-economic conditions among the Santal people deteriorated significantly. In 1871, one Bhagrit Manjhi emerged as a religious leader, and invoked the wishes of the Santal gods to bring about necessary reforms in society and fight the regime, as well. This movement was based on the premise that the land belonged solely to the Santals, since they had been instrumental in clearing the area for cultivation and habitation; hence no one else had any right to claim taxes on the area’s produce. Manjhi claimed divine ordinance in fighting for the rights of his people and driving away the outsiders. He relegated the sun god to the background, and adopted the worship of Durga, the “Singhbahini” (the rider of the lion). A temple was also built at Tardiha, Manjhi’s birthplace. In 1881, they set off a turbulent uprising in search of an independent Kherwar region, but the leaders were soon arrested and the revolt was suppressed. The movement was revived in 1891, however, in hopes that independence should again be theirs. The legacy of these struggles was felt even up to the 1942 Quit India movement, when the leaders added a Gandhian orientation to their struggle. Bangam Mandhi

asked his followers to stop eating meat and taking liquor. He insisted on avoiding mill-made cloth, and instead began wearing handloom-made *khadi*.

3. The Revolt of Birsa Munda

The Munda tribe are the original inhabitants of Chhota Nagpur, claiming to have been there for more than two millennia. In 1765, the region was transferred to British control. When the Permanent Settlement was introduced, new *zamindars* (landlords) were appointed, along with officials from Bihar and Bengal, who were not familiar with the local tribal culture. Between 1789 and 1832, the Mundas rebelled against their landlords seven times. The Christian missionaries already active there promised to help the people deal with the landlords; this could not be achieved, however, as the landlords were not happy with the conversion of the tribals. As K. S. Singh observes, “the transformation of the Mundari agrarian system into non-communal, feudal, Zamindari or individual tenures was the key to agrarian disorders that climaxed in religious-political movements of Birsa.”⁴²

There was also an invidious distinction between the Christian and the Hindu Mundas. The educated among them started a movement called *sardari larai*, which aimed to raise a revolutionary force to expel the landlords and establish their own rule in the region. The movement achieved nothing substantial until it found a charismatic leader in Birsa Munda.

He was born in 1875, and had undergone his primary education with the Christian missionaries. A religious person, he declared in 1895 that the Mundas' supreme god had appeared in his dream and bestowed upon him magical powers to cure the sick. Later he declared that he had been asked by the god to drive out all outsiders and foreigners, and to establish Munda rule under himself. He ordered his followers to attack these same outsiders. Birsa was arrested, imprisoned for two-and-a-half years, and released in November 1897. After a short while, he resolved that there was no way forward but to kill the missionaries, landlords, police, and other government officials and outsiders. He also asked people to establish *satyug*, an era of truth in which no one would exploit and oppress the other. Birsa placed emphasis on the revival of the old religion, customs, values, etc.

Birsa's pogrom began in December 1899, with the elimination of foreigners and Christian missionaries (as the latter had opposed his movement). In the following month, three hundred Munda men armed with bows, arrows, spears, and axes attacked the Khunti police station. A constable was killed. Subsequently a large police contingent was despatched to stop an invasion by more than two thousand armed tribals. The police fired on the Munda, killing four. Birsa and his lieutenant, Gaya, managed to escape, but were soon arrested and jailed. Birsa died in jail of cholera.

In his short lifespan of twenty-five years, Birsa Munda attained the status of a *bhagwan*, a god to his people. His influence ran very deep in southern India. More than a hundred years after his death, there are still schools and colleges named after him. A statue in Ranchi and many more memorials have been raised for him.

4. The Bastar Rebellion

Bastar is a region in what was then the Central Provinces, whose tribal people made an uprising against the government in February 1910. As per the account of Lt. Col. E. Clementi Smith, who himself took 252 men armed with rifles and a machine gun to Bastar: "At about 9:30 a.m. the punitive force left Chota Dongar, the detachment of 22nd Punjabis forming the advance guard, followed by the police *sowwars* [horsemen] and foot police. We were to visit and destroy villages which were known to have taken part in the attack on the police detachment on the 10th instant."⁴³ Clementi Smith describes the terrain, which a few well-armed men could use to hold back an army, "but the rebels seemed to have no idea of the art of making war and we passed through this trap without any opposition."⁴⁴ By April 1910, the rebellion was suppressed.

Clementi Smith lists eight causes of the rising: (i) the forest administration would not allow the tribal people to shift the kind of cultivation they had been practising for centuries (the forest administration officials' corruption and oppression accentuated this problem); (ii) the existence of *begar* (forced labour without payment); (iii) schools represented a third reason, as villagers were levied for the construction of their school building—and subsequently the teachers, too, sought to live at the expense of the villagers; (iv) rampant police oppression; (v) thanks to *bisahi*, a

system under which state officials could buy grain at a fixed rate, villagers were forced to sell grain at much lower rates and thus to buy more to satisfy their own consumption needs; (vi) general oppression by village landlords; (vii) the local lord, in adopting the British administrative style, had become *angrez* (an Englishman in effect), so the aim was to revert local governance to the *deshi* (traditional) style; and (viii) outsiders (that is, British officials and other low-caste settlers from Chhattisgarh) were to be plundered and driven away.⁴⁵ As a matter of fact, all these causes focused mainly on the British administration, their exploitation of local people, and presence of the outsiders (which also included the administrative officers).

5. *The Khond Rebellion*

The Khond tribe, inhabiting what is now the state of Orissa, were twice up in arms against the British, first in 1835–37 and later in 1846–47. The trouble began in September 1835 with the occupation of Ghumisar, as its lord (*raja*) Dhananjia was charged with sedition by the colonial power. This resulted in open rebellion by the Khond. The Raja offered stiff resistance and often ambushed the British forces. A reward was announced for his arrest, but to no avail. Russell, the Special Commissioner, wrote about the Khonds' three months of resistance: "Khonds were shot like wild beasts. Some were seized and hung up on trees. Their villages were every where in ashes. The inhabitants were either dead or fled to enter into fresh contacts ... by June 1836 a universal scene of havoc and desolation could be witnessed."⁴⁶

The rebels continued their activity after the monsoons, and up to May 1837. Most of the Khond chiefs of Ghumisar died during the struggle. Russell reported the primitiveness of the tribe, and recommended that the government introduce reforms. In November 1837, the acting district collector of Vijainagram also recommended the construction of roads as necessary for civilizing the Khonds.

6. *The Rampa Rebellion*

This rebellion broke out as a result of changes in the land-revenue system and because the tribal people were prevented from continuing their practice of *podu* (slash-and-burn cultivation). The Nizam handed over the Rampa region of coastal Andhra Pradesh to the British in 1766. Ram

Bhupati seized some villages from British control, but was soon defeated; only a few villages were permitted to be rent-free. He later sublet these to others, who began to exploit the tribals by introducing their own revenue system. They were not allowed to tap toddy (reference to tapping Palm trees for their sap), even for their own consumption. The new *zamindars*, the hill chiefs, and the tribals were engaged in mutual strife over new taxes. The police backed the landlords, thus opening the way for a chain of uprisings: in 1859, 1861, and 1862. The new class of moneylenders also began exploiting people, charging heavy interest on loans.

In March 1879, under a Koya's leadership, six policemen were captured and beheaded. Later a police station was attacked. The disturbances spread to Vishakhapatnam, and later to Rekapalli, where the immediate cause of unrest was a sudden increase in the assessment of lands under slash-and-burn or shifting cultivation. Under the Central Provinces administration, *podu* cultivation had been almost unrestricted, the assessment on it just four *annas* per axe. But when the area was transferred in 1863, writes Furer-Haimendorf, "the Madras Government almost trebled the assessment, excluded the cultivators from certain tracts, and levied a tax on the felling of certain species of reserved trees. These new taxes and restrictions were considered a grievance, and it was for this reason that the Rampa leaders found adherents in the Rekapalli country."⁴⁷

He also notes that in Rampa, quiet was restored in August 1879, but in other areas this could not be achieved until November 1880. Further: "From our point of view the history of the Rampa rebellion is important in two respects: it shows firstly that aborigines, even if inherently not of a warlike character are capable of considerable efforts when driven to extremities, and secondly that it is both inexpedient and dangerous to allow the control and exploitation of aboriginal populations to fall into the hands of unscrupulous and unsupervised outsiders, who although not directly responsible to Government, are backed by the authority of the police and the law courts."⁴⁸

The tribal people adopted guerrilla warfare to counter the colonial forces. The government in Madras despatched six regiments of infantry, two companies of sappers and miners, and one squadron of cavalry, along with hundreds of policemen, to suppress the rebellion. By November 1880, these forces had succeeded in ruthlessly suppressing the rebels.

7. *The Bhil Revolts (1818–60)*

A series of revolts by the Bhils of Mewar, Dungarpur, Banswara, and Sirohi districts of Rajasthan broke out in 1818, after the British began interfering in their internal affair, one after another, following the Mewar-British treaty. For example, under the internal administrator, Resident Colonel James Todd, the British had begun collecting taxes with the aim of subjugating the Bhils. The native forces were disbanded, and the Bhils thrown off of their lands. Importantly, the Bhils used to collect a *rakhwali* (safety) tax from neighbouring villages, and a *bolai* tax for the safe passage of goods and travellers through their area. These practices were stopped, such taxes abolished by the new administration. Thus, the Bhils rose up against the princely state of Udaipur (Mewar) and the British. They guarded their areas forcefully, and posed stiff resistance. Col. Todd sought to obtain a peaceful surrender but failed. Thus, British troops were sent in 1820; that too failed. Finally, Udaipur state forces and British troops together succeeded in exacting a Bhil surrender in December 1823. The peace could not be maintained, however, as minor rebellions kept occurring from time to time, and sometimes boiled over into neighbouring districts. Attacks on police and police stations were carried out sporadically. At last, it was decided by the British to raise the Mewar Bhil Corps in 1841, recruiting tribesmen and giving them gainful employment in order to pacify them. But this measure, too, did not go far, and the Corps was disbanded in 1861.

VI

A perusal of the above seven cases of major tribal rebellions in different parts of an area the size of the Indian subcontinent, given its variety of peoples and cultures, modes of production and means of subsistence, suggests that the central issue everywhere was the indigenous communities' deep-seated concern for preserving the natural resources that they had been using for their subsistence since time immemorial. They lived in the forest and considered it their home. It never occurred to them that someone from outside might simply seize their resources and direct them not to use them as they pleased, or to pay a price for it. It was simply unthinkable. Furthermore, as summed up by Raghavaiah in his *Tribal Revolts*, "the tribals also put up their fight to safeguard their honour, to protect

their cherished freedom, and to get redress against the money lender, the Zamindar, and other parasitic land-holders, who tried to deprive them of all they had.”⁴⁹

As a consequence of these threats to their livelihood, all those who plundered their resources, along with any others who helped them do it, were taken as enemies. For this reason, outsiders—such as the *diko*, for the Santals: traders, moneylenders, or contractors—became the object of their anger and violence. The administration also became their enemy, as the policies it initiated promoted the plunder of their resources and supported, overtly or covertly, the illegitimate actions of outsiders via the police and civil courts. Fürer-Haimendorf argues: “Whereas the Rampa rebellion was caused by the inactions of the authorities in the face of the exploitation of the aborigines by the outsiders rather than by any positive action on the part of Government, a rising of Gonds and Kolams in the Adilabad District of Hyderabad in 1940 was due to a Land and Forest Policy which ran directly counter to the needs and legitimate rights of the aboriginal tribesmen.”⁵⁰

Let me conclude this discussion with the argument Fürer-Haimendorf made in regard to the aboriginal rebellions in southern India:

I do not refer here to the war-like frontier tribes ... but to the rebellions of the primitive aboriginal tribes of Peninsular India, such as the Santal Rebellion in Bihar, the Bhil Rebellion in Khandesh and the Rampa Rebellion in the East Godavari District. All these rebellions were defensive movements; they were the last resort of tribesmen driven to despair by the encroachments of outsiders on their land or economic resources ... but the tribes of Middle India and the Deccan are on the whole so gentle and inoffensive that extreme provocation is necessary before they take the law into their own hands.⁵¹

Endnotes

- 1 *Dictionary of Anthropology*, ed. Thomas Barfield (Oxford: Basil Blackwell, 1997).
- 2 The author's department was assigned a project, *An Ethnographic Study of the Denotified and Nomadic Tribes of Punjab*, by the Indian government to ascertain the tribal characters of twelve communities that had represented their cases for Scheduled Tribe status. A 350-page report was submitted to the government in April 2008. The central government's National Commission for Denotified, Nomadic and Semi-nomadic Tribes, which began functioning in February 2006, received more than three hundred such applications.
- 3 S. C. Dube, ed., *Tribal Heritage of India*, vol. 1: *Ethnicity, Identity and Interaction* (Delhi: Vikas, 1977), 2.
- 4 Jairus Banaji, "The Crisis of British Anthropology," *New Left Review* 1, no. 64 (1970): 85.
- 5 Ibid.
- 6 Ibid.
- 7 V. Raghavaiah, *Tribal Revolts* (Nellore, India: Andhra Rashtra Adimajati Sevak Sangh, 1971), 5.
- 8 Suresh Sharma, *Tribal Identity and the Modern World* (Delhi: Sage; Tokyo: United Nations University Press, 1994).
- 9 Zygmunt Bauman, *Wasted Lives: Modernity and its Outcasts* (Cambridge, UK: Polity, 2004), 38.
- 10 Ramchandra Guha, "Fighting for the Forest: State Forestry and Social Change in Tribal India," in *The Rights of the Subordinated Peoples*, ed. Oliver Mendelsohn and Upendra Baxi (Delhi: Oxford University Press, 1994), 22.
- 11 Ibid., 23.
- 12 Birinder Pal Singh, *Economy and Society in the Himalayas: Social Formation in Pangi Valley* (Delhi: Ajanta, 1996), 113–14.
- 13 Ibid., 117. For details, see the chapter "Exploitation of Forests in Princely and Colonial Regimes."
- 14 Christoph von Führer-Haimendorf, *Tribes of India: The Struggle for Survival* (Delhi: Oxford University Press, 1982), 79.
- 15 Ibid., 80.
- 16 Arundhati Roy writes: "These are not careless words. 'Infest/infestation' implies disease/pests. Diseases must be cured. Pests must be exterminated. Maoists must be wiped out." Roy, "Walking with the Comrades," <http://coto2.wordpress.com/2010/03/22/arundhati-roy-walks-with-the-comrades-indias-resource-wars/>
- 17 Ibid.
- 18 Ibid.

19 Salwa Judum means “peace march” in the Gond language. Ironically, this outfit was launched by the police in 2005 to take on the Maoists. Local tribal youth were trained to handle arms supplied by the government. These volunteers, called SPOs (special police officers), were given a paltry monthly salary of 1,500 rupees (\$22.50 in today’s USD), an amount later raised to just 2,500 rupees. However, this state-sponsored vigilante group only created further problems and terrorism. The Supreme Court of India has declared it illegal, and recently Chhattisgarh’s chief minister announced that due to its bad name and its failure to serve its desired purpose, it will be wound up.

20 Amit Bhaduri, *The Face You Were Afraid to See: Essays on the Indian Economy* (Delhi: Penguin, 2009), 132.

21 Ibid., 90–92.

22 K. S. Singh, “The ‘Tribals’ and the 1857 Uprising,” *Social Scientist* 26, nos. 1–4 (January–April 1998): 77.

23 B. K. Roy Burman, “Challenges and Responses in Tribal India,” in *Social Movements in India: Studies in Peasant, Backward Classes, Sectarian, Tribal and Women’s Movements*, ed. M. S. A. Rao (Delhi: Manohar, 2000), 321.

24 Ibid., 321–22.

25 Baidyanath Saraswati, “Tribal Lifestyle: The Changing Context,” in *Continuity and Change in Tribal Society*, ed. Mrinal Miri (Shimla: Indian Institute of Advanced Study, 1993), 23.

26 Burman, “Challenges and Responses in Tribal India,” 324.

27 Ibid., 326.

28 Joseph Troisi, “Social Movements among the Santals,” in *Social Movements in India: Studies in Peasant, Backward Classes, Sectarian, Tribal and Women’s Movements*, ed. M. S. A. Rao (Delhi: Manohar, 2000), 339.

29 Ibid., 341.

30 Ibid., 359.

31 K. S. Singh, “Introduction,” in *Tribal Movements in India*, vol. 1, ed. K. S. Singh (Delhi: Manohar, 1982), x.

32 Ghanshyam Shah, *Social Movements in India: A Review of Literature* (Delhi: Sage, 2004), 108.

33 Amit Prakash, “Decolonisation and Tribal Policy in Jharkhand: Continuities with Colonial Discourse,” *Social Scientist* 27, nos. 7–8 (July–August 1999): 11.

34 The spelling “Santal,” currently prevalent, is also variously spelled as “Santhal,” “Sonthal,” and “Sontal” by various authors, especially in colonial records.

35 W. J. Culshaw and W. G. Archer, “The Santal Rebellion,” *Man in India* 25, no. 3 (September 1945): 30–31.

36 Ibid., 32.

37 Other texts variously use the spellings “Diku,” “Deko,” or “Dikku,” but all mean the same thing: the outsider. K. Suresh Singh writes: “*Diku* is a territorial and ethnic concept applicable to the categories of the land-grabbers and money-lenders belonging to both Hindu and Muslim communities, who came from outside the identifiable culture area.” K. Suresh Singh, “Agrarian Issues in Chotanagpur,” in *Tribal Situation in India*, ed. K. Suresh Singh (Shimla: Indian Institute of Advanced Study, 1972), 377.

38 Culshaw and Archer, “The Santal Rebellion,” 20.

39 Ibid., 23.

40 Ibid., 18.

41 Edward Duyker, *Tribal Guerrillas: The Santals of West Bengal and the Naxalite Movement* (Delhi: Oxford University Press, 1987), 161.

42 Ghanshyam Shah, *Social Movements in India*, 99.

43 E. Clementi Smith, “The Bastar Rebellion,” *Man in India* 25, no. 3 (September 1945): 59.

44 Ibid.

45 Ibid., 62–63.

46 L. P. Mathur, *Tribal Revolts in India Under British ‘Raj’* (Jaipur, India: Avishkar, 2004), 53.

47 Christoph von Fürer-Haimendorf, “Aboriginal Rebellions in the Deccan,” *Man in India* 25, no. 3 (September 1945): 10.

48 Ibid., 10–11.

49 V. Raghavaiah, *Tribal Revolts*, 13.

50 Fürer-Haimendorf, “Aboriginal Rebellions in the Deccan,” 11.

51 Ibid., 5.

Shrinking Natural Resource Base:

The Plight of Punjab's Bangala Tribe

Harinder Kaur

This paper is an attempt to focus on the plight of Punjab's Bangala tribe, which has not only been subjected to marginalization and increasing pauperization, but bears the brunt of a shrinking resource base that endangers their very means of livelihood. The tribe's problems are multi-dimensional and multifarious, and their mode of expression in different parts of Punjab has led me to feel that a composite picture of these people is required so that their problems of life and livelihood may be redressed. Such a project cannot be launched without comprehensive knowledge of this community's spatial, economic, and socio-cultural aspects. The official misrecognition of the tribe, as has been made in the Punjab, may prove unfortunate, and dangerous even, for the sustenance and very existence of this and other tribes.¹

In its present state, Punjab is one of the smallest states in the northwest of India, with a total geographical area of 5.036 million hectares. This is a small fraction of the area that it initially covered, extending right up to the Afghan border in the west, Jammu and Kashmir in the north, and Uttar Pradesh in the northeast. It was named after five rivers: *punj* means "five" and *ab* means "water." Its politico-territorial division in 1947 left a large fertile area and three of these rivers within Pakistan's Panjab region.² The Indian Punjab was further divided into two states when Haryana came into existence in 1966, and in 1971 the state's hilly

region was merged with Himachal Pradesh, which received most of the once-undivided Punjab's forest cover.

The British Empire had declared the Bangala a criminal tribe under the 1872 Criminal Tribes Act (later modified in 1911). According to David Arnold, "the Criminal Tribes Act was used against 'wandering groups,' nomadic petty traders and pastoralists, gypsy tribes, hill and forest dwelling tribe, in short, against a wide variety of marginals who did not conform to the colonial patterns of settled agricultural and wage labour."³ The Criminal Tribes Act remained in force even after India's independence on 15 August 1947. Finally, the derogatory tag of "criminality" was removed from all the country's tribes on 31 August 1952. Today they are called "denotified tribes," or *Vimukt Jatis*. It is ironic that the tribes of Punjab, among others, celebrate this day, and not 15 August, as the day of their "independence." In Punjab, however, this independence promised no special measure to educate these people and thus bring them into the mainstream, and the state government has hardly any programs in place to rehabilitate them or to guarantee their livelihood.

Introduction to the Tribe

Thus far, information regarding the Bangala tribe is sparse. There are some details available in *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Provinces (Vol. II)*, published in 1883 and reprinted in 1970.⁴ Some meagre detail is also available in the *People of India (Punjab)* volume, edited by the former director-general of the Anthropological Survey of India, K. Suresh Singh.⁵ The people of this tribe are easily identified by their long-robed attire of saffron (*jogia*) colour, with a long shoulder bag (*jholi*), and hence are named *ik jholiwale jogi*, while others who carry two such bags are *do jholiwale jogi*. These bags may serve many purposes, such as carrying a snake or two contained in a *patari* (cane box) or a *been* (a musical instrument made of gourd pipe). In rural areas, Bangala collect alms and donations in the form of grain or wheat flour (*atta*) given by passers-by, who sometimes prefer giving such items to cash. People in the cities or towns give coins, or sometimes other currency notes, instead.

The people of this tribal community are distributed all over the country, and they are known by different names in different places. K.

Suresh Singh, in his enumeration and identification of communities in his multi-volume project mentioned above, notes that these people are also known as Bangali, Sapera, Sapela, Sapado, or Jogi in different parts of the country.⁶ In Punjab, they call themselves Jogi Nath, or followers of Machhandar Das, who was himself a Nath Jogi. They do not like to be known as Bangala, though to people at large, the two are one and the same.

Population

According to the 1981 *Census of Punjab*, the total population of in the state of the Bangala tribe was 1,600; that is, 846 males and 754 females. This figure rose to 7,765 by 2001, of which 2,722 persons were living in rural areas and 5,043 in urban areas. If, to the contrary, we follow the Bangala people's own estimate, their number is no less than 15,000. Their greatest concentration is in the Ropar district (3,304), and the lowest in the districts of Gurdaspur (47) and Amritsar (38). Otherwise, they are spread all over the state. Since a large majority are still nomads, it is rather difficult to know their exact population. They have no village or city of their own, though some Bangala, especially of the younger generation, are settling down. The government, too, puts pressure on them to settle, as does the modern market economy. They have made their own settlements (*bastis*) in and around various cities and towns in Punjab. In the villages, their population may range anywhere from 38 to 500 persons, as per the 2001 *Census of Punjab*.⁷ At a few places, like Dugri and Machhiwara in the Ludhiana District, and Rampura Phul in the Bhatinda District, they have permanent settlements comprised of nearly sixty to seventy houses each. They are also fairly well represented in the districts of Sangrur, Jalandhar, Kapurthala, Muktsar, and Hoshiarpur.

Dress

The males of this community wear a Rajasthani-type turban, and a long shirt (*kurta*) with jacket and *dhoti* (a garment that wraps around the waist and legs). They also wear *mundran* (earrings) and *mala* (a string of beads) around the neck. When they move out on their *pheri* (rounds), they usually choose *jogia* (saffron) colour for their dress. While at home, they wear normal Punjabi clothing, such as a *kurta-pajama* (a loose shirt and trousers, as per a night suit). The younger generation prefers a pants-shirt. The women wear *shalwar kameez* (trousers and shirt), with a large *dupatta* (headscarf).

Homeland

Bangala habitations are usually distant from the local population, generally in deserted places, vacant plots, or along a road or railway track. Some have concrete (*pucca*) houses, as the Indian government has allotted them some small plots under certain schemes (such as the “Indra Awas Yojna”) and advanced them some money to build one-room houses. Most, however, live in *kullis* or *jhuggis* (huts) of bamboo—that is, at a humble, impoverished level.

To build a *kulli*, bamboo sticks are cut vertically, moulded into half-circles, and fixed into the ground. The roof is made with pieces of split bamboo placed together and covered with *godri* (a quilt-like fabric made from of cut cloth pieces and used for various purposes like bedsheets, blankets, carpets, as coverings for *kulli*, etc.) or coarse, cotton fabric, sacking, etc.—whatever is easily available. For waterproofing, it is further covered with polythene or a tarpaulin. These huts are round, plastered over with clay, and contain a hearth. At the rear of each hut is a bathing place. In the past, the Bangala would sleep on the floor, but nowadays many use folding cots. Their reasons for living nomadically and sleeping on the floor are made clear by their history, below.

History

Bangala do not know much about their history, but one thing they are certain about is that their ancestry is Rajput, a warrior upper caste in the hierarchical caste system. They claim that their ancestor, Gandhila Chauhan, who was murdered by Muslim invaders from Iran, once ruled Delhi, which subsequently came under Mughal rule. Maharana Pratap of Chittor, in Rajasthan, an important principality of the Mughal period during the regime of Akbar the Great, was defeated by Akbar long before the advent of the colonial rule. Thence began the miseries of the Chauhan Rajputs. In order to survive, they migrated from their native place and took shelter in the jungles. A few went to Punjab, as well. As they owed allegiance to Maharana Pratap, a legendary Rajput known for his bravery, who gave Akbar stiff resistance, the royal army chased them. Bangala narrate fondly that when they left their native lands, they took a vow neither to dwell in concrete houses nor to sleep on cots until they regained their lost kingdom.⁸

This is the destiny that led these people to wear a yogi's (*jogi*) apparel, usually a long, saffron-coloured gown (*chola*). They claim to have disguised themselves as snake charmers, controlling a snake by playing on a handheld woodwind instrument called a *been*. They did not settle in one place because they could not; thus, they became nomadic, roaming here and there in search of livelihood. Bangala consider themselves Kshatriya Rajputs, a warrior caste, and believe that their ancestors belonged to the Bikaner, Ganganagar, and Jaisalmer districts in Rajasthan. Now they consider Sirsa, in Haryana, as their native place.

While they call themselves Kshatriya, Bangala have no intra-community caste divisions. They claim Rajput status likely because it lends them prestige. This reveals, further, that the Bangala have imbibed some mainstream cultural understanding of caste hierarchy and the higher Kshatriya status. They probably feel that in the larger Punjabi society of brave warrior men, their claim of high-caste origin will enhance their social status. It is pertinent to note that during field investigation, it was found that Bangala do not have any social relations with other communities; they are a "closed" community. One dominant feature of this tribe mentioned by B. P. Singh is "that it neither has caste like hierarchy within this social structure nor does it operate within the caste system."⁹ He further mentions, "As a matter of fact, it operates outside the mainstream caste system or on its periphery. The patron-client relation characteristic of caste is absent within and outside the tribe as well as in their relations with other communities. An old man of the tribe aptly puts the relationship of his community with other communities as that of *mangan khan di sanjh*, literally a tie or bond of begging to eat."¹⁰

Food, Occupation, and the Forest

For a tribal community, the forest is not only a home, but also a storehouse of the daily food staples. A forest is a rich source of food for the vegetarian and non-vegetarian alike. Furer-Haimendorf writes:

All the tribal populations in Andhra Pradesh were traditionally closely associated with forests, and there are some who even today spend the greater part of their lives in the proximity of trees. It is for this reason that aborigines were often referred to as *jangli*, today a derogatory term standing for "uncouth"

or “uncivilized” but literally meaning “forest dweller.” Tribal communities living in settlements surround by forest regarded these woods as much their own as old style pastoralists considered the grass-lands over which their herds were ranging as their own preserves.... In Northeast India there are to this day tribes among whom specific forest tracts with clearly defined boundaries are claimed as clan or village property, where only members of the clan or village in question are allowed to hunt or cut firewood. Ownership over forests is there clearly defined and generally recognized.¹¹

The Bangala people are predominantly non-vegetarian, though food grains, pulses, and cereals constitute their daily routine diet. They hunt the prey of their choice for food. Study respondents have indicated that they like to eat *kachbu* (tortoise), *goh* (large lizard), *saha* (hare), *billa* (cat), *neola* (mongoose), *giddar* (jackal), *kukad* (chicken), and *jangli sur* (wild boar); because of the greater availability of animals for hunting, they prefer to settle along the edges of ponds, the banks of canals, or forest fringes.

Elderly respondents stated that hunting in earlier times was a group activity, and that the prey was distributed equally among all the members of the group. But today, as their movements in the forest are often checked, and as forest officials impose restrictions on Bangala under the Punjab Forest Act, group hunting is no longer possible. Thus, hunting has become a personal, or at best family, affair. Despite the government’s ban on hunting, however, it is still conducted illegally, as these utterly poor people have little alternative for subsistence except to collect whatever the forest offers them for free. The rising prices of staple foods are steeply prohibitive. These people, who have traditionally been meat-eaters, cannot afford to purchase meat in the market. Further, they actively relish catching their own prey, as they are keen hunters and are reluctant to buy meat from the market.

Most importantly, the nomadic Bangala are highly dependent on the forest, not only for their food and habitat, but also for their traditional occupation, which is why the shrinking of this resource base threatens their very survival. The tribe depends on large, dense forests for capturing snakes to use in their public performances, whereby they eke out their

living collecting alms/money from onlookers. The snake dancing to the tune of the *been* attracts everyone—especially children, who rally around the snake charmer. The snake charmers also help in capturing snakes in households or other places where a snake has found a secure, inaccessible hideout: a storehouse of husks or dry fodder, a granary, etc. When the snake is drawn out and captured, some payment is usually received from the resident or property owner, and the Bangala snake charmer walks away with both a new snake and payment in cash or kind.

Another source of income comes from selling medicines made from certain herbs only found in the forest. Such vendors consider themselves *hakeems* (traditional doctors) who make homemade or traditional (*desi*) medicines for various ailments, like snake, dog, or mongoose bites, tooth cavities, arthritis, fever, tuberculosis, piles, blood sugar, indigestion, and various skin and eye problems. An oil prepared from the desert lizard (*sanda*) by frying it in edible oil and sometimes roasting it alive in the fire can be useful for skin diseases, as well as for arthritis and joint pains. Clove oil is medicated by adding a few herbs collected from the forest for treatment of various dental problems. A special kind of eye powder (*surma*) beneficial for various eye ailments is prepared from snake poison; it can help strengthen normal vision, too. Other kinds of oils are prepared with the addition of certain herbs to help keep the hair long and black; hence their common claim that you will never encounter a Bangala person with spectacles and grey hair, even up to the age of eighty years.

Bangala also engage in the illicit sale of snake venom for use in the preparation of various *ayurvedic* (a traditional Indian system of medicine) and allopathic medicines. This can yield a good income. Bangala are aware that they act in defiance of government orders, but nevertheless indulge in this trade for want of money. Recently police in Chandigarh, the state capital, apprehended a Bangala community member for keeping about two-dozen poisonous snakes for this purpose. The same situation goes for the tortoise carcass, which also fetches a good price in the “grey market”; Bangala eat the flesh and sell the remaining parts.

Three main factors stand in the way of this community's dependence on the forest. One is the promulgation and implementation of the Forest Act, which in one stroke made the forests into state property. Another is the “green revolution,” a project that the state implemented in such an

aggressive manner that Punjabi peasants became a model for the rest of the country to emulate for their progressive orientation, hard work, and patriotism in filling the country's granaries with grain to feed their fellow countrymen. The final factor, itself a consequence of the second, is rapid and widespread urbanization.

1. The Forest as State Property

The failure of the 1857 Indian struggle for independence against the British allowed the latter to use India's people and resources for the benefit of their colonial empire. The Forest Department was established as early as 1864, and, by the stroke of a pen, the entirety of forested land was made property of the government. The traditional rights of tribal and other communities were withdrawn. Furer-Haimendorf writes that:

While they were forbidden to take even enough wood to build their huts or fashion their ploughs, they saw contractors from the lowlands felling hundreds of trees and carting them off.... Where tribals were allowed access to some of the forest produce, such as grass or dead wood for fuel, this was considered as a "concession" liable to be withdrawn at any time. The traditional de facto ownership of tribal communities was now replaced by the de jure ownership of the state, which ultimately led to the exploitation of the forest resources with total disregard for the needs of the tribal economy.¹²

Commenting on the British exploitation of the Indian forests, Ramchandra Guha writes:

Whereas the first century of British rule was characterized by a total indifference to forest conservancy, by 1860 Britain had emerged as the world leader in deforestation, devastating its own forests and the forests of Ireland, South Africa, northern United States, and parts of coastal India to draw timber for ship building, iron smelting and farming. In India, a generally hostile attitude to forest preservation was reinforced by the belief, widespread among colonial administrators, that forests were an impediment to the expansion of agriculture and consequently to the generation of land revenue.¹³

Guha continues: “The edifice of colonial forestry was inherited by the government of independent India, and immediately put to work in the service of the state’s primary goal of rapid industrialization. The national forest policy of 1952 underlies the continuity of colonial and post-colonial policies: upholding the ‘fundamental concepts’ of its predecessor, the forest policy of 1894, it reinforced the claim of the state to exclusive control over forest protection and production.”¹⁴

The independent Indian government’s policy has been no different from that of its colonial predecessor. Forests, under state control, are leased out to contractors, who freely pillage their produce without any regard for the people who rely on them for survival. Furér-Haimendorf cites this case concerning a south Indian tribe:

For the Chenchus, the destruction of bamboo in their habitat will be catastrophic. They depend on bamboo not only for the construction of their huts and for making many of their utensils, but above all for the manufacture of baskets and mats, which they traditionally sell or barter for agricultural produce. It is no exaggeration to say that the depletion of the stocks of bamboo in the forests of the Amrabad plateau would make the area virtually uninhabitable for its original denizens. The fact that the prospect of such a development is by no means a figment of the imagination is demonstrated by the fate of other forest dwellers of Andhra Pradesh, whose life has been totally disrupted by a forest policy unmindful of the rights and needs of the tribal population.¹⁵

The natural mixed forests, which provided its inhabitants with the food, fodder, wood fuel, building materials, and shelter necessary for their survival, began to be replaced by mono-cultural plantations. As forests were denuded, pine trees were planted for resin, paper pulp, and timber. This British program was faithfully continued by the Indian government, as well. Furér-Haimendorf states: “An extreme example of such a commercialization of forests at the expense of the local tribal population is a project in Madhya Pradesh where Rs. 46,000,000 are to be spent on converting 8,000 hectares of forest in Bastar Hills to pine forests to feed the paper pulp industry.”¹⁶

The present rules governing the forest are a result of the Punjab Forest Act of 1927, which prohibits anyone from removing anything from the forest for sale in the market, as it is government property. The Act defines the “forest produce as anything found in or brought from the forest.” Forest guards keep watch on any infringement of the forest property; technically, such infringement is also applicable to the use of grass as cattle fodder, not to mention the use of wood or timber for fuel. There have been many protests by activists over the rights of tribal peoples against such provisions of the Act, but little came of them until 2006, when a distinction was created between “major” and “minor” produce, with local communities given rights over the latter. In 2006, the Forest Rights Act (FRA) for the first time defined “minor” forest produce as including bamboo and tendu, among many other things. It also gave tribal peoples and other traditional forest dwellers the “right of ownership, access to collect, use and dispose of minor forest produce, which has been traditionally collected within or outside village boundaries.”¹⁷

However, the declaration of the Forest Rights Act has neither settled these issues nor solved all the related problems. Sunita Narain writes,

As my colleagues found when they traversed the country’s tribal districts, the right exists only on paper. Of the 2.9 million claims settled under the FRA, only 1.6 per cent pertained to community rights. Worse, virtually no right of any community has been recognised for minor forest produce. They noted the missing right was deliberate. Governments across the tribal districts ensured no information was ever provided to people that this right was available. The technique was simple: the form issued to people to ask for rights left out this provision.¹⁸

2. Agriculture since the Green Revolution

The second issue standing in the way of Bangala dependence upon the forest is the intensive agriculture that occurred in Punjab following the “green revolution” of the mid-1960s, which drastically changed the overall situation of agriculture within the state by pushing it into an aggressive agricultural economy—a consequence of the Indian government’s policy aimed at meeting the food requirements of millions and

ensuring the nation's future food security. India thus embarked on its program of modernization of agriculture, granting it a prime position within the first Five Year Plan (1951–56). “In 1961, the Ford Foundation thus launched its Intensive Agriculture Development Programme (IADP) in India, intended to release Indian agriculture from the ‘shackles of the past’ through the introduction of modern intensive chemical farming.”¹⁹ Subsequently, the Intensive Agriculture Area Programme was launched in 1964–65 to focus on areas with the greatest potential for improving agricultural productivity, providing a ready platform for disseminating the green revolution.

This revolution meant intensive agriculture with capital and modern technology, whereby land and its produce become commodities for sale and purchase in the market, with money as the medium of exchange. Thus, land was used to maximize produce and profit, which defied the norms and practices of traditional agriculture. Consequently, modern agricultural technologies included tractors, groundwater harnessing pumps, high-yielding variety (HYV) seeds, fertilizers, and pesticides, etc. These developments led to more and more land being brought under cultivation; hence the loss of pastures and forests in this densely populated state. Punjab has an average density of 482 persons per square kilometer, according to the 2001 *Census of India (Punjab)*.²⁰ As a result of the past four decades of intensive agriculture, forest cover has been reduced to a mere 5.8 percent of all state territory, far below the minimum 33 percent area recommended for a viable ecological balance.

The green revolution has not only resulted in the loss of the forest; it has increased tremendous pressure on the groundwater aquifers, resulting in the lowering of the water table to the tune of about one metre in most parts of the state. According to some estimates, out of the 137 blocks (administrative subdivisions) in the state, 103 have been declared dark zones in which the water table has dropped to critical levels. According to another estimate, in 1984, out of a total 138 development blocks, 53 were dark zones. That number rose to 84 in 1995, and 108 in 2005. The groundwater table has started to fall at a rate much faster than had been expected. Hira concluded that in 1964, the entire area of central Punjab had water table above a depth of 15 feet. With the inception of the green revolution, the water table began to decline, and the area with a water

table below 30 feet deep increased from 3 percent in 1973 to 90 percent in 2004.²¹ Thus, paradoxically, this very place that is named after water is gradually running out of this important source of life. The sacred scripture of the Sikhs, *Sri Guru Granth Sahib*, says: *Pehla pani jiu hai jit hariya sab koi* (that water is the source of all life), and it therefore occupies a high and respectable status, as prescribed by scripture: *Pawan guru pani pita mata dharat mahat* (literally that air is teacher, water is father, and mother earth is great).

The *Statistical Abstract of Punjab* (2005) notes a spectacular development in agriculture in Punjab over the last few decades. Nearly 80 percent of the state's water resources are used by the agricultural sector. Of the total cropped area—86 percent of all land—97 percent is irrigated, of which 27 percent is irrigated via the conventional canals, and 72 percent via tube wells. There has been a phenomenal rise in the number of tube wells, which increased from 1.28 lakhs (1,280,000) in 1970–71 to 11.68 lakhs (1,168,000) in 2004–05.²²

This shrinkage of natural resources at such a fast pace is affecting the socio-economic fabric of the Bangala people, resulting in their temporary migration to other states, especially the nearby, hilly Himachal Pradesh, to collect snakes and herbs necessary for survival. K. Suresh Singh has described the relation between tribes and forest, noting that, "forest has been associated with the early life of mankind where they domesticated plants and invoked early forms of agriculture and gradually moved from gathering and hunting to advanced and primary modes of subsistence."²³ The Bangala tribe is highly dependent upon the forest, and, as is the wont of tribal peoples, they are not ready to leave their traditional occupation and accept other modes of livelihood.

Agriculture and forests have often been treated as dichotomous categories, but recent studies have rather highlighted interdependence and continuity. Chaudhary and Band argue: "Forest has instead associated with the early life of humankind where they [tribes] used forest reserves for living, where [tribes] domesticated plants and innovated early forms of agriculture and gradually moved away from gathering and hunting to advanced and primary modes of subsistence. However, there was no marked dichotomy between forest and agriculture as perceived later. There always existed a continuum between forest and agriculture."²⁴

Even in pre-1947 India, as rightly elaborated by Chaudhary and Band, the “state proposed extension of cultivation which resulted in shrinkage of forest, the colonial period witnessed radical changes in the very concept of ownership of forest and its management. While all states of India, ancient and medieval, claimed ownership of all resources, they in practice left local communities largely in control of their resources. The colonial regime not only claimed but enforced its ownership of its resources; thus, forest became for the first time a source controlled and regulated for the benefit of the British empire and British capital.”²⁵

In the present milieu of the market economy, the state government listens to the advice of economists and agro-scientists regarding the potential of “farm forestry for the farmers and industrialists” of Punjab.²⁶ In a move toward forestation, Punjab’s forestry department has worked out a comprehensive plan to increase forest cover to 15 per cent by the year 2011. Punjab’s forestry minister, Tikshan Sood, recently announced: “We will be adopting a new scientific technology for mass production of seedlings required for the agro-forestry operations.” Unfortunately, at present no one in the state is thinking about a program to stop the rapid shrinkage of natural resources, especially forests, which are the storehouse of all kinds of resources needed for subsistence by tribes in the state. The forest is their home.

According to a report by the state’s forestry survey, Punjab’s dense forest cover has decreased by a whopping 80,600 hectares since 2001. As G. S. Bhalla and Hema Khanna have reported in *Punjab Newline*, the state’s forest cover stands at a mere 3.14 percent—lower even than the 4.62 percent in Rajasthan, a desert state.²⁷ The Punjabi districts affected worst in terms of forest-cover depletion are Ferozpur (111 percent), Amritsar (106 percent), Hoshiarpur (84 percent), Bathinda (76 percent), and Ludhiana (55 percent).²⁸ The data reflect the fact that, since the depletion of forest cover in Punjab’s Malwa region (the state has three regions: Malwa, Majha, and Doaba)—that is, the districts of Rupnagar, Sangrur, Patiala, Bathinda, and Ludhiana—is lowest, hence the Bangala community’s concentration in this area is highest, which again supports the argument for the dependence of the Bangala upon the forests.

3. Rampant Urbanization

A third factor affecting the Bangala and their relationship to the forest is rampant urbanization, which eats not only into the forested land, but into agricultural areas, as well. Over the last few years, the rise of the real-estate business is fast eating up the above land uses. This is a matter of grave concern, not only for the Bangala and other tribes dependent on the forest, but also for the Punjabi peasants, who have been thriving on agriculture for the last couple of centuries. Punjab, peasants, and agriculture are virtually synonymous; for a traditional peasant, ownership of land provides all the status and prestige that he expects. A peasant family seeking a groom for their daughter makes sure that there is some land in his name, even if he is drawing good government or corporate salary. It was accepted among peasants until very recently that selling land is equivalent to selling one's son. Therefore, land was never sold, under any circumstances.

Today's market society has changed this accepted value, and the growing real-estate business is fast encroaching upon agricultural lands. The wealthier peasant, generating surplus income from the subsidized agriculture of the green revolution, then looks for further opportunities outside it. Then there is the ever-growing black-market economy, in which land is often the most suitable investment. As a consequence of such economic developments and the flourishing business of real estate, developers have been building sprawling colonies around every big city, colonies with English names and with houses, apartments, and malls constructed around Western design and layout. It has become a status symbol to own a residence there and thus become part of the modern elite.

All these developments have contributed to the loss of the forest cover, which has made paupers of the tribal peoples. From a respectable mode of earning their living (though bare subsistence it may have entailed), either by selling herbs and medicines or even by snake charming, these people are now forced to come to the streets to beg, morning until evening. Women and small children begin begging early in the morning, bins in hand to accept *lassi* (buttermilk), tea, or *behi roti* (stale bread) for their breakfast. They also collect money, wheat grain, or *atta* (flour). After breakfast, males wear their formal dress—that is, *chola* and *dhobi* of saffron

colour. Carrying *jholis* on their shoulders, with *patari* holding snakes and a *been* in their hands, they move out to perform snake charming, sell medicines, collect alms, etc.

These people's plight is further worsened, so far as adopting an alternative livelihood is concerned, by a low literacy rate—virtually negligible. Field investigations revealed that in one large settlement, only one person in the tribe had completed high school. A few had studied up to the fourth or fifth standards, but a substantial majority cannot even write their name. Many of them admitted, over the course of the fieldwork: "It is not the fault of the government. We are not interested in the education of our children since our main occupation is begging, snake catching, and collecting herbs from the forest, which do not require any formal schooling." An older respondent added: "We do not have money to provide education to our children." Perhaps the most important reason for the lack of education is the state's high level of corruption. Another respondent remarked: "Even if some of our children get education, they will not be able to get a job under such conditions of competition and corruption."

Thus, these people are caught in a vicious circle: unable to get out of their traditional occupations or begging because of a lack of education, yet also unable to acquire education because they are nomadic and poor. Furthermore, the state's and central government's various policies for their uplift, particularly with regard to education, do not reach this community to convince them of the benefits of modern formal education. While the right to education has recently been included in the list of the fundamental rights of the people of India, these people are hardly aware of such rights and provisions.

The Constitution of India provides for equal rights by protecting tribal people's socio-cultural values via Articles 14–30, 244 (1–2), 399, 275 (1), 342, 330, 334, 338, 335, and 46: basically to administer tribal areas, welfare, grants and aid, reservation of seats in the legislative assembly, appointment of a special officer under the President of India, claims for jobs, and promotion of educational and economic interests, etc.

In the end, I would like to submit that: (i) the economic conditions of this tribe must be improved with immediate effect; (ii) the rapid urbanization and deforestation that represent the main causes for the shrinkage of their traditional sources of livelihood need to be addressed judiciously;

(iii) a “program of rehabilitation” for the tribe’s overall development and to include them in the mainstream with the introduction of special education programs in their mother tongue (that is, Punjabi, in Gurmukhi script) is required; (iv) there is an urgent need to convince them to get jobs of whatever kind they may; and finally (v) their longstanding demand for inclusion in the list of Scheduled Tribes be accepted. Such measures may help them to some extent.

Endnotes

- 1 The state of Punjab does not have the Scheduled Tribe population. The Bangala (also referred to as Nath, Jogi Nath, Jugi Nath, Nath Jogi, and Rawa), community along with others claiming higher caste status resent their clubbing with the menials, the Scheduled Castes. They have repeatedly asked the government to grant them tribal status.
- 2 The Indian Punjab is spelled with a “u”; Pakistan’s Panjab with an “a.”
- 3 David Arnold, “Crime and Crime Control in Madras 1858–1947,” in *Crime and Criminality in British India*, ed. A. Yang (Tucson: University of Arizona Press, 1985), 85.
- 4 Denzil Ibbetson and H. A. Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Provinces*, vol. II (Patiala, India: Languages Department Punjab, 1970 (1883)).
- 5 K. Suresh Singh, ed., *People of India*, vol. XXXVII (Punjab) (Delhi: Manohar, 2003).
- 6 Ibid., 33.
- 7 *Census of India (Punjab)* (Chandigarh: Government of Punjab, 2001).
- 8 Harinder Kaur, “Bangala,” in “*Criminal Tribes of Punjab: A Social-Anthropological Inquiry*,” ed. Birinder Pal Singh (New Delhi: Routledge, 2010), 51–73.
- 9 Birinder Pal Singh, “Introduction,” in “*Criminal Tribes of Punjab: A Social-Anthropological Inquiry*” (New Delhi: Routledge, 2010), xlvi.
- 10 Ibid.
- 11 C. von Furer-Haimendorf, *The Tribes of India: The Struggle for Survival* (Delhi: Oxford University Press, 1982), 79.
- 12 Ibid., 80.
- 13 Ramchandra Guha, “Fighting for the Forest: State Forestry and Social Change in Tribal India,” in *The Rights of the Subordinated Peoples*, ed. Oliver Mendelsohn and Upendra Baxi (Delhi: Oxford University Press, 1994), 22.
- 14 Ibid., 29.

- 15 Furer-Haimendorf, *The Tribes of India*, 84.
- 16 Ibid., 80.
- 17 Sunita Narain, "Is bamboo a tree or a grass?", in *CSE's Fortnightly News Bulletin*, 7 December 2010.
- 18 Ibid.
- 19 Vandana Shiva, *The Violence of Green Revolution: Third World Agriculture, Ecology and Politics* (Goa: Other India Press, 1992), 2.
- 20 *Census of India (Punjab)*.
- 21 G. S. Hira, "Depleting Groundwater, Causes and Remedial Measures," in *Rural Development in Punjab*, ed. Autar S. Dhesi and Gurmail Singh (New Delhi: Routledge, 2008), 200.
- 22 *Statistical Abstract of Punjab* (Chandigarh: Government of Punjab, 2005).
- 23 K. Suresh Singh, "Rethinking Forest, Forest Dwellers and Ecological History," in *Tribes, Forest and Social Formation in Indian History*, ed. B. B. Chaudhary and Arun Band (New Delhi: Manohar, 2004), 46.
- 24 B. B. Chaudhary and Arun Band, eds. *Tribes, Forest and Social Formation in Indian History* (New Delhi: Manohar, 2004), 41.
- 25 Ibid., 46.
- 26 Piare Lal, "Integrated Development of Farm Forestry Potential and Wood-based Industries," in *Rural Development in Punjab*, ed. Autar S. Dhesi and Gurmail Singh (New Delhi: Routledge, 2008).
- 27 <http://punjabpanorama.blogspot.com/2007/02/forest-cover-in-punjab-is-now-lowest-in.html> (accessed 12 July 2019).
- 28 Ibid.

“Our forefathers kept this Reserve for their children & it is our duty to keep it”:

Atikameksheng Anishnawbek / Whitefish
Lake Resource Issues to 1930

Peter Krats

Our forefathers kept this Reserve for their children & it is our duty to keep it. We have surrendered a large portion of this Territory to White men—and only reserved a small portion of the land. There is plenty of land outside of the Reserve.

Let him build there.¹

The Atikameksheng Anishnawbek, or Whitefish Lake First Nation, dwell in a place where human activity dates back more than ten thousand years, with a proud lineage to the Amikwa (Beaver). The Amikwa collected wild foodstuffs, grew corn, and dwelt in mobile structures; on their six-thousand-square-kilometre territory, summers were spent near Lake Huron fishing, hunting, and growing gardens; winters saw the occupation of interior hunting grounds in the vicinity of lakes Penage and Wanapitei, and northward. The Amikwa first received the attention of white missionaries in 1636, and then during a Feast of the Dead in 1642.² *Nindoodemag* featuring beaver were soon fairly common on early documents;³ and a major river (Spanish), was termed the “Amikoue” by the French, in recognition of the deep Amikwa roots on the North Shore.⁴

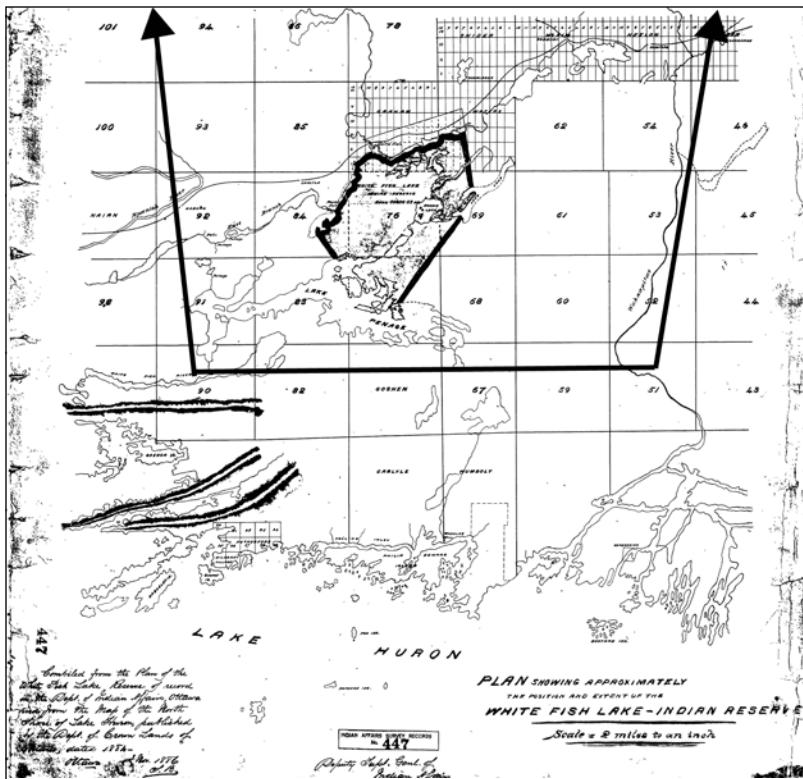


Figure 3.1: Estimate Traditional Territories

The new French and then British presence initially changed little, for the Band's inland territories remained obscure to whites, allowing considerable continuity with the Amikwa past:

[Their] strategy was to fish and trade on the north shore of Lake Huron near Whitefish Lake, travel south in August and September to the islands near Shawanagana to harvest corn, and then return north into the interior to hunt and trap over the winter, in a pattern reminiscent of the seventeenth and eighteenth century Amikwa.⁵

Specific detail is rare, although in 1807 George Heriot referred to the *Poisson-blanc*.⁶ These peoples, whether identified with beaver or

whitefish, soon struggled to retain their traditional bounty. The “tug-of-war” for Atikameksheng Anishnawbek resources makes an instructive case study in pressures working against Indigenous control of longstanding natural resources.

Living on the Fringes of Settler Society

The first natural resource drawing broad attention was the fur trade; it was highly influential in beginning to reshape the Whitefish Lake experience. George Cowan, government interpreter for Lake Huron, established the La Cloche post by 1784. When the Hudson's Bay Company (HBC) took over, Atikameksheng land was “covered” from La Cloche; the Band travelled, more or less *en masse*, to La Cloche on a semi-regular basis. The post was near traditional fishing locations, plus they came not just to trade, but to obtain gifts from the post: tobacco, corn, flour, sugar, and “grog.” Gifts, wrote McBean, fended off independent traders and helped dissuade the Band from leaving for government gift ceremonies.⁷ With a seasonal post opened at Whitefish Lake by 1821, and a permanent post founded in 1827 to fend off “interlopers,”⁸ in about 1830 the Band moved its main village north from Lake Penage to a site adjacent the new post.

Changing environments and a half-century's exploitation took their toll. As a “defensive” post, Whitefish Lake made no profits: as Roderick McKenzie wrote in 1867, “Whitefish Lake [provides] … Beaver which is of no great value and as the Fur Traders are constantly on the watch we cannot reduce our price to the Indians.”⁹ Small satellite posts and sales in the new and nearby community of Sudbury offered only a brief respite. For the Band, timber and mining work emerged as an alternative: in 1889, W. H. Adams, inspecting officer for the HBC, remarked that furs were “fairly plentiful” around Sudbury, but Indians found other employment “more lucrative.” On 31 May 1896, the Whitefish Lake post closed, although some furs could for a long time still be sold at Biscotasing, or through Sudbury independents like Valensky, Levé, and LaFrance.¹⁰

Change accelerated via new surveys: Alexander Murray, assistant geologist to the Geological Survey, explored the north shore of Lake Huron in 1847 and 1848; his geological surveys provided the first detailed European map of the French, Wanapitei, Whitefish, and Spanish

watersheds.¹¹ A. P. Salter and his assistants, working for the Crown Lands Department,¹² explored tracts further inland, producing various meridional lines; “Salter’s baseline” ran east-west near Whitefish Lake, and marked a start for many surveys over the ensuing three decades.¹³

A mineral “rush” also emerged in the 1840s; the Upper Canada Mining Company’s “Wallace Mines,” some twenty-five kilometres east of La Cloche and just west of Whitefish River, lay nearest the Whitefish Band.¹⁴ Resource dreamers looked toward the “untouched” lands beyond the coast. Alexander Vidal and T. G. Anderson were directed on 4 August 1849 to “ascertain the expectations of the Indians with a view to the final action of the Government upon the same.”¹⁵

Officials knew little of the inland Bands; there seems to have been no “official” mention of the Whitefish Lake Band until 1846. Over the next three years, Band members were added to the Indian Affairs rolls.¹⁶ Each year’s list is incomplete, averaging fewer than 80 individuals, supposedly because “large numbers of the Indians absent inland were not made known to Mr. Robinson.” Compiling the three years yields about 120 individuals; Indian Affairs census totals for 1850 give a figure of 114.¹⁷ The Annuity Paylist for 1850, however, lists just 64 persons, and the first Treaty payment counted but 72 persons.¹⁸

The dimensions and location of the Whitefish Lake Reserve remained murky. Vidal and Anderson reported that the reserve lay “Between the Lake Band and the height-of-land about White Fish Lake,” while the Robinson Treaty of 1850 granted Shawenakishick’s Whitefish Lake Band “a tract of land now occupied by them, and contained between two rivers, called Whitefish River and Wanabitaseke, seven miles inland.” On 14 July 1851, an Order-in-Council called for survey of all North Shore reservations, but J. W. Keating argued that:

Wé,nah,bi,té [Wahnapitae] and Whitefish Lake ... are from six to three days travel inland with numerous Rapids and portages intersecting the difficult and barren country. There is no likelihood indeed hardly a possibility of the surrounding country ever being settled in the face of the obstacles of access and the sterility of the soil.... in those two cases a mere indication by monuments of the extent of the tract should be considered sufficient.¹⁹

Keating thus denied the local Anishinabe immediate survey of their Reservations. What happened next is part conjecture and part Band memory—few documents exist. Bits of information emerge in the ever-more-resource-conscious official record: in 1858, “Shawanakeshick and his Band” reportedly held:

land occupied by them at the treaty, and contained between two Rivers called Whitefish River and Wanabitsebe, seven miles inland. This Reserve also contains valuable mining locations, and on the Rivers are excellent mill sites; The land in the vallies [*sic*] between the hills is reported to be rich, and well adapted for tillage.²⁰

Scrutiny, Assimilatory Pressures, and Responses

The increasing interest and lack of survey was portentous, for the Treaty gradually cost the Whitefish Lake Band lands and local control. There were a series of steps in the process. New, giant districts and basic administrative structures provided a framework; officials then sought “improved communications.” Coastal steamship service, begun by 1848, served the shorelines, while unfulfilled dreams of a “North Shore canal” and a “Great Northern Road”²¹ nonetheless lent credence to Shield-traversing railway schemes. The CPR route ultimately bisected the Whitefish Lake Band’s traditional territory.²²

Coastal access also saw nearby timber limits being awarded for the Spanish River to the Killarney coast between 1850 and 1864.²³ By 1870, timber surveys reached the south shore of Lake Penage, with Staples and Schulerburgh cutting only six kilometres from said lake; in short, the timber industry was on the Whitefish Lake band’s doorstep.²⁴

Even as lumbermen and surveyors pressed inland, Anishinabe coastal fisheries also faced dangers.²⁵ Commercial fisheries pushed east from the Sault; settlement on Manitoulin Island brought fishers to North Channel waters used by the Whitefish band. Killarney (Shebahonahning) fishers added to the mix. By the 1860s, North Channel waters were reportedly overfished. Matters were made worse by forest industry wastes.²⁶ When area Indian agents reported pressures on the fishery, the Ministry of Marine and Fisheries launched a withering attack on their “false sympathy with the pretended sufferings which it was alleged they [Indians]

must sustain if prevented from indulging in their habitual preference for spearing fish on their spawning beds.” Charles Skene, of the Parry Sound Superintendency, retorted that the fishery was harmed “more by pollution of the Rivers & spawning beds by throwing in Saw logs and other Mill refuse and by the great quantities of fish and game of all kinds killed by the white men for the purpose of sale than by the Indians spear-ing.”²⁷ Six years later, the Manitowaning agent, J. C. Phipps, complained of “diminished take of fish for domestic use … caused primarily by the [commercial] pound nets, which are now becoming numerous along the shores of the Georgian Bay.”²⁸

Fighting to Keep the Reserve “Whole”

As traditional activities reshaped themselves or declined, the Whitefish Lake Band confronted various new challenges, highlighted by battles over the bounds of their Reserve. The failure to establish bounds in the 1850s proved problematic, as white interest in the area’s timber, minerals, and agricultural potential surged with rail access. The immediate catalyst was the completion of the CPR’s Algoma Branch and the HBC’s concern over its property rights.²⁹ The HBC had first inquired about its posts in 1850; now Joseph Cozens, P.L.S., was hired to survey the Whitefish Lake Reserve.

Cozens produced a survey of 130 acres, but the claim was resisted by the Band—Chief Mongowin saw the area as excessive. The HBC argued the land was not valuable; given the firm’s firewood, garden, and pasture needs, “the quantity of land desired by the company is not excessive.” When matters came to a head, the Band was told it was their land, but the HBC would not be ejected until they ceased business. This arrangement, patently suitable to the Company, upset the Band, which felt it was owed rent. That issue lingered for a decade, with the Band finally informed in 1895 that rent could only be had if Band land was surrendered.³¹

By then, more vexing land issues arose as both the Reserve and the CPR’s work provoked a legal battle over the Reserve’s extent. A quarter-century after Salter’s base lines were run, and a decade after the Province produced maps of the North Shore townships, the Reserve’s extent remained vague.³² Looming completion of the CPR forced action. In 1880,

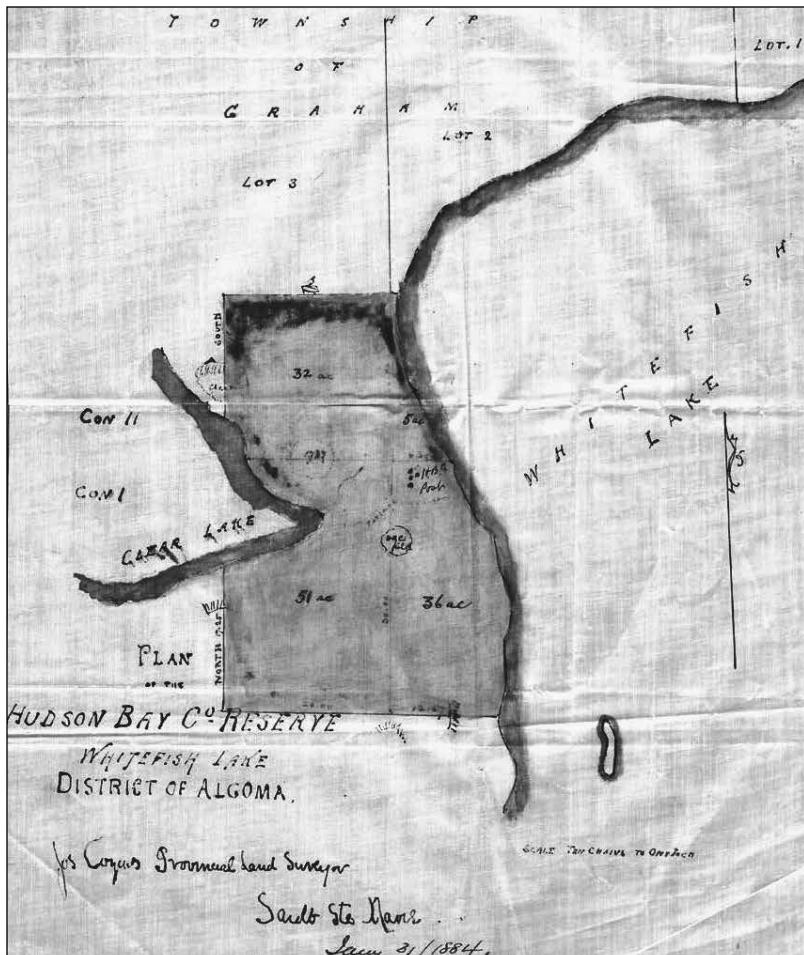


Figure 3.2: HBC Location³⁰

Agent Phipps at Manitowaning was ordered to determine the Reserve's bounds as understood by the Band. He took:

every opportunity of speaking with the Chief and the most intelligent Indians of that Band to ascertain from them the boundaries of the Reserve deemed as having been in their occupation at the date of the Robinson Treaty and now enclose a sketch showing the Reserve claimed, which will comprise parts of the following Townships as laid down in a Map issued by the

Crown Land Dept. of Ontario dated August 1880, Nos. 69, 70, 75, 76, 77, 83 & 84 and will contain about fifty square miles.

The Indians state that the Reserve has been occupied by them as a Hunting ground ever since the date of the Robinson Treaty and they desire to have it surveyed as they say the line of the Canadian Pacific Railway passes through it north of Whitefish Lake.

Phipps was taking sides: “I have pointed out to the Indians that the Reserve claimed is of great extent, and inquired whether they would not be satisfied with a smaller area but they do not wish any change in the boundaries made.”³³ Little wonder—the Band’s traditional lands were substantial: the 1871 census lists nine widely dispersed locations.³⁴

Lake	Pop.	Lake	Pop.	Lake	Pop.
Round	8	Nebeawapuing	15	Whitefish	22
Penage	4	Bawitcawenga	9	Wonebing	9
Maslong	2	Wenabitabing	23	Vermillion	41

Given this breadth, Phipps concluded that the *actual* dimensions were even *bigger* than fifty square miles. “I cannot,” wrote Phipps, “get their description to fit with any Map to which I have access, and the tract indicated by the sketch [map] would appear to be nearer twelve miles than three miles square.”³⁵ The sketch map depicts an area much larger than the eventual reserve, ranging from Kebesahwashkong (Lake Penage?) on the south, to the Spanish River on the west; on the north lay Mazinawaning and Anenbeninckaming (Vermilion and Mud Lakes), and perhaps Onaping Lake; the eastern bounds reached past Keenogahming (Long Lake). These boundaries largely parallel the Band’s published history of a hunting territory equivalent to about 120 townships, ranging from “the valley of the Vermillion Rivers eastward to the valleys of the Wanapetei and Sturgeon Rivers, and from Lake Penage north to the watershed.”³⁶ These glaring differences were put aside in 1883; given CPR inquiries into the limits of the Reserve, Phipps hired G. B. Abrey, P.L.S., to survey the Reserve.³⁷

Ontario's Crown Lands Department now wanted a delay: Thomas Johnson, Assistant Commissioner of Crown Lands, noted that:

P.L.S. Abrey is about to make a Survey of the Indian Reserve at White Fish Lake—Lake Huron, for your Department, this Department not being aware of any Indian Reserve there, has this season subdivided townships 70 and 77 as numbered on the Department map of North Shore of Lake Huron. On this plan the Indian Reserves are colored [*sic*] Red, and the Department was under the impression that all Indian Reserves were laid down thereupon.

Under these circumstances, I am to suggest if it might not be advisable to instruct Mr. Abrey not to make the Survey at present, as when the Plan & Field Notes of these Townships are in our Office, an arrangement may be made with your Department's satisfaction, also [?] to the Indians and the Indian Department. Whereas if Mr. Abrey makes a survey map, the present inadequate information as given in the Treaty, complications may arise owing to the influx of settlers along the C. P. Railway. This Department does not question the existence of a Reserve there, but merely suggests the above as a mode of avoiding a possible clashing of two Surveys.³⁸

Crown Lands surely knew more: surveys of Waters and Graham townships, adjoining Berth 76, were completed in 1883.³⁹ Moreover, Crown Lands surveyors were well aware of the HBC post at Whitefish Lake, having obtained supplies there since the 1850s. Besides, numerous maps prepared by the Department showed the Band village at Whitefish Lake; some showed additional Anishinabe sites.

Other complaints were heard, for Abrey's survey placed part of the CPR's Algoma Branch within the Reserve.⁴⁰ The Syndicate, busy completing the "Algoma Branch" linking Sudbury with Sault Ste. Marie, was concerned, for the Band complained about the CPR cutting their timber. Unbeknownst to the Band, this was the beginning of more than a century of struggle over land and timber rights.⁴¹ In April 1887, CPR engineer P. A. Peterson wrote Indian Affairs seeking accurate plans for

the Reserve. A tracing was sent, resulting in more correspondence from the CPR's barristers:

The Algoma Branch of the C.P.R. Line traverses the Townships of Graham and Waters and through those parts of each Township known as Indian lands. On behalf of the Company I have the honor to apply for the Land occupied by the right of way.... The Co. have located a station in each Township which will be made the subject of a separate communication as I understand that it will be necessary to obtain an Order in Council before purchasing lands belonging to the Indian Department for Stations.⁴²

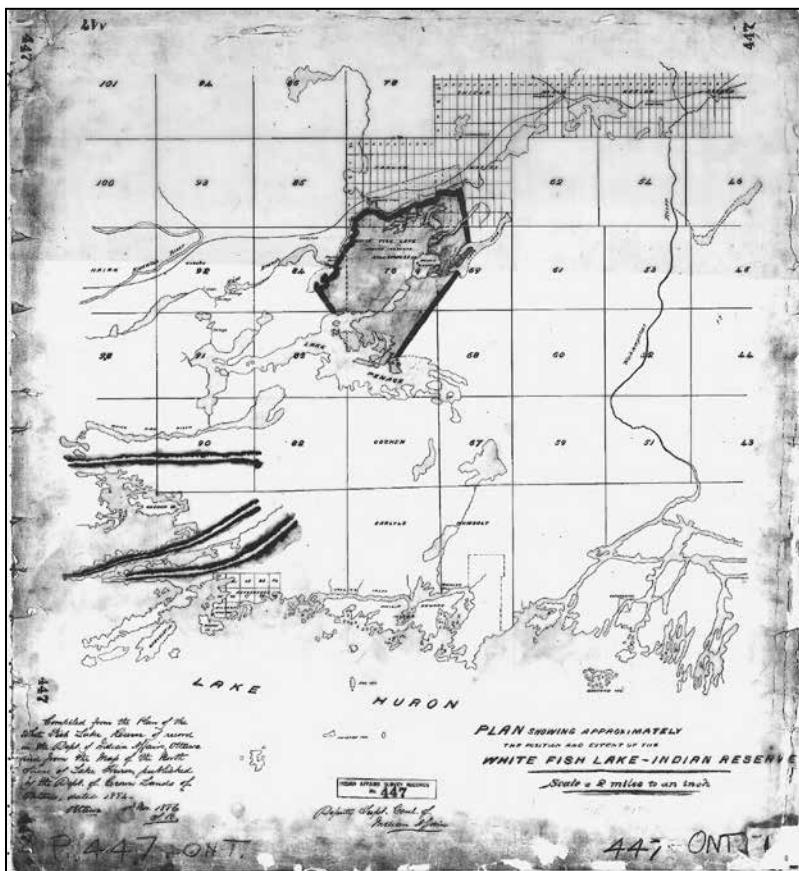


Figure 3.3: Location of Reserve⁴⁴

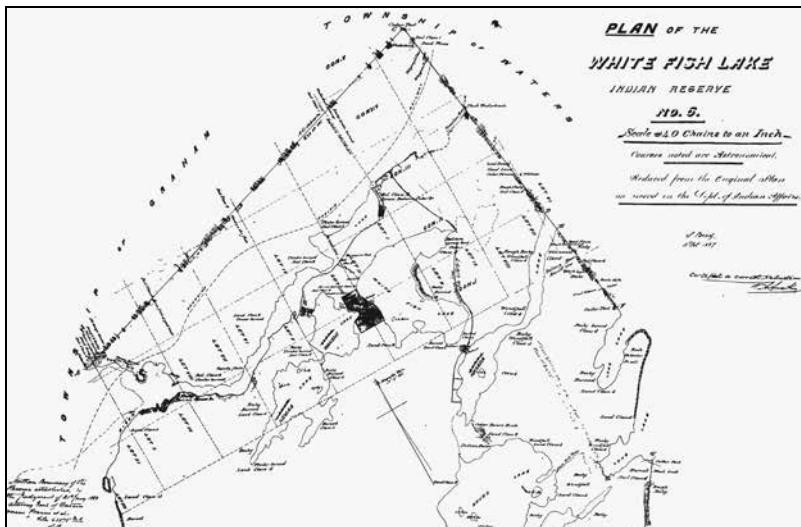


Figure 3.4: Boundary North of CPR Algoma Branch from Abrey, 1884⁴⁵

Clearly, the maps seen by the CPR showed a line through the Reserve! In response, an Indian Affairs memorandum of 24 August reported that the tracing supplied by the Department was incorrect—the CPR line lay north of the Reserve. Presumably, the Syndicate was pleased but cautious—as late as January 1889, they were prepared to buy 83.09 acres of the “White Fish Lake Reserve.” Not until May 1889 was the CPR convinced by Indian Affairs insistence that their line lay outside the Reserve.⁴³

While the CPR was ready to pay, lumbermen hoped instead to profit. Speculative holding of area lands dated from the great timber sale in 1872; those who now held the affected berths from the Province raised an outcry over the federal “incursion.” Even Aubrey White, Assistant Commissioner of Crown Lands, held out “hope”: as late as April 1888, he referred to the “so called” Indian Reserve at Whitefish Lake.⁴⁸ Indian Affairs had Abrey’s survey notes, and carefully ignored earlier reports from Agent Phipps. Abrey initially surveyed a northern boundary well north of the CPR line, but later claimed that “head men” of the Whitefish Lake Band did not think “that their reserve extended to the Wahnapitae River, but that the bounds which they pointed out to me and the same as now shown in the within returns, represents the reserve that they have

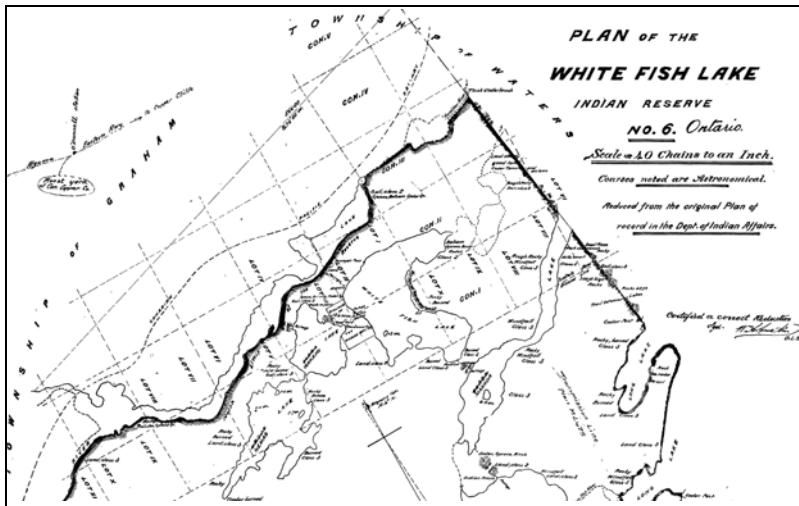


Figure 3.5: Later Survey Boundary South of CPR Algoma Branch⁴⁶

always claimed and believed to be that given to them under the treaty.”⁴⁹ This claim seems unlikely, since the same “head men” would (as is outlined below) soon testify that they anticipated a much larger Reserve. As recorded in the case of Attorney-General v. Francis, the Band, represented by Mongowin and others, claimed an area bounded by nine locations. The dimensions—outlined for the Courts in 1887 by Chief Mongowin, Sub-Chief Joseph Kabayate [Cabayette], and another Band

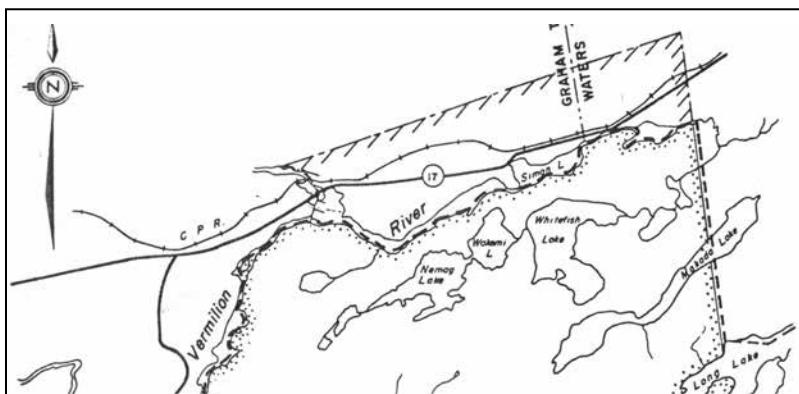


Figure 3.6: “Alternative” Boundaries on Modern Map⁴⁷

member, Joseph Foy—extended from Whitefish Lake north to Vermilion Lake and east to Wahnapitae Lake.

1. Nebenenekahming – “the place of the high cranberries”, a place known as Cranberry Lake.
2. Anhasahquah(?) - a lake near the house of the Hudson Bay agent immediately north of Whitefish Lake.
3. Mahdahgohming - next lake to the west of the last mentioned one; name means “where the waters stir”.
4. Koshgo[wee wee]shing - lake [nam]ed by [our?] people, that the waters he had mentioned run into it
5. Keecheemenessing - “great island” in Washkahgahming lake; waters flow to the Great Lake (Huron).
6. Wah bok tee nong - “[illegible] channel with banks on high hills on each side coming near together”
7. Pee kee an doh wanahking – lake with “island where there stands a tree having a spreading top”
8. Kee no gah ming - “long lake”
9. Muckohdehwaugohming - “black lake”; the water is very black

Figure 3.7: Perimeter of Reserve According to Chief Mongowin⁵⁰

These bounds were quite in keeping with what the Band had told Phipps some years earlier. Whatever Abrey really thought, his “official” survey ignored the Band’s insistence on a much larger Reserve, thus reflecting the Indian Affairs Department’s determination to limit its extent.

Indian Affairs went farther, urging the Band to sell its timber to Honoré Robillard, M.P.P. for Ottawa, who applied for the Whitefish Lake timber rights on 18 October 1885. Robillard lobbied hard for these rights. By January 1886, his case was being made by Sir John A. Macdonald, who wrote to Indian Affairs Deputy Superintendent General L. Vankoughnet urging the sale:

you had better instruct Phipps to go to the inland and see about getting the consent of the Indians to the surrender that Mr. Robillard, M.P.P. is interested in. It is so evidently in the interest of the Indians that the timber should be sold rather than be destroyed by fire or otherwise that the surrender should be

pressed. If the answer is favourable, please write Mr. Robillard, who will be at Toronto attending the Provincial Legislature.⁵¹

In April, Robillard wrote Indian Affairs claiming a “special reason” that he deserved the rights. Having expended a “considerable sum of money” on timber in Kewaatin, he had lost the rights when the Province bested the federal government in the case of *St. Catherines Milling and Lumber v. Ontario*. He continued: “in view of the expenditures I have sustained etc. I should now have granted me (in lieu) of the limits in Keewaatin a tract of timber territory known as the Whitefish Lake Indian Reserve.”⁵² Less than a month later, Robillard wrote Sir John, requesting that Macdonald “kindly authorize the passage of an Order in Council” approving the sale should Macdonald be away during the summer.⁵³

For all Robillard’s impatience, Phipps was quick— instructed on 29 April to obtain a surrender, he had arranged it by 1 July. The timber rights were then sold on 14 October 1886 to Robillard and J. Riopelle. These gentlemen turned their \$395 investment into a sale to James Harvey Francis, Allan Francis, and Theophile Rochon (Francis Bros. & Co.) for as much as \$55,000.⁵⁴

Critics of these actions included the Band, which sent Sub-Chief Joseph Cabayette to Ottawa in 1887 for talks with Indian Affairs.⁵⁵ The Band learned hard lessons in the machinations of law and government, even as they watched a massive cut take place in the 1888 and 1889 seasons.⁵⁶ Other observers sided with the competing timber firms. John Augustus Barron, M.P. for Victoria North, represented one view:

If any one will undertake to look at the map covering this Indian reserve, he will plainly see that the surveyors, whether under instruction from the [federal] Government or not I do not know, went out of their way to select this reserve where they did. The treaty speaks of an area of land between two particular waters. I have had an opportunity of seeing the map for a moment, and it was quite possible for the surveyors to have selected the Reserve at other places than where they did select it. It has been selected—so I have been informed, and I have every reason to rely upon the information—where the very best pine is to be found in the original berths sold by the Ontario Government.

That Government, in 1872, sold berths 70, 76, 69, 75, 84 and 83, and the surveyors have angled among these berths in such a way as to take the very best pine that they contain. Hon. gentlemen opposite will see that this must cause a conflict between the purchasers from the vendees of the Ontario Government and the Dominion Government.... I think this is a matter which involves very important rights. If this Government are to resurrect old treaties and lay out Indian reserves, and thereby take away pine and other property which had been sold by the Ontario Government and sell it to their friends, I think we have a right to know it.⁵⁷

This issue of jurisdiction—and competing levels of patronage—wound up before the courts, but not before Francis Bros. & Co had cut some ten thousand logs and one thousand pieces before facing a stop-work injunction brought on by the case.⁵⁸

The case—*Attorney-General of Ontario v. Francis et al.*—has drawn the attention of students of First Nations law.⁵⁹ The case also drew much attention at the time because of its political and economic significance, not to mention counsel featuring no fewer than three Q.C.s and one M.P. (Mr. Barron). Initiated by timber issues, the case turned out to have broader parameters. As Mr. Justice Ferguson wrote in his judgement:

As the locality of the reserve had to be determined, and as it had to be found as a fact whether or not the cutting of timber complained of had taken place upon the reserve, it was thought for various reasons that it would be convenient to take the evidence of the Indian witnesses at or near the place in question, and this evidence was so taken.

During the time of taking the evidence I was led to think that the only question to be determined between the contending parties was as to whether or not the timber, the cutting of which was complained of, had been cut upon land outside of the boundaries of the reserve, it being, as I thought, conceded that if it had been cut upon the reserve the cutting was done under proper authority so to do, but if done upon land not

part of the reserve, it was wrongly done without any authority. These statements were certainly made more than once by counsel. Upon the final argument, however, counsel dissented from this as being the sole matter and contended that whether the cutting was done upon the reserve or not the property in the land and timber being (as was contended) vested in the Ontario Government, the cutting complained of was wrongful and could not be justified under any licenses issued under the authority of the Dominion Government. The plaintiff asks, as I have said, that the true locality of this reserve should be declared.⁶⁰

Ferguson noted the importance of Band testimony, which was taken for four days, beginning 12 September 1888, at Naughton. The Justice gave considerable weight to the rights and powers of the Band Council. “I think that,” he wrote, “for this or a like purpose this band of Indians should be considered in the same position as any other high contracting power or government.” Chief Mongowin, representing the Band Council, drew special plaudits. Ferguson praised Mongowin’s testimony, notably his description of the Reserve’s boundaries as defined in 1850:

Shawenakishick was my father and the chief before me. I remember my father getting a message to go to the Sault to see about a reserve for the band.... I remember my father calling a council in consequence of getting the message. The meeting was held where I now live at Whitefish Lake. I was present for the meeting. My father told or asked the people: “shall I reserve so much”, and they answered “Yes”.⁶¹

Mongowin testified that Shawenakishick met privately with W. B. Robinson, outlining the Band’s reservation expectations.⁶² Ferguson’s praise notwithstanding, his January 1889 judgement reduced the extent of the Reserve by some 6,911 acres, with the CPR property safely north of the new limits.⁶³

Lands could be lost or altered in more direct ways: massive timber cuts had obvious yet little documented impacts—clearly, the environment costs of lost white and red pine, hemlock, spruce, and more were significant. Less well recognized is the impact of lumbering and pulp cutting on

rivers and lakes. Long encumbered seasonally with logs (the Vermilion saw some 1.3 million logs pass the Reserve in 1903), waterways became resting places for debris and sunken logs. No less significant were “improvements” to the Vermilion, Spanish, and Whitefish watersheds—the Vermillion River Boom Company maintained the river for timber-running purposes from at least 1902 to 1930.⁶⁴ Typical improvements included dams, raising water levels. One such dam, built in 1890 by the Chew Lumber Company at Lake Penage, raised water levels about four feet, drowning the Reserve’s southwestern fringe. A replacement dam built in 1933 raised waters about half as much, leaving the Band without compensation until the end of the century.⁶⁵

Lost Resources: Felling the Forest

With jurisdictional issues settled from the white point of view, rights to pine on the Reserve passed through several major operators, including the Saginaw Salt and Lumber Company, until winding up in the hands of the Traders Bank in 1902. The Band tried to win some income in the remaining forest, petitioning in 1893, 1895, and 1900 for the right to cut spruce and other trees for pulpwood and cordwood. The new century would see a move toward tie and telegraph pole cutting. Ironically, in 1900, officials at Indian Affairs warned the Band to be careful not to cut pine and other Reserve timber in the hands of Saginaw Salt and Lumber! The Michigan firm, for its part, surely cut most of the remaining quality timber, for they paid more than \$26,000 in timber dues between 1900 and 1903.⁶⁶ Indian Affairs also sought control over the Reserve’s remaining forest resources, winning surrender of hemlock, spruce, and tamarack in 1903—some 5.6 MFBM (thousand feet, board measure) hemlock and 115,000 hemlock and tamarack railway ties. Only four hundred acres of forest were reserved for the Band.⁶⁷

Deciding what trees could be cut on the Reserve, who could cut it, and who held the power to make those decisions became a tale with twists and turns that, in turn, caused many headaches. Some of the best examples of these dilemmas arose over a lumber “depot” on the Reserve, located at the south end of a never-approved “tote” road traversing the Reserve. Significantly, the lumber firms had an easier time of it when the Band did *not* approve—no Indian Affairs concern was expressed.⁶⁸ When

the Band saw some advantages in allowing an enlarged, multi-purpose depot, Indian Affairs acted.

In 1896, local businessman Michael O'Brien, of the then-thriving village of Whitefish, some sixteen kilometres to the north, hoped to open a combined lumber "depot" and store on the north shore of Lake Penage.⁶⁹

His application for a fifty-acre lease had backers: John Bertram, of the Collins Inlet Lumber Company, wrote:

We are informed by Mr. Michael O'Brien of Whitefish P.O. that he is making application to your Department for a lease of Fifty Acres of land on the North Shore of Lake Panage [sic] ... Mr. O'Brien is favourably known to us and we have the honor to request that his application be granted. A number of our Employees have to leave our camp in the bush at different times through the Winter and as the distance is considerable from our Camps to the nearest station of the C.P.R. they sometimes have to stay out all night on the trail to their serious risk. The land Mr. O'Brien desires to lease is in a direct route from Lake Panage to Whitefish and as he contemplates building a House

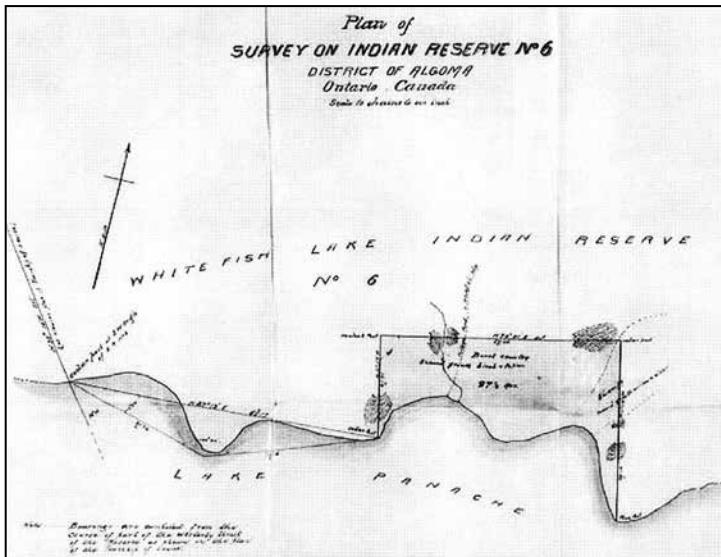


Figure 3.8: Timber Company Location in Reserve⁷⁰

or stopping place it would be a great concession to our men and also to those of other Concerns who will soon be operating in the same neighbourhood. For these reasons if the application is in accordance with the Policy of Your Department we would recommend that it be granted.⁷¹

This well-orchestrated effort went for naught: Indian Affairs files contain both a nondescript reply refusing the application and a more provocative draft reply. The latter suggested the depot was perhaps necessary, but should not be operated by O’Brien. Instead, “a good Indian might be induced to take up land there, build a house thereon and give the required accommodation.” But Indian Affairs officials seemed doubtful that a “good Indian” could be found; a key factor in their refusal was that “li-
quor would undoubtedly be sold” at the depot. With a local entrepreneur rebuffed, the timber interests decided upon direct action. In March 1896, the noted lumbermen Thomas Hale and J. R. Booth requested two leases on the northeast shoreline of Lake Penage, well within the Reserve; Booth assured Indian Affairs that the Chief of the Band had approved the request. These worthies assumed that approval was forthcoming: in mid-April, the hoped-for leases were surveyed, and on 24 April, Indian Affairs indicated a willingness to discuss granting of the leases.⁷²

The Band, however, was unenthusiastic, and took countermeasures. A letter in the spring of 1896 outlined the Anishinabe view:

We the undersigned Chiefs of the Whitefish Lake Reserve beg leave to inform you that Mr. Thos. Hale Lumberman has surveyed out a site whereon to build a depot on Lake Penage on one of the Islands belonging to our Reserve.

Said Thos. Hale has not consulted us in the matter and therefore did not get permission to build on this part of the Reserve from us.

We therefore humbly Pray you that said Thos. Hale be removed as we do not wish to have him occupy an Part of the Reserve.⁷³

The letter from Chiefs Wahbenimeke and James Cabayette caused a stir. A handwritten note on the reverse of the Band’s letter suggests that Hale “mislead” Indian Affairs; given the Band’s protest, the lease should

be refused. Yet Hayter Reed, Deputy Superintendent General of Indian Affairs, was basically apologetic: he “regretted that this [survey] action was taken before the Indians were consulted, and it may have the effect of making it difficult to obtain a surrender.”⁷⁴ Indian Affairs lobbied for Hale and Booth, urging the Band’s consent. Only when the Band again refused the lumbermen’s request, despite Thomas Hale’s personal intervention, did the issue seem dead.⁷⁵

Not so. Hale and Booth’s failure encouraged Michael O’Brien, who in the fall of 1897 again sought permission to establish a “trading post” at Lake Penage. Lessons had been learned: O’Brien assured Indian Affairs that a petition of support from the Whitefish Lake Band was on its way. O’Brien, who now wished to buy, argued that the post would aid the Band, which had seen the HBC’s post close more than a year earlier. A veteran of seven years trading with the Band, O’Brien insisted the post would pay, as it was on a traditional Indian canoe route west and was linked by lumber “tote road” to the CPR. Such a post was, in his view, vital: the Whitefish Lake Band was “exceedingly poor and will continue to be that way unless some enterprise is started in their behalf like the one herein described.” O’Brien closed with an “additional” note taking matters one step further: he would not even run the store. Instead, “two Indians who are favourably known to their brethren and to your Department will be there constantly to do the trading with the Whitefish Lake Indians.”⁷⁶

O’Brien pressed his case at year’s end, hoping both for a quick response and low price, “as the location is in a very remote place being 9 miles from railway communications (from here [Whitefish]) and only a trail [for travel] as yet.” The request for so broad a lake frontage (ten acres frontage and five acres depth) was curious; in any case, O’Brien produced what Hale and Booth had not: a petition of 30 December 1897 agreed to surrender fifty acres to O’Brien. “We conclude,” said the petition, “this is a grand opportunity … and trust the proposition to take effect without fail.”⁷⁷

Ironically, with the Whitefish Lake Band behind him, O’Brien now faced the opposition of Indian Agent B. W. Ross, who urged no more than a ten-year lease. Even that arrangement, he felt, required *strict* rules of behaviour, backed by a threat of forfeiture. When senior officials

offered such terms to O'Brien, he was much "surprised that an unfavourable report has been received from your Local Supt. Manitowaning, and such have been received is due to a jealous rival in business who is evidently better acquainted with your local Supt. than I." O'Brien pointed to work underway: he had undertaken ice cutting on Lake Penage, and was collecting sawdust for that ice; the goal, he wrote, was to preserve fish he hoped to get from the Band. Surely, with such apparent commitment, he deserved at least a more lenient twenty-year lease. But a ten-year lease was all that was offered.⁷⁸

As winter wore on, the bureaucratic noose tightened on O'Brien. Letters in February and March reveal that the Band had changed its mind. On 18 February 1898, a Band meeting of fourteen family heads, recorded (organized?) by Ross, confirmed the anti-O'Brien stance. Sub-Chief Cahbeate (Cabayette) spoke for the group:

Our forefathers kept this Reserve for their children & it is our duty to keep it. We have surrendered a large portion of this Territory to White men—& only reserved a small portion of the land. There is plenty of land outside of the Reserve. Let him build there.⁷⁹

Despite the intervention of Joseph Esquimause, representing O'Brien, the Band now formally opposed O'Brien's plans:

For some time past Mr. M. O'Brien of Whitefish is troubling us regarding this reserve. Time and again has Mr. M. O'Brien asked us either to sell or rent a part of our Reserve, but our answer was *always in the negative...*

Never have we given or signed our names to any papers renting any part of this reserve. Whoever has sent our names to the Indian Department has *forged* them.

We request your aid, that in future Mr. M. O'Brien will not trouble us.⁸⁰

Armed with these new details, Indian Affairs officials warned O'Brien not to spend money on his project; still, he moved ahead with a survey. "Surely," he wrote, "at this critical moment I will not be defeated."

O'Brien also launched a counter-offensive. He intended "getting out of [the] Hotel business" if his Lake Penage venture reached fruition.⁸¹ Such pledges were for naught, as the campaign against O'Brien won out: notice of refusal was sent on 2 March 1898. O'Brien tried a new tack: would an Indian be granted a site of "say Fifty acres"? The answer: yes. Soon afterward, a letter in O'Brien's hand requested just such a location for Dominic Pinae, of Whitefish Lake, who would be joined by the aforementioned Joseph Esquimause, of Whitefish River. Within weeks, Pinae quit the arrangement, supposedly "afraid of the [other] Band members." Pinae was replaced by John Chimonence. At this juncture, the tale dissolves; the Indian Affairs records provide no more correspondence.⁸²

New timber-related troubles began in 1906, when Dan O'Connor acquired the rights to most of the Reserve's hemlock, spruce, and tamarack. A substantial correspondence followed, as O'Connor and others argued about timber rights, even as Indian Affairs urged limit holders to cut timber, even threatening speculators with loss of license. But for naught: as a retrospective of Berth 68 put it: during "the period 1906 to 1916 no effort was made to operate, the licensee giving various excuses which were accepted by the Department and renewals granted."⁸³ When W. G. Gooderham acquired Dan O'Connor's limits but did not cut, Indian Affairs at long last acted: J. D. McLean wrote in 1914 that timber rights not worked would be cancelled: "the Indians interested are not being fairly treated by such continuous non-working of this limit." The "stick" having failed, the Department offered a "carrot":

In April 1916 ... the licensee was informed ... that the Department consented to include the pine timber in the license ... on payment of royalty of \$5.50 per m.f.b.m. and on condition that the license finally must cease on April 30th, 1922. This was done because of representations being made by the licensee that the chief reason for no operation having taken place was because the pine timber was excluded.

The offer saw some 695,733 FBM (feet, board measured) cut by spring 1920; the Band's dues were a mere \$999.63.⁸⁴

Perhaps it was with such smallish amounts in mind that the Whitefish Lake Band adamantly refused to surrender its hold on the last four hundred acres that had not been granted. The Department certainly tried: Timber Officer H. J. Bury visited the Band to “advise” the Chief and councillors on whether to surrender their last remaining timber rights. The advice seems pre-ordained; Bury arrived with blank forms establishing the surrender.⁸⁵ Interestingly, the Band rejected the “advice” and retained its small timber patch, and with some vigour. Chief Petahtagoose told Indian Agent Lewis that the Band “would not surrender under any consideration … the timber was reserved for their use by their forefathers and they intend to retain it for their own use and for the use of their children.... They would not listen to any proposition.”⁸⁶

Matters took a new twist in 1915–16, as the Band confronted the issue of pollution. War brought a boom to the area’s nickel-mining industry, and the resulting pollution from Canadian Copper’s roast yards proved too much for the white population in Copper Cliff and Sudbury. The “solution” was moving the roast yards farther away, or, put another way, much closer to the Reserve. As Frank Cochrane, Minister of Railways and Canals, wrote:

This will serve as an introduction to you of a personal friend of mine Mr. G. R. Silvester, Assistant President of the Canadian Copper Company, Copper Cliff. As the ore that this company is smelting contains considerable sulphur, they have a good deal of difficulty in connection with their roast yard, as in certain weather the fumes drop down and vegetation is injured. With a view of trying to destroy as little property of their neighbours as possible, the company suggests to move their roast beds, but their removal as planned may perhaps affect some of the timber on the White Fish Indian Reserve. For this reason he would like to discuss the proposition with you. I shall be please to vouch for Mr. Silvester and the Canadian Copper Company, and you can rest assured that any promises made by Mr. Silvester, or any agreement you may reach with him will be faithfully carried out.⁸⁷

Canadian Copper, it turned out, need not have worried. After an “interview” with Silvester, J. D. McLean wrote:

Referring to our interview today, in regard to the question of any possible claim that may be made for damages in the Whitefish Lake Indian reserve by sulphur fumes from the proposed sulphur beds to be established by your company some miles northwest of the reserve, I beg to say that no action for damages could be instituted by the Indians themselves.

If any complaints should be made to the Department by the Indians of damage done, the same would be fully investigated by an officer of the Department, and the company would be called upon to pay whatever might be found to be the value of the actual damage done.

As to the timber on the reserve. I may say that any claims for damage to the spruce, hemlock or tamarack would be a joint one by the Department on behalf of the Indians and the timber licensee, Mr. W. G. Gooderham, of Toronto.

Any damage done to other classes of timber would be required to be adjusted with the Department. As far as the Department has information, the merchantable pine timber has been cut and removed from the reserve.

Your company can rest assured that in dealing with any claims that may arise, there will be no effort made to ask or demand more than reasonable compensation for damage.⁸⁸

Theory soon became reality: the sulphur dioxide emitted by Canadian Copper’s O’Donnell roast yards killed white pine outright and severely damaged other plants on the Reserve.⁸⁹

The yards lay slightly north of the Reserve, so winds easily delivered sulphur smoke throughout the Reserve. As early as 1916, the Band sought compensation from the Company. In the short run, Assistant President Silvester promised to “look into it.” More public complaints were to come. In September 1917, G. M. Miller, the district crown attorney, wrote to Indian Affairs. Miller had spoken with Jim Nootchta, “Indian Policeman at the Whitefish Lake Indian Reserve,” and heard that “unless

something is done, the Reserve will not be a fit place for the Indians to live in as the atmosphere is continually charged with sulphur fumes, and the trees and crops on the Reserve are being killed."⁹¹

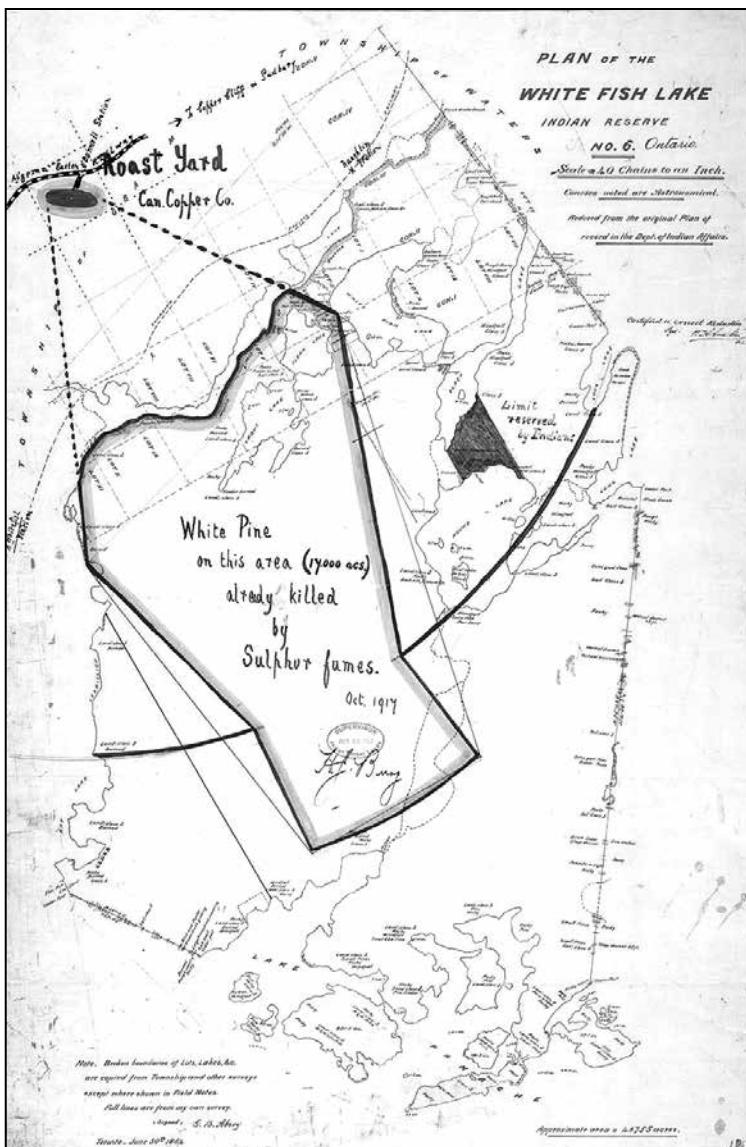


Figure 3.9: Sulphur Pollution Damage on Reserve, 1917⁹⁰

Perhaps it was the outside voice; whatever the reason, Indian Affairs now took the sulphur damage more seriously, sending Timber Inspector H. J. Bury to assess the situation. He was taken aback by the primitive character of open roasting: the yards, he wrote, were “large heaps of low grade nickel and copper ore … burned in the open air.” Bury felt that some seventeen thousand acres, about a third of the Reserve, was seriously damaged. It was, he remarked, difficult to determine compensation, since the merchantable timber was not in Indian hands. Assessing the value of seedlings and small dead pine was difficult: Bury estimated a “future” stumpage value of \$4,675.00 for pine lost; he then applied a principle of “future loss,” reducing the value to a sum that might, with three-percent interest, achieve that sum while the pine matured. The “present” total, wrote Bury, would be \$793.50. As for individual Indians, he commended existing practice. Claims were put in; Bury reported the Canadian Copper Company ready to “pay all just claims of the Indians for any destruction of garden produce.”⁹² While these were small bills—three Band members together had received \$140, and the timber bill was smallish—the claims were something of a headache. Not much could be done about individual complaints, but to eliminate compensation to berth holders, the firm—reorganized as the International Nickel Company of Canada—purchased the timber rights to Berth no. 68 (the Reserve) in September 1918.⁹³

Indian Affairs, as ever, wanted timber sales, arguing that the sulphur damage and the ever-present danger of fire made it imperative to sell all useable standing timber. In 1919, it sent Agent Lewis to make the case. The Band thought otherwise:

On July 23rd, last … I put the question of surrendering the balance of the timber, such as birch, poplar, etc., to the Department of Indian Affairs to be sold to The International Nickel Company [as cordwood for roast yards], before the members of the Band but did not get much satisfaction from them. Before I left the Reserve they informed me that the Band might surrender the timber within three miles of the Canadian Pacific Railway but they would not surrender the balance of the timber on the whole Reserve, and that they would talk

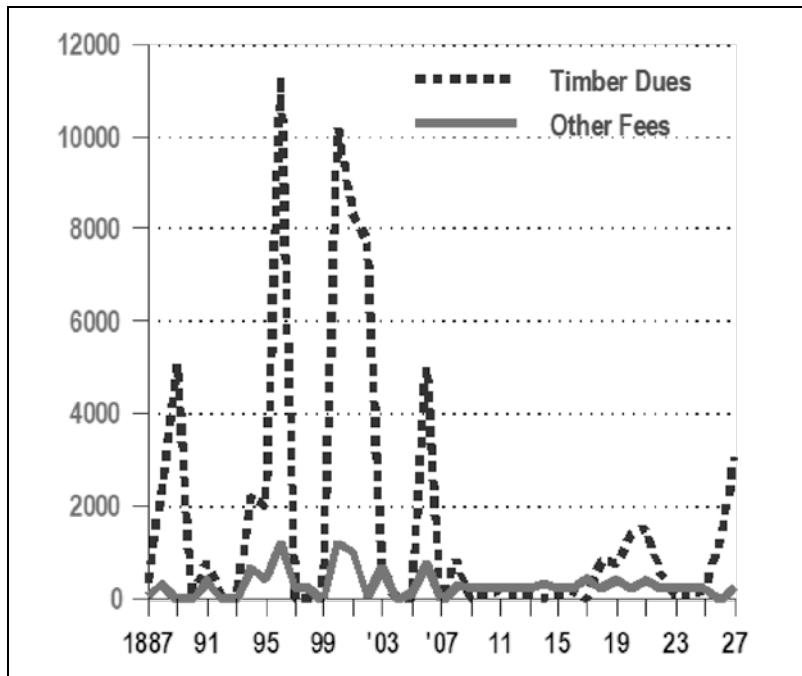


Chart 1: Timber Income (Dollars)⁹⁴

the matter of surrendering the timber near the Railway over between themselves and would advise me as to their decision at a later date.⁹⁵

J. D. McLean informed John Lyons Agnew of INCO in 1920 that, "the Indians are averse to surrendering this class of timber."⁹⁶

The Band by now opposed sales of any sort. Lumberman Conrad McGuire hoped to sell existing lumber buildings to William A. Hunter, of Whitefish, who would use them as a "half way house" for tourists journeying along the Reserve-traversing "tote" road from Whitefish to Lake Penage.

Construction and use of such buildings beyond the reach of the Band was one thing—even Reserve timber could be used—but what of the building when no longer used? These were not new issues for the Band: Chief Joseph Cabayette had asked about rights to lumber operation buildings as early as 1893; the general response was that materials should

be left behind or paid dues on.⁹⁸ Sale of the buildings was forbidden by Indian Agent Lewis; Chief Michel Faille took possession of the building and offered it to Hunter, who meanwhile sued Allan McPherson and McGuire to recover the \$125 he had spent. The Courts determined that as limit holders, the firm owned the lumber, and thus could sell the building. Matters were complicated by the implications; if Hunter had a rest spot, he would be “in active competition with the Indians who at present earn a considerable livelihood by transporting tourists through

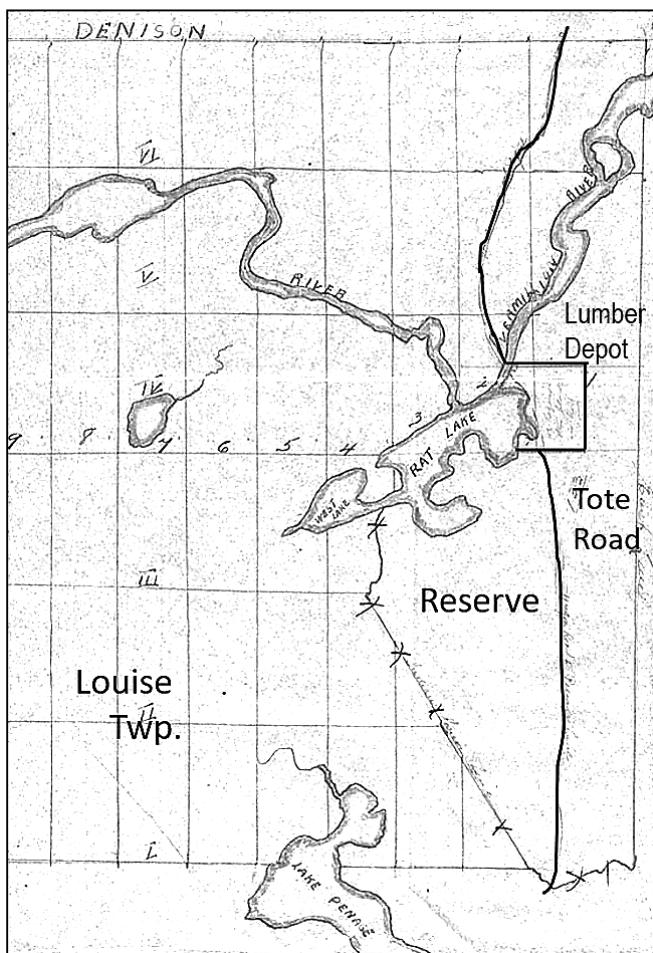


Figure 3.10: Timber Tote Road and Depot Reserve⁹⁷

their Reserve to Lake Penage.” In the end, then, the Band sought control, only to see the courts reject that stance.⁹⁹ Meanwhile, the firm Ludgate & Thompson began cutting in the winter of 1924–25. Even at this late date, timber operations had a haphazard quality, with the firm cutting beyond its limits.¹⁰⁰ As R. J. Lewis put it:

Through some error of the Chief of the Whitefish Lake Indians in pointing out the boundary the company cut some three or four hundred saw logs on the four hundred acres reserved for the use of the Indians.... In conversation with the Chief of the Band he admitted that the logs were cut through his mistake in pointing out the boundary line to the manager of the company, and it was not any fault of the company whatever.¹⁰¹

It is interesting that the “responsibility” was put upon the Band!

Together, McPherson & McGuire plus Ludgate & Thompson would cut extensively over the next few winters: their combined cut for the winter of 1924–25 was almost 800,000 FBM, mainly hemlock with considerable spruce and pine.¹⁰² Indian Affairs files suggest that the quality timber that remained within the Reserve was removed with some rapidity. Ludgate & Thompson cut some 1.1 million FBM in 1926–27, but little thereafter.¹⁰³ What might be good or bad for the Band receives virtually no mention in Indian Affairs files.

Only when the Great Depression took full hold and there was no interest in the timber did Indian Affairs look in the Band’s direction. When Indian Affairs received a request to cut a hundred-or-so logs for the construction of buildings on an island in Lake Penage, it was refused. The applicant was informed that he would have to buy timber from the local Band, to provide them “an opportunity of cutting these logs themselves.” The Department, having sold the Reserve limits many times over, now took another tack. In response to a query from Chapleau lumberman George Nicholson, it reported that the:

Indians of the band are apparently well satisfied to retain this timber for their use, and the Department would not be disposed to consider placing the reserve under timber license again, without first securing their consent.¹⁰⁴

Timber control had, at least in part, returned to the Band after a very long absence.

This change reflected economic circumstances but also sprang from an increasing determination by the Whitefish Lake Band to control its timber. After rebuffing Indian Agent Lewis in keeping four hundred acres for itself, the Band in 1924 asserted control over the timber in the broader Reserve by cutting cordwood for sale to the Victoria Harbour Lumber Company's Lake Penage operations. The cutting raised the ire of Allan McPherson, who protested that the Band had no right to cut cordwood in his limit.¹⁰⁵ When informed that the Band was "infringing the rights of the licensee," Chief Joseph Petahtegoose wrote to Indian Affairs with his sights set on McPherson:

kindly inform me when that portion of Whitefish Lake Indian Reserve which is in Louise Township was sold and who sold it. Also, how it is the Indians of this reserve were not notified of the sale, as they do not know anything about it. The present License holder is Mr. Allen [sic] McPherson and he claims all the merchantable timber on this portion of the Reserve. Kindly let us know all the information you have on this matter.¹⁰⁶

The Chief and Council met R. R. McKessock, Crown Attorney in Sudbury, seeking advice and assistance. McKessock wrote Indian Affairs asking for clarification and indicating the Band's concerns. A brusque response stated that the limits were McPherson's; the "Indians have no reason to complain that their rights are unnecessarilyily [sic] curtailed. An extensive area of the reserve is still available for their own use, and permits to cut large quantities of wood or timber have been issued."¹⁰⁷ The Band, through McKessock, gave a quick rebuttal: recalling *Attorney-General v. Francis*, it pointed to:

a decision in that case whereby no Indian lands or timber could be disposed of on this reserve without the Indians having first passed a resolution agreeing to it and that no such resolution was passed in this [McPherson] case. They fail to see why anyone had the right to dispose of the timber in question without such resolution and they have asked me to enquire at whose instance this was done.¹⁰⁸

McKessock also forwarded a petition of complaint by the Band. Indian Affairs insisted there was “no agreement.” But the Superintendent General noted that when the present license expired on 30 April 1926, it would not be renewed. Significantly, if vaguely, he noted that “in future in connection with any such matter the wishes of the Indians will be given due consideration.”¹⁰⁹

In May 1925, Chief Petahtegoose wrote again; his words reveal strong determination:

You say this portion of the reserve was sold to Allen McPherson in 1919, or at least the timber was. How is it the Indians of this reserve know nothing [of] that sale nor have they any record of sale of timber on that portion of the reserve?

The reason of my writing you is this: the Indians have had permission in the last few years for cutting wood for sale to the Victoria Harbour Lumber Co. at Penage Lake from Mr. R. J. Lewis Indian Agent at Manitowaning and Dues for same having been paid to the Indian Department.

Now as in former years the Indians have been cutting wood there for sale. Now they have been notified to stop cutting and are not allowed to remove what they have cut. The present owner claiming to be one John Ajola and is claiming compensation from Victoria Harbour Lumber for 700 cords cut in former years. Was the hardwood also sold? And does this Timber revert to the Indians when the five years are up.¹¹⁰

Clearly, the Band was not sanguine about controlling timber cutting. It was a stance borne not just of historical experience but a sound assessment of Allan McPherson—by April 1927, Indian Affairs, after many pleas for dues, finally were forced to seize the timber cut by McPherson and his lessee John Ajola as a consequence of non-payment.¹¹¹

Other Issues of “Control”

While Indian Affairs was eager to see timber cut, it was less enthusiastic about intervening in support of the Band when Ontario Crown Lands tried to control hunting and fishing. Having to starve before getting attention was not unique to the Whitefish band, but being inland made

it more difficult to get the attention of the Indian agent. Better communications and bigger bureaucracy lightened the burden slightly by the 1890s, when advances on annuities and “relief” payments became a regular feature in Indian Affairs recapitulations of Band behaviour.

Sustenance was needed. Ever practical, the Band retained old ways—all adult males were trappers as late as 1891—while entering lumber, mineral, and other fields where their old skills remained useful. Sales of meat, fish, maple syrup, birch-bark and leather items, snowshoes, and canoes added to the mix. New forms of sustenance were praised by Indian Affairs officials, who boasted of a Band “decidedly improving in general status.”¹¹² “Improving” meant working for wages, whether on the CPR, as guides, or in other roles. Timber cutting was an important new form of wage labour—very large operations nearby included the Saginaw Lumber & Salt Co., the Victoria Harbour Lumber Co., A. Pack Lumber, Collins Inlet Lumber, and McFadden Lumber. Smaller local mills serving local markets included Thomas Marks, “near Whitefish Lake” in the mid 1880s, along with J. Piché and Thomas Baycroft in Graham in the 1890s; many other mills operated a little farther afield. The Band itself petitioned to cut spruce as pulpwood by 1893, and cutting cordwood was a regular feature of the Band’s economy. More income could be had cutting railway ties, often of tamarack; cedar from the swamps was sold for telegraph poles and fence posts; and maple provided paddle-making material.¹¹³ There were a few other opportunities: working on the Reserve as constables and firefighters added income for a few individuals. Among the most important modes of sustenance: hunting. Dismissed by Indian Affairs as a “nominal” activity by 1897, it remained crucial: the 1911 manuscript census lists most adult males as “Hunters,” not so different from the census of fifty years earlier.

As the new century took firmer hold, an assimilatory federal Indian bureaucracy saw the “temperate” Band positively, with a few caveats. Local disinterest, or practical rejection of agriculture prompted the insistence that, “were they to give more attention to agriculture, good results would follow.” The aforementioned efforts at gaining control of timber and lands were never welcomed. All in all, however, the Band won praise as “steady, industrious, law-abiding and fairly well-to-do.”¹¹⁴ But only by the Indian Affairs Department’s measure: low incomes limited

the purchase of necessities at J. D. Gemmell’s general store in Whitefish, or, later, his son’s business on Lake Penage.¹¹⁵ On an Agency-wide level, Robin Brownlie calculates that the per-capita Anishnabe income for 1932 was a shocking thirty-five dollars.¹¹⁶ Little wonder that Indian Agent R. J. Lewis authorized substantial relief in the 1920s, for “trying circumstances.”¹¹⁷

Given such low incomes, new resource-based options were considered. Tourism was one: as Patricia Jasen suggests, tourists sought wilderness, recreation, and “safe” exposure to imagined Indians.¹¹⁸ There is insufficient data to determine what these travellers or the Band members thought of each other—although for the latter tourists clearly meant sales of goods and employment. Similarly, brief comments hint that the fishermen, hunters, and recreationers separated the local population into “good” and “bad” Indians in very stereotypical terms. It is also clear that Lake Penage, with its crystal-clear waters, dramatic shorelines, and abundant bass, trout, and other fish, was a popular spot from about 1900. Travellers from far afield arrived early and often: fishermen from Ohio, acquainted with the lake because fellow Ohioans ran Canadian Copper, were pioneers.¹¹⁹ Local vacationers spent less, but still offered some opportunities: T. J. Doyle, of Sudbury, camped on the lake for a month in 1905. Tourists needed guides, supplies, help over the rough tote road, and more. By 1915, Penage featured well-known sportsmen’s camps like Dan Sheehan’s (“Bonnieview”), Gylden’s, and Hotti’s, as well as others that opened in the next two decades.¹²⁰ Lands around the lake also drew hunters, for the region reputedly was “teeming with deer” as second-growth timber took hold. Pollution changed that for the worse in many areas, but Lake Penage lay far enough south and west that prevailing winds limited the sulphur dioxide damage, ensuring work for First Nations guides.¹²¹

Postscript

Tourist work was a far cry from the Band’s activities of three generations earlier; the onslaught of white populations and societal settings led to both problems and opportunities for members of the Whitefish Lake Band. Issues emerged periodically, often recalling old challenges.¹²² In the depths of the Great Depression, a hydroelectric transmission line and road were built across the Reserve to supply the Lebel Oro gold mines on

Long Lake. Lands flooded by the Penage (Walker) Lake Dam continued as an open complaint until the 1980s, when new surveys finally resulted in minor compensation for lands lost on the southern tier of the Reserve. More significantly, two recent suits sought restitution for monies lost due the timber sales of the late nineteenth century and for mineral/economic opportunities missed owing to an undersized Reserve. The former suit resulted in some compensation; the latter remains unresolved. Clearly, land and resource issues remain crucial and difficult.¹²³ Like earlier dealings with fur traders, resource seekers, surveyors, and administrators, the new challenges are being handled with determination and resilience. Thus, despite many difficulties, it would be an error to emphasize only the negative. The Band, building on thousands of years of collective experience, strode on, making the best of unsteady and changing circumstances. Old ways provided sustenance and stability; new opportunities were taken. Real gains in controlling lands and resources, if less frequent, have brought the Band and its members part of the way toward a resurgent Anishinabe presence.

Endnotes

- 1 Chief Wahbenimeke and Second-Chief Cabayette to Indian Affairs, 18 February 1898. Department of Indian Affairs (IA), "Manitowaning Agency – Correspondence regarding timber... Whitefish Lake Reserve... 1893–1930," Library and Archives Canada (hereafter LAC), Indian Affairs, RG 10, vol. 7815, file 30019-7.
- 2 Local evidence of Palaeo-Indian culture has been destroyed by acidic Shield soils. Helen Devereaux, "Sudbury: The Last Eight Thousand Years," *Polyphony* 5 (spring–summer 1983): 17–20; Edwin J. Higgins (in collaboration with The Whitefish Lake Indian Reserve), *Whitefish Lake Ojibway Memories* (Cobalt: Highway Book Shop), 9–15. Among many general works: Joan A. M. Lovisek, "Ethnohistory of the Algonkian Speaking People of Georgian Bay—Precontact to 1850" (PhD dissertation, McMaster University, 1991); R. C. Harris, ed., *Historical Atlas of Canada, Vol. 1, From the Beginning to 1800* (Toronto: University of Toronto Press, 1987), plates 6–8, 9, 14; Kenneth C. A. Dawson, "Prehistory of the Interior Forest of Northern Ontario," *Boreal Forest Adaptation*, ed. A. Theodore Steegman (New York: Plenum Press, 1983), 55–84; Charles Bishop, *The Northern Ojibwa and the Fur Trade: An Historical and Ecological Study* (Toronto: Holt Rinehart and Winston, 1974), 3, 7–8; Conrad Heidenreich, *Huronia: A History and Geography of the Huron Indians* (Toronto: McClelland and Stewart, 1971), 219–77; George Quimby, *Indian Life in the Upper Great Lakes: 11,000 B.C. to A.D. 1800* (Chicago: University

of Chicago Press, 1960), 1–8, 88–99; Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (New York: Cambridge University Press, 1991), 78–81; and Harold Hickerson, "The Feast of the Dead Among the Seventeenth Century Algonkians of the Upper Great Lakes," *American Antiquarian*, New Series, 62 (February 1960): 89. Some scholars argue the case for Amikwa disappearance, terming them "proto-Ojibway": Philip Curtis Bellfy, "Division and Unity, Dispersal and Permanence: The Anishnabeg of the Lake Huron Borderlands" (PhD dissertation, Michigan State University, 1995), 45. Others claim that, "the name but not the people disappeared": Russell M. Magnaghi, "Native Americans and French Settlement Patterns at St. Ignace, Michigan," <http://webb.nmu.edu/Centers/UpperPeninsulaStudies/SiteSections/UPHistory/Heritage.shtml>.

- 3 Population movements are outlined in Harris, ed., plate 35. For detail: Charles A. Bishop, "Northern Ojibwa Emergence: The Migrations," *Papers of the Thirty-Third Algonquian Conference*, ed. H. C. Wolfart (Winnipeg: University of Manitoba Press, 2002), 13–109. Bishop includes three maps that detail the Amikwa lands: see (1649), 26; (1700), 50; and (1745), 72. Also: Heidi Rosemary Bohaker, "Nindoodemag: Anishinaabe Identities in the Eastern Great Lakes Region, 1600 to 1900" (PhD dissertation, University of Toronto, 2006), 75, 78, 84; Thor Conway and Judy Conway, *Spirits on Stone: The Agawa Pictographs* (San Luis Obispo, CA: Heritage Discoveries, 1990), 58–62. On the early fur trade: Harris, ed., plate 35; Ernest Voorhis, *Historic Forts and Trading Posts of the French Regions and of the English Fur Trading Companies* (Ottawa: Department of the Interior), *passim*.
- 4 The Amikwa, plus the nearby Oumisagi and Achiligouans, numbered only about four hundred persons. Heidenreich, map 42; Reuben G. Thwaites, ed., *The Jesuit Relations and Allied Documents* (Cleveland: Burrows Bros., 1896–1901), 10:322, 18:231, 33:149, 47:317, and 54:133. The River "Amikoue" (spelling varies) is on many period maps.
- 5 Lovisek, 328.
- 6 As late as 1884, "Whitefish Lake" was noted on a survey as "Ah tik kah mak a shing." G. B. Abrey, P.L.S., "Traverse Sheet of Survey of White Fish Lake Indian Reserve No. 6," 20 June 1884, Ontario, Department of Lands and Forests, "Surveys," reel 109. This and future references to the Crown Lands records are based on microfilm copies, D. B. Weldon Library, University of Western Ontario, London, Canada, hereafter citing original source and reel numbers. The usage has re-emerged in recent years. Whitefish Lake is also often spelled "White Fish Lake" and "WhiteFish Lake." Apart from quoted text, this paper uses "Whitefish."
- 7 La Cloche Post Journals, B 109/a/4, 26 May 1831, fo. 49; B 109/1/9, 5 June 1835, fo 1. To prevent travel: B 109/1/5, 16 June 1831, fo. 2. There were also a few early missionary efforts adding to the new pressures.
- 8 La Cloche Post Journals, B 109/1/4, "Letter, McBean to Alex. McKay, Whitefish Lake. The post (Lat. 40° 22' 48") lay west of Whitefish Lake alongside the

creek to Clear Lake. Geological Survey of Canada (GSC), *Topographical Plan of Part of the Spanish and Whitefish Rivers by A. Murray, Esq., Asst. Prov. Geologist 1848–56* (Montreal: G. Matthews, 1857) (80 chains = 1 inch); M. Baudry, "Historical Background of Hudson's Bay Post Whitefish Lake," manuscript, 21 October 1973, Regional Room, Sudbury Public Library (SPL); Chris Blomme, "The Hudson's Bay Post at Naughton, Ontario," *Archaeological Notes* 78, no. 6 (1978): 41; George Stock, "Whitefish Lake Post 1827–1896, Naughton Ontario," manuscript, n.d., SPL. By 1850, nine men had led the post; disgruntled employees deserted or quit. They were: Edward McKay (1826), William Cowie (1827–28), Henry Sayer (1828–30), Alexander McKay (1830–35), James Anderson (1836–40), Louis St. Cyr (1841–44), John McLeod (1844–45), Michel Fritchette (1845–47), and Edward Sayer (1849–62). List compiled from HBC Archives (HBCA).

- 9 HBCA, B.134/c/105 fo.174b. "Montreal Correspondence Inward." The comment is in an abbreviated District Report in McKenzie's letter to Edward M. Hopkins, Montreal, 1 February 1867.
- 10 Wahnapitae Post, 1879, was the first satellite. Ric. Hardisty and E. K. Beeston, "Post Report—Whitefish Lake L.H. 1888," 22 June 1888, B 364/3/1, fo. 2–5; "Lake Huron District Report 1889," 16 November 1889, B 355/3/5b, microfilm #1, M1259, Series II; D. C. McTavish, "Post Report Montreal Department 1890," 2 December 1891, B 134/e/6 microfilm #1, M1257, p. 62. The firm maintained a store in Sudbury until 1898. Shirlee Anne Smith, Winnipeg, to Mary Shantz, Sudbury, 20 October 1976, Regional Room, SPL; Blomme, 41; Stock, n.p.; Beaudry, 6–8. Selling to the "opposition" continued: in 1883, three Whitefish Lake Indians were reported at Killarney, selling their furs to the Noble Brothers out of Parry Sound. *Manitoulin Expositor*, 6 January 1883. On later fur trapping: Ralph Bice, *Fur: The Trade that Put Upper Canada on the Map* (North Bay: Ontario Trappers' Association, 1983); "Report Sudbury Post," 1–2 August 1889, HBCA B 355/e/2, fo. 4. On moving Whitefish Lake Post: Ric. Hardisty and E. K. Beeston, "Post Report—Whitefish Lake, Lake Huron, 1888," HBCA B364/e/1 (micro series II, reel 1M1260); and J. C. Rae, "Whitefish Lake (Lake Huron Dist.) Report 1897," *ibid.*
- 11 Alexander Murray, "Report of Alexander Murray, Esq., Assistant Provincial Geologist, addressed to W. E. Logan, Esq., Provincial Geologist, GSC, *Report of Progress 1847–48* (Montreal: Lovell and Gibson, 1849), 93–124; *idem*, "Report of Alex. Murray, Esq....," GSC, *Report of Progress 1848–49* (Toronto: Lovell and Gibson, 1849), 7–46, esp. 31; *idem*, "Report for the Year 1856....," GSC, *Report of Progress 1853–54–55–56* (Toronto: John Lovell, 1857), 145–90, esp. 155–66.
- 12 Albert Pellew Salter's assistants on the North Shore surveys were P. S. Donnelly, Arthur Jones, T. W. Herrick, James Johnston, and T. N. Molesworth.
- 13 Albert Pellew Salter, "Report ... by Albert Pellew Salter, P.L.S., upon the Country bordering upon the North Shore of Lake Huron, recently explored by that Gentleman," 26 January 1856, *Journal of the Legislative Assembly of [United] Canada* (hereafter JLAC) (1856), app. 37; *idem*, "Provincial Land Surveyor Salter's Report of Survey of a Base Line north of Lake Huron," *Report*

of the Commissioner of Crown Lands (Crown Lands), JLAC (1857), app. 25, sub-app. R, 262–67; James Johnston, "Report of James Johnston, Esq., P.L.S., to A. P. Salter, Esq., P.L.S., for the year 1855," ibid., 267–69; Arthur Jones, "Report of Arthur Jones, Esq., P.L.S., to A. P. Salter, Esq., P.L.S., for the year 1856," ibid., 269–72; T. N. Molesworth, "Field Notes and Diary of the Survey and Exploration of the North Shore of Lake Huron," Goderich, 3 December 1857, Crown Lands, "Surveys," Book 19, no. 1913, reel 65; Thomas Wallis Herrick, "Field Notes and Diary of the Survey & Exploration of the North Shore of Lake Huron," Toronto, 20 December 1857, Crown Lands, "Surveys" Book 13, no. 1907, reel 64. For abridged versions: "Return ... Documents in connection with the sale of Timber Berths on Lake Huron," Ontario, Sessional Paper (SP) no. 11 (1873), 21–43.

- 14 On the boom: Anna M. Wright, "The Canadian Frontier 1840–1867" (PhD dissertation, University of Toronto, 1943), 36–59. Dianne Newell, "Technological Change in a New and Developing Country: A Study of Mining Technology in Canada West-Ontario, 1841–1891" (PhD dissertation, University of Western Ontario, 1981), 71–82. The Wallace mine was about three kilometres west of Whitefish River: T. J. Patten, "Report and Field Notes of the Survey of the Township of Mongowin District of Sudbury," 1923, no. 1528, book 81, reel 50. At least four sites were near La Cloche; a like number on or near the Spanish River. Province of Canada, "Return ... licences for opening and working mines of Lakes Huron and Superior" (16 June 1851), JLAC (1851), app. U; William Gibbard, "Report of Inspection of Mining Locations," JLAC (1861), SP no. 15, app. 21; and Alexander Murray, "Geological Report," JLAC (1850), app. V. For a full list of sites: JLAC (1857), app. 25, sub-app. 8.
- 15 The study emerged from an Order-in-Council of 4 August 1849. J. H. Price (Montreal) to Alexander Vidal, Port Sarnia, 7 August 1849, Crown Lands, "Instructions to Surveyors," book 5, reel 125, 140–41.
- 16 RG 10, vol. 621, 246–52, 428, 433, 461.
- 17 RG 10, vol. 612, file 13, 386, 856.
- 18 "Voucher No. 8," Province of Canada; "Return ... dated the 2nd ultimo ... and a statement in detail of the Expenditure of £5000 less £800 refunded, paid to ... W. B. Robinson, Esq., ... to be by him disbursed among the Indians....", JLAC (1851), app. II, 4 July 1851. Voucher 8 was disbursed 13 September 1850 at Manitowaning.
- 19 J. W. Keating to Col. R. Bruce, 6 August 1852, RG10, vol. 198, pt. 1, reel C-11514, letter 6, quoted in Michael Marlatt, "The Calamity of the Initial Reserve Surveys under the Robinson Treaties," *Papers of the 35th Algonquian Conference*, ed. H. C. Wolfart (Winnipeg: University of Manitoba Press, 2004), 300. Shawenakeshick probably discussed the extent of the Reserve at the Treaty talks; see discussion on defining the Reserve below.
- 20 "Report on the Present State of the Great Manitoulin Island and ... the Nomadic Bands or Tribes on the Northern Shore of Lake Huron"; "Evidences of Captain Ironside, Rev. D. O'Meara, Rev. J. Chance, Rev. Hanipaux, and

Ferard, Rev. M. Choné," Province of Canada, *JLAC* (1858), app. IX, no. 21, pt. II.

21 Talk of a French River canal began by the 1830s, but ended with only maps and surveys as results. David Thompson, Montreal, to Thomas McKay, 10 September 1836, LAC, Civil Secretary's Correspondence, Upper Canada Sundries, September 1836, RG 5, A1, vol. 170, 92969–92971; and Eric Jarvis, "The Georgian Bay Ship Canada: A Story of the Second Canadian Canal Age, 1850–1915," *Ontario History* 69 (1977). In 1827, HBC Chief Factors McBean and Cameron suggested a trail be opened from La Cloche and Timiskaming. Mitchell, 145–46. Duncan Sinclair's road survey ran west from Mattawa via Lake Nipissing to the mouth of the French River. Bureau of Agriculture, "Roads in the Eastern and middle section of Upper Canada to be opened...," 30 September 1854, "Return ... dated 25 September 1854 ... [on] the Waste Lands of the Province...," *JLAC* (1855), app. MM. The Great Northern: P. M. Vankoughnet, Toronto, to A. P. Salter, Sault Ste. Marie, July 1859, Crown Lands, "Letters Relating to Survey," vol. 4, reel 137, 267; *idem*, Toronto, to Salter, Toronto, 31 May 1859, "Instructions to Surveyors," book 5, reel 137, 404–6. Minister of Agriculture: Executive Council State Books, 16 June 1857, LAC, RG 1, E1, vol. R, 494; J. Stoughton Dennis, "Report and Field Notes of the Survey of the Muskoka Road Line," Toronto, 19 April 1861, Crown Lands, "Surveys," no. 2211, reel 78.

22 Robert Dorman, *A Statutory History of the Steam and Electric Railways of Canada 1836–1937* (Ottawa: King's Printer, 1938). An 1871 survey turned southeast at "White Fish Holme" Lake; as late as 1879, the main-line survey (west to east) traversed the Reserve by Round and Long lakes en route to the Wahnipitae River. Canada, SP (1880), 23, 23a, 123, app. 18.

23 C. E. Anderson, "Report of the Free Port of Sault Ste. Marie," October 1864, Province of Canada, SP no. 37 (1865), 25–50. There were about thirty-eight limits. For reiterations of many of the Survey reports on the timber limits, see Ontario, SP no. 11 (1873), 19–46, and no. 13 (1873), 40–50.

24 Square berths shown on: Thomas Devine (Crown Lands), *Government Map of Canada from Red River to the Gulf of St. Lawrence* (Quebec City and Toronto: Thompson and Co., 1859), scale: 30 miles @ 1 inch; Walter Beatty, "Report and Field Notes: Collins Inlet Timber Limit" (1870), book 2612, reel 97, 27. Collins Inlet Timber Limit is now Carlyle and Goschen Townships. Silas Staples and A. R. Schulenburg Saw Mill and Lumbering had forty-six employees and cut three million FBM (feet, board measure) of pine in 1871. LAC, RG 31, vol. 918, "E. Algoma," schedule 6 (Killarney). On coastal mills, despite its title: William Gibbard, "Report of inspection of Mining Locations," *JLAC* SP no. 15 (1861), app. 15. There were ten-or-so limits on the Spanish; four on the Whitefish, and one on the "Wahnabitascibe." A. W. Powell, "Woods and Forests Return of Licenses, Huron and Superior," in "Crown Lands Report," *JLAC* (1857), app. 25.

25 Charles E. Cleland, "The Inland Shore Fishery of the Northern Great Lakes: Its Development and Importance in Prehistory," *American Antiquarian*, 47 (October 1982): 761–84.

26 John H. Peters, "Commercial fishing in Lake Huron, 1800–1915: The exploitation and decline of white fish and lake trout" (MA thesis, University of Western Ontario, 1981), 77–78. Even inland Whitefish Lake fisheries were under some pressure, for the HBC post targeted five thousand herring annually, and by 1835 had a boat for trout fishing on Lake Penage. *La Cloche Post Journals*, 27 September 1835, B 109/1/9, fo. 17; John McBean, "Report on the state of the Post, Indian Trade & Character of the Indians in Lake Huron District," B 109/e/5, 14 June 33, fo. 1. That year 5,539 herring were caught for the Whitefish Lake post.

27 R. J. Whitaker, for the Hon. Minister of the Marine and Fisheries, to L. Vankoughnet, 13 September 1878; and Charles Skene, Parry Sound, to Wm. Buckingham, Esq., Deputy Minister of the Interior, 22 October 1878, "Headquarters – Reports on Indian Fishing Rights by Superintendents William Plummer, Charles Skene, and J. C. Phipps," RG 10, vol. 2064, file 10,000, 1/2, microfilm c-11148, 6 (the Ministry letter), 12 (Skene's letter).

28 Jas. C. Phipps., quoted in Canada, Report of the Department of Indian Affairs," SP no. 3 (1885), 7. For a history of the fishery: Peters, "Commercial fishing in Lake Huron," especially 31–33, 54, 60–80, 118.

29 Issue raised in "Letters submitted re: Treaty," IA, September 24, 1850, RG 10, vol. 411, 490–99. A "sleigh road" was completed by January 1883, and the Algoma Branch completed in 1884; it lay dormant for several years. *Manitoulin Expositor*, 13 January 1883; Omer Lavallee, *Van Horne's Road* (Montreal: Railfare Enterprises, 1974), 119, 134. The survey of Waters Township (1883), beside the Reserve, shows rail, tote, and telegraph lines.

30 Whitefish Lake Reserve no. 6. Plan of the Hudson Bay Co. Reserve, Whitefish Lake, District of Algoma, RG 10, vol. 2299, file 59576, 19 May 1883.

31 The HBC site was variously reported as 124 or 135 acres. George McLean, Deputy Superintendent General Indian Affairs, Ottawa, to Chief Wahbemeniki, Whitefish Lake, 29 November 1896, RG 10, vol. 2299, file 59,576.

32 As late as 1877, a renewed offer of timber berths gave no hint of a Reserve in the area. PAO, "Report Books – Timber Limits offered for Sale 1877," copy in Laurentian University Library.

33 Jas. C. Phipps, Manitowaning, to Superintendent General of Indian Affairs, 30 March 1883, Ottawa, RG 10, vol. 10267, file 411/30-8-6.

34 Spellings vary; one provides some difficulty. Various persons lived at Nebewapuинг, Netewagenwang, and Nonwategung lakes.

35 Jas. C. Phipps, Manitowaning, to Superintendent General of Indian Affairs, Ottawa, 30 December 1880, *ibid*. In this letter, Phipps calls three miles square "a square three miles each way." In other words, twelve miles square would be 12 by 12, or 144 square miles. For the modern description: Higgins and WLIR, 79. That the Reserve appears to have been "undersized" is not surprising: Karl Hele argues that all the Reserves in the Robinson-Huron Treaty were smaller than the Anishinabe had anticipated. Karl Hele, "'By the Rapids':

The Anishinabeg–Missionary Encounter at Bawating (Sault Ste. Marie), c. 1821–1871" (PhD diss., McGill University, 2002), 151.

36 "Fascimile of sketch made by Whitefish Lake Indians of their Reserve," 1880, RG 10, vol. 10267, file 411/30-8-6.

37 Phipps was ordered on 15 September 1883 to arrange the survey. See details in letters of 22 August and 15 September 1883, *ibid.*

38 Letter, Thos. Johnson, Assistant Commissioner Crown Lands, Survey Branch, to L. Vankoughnet, Deputy Superintendent Indian Affairs, 11 August 1883, in Department of Lands and Forests, "Letters re: surveys," vol. 15, reel 140, folio 243. A notation on Abrey's survey plan remarks upon the reduction.

39 W. O. Johnston, "Report and Field Notes Graham," no. 1241, book 26. The 1884 survey of Louise Township shows part of the township within the Reserve. "The Field Notes Reports of White Fish Lake Indian Reserve No. 6, Ontario," 30 June 1884, "Crown Lands Reports," Ontario, SP no. 34 (1884), 48–51; SP no. 30 (1885).

40 G. B. Abrey, "Field Notes and other Returns of the White Fish Lake Indian Reserve (No. 6)," 20 June 1884, in L. G. Ugarenko, "Research Report on Whitefish Lake Indian Reserve #6 and the Flooding of Indian Lands Adjacent to Lake Penache," Ontario Ministry of Natural Resources, 25 May 1982, 5. See also a sketch in RG 10, vol. 10267, file 411/30-8-6, dated 15 March 1884. A sketch of 14 October 1885 seems to be the last one showing that the CPR line lay within the reserve. *Ibid.*

41 The CPR built the Branch in 1883–84; in so doing, it cut timber for bridges and ties without license. Higgins and WLIR, 130, and the continuing objections of Chief Wabuminiki in 1895: RG 10, vol. 2299, file 59,576.

42 Scott, McTavish & Scott, Barristers &c., R. W. Scott to L. Vankoughnet, Esq., Deputy Superintendent Indian Affairs, Ottawa, 10 August 1888, RG 10, vol. 2067, file 10,307, pt. 1, 281. McNaughtonville Station: "Application for Indian Lands, William Allan Ramsay for the C.P.R.," 14 August 1888, 309–10.

43 "Memorandum 24 August 1888 to Acting Deputy Minister," *ibid.*, item 282. The December letter is R. W. Scott to Lands Branch, Indian Affairs, 4 January 1889, *ibid.*, 326. See the note from Scott to Indian Affairs seeking plans confirming that the line lay "outside": 22 May 1889, *ibid.*, 380.

44 <http://clss.nrcan.gc.ca/plan-eng.php?id=447> Canada Land Survey Records (hereafter CLSR) ON (accessed 2 Jan. 2011).

45 *Ibid.*

46 G. B. Abrey, Plan of the White Fish Lake Indian Reserve no. 6, Ontario, LAC, RG 10, vol. 2318, file 63375-6, 1884. Copy at <http://clss.nrcan.gc.ca/plan-eng.php?id=T212> CLSR ON

47 From Ugarenko.

48 Aubrey White to W. L. Gordon, Toronto, 5 April 1888, *ibid.*, vol. 17, reel 141, folio 566.

- 49 Abrey, "Field Notes," quoted in Ugarenko, 5. At the Reserve's southerly end, some islands in Lake Penage were included, some not. No reasoning for the selections was provided in the field notes.
- 50 On the case: <http://library2.usask.ca/native/cnlc/vol02/006.html>.
- 51 John A. Macdonald to L. Vankoughnet, 25 January 1886, LAC, Sir John A. Macdonald Correspondence, MG 26-A, vol. 526/2, reel c-34, 367.
- 52 "Robillard H – Timber Limits Applic.," Macdonald Correspondence, 28 April 1886, MG 26-A, vol. 425, microfilm C-1776, 207271-207275.
- 53 Honoré Robillard, Ottawa, to Sir. John A. Macdonald, 23 May 1886, Macdonald Correspondence, 25 [sic] May 1886, MG 26-A, vol. 425, microfilm C-1776, 207939-207941.
- 54 The cost: \$316 plus \$79 (\$1 per square mile), timber dues also owing. Sale reported at between \$43,000 and \$55,000. John A. Barron, MP for Victoria North, headed the attack: Canada, House of Commons, *Official Report of the Debates*, 50–51, Vic., 6 June 1887, 802–03. Also: Ontario, "Return ... respecting any claim for arrears or annuities due ... for ... territorial rights on the shores of Lakes Huron and Superior," SP no. 81 (1884). Archival materials: High Court records, AO, RG 22, ser. 4, file 621; Aemilius Irving Papers, AO, box 42, file 42, item 3; and box 27, file 31, item 8; Canada, Department of Justice Records, RG 13-A-3, vol. 630, 4, 25; IA, Lands and Timber Branch, 15 March 1916, "Memo to Deputy Minister re Timber License of Whitefish Lake Indian Reserve," in "Manitowaning Agency – Correspondence Regarding Timber Licences & Timber Operations in the Whitefish Lake Reserve," RG 10, vol. 2318, file 63,375-6. Also: *Ottawa Journal*, 11 June 1887; 2 October 1888; 25 April 1889; *Toronto Mail*, 5 September 1887; 15 and 18 September 1888; 21 January 1889; *Ottawa Free Press*, 22 January 1889; *Ottawa Citizen*, 23 and 25 April 1889; *Globe*, 21 January 1889; *Toronto News*, 21 January 1889; *Toronto Empire*, 21 January 1889; Higgins and WLIR, 130–35.
- 55 The Band remained angry about CPR cutting, and over the decision that the Algoma Branch ran north of the Reserve, but its complaints accomplished little until a century passed. Higgins and WLIR, 133, 135.
- 56 Indian Affairs has timber dues of some \$7,600, indicating a massive cut.
- 57 Canada, House of Commons, *Debates*, 6 June 1887, 802. In reality, virtually all berths were held speculatively, from the 1872 sale until the arrival of the CPR. See Ontario, Crown Lands, "Record of Timber Berth Sales," vols. 14–15, RG 1, E1, E-3-A. For instance, the British Canadian Lumber and Timber Company, linked to the CPR, in 1880 got the rights to timber in Berths 69 and 77, immediately west and northwest of the Reserve; see fo. 77, 201–2.
- 58 The cutting was in Berths 69 (northeast corner is Reserve), 70 (southwest corner is Reserve), and 76 (virtually all Reserve).
- 59 Ontario High Court, Chancery Division; final judgement came 19 January 1889. Brian Slattery et al., eds., *Canadian Native Law Cases, Volume 2: 1870–1890* (Saskatoon: University of Saskatchewan Native Law Centre, 1981), 6–25.

60 Slattery et al., eds., 12–13. Case quotes from this source.

61 Naughton court sessions were held in a tent: *Toronto Mail*, 18 September 1888.

62 James Morrison, "The Robinson Treaties of 1850: A Case Study Prepared for the Royal Commission on Aboriginal Peoples," Treaty and Land Research Section, Royal Commission on Aboriginal Peoples, Privy Council Office, 31 August 1996 (draft), section 12.7.2.

63 While the Band was ignored, "losing" firms were compensated. R. H. Klock & Company, for instance, received compensation of \$13,000: Ontario, Public Accounts, 1897, 401. The case reached a different conclusion with *Whitefish Lake Band of Indians v. Canada (Attorney General)*, 2007 ONCA 744. The Federal government admitted breach of fiduciary duty, but disputed the compensation. The Court accepted the idea of compound interest, but only for the duration of the modern complaint. Canadian Bar Association, National Aboriginal Law Section, "Bill C-30 Specific Claims Tribunal Act", April 2008, Ottawa, <http://www.cba.org/CBA/submissions/pdf/08-22-eng.pdf>, 8-9.

64 *Sudbury Journal*, 12 March 1902, notes the firm's foundation; it operated to at least 1930: *Sudbury Star*, 1 March 1930, 4.

65 Band complaints were ignored up to the 1980s; action took another twenty years. The Walker Lake dam raised the level of Lake Penage, and, in turn, that of Lake LaVase. See: Ugarenko, 7, and "Field Notes of Flooded Reserve Lands on Lake Panache and Lake La Vase Whitefish Lake Indian Reserve No. 6."

66 "Manitowaning Agency – Correspondence regarding timber... on the Whitefish Lake Reserve... 1893–1930," RG 10, vol. 7815, file 30,019-7, *passim*. A local source felt that O'Connor was buying the tamarack, spruce, and hemlock: *Sudbury Journal*, 8 March 1906. The dues are noted in the Band's financial statements printed in the Indian Affairs Annual Reports, LAC.

67 IA, Lands and Timber Branch, 15 March 1916, "Memo to Deputy Minister re Timber License of Whitefish Lake Indian Reserve," in Manitowaning Agency – Correspondence Regarding Timber Licences & Timber Operations in the Whitefish Lake Reserve," RG 10, vol. 2318, file 63,375-6.

68 Building a tote road south from Whitefish through the Reserve was even "simpler" for the lumber firms because it was deemed a practical necessity. The depot gets far more coverage in Indian Affairs files than the road.

69 "Manitowaning Agency – Application of Michael O'Brien to Lease 50 Acres on the North Shore of Lake Penache," RG 10, vol. 2835, file 170,803.

70 Whitefish Lake Reserve no. 6. Plan of survey on Indian Reserve no. 6, District of Algoma, RG 10, vol. 2835, file 170803, 22 April 1896.

71 John Bertram, Toronto, to Indian Affairs, 4 February 1896, *ibid*. Additional letters of support from the local manager of the Collins Inlet Company and other timber firms followed; O'Brien's application for lease closed with the note: "P.S. could forward a petition if required." Michael O'Brien, Whitefish,

to Superintendent General of Indian Affairs, 5 February 1896. Letters of support are dated within a week of the application.

72 See correspondence for 13 March; and 16, 21, and 24 April. The first lease site totalled 97.5 acres; the size of the latter lease is not specified. *Ibid.*

73 The Band's letter does not provide an exact date, but with a response from Indian Affairs sent on 6 May, the Band's missive could not have been sent later than the start of that month. *Ibid.*

74 Hayter Reed to Hale & Booth, 6 May 1896, *ibid.*

75 Hayter Reed to Chiefs of the Whitefish Lake Band, 6 May 1896. The response from Chief "Wabenimikie" (spelling varies) is dated 2 June 1896. Hale & Booth received the news from D. C. Scott, Acting Deputy Superintendent, on 6 June. Thomas Hale may have visited the Band after rejection of the lease. This action, noted Hayter Reed, "should have been done before making survey of the small piece of land required." See letter of 11 June 1896, from Hale & Booth, Lumbermen, to Indian Affairs, *ibid.*

76 O'Brien proposed that "Joseph & Wilson Esquimaus," of the Whitefish River Band, operate the store. He sought "at least" fifty acres, citing the need to raise vegetables and other crops. M. O'Brien, Whitefish, to Superintendent General of Indian Affairs, 24 October 1897.

77 Signators: Chief Moses Wahbahnimiki, Sub-Chief James Cabayette, Peter Omiskow, George Pepequis, James Pinae, Alex Osahwahgoosh, Patrick Kinisaigozhig, Michael Wanjagisinhah, J. R. Shahbwahnuhqua, James Pehategoos, John Pepegewis, and S. Commanda. Petition, Whitefish Lake Band, 30 December 1897; M. O'Brien, Whitefish, to IA, 2 January 1898, *ibid.*

78 B. W. Ross, Manitowaning, to IA, 6 January 1898; Michael O'Brien, Whitefish, to IA, 22 January 1897; A. N. McNeill, Assistant Superintendent Indian Affairs, Ottawa, to M. O'Brien, Whitefish, 21 February 1897; *ibid.*

79 Chief Wahbenimeke and Sub-Chief Cabayette to Indian Affairs, 18 February 1898, "Manitowaning Agency – Correspondence regarding timber... on Whitefish Lake Reserve... 1893–1930," RG 10, vol. 7815, file 30,019-7.

80 Letter, Chief Wahbenimeke and Sub-Chief Cabayette to IA, 18 February 1898. The minutes of the meeting, held 18 February at the Whitefish Lake schoolhouse, are in this file. The letter seems to have been the result of the meeting.

81 O'Brien, Whitefish, to Rod Mac[illegible], 19 February 1898. In this private letter, O'Brien sought information about Agent Ross. It is not clear why this private letter is in IA files. See also: IA to M. O'Brien, Whitefish, 2 March 1898; M. O'Brien, Whitefish, to IA, 23 May 1898; IA to M. O'Brien, 26 May 1898; Dominic Pinae, Whitefish Lake, to IA, 19 August 1898; John Chimomence, Whitefish Lake, to IA, 29 August 1898; and IA to Chimomence, 12 September 1898. A marginal note in the Pinae letter stated that the letter is in O'Brien's hand.

82 IA to M. O'Brien, Whitefish, 2 March 1898; O'Brien, Whitefish, to IA, 23 May 1898; IA to M. O'Brien, 26 May 1898; Dominic Pinae, Whitefish Lake, to IA, 19 August 1898; John Chimomence, Whitefish Lake, to IA, 29 August 1898; and IA to Chimonence, September 12, 1898. Ironically, a depot was present from at least 1890, with a new depot built about 1907. Located on one-and-a-half acres previously used by Band member Coucroche, the depot was at the south end of the tote road from Whitefish, near La Vase Creek. "Manitowaning Agency – Correspondence regarding timber ... on the Whitefish Lake Reserve," ; and C. L. D. Sims, Manitowaning, 6 February 1907, RG 10, vol. 7815, file 30,019-7. A photo of the depot is in Higgins and Whitefish Lake Indian Reserve, *Whitefish Lake Ojibway*, 136.

83 H. J. Bury, Memorandum to Mr. Caldwell, 1 March 1923, RG 10, vol. 2318, file 63,375-6A.

84 J. D. McLean to D. Pasken, Esq., Barrister &c., Toronto, 26 August 1914. Little was at stake for Gooderham; the limits had cost only \$207. See Pasken to McLean, 21 May 1912. There was some dispute whether O'Connor had ever paid his fees. RG 10, vol. 2318, file 63,375-6. The quote: H. J. Bury, Memorandum to Mr. Caldwell, 1 March 1923, RG 10, vol. 2318, file 63,375-6A.

85 Letter, D. C. Scott to H. J. Bury, 17 March 1916, *ibid*. Bury accompanied R. J. Lewis, Indian agent, on the latter's annuity payment visit in April.

86 R. J. Lewis to Secretary, Indian Affairs, 19 July 1916. There were about twenty-five Band members present when Lewis visited on 15 July 1916.

87 Cochrane to D. C. Scott, 2 December 1915, LAC, RG 10, vol. 2318, file 63,375-6.

88 J. D. McLean, Ottawa, to G. R. Silvester, Copper Cliff, 2 December 1915. LAC, RG 10, vol. 2318, file 63,375-6. The yards lay about three miles northwest of the Reserve.

89 Two extensive works on roast-yard pollution are: M. Sheena Symington Sager, "The Environmental and Social History of the O'Donnell Roast Yard and Townsite near Sudbury Ontario" (MA thesis, Trent University, 1999); and Daniel Bouchard, "Pollution et Destruction de la Nature à Sudbury (1883–1945): Derrière l'écran de fumée" (PhD diss., University of Ottawa, 2003). Neither touches upon the Reserve's issues, however.

90 Stamp reads: Supervisor, Indian Timber Lands, 29 October 1917. H. J. Bury "Certified a correct reduction, sgd. W. A. Austin, O.L.S." RG 10, vol. 2318, file 63375-6.

91 G. R. Miller, Sudbury, to Deputy Superintendent, IA, Ottawa, 17 September 1917, LAC, RG 10, vol. 2318, file 63,375-6.

92 H. J. Bury, Investigation of Damage to Timber of the Whitefish Lake Reserve Due to the Action of Sulphur Gases," *ibid*. For pollution complaints: R. J. Lewis to Secretary, Indian Affairs, 25 October 1916. IA wrote to Canadian Copper in November and received a response: 7 November 1916; 15 November 1916, *ibid*.

93 IA, Lands and Timber Branch, 15 March 1916, "Memo to Deputy Minister re Timber License of Whitefish Lake Indian Reserve," in "Manitowaning Agency – Correspondence Regarding Timber Licences & Timber Operations in the Whitefish Lake Reserve," RG 10, vol. 2318, file 63,375-6, 521877. Summarizing the convoluted history of INCO's acquisition required five typed pages: Osler, Hoskin & Harcourt, Barristers & Solicitors, Toronto, to Indian Affairs, 29 December 1920, RG 10, vol. 2318, file 63,375-6, 549467–549471.

94 Compiled from IA, Annual Reports. No data before 1887; only totals after 1927.

95 R. J. Lewis, Manitowaning, 27 December 1919, to The Secretary, Indian Affairs, 29 March 1919, RG 10, vol. 2318, file 63,375-6, 534557. See also his letter to the Secretary, 29 March 1919, for an attitude favouring the cut; *ibid.*, 521877.

96 Agnew, the firm's vice-president, sought purchase of 20,000 cords of wood annually: Agnew to McLean, 23 January; and response 29 January 1920. RG 10, vol. 2318, file 63,375-6A.

97 Portion of "Whitefish Lake Reserve no. 6. Sketch of Whitefish Lake Indian Reserve, Ont. showing location of piece of land applied for by Mr. O'Brien, on which he hopes to build a trading post," RG 10, vol. 2835, file 170803. Whitefish Lake Reserve no. 6, Plan showing part of the Indian Reserve (1920), RG 10, vol. 2318, file 63375-6A; also: Whitefish Lake Reserve no. 6, Map, Louise Twp. showing area on the Whitefish Lake Reserve proposed for purchase by Mr. Con. McGuire, 1921, RG 10, vol. 3228, file 554782.

98 McGuire and Allan McPherson had larger operations immediately to the west in Louise Township, along with a four-thousand-acre limit (No. 180) on the southwest edge of the Reserve. They acquired the limit in 1906, but did not cut until 1919. "Manitowaning Agency – Correspondence Regarding A Letter, From Chief Joseph Cabayette of the Whitefish Band, Asking If Lumberers Have the Right to Remove Buildings Which They Have Built, From the Reserve," RG 10, vol. 2710, file 143,216. It is not clear why McGuire wanted to buy land, given that he could by law build a lumber camp on his limit using local timber so long as he left it behind when abandoning the limit.

99 Indian Agent Lewis claimed McGuire was rebuffed because the Indians were protecting mineral rights, but the long history of lost timber rights surely was influential. Lewis to RG 10, vol. 2318, file 63,375-6A; R. R. McKessock, Barrister, Sudbury, to IA, 20 September 1926, and R. J. Lewis to IA, 27 September 1926, both in RG 10, vol. 2318, file 63,375-6B. On tourist competition: J. D. McLean to R. R. McKessock, 29 September 1926, *ibid.*

100 For 1920s timber issues: "Manitowaning Agency Correspondence Regarding Timber Licenses and Timber Operations in the Whitefish Lake Reserve 1918–1925," RG 10, vol. 2318, file 63,375-6A.

101 The erroneous cut was mainly hemlock, with a few white pine, balsam, and spruce. R. J. Lewis, Manitowaning, to The Secretary, IA, 8 January 1925, LAC,

RG 10, vol. 2318, file 63,375-6A. The firm agreed to an additional \$5 per MFBM (thousand feet, board measure) for the timber, or about \$62.25.

102 R. J. Lewis, "Memo – Timber out Ludgate & Thompson Winter 24–25," "Memo Dues No 68 Licensee," and "Memo 22 June 1925 Season 24–25 Louise portion." RG 10, vol. 2318, file 63,375-6A.

103 The cut: 236,166 FBM of white pine, 210,603 FBM of spruce, and 635,278 FBM of hemlock, with dues of \$2,567.73. "Memorandum on Dues Limit 68," 27 September 1927. Dues were invariably paid late, but Ludgate & Thompson received a five-year extension in 1927. On 31 April 1931, Indian Affairs ended the license due to inactivity. See: Charles Stuart, IA, to James Ludgate, Naughton, 10 December 1927; T. R. K. MacInness to Ludgate, 7 September 1932, RG 10, vol. 2318, file 63,375-6B. "Manitowaning Agency Correspondence Regarding Timber Licenses and Timber Operations in the Whitefish Lake Reserve 1918–1925," RG 10, vol. 2318, file 63,375-6A, reel c-11200.

104 T. R. L. MacInness to McCrea and Valin, Solicitors, 9 September 1932. The quote: [illegible], Lands and Timber Branch, to Geo. B. Nicholson, Chapleau, 21 September 1934. RG 10, vol. 2318, file 63,375-6B.

105 John Ojala, a Finnish immigrant leasing part of McPherson's limit, protested "illegal" cutting by the Band. R. J. Lewis, Manitowaning, to IA, 24 February 1925, RG 10, vol. 2318, file 63,375-6A. See also: A. McPherson, Orillia, to IA (attention: A. P. MacKenzie), 14 October 1926, *ibid*. Victoria Harbour Lumber stated that it bought "cordwood from the Indians, in accordance with arrangements made with your local agent, and has paid dues to him." R. S. Waldie, Toronto, to IA, 8 August 1926. RG 10, vol. 2318, file 63,375-6B.

106 Lewis notes that the Indians were unaware of any "infringement." Lewis, Manitowaning, to IA, 24 February 1925. Response to Chief Petahtegoose: A. P. MacKenzie, Acting Asst. Deputy, to R. J. Lewis, 2 March 1925. Chief Joseph Petahtegoose, Naughton, to Indian Affairs, 30 December 1924. The Chief signed with his mark; the letter was witnessed by Michel Faille. The letter is on Ludgate & Thompson stationary. RG 10, vol. 2318, file 63,375-6A.

107 Superintendent General, IA, to R. R. McKessock, Sudbury, 10 February 1926. The complaint was sent 5 February.

108 R. R. McKessock, Sudbury, to Honourable Charles Stewart, Minister of Interior, 20 February 1925. RG 10, vol. 2318, file 63,375-6A.

109 Superintendent General, IA, to R. R. McKessock, 23 March 1925, *ibid*.

110 Chief Joseph Petahtegoose, Naughton, to Indian Affairs, 10 May 1925, *ibid*. He was responding to a letter from Indian Affairs dated 5 May.

111 R. J. Lewis was ordered to seize stockpiles of timber awaiting shipment at Whitefish. The correspondence reveals McPherson as skilled at avoiding fees. RG 10, vol. 2318, file 63,375-6B.

112 See *Dominion of Canada. Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1890* , (Canada: Brown Chamberlin,

1891), 6, for criticism of the "old" ways. The Methodist Church sponsored a church and school just north of the Reserve at Naughton; the Roman Catholic edifices were within the Reserve. The manuscript census for 1891 lists all adult males as "trappers." LAC, RG 31, Census 1891, reel T-6323, Algoma East Division, Hallam to Graham Townships, 5-11. The *Annual Reports of Indian Affairs* provides yearly assessments of "progress."

113 Pulpwood cutting was hindered by the insistence of Indian Affairs that timber rights be sold to outsiders. On the 14 December 1893 petition: "Manitowaning Agency – Correspondence regarding timber... on the Whitefish Lake Reserve... 1893–1930," IA RG 10 vol. 7815, file 30019-7. Cordwood was cut by 1895; sales to Canadian Copper for roast yards started no later than 1900. *ibid.*, 27. December 1895 and 21 February 1900.

114 See *Annual Reports of Indian Affairs* from the 1890s. Quotes from *Dominion of Canada Annual Report of the Department of Indian Affairs* for the year ended March 31 1914, (Ottawa: J. de. L. Taché, 1914), 16.

115 Julia Petahtagoose and Nora King, "Interviews," 1984, Canadian Plains Research Centre, <http://hdl.handle.net/10294/620>; Higgins and WLIR, 104.

116 Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918–1939* (Toronto: Oxford University Press, 2003), 27. One should note that in 1932 immigrants settled just west of the Reserve had cash incomes in the same range; these were not prosperous times or a prosperous setting. But at least the Finnish immigrants in Louise Township experienced only a limited form of assimilatory and racist pressure.

117 Robin Brownlie, "A Fatherly Eye: Two Indian Agents on Georgian Bay, 1918–1939" (PhD diss., University of Toronto, 1996), 79–85, 165, 375–76.

118 Patricia Jasen, *Wild Things: Nature, Culture, and Tourism in Ontario 1790–1914* (Toronto: University of Toronto Press, 1995), esp. ch. 4.

119 *Sudbury Star*, 2 June 1917, 7, notes vacationers from Cleveland spending a third consecutive summer. Fishermen from Ohio returned into the 1960s.

120 R. J. Lewis to IA, 19 March 1923, RG 10, vol. 2318, file 63,375-6A; *Sudbury Journal*, 31 August 1905. Sheehan advertised in the Ontario Motor League's *Road Book of the Province of Ontario*, ed. D. Davis (Toronto: Ontario Motor League, 1927), 93. Contemporary sources also list Frank's Camp, Kumler, and T. G. Robinson; it is not clear whether these were private camps or businesses. "Report and Field Notes of the Survey of Lake Penage and Part of the Whitefish River in the District of Sudbury," Ontario, Department of Lands and Forest, Surveys, book 19, no. 2057, reel 70.

121 *Ottawa Citizen*, 20 May 1884; *Globe*, 5 January 1885, 3.

122 Old Whitefish Lake Village gradually emptied from 1942 to 1952. New challenges and opportunities emerged, as the Band moved to a new site by Simon Lake near the CPR and Trans-Canada Highway. Higgins and WLIR, 91–148, provides the Band's perspective on this more recent history. On the Lebel-Oro line, see: Ontario, Crown Lands, Surveys Branch, "Lebel Oro Mines

Ltd. Plan of Transmission Line," April 1936, survey M2675. On flooding, see Ugarenko.

123 On the modern timber case, 2007: http://www.oba.org/en/Admin/activities_en/PresidentsNotebook.aspx. For local reaction to recent land claims: <http://www.thesudburystar.com/ArticleDisplay.aspx?archive=true&e=1364659>; and http://www.sudbury24.ca/media/1547/Whitefish_Initiates_Land_Claim/ (accessed 2 Jan. 2011).

Accommodation and Resistance:

The Construction of Roads and the Advent of the Automobile on the Walpole Island First Nation

Paul-Emile McNab

The significance of the Place of the waters of Lake St. Clair and River, and the islands of the Walpole Island First Nation (hereafter WIFN), located in southwestern Ontario, cannot be overstated, both to the Indigenous and non-Indigenous people of the region. The lake, and the river, and the islands have been part of the traditional rights of ways on the Island for thousands of years. Long before the establishment and construction of roads on the Island at the turn of the twentieth century, the waterways and the canoe were the traditional methods of transportation.

Walpole Island is the third stopping place in Anishinabeg (also known by anthropologists as Ojibwa, Odawa, and Potowatomi peoples) history and culture.¹ Ten thousand years of history at Walpole Island suggest that the water and the land—its strategic positioning and its relationship to the waterways—offer a necessary and valuable resource to their peoples. The arrival of both French and British settlers in the late seventeenth century challenged the traditional environment and its ecosystems. The industrial development of the past hundred years or so has also threatened its surrounding natural habitats, both on the Island and throughout the Lake St. Clair and River region.²

In addition to the significance of this place to traditional knowledge and history, WIFN also has a very rich non-Indigenous history, as it is

situated in close proximity to the birth of both the automotive industry (less than an hour's drive from downtown Detroit) and the site of first commercial oil industry in North America (at Oil Springs, in present-day southwestern Ontario). In fact, Henry Ford visited the Island periodically and moored his yacht along the St. Clair River, attending the Anglican Church on the island.³ Local First Nations people knew about "the gum beds, which consisted of pools of oil that had always seeped to the surface. They used the sticky oil to waterproof their canoes and for medicinal purposes long before carriage-maker James Williams registered the world's first commercial oil well in 1858."⁴ Lieutenant Governor John Graves Simcoe wrote on 15 February 1792 that, "the Indians discovered a spring of an oily nature, which upon examination proved to be a kind of petroleum."⁵

The traditional rights of ways on the WIFN before the turn of the twentieth century consisted mainly of Indian trails (little roads or paths known in Ojibwa as *Miikaans*), which intersected and connected to canoe routes along the waterways. These were the main rights of ways to, on, and from the Bkejwanong Territory. These rights of ways were environmentally sound and sustainable using the logic and practices of Indigenous knowledge of rights of ways, including roads, bridges, and waterways. Traditional Indigenous knowledge is a "practical everyday reality based on our Place as we understand it."

The purpose of this chapter paper is to provide an analysis of this nascent transition to roads in the early twentieth century. This process was, as we shall see below, a syncretic and flexible adaptation of WIFN Indigenous knowledge, both accommodation and resistance, to daily and seasonal changes to their way of life. It was the intersection of technology, modernization, and colonialism that coincided with the construction of roads and the advent of the automobile on Walpole Island in the early twentieth century.

Construction of Roads on Walpole Island

On Walpole Island, road development in the early twentieth century was primarily for the benefit of the settler governments of Canada and Ontario, which sought to build roads for summer cottagers with the advent of the automobile in the area. This conflicted with the traditional

rights of ways on the Island as it had been inhabited and used, via its traditional waterways and pathways, for centuries. The *Miikaans* were (and still are) sacred and unknown to the white visitors, who began to flock to Walpole Island in the spring and summer months.⁶

According to oral history, the use of these *Miikaans* existed for centuries, via the waterways that lead to Walpole Island and the trails on the Island itself. The decision to “take” the roads, however, and use them for provincial and public purposes on the unceded Reserve, was made by the Indian agent and the Department of Indian Affairs (DIA). Of course, the visitors (white cottagers, the Indian agent, and the DIA) neither understood nor knew anything about the *Miikaans* or other local traditional knowledge. The people of WIFN were dealing with “fraud, white speculators and corrupt Indian Agents,” all of them under the framework of the Indian Act.⁷

The decision to construct modern roads on the WIFN was primarily made by the federal government of Canada, which sought lands for the rights of ways to construct these roads for the initial benefit of the summer cottagers, who leased land on the Island in the first half of the twentieth century. For example, R. H. Abraham, an agricultural representative in Ottawa, stated in a memorandum of 12 April 1922 to Mr. Scott, of the Department of Indian Affairs, pertaining to the summer cottagers and construction of roads:

I wish to draw your attention to the condition of the main road leading into Walpole Island. This road has been in a very bad condition and the mail men, etc., have been having difficulty getting through for a number of years. Last year the sum of \$500 was voted for the repairs to this road and was used for making tile ditches on the sides of the road. At that time it was thought that \$500 would be sufficient for the work last year. There is still a considerable amount of ditching that should be done on the sides of this road in order to take the water away and it should be properly graded. I might say that this road is used by tourists who have cottages on the Walpole Island front. As many as two and three thousand tourists visit this summer resort every Sunday in the summer time, and I, therefore, consider that it

would be proper that the money required to put this road in first class shape should be voted from the General Vote. I beg to recommend that \$1000 be provided for the work on the road this year. I might say that I also expect to get a large amount of work done voluntarily by the Indians.⁸

The cottagers owned automobiles, and became dependent on them to get to the Island where their summer homes were located. The construction of modern-era roads and the introduction of the automobile by Henry Ford came at an environmental price. Both accommodation and resistance followed the decision to construct these new rights of ways. The mechanization of Western technological advancement through cars and roads provided the citizens of WIFN with jobs and exposure to a “new way of life,” although it came at very high environmental cost to their lands and resources.

The construction of the roads was undertaken by the DIA without a treaty or surrender, contrary to the Indian Act. Moreover it was accomplished, on this unceded Reserve, without any compensation. Indian Affairs wanted “modern gravel roads” to expand and develop the road system to accommodate the automobile, the non-Indigenous cottagers, and the federal government buildings, which included the Indian Affairs office and the customs house. However, *Miikaans* and traditional knowledge did not disappear, in spite of the IAD’s assimilationist policy of infrastructure through road building.

The WIFN had paths and trails, but no major roads had been constructed on the Island prior to the arrival of the automobile. The development of road construction was slow and infrequent in southwestern Ontario until after the First World War, when the automobile arrived on a permanent basis with Ford’s Model T. However, the Good Roads Association had come into being in Ontario in 1894, and as a result there was interest across the province in improving roads.⁹ In 1898, the provincial instructor in road-making filed a report on the conditions of roads throughout Ontario.¹⁰

It is doubtful if there is a mile of true Macadam road in Ontario outside a few towns or cities. There are miles of road which are covered with dirty gravel or rough, broken stone, and are

popularly supposed to be macadamized. Today the majority are little better than trails. From the middle of October until the end of December, and from the first of March to the end of May, a period of five months, by far the greatest part of the mileage of the province is mud, ruts and pitch-holes. There are at least two months when the roads are practically impassable.¹¹

The pace of road construction became an issue for provincial and municipal governments in the late nineteenth century. The main difficulty was that most of the roads were still built with dirt or mud, with nearly impassable stretches across the province. The popularity of Ford's Model T grew, but the cars still struggled to pass along the small roads. A rapid program of road development began with the graveling of small stretches. These stretches developed into small highways in the twentieth century.

The Advent of the Automobile on Walpole Island

There is no denying that there have been many technologies that have shaped and transformed society. The telephone, the printing press, hydroelectricity, and the steam engine have all played predominant roles in the creation of modern society. However, the automobile truly altered our "way of life" as we know it. Dimitry Anastakis, author of *Car Nation: An Illustrated History of Canada's Transformation Behind the Wheel*, states that the automobile was "the symbol of what many considered the modern Canada of the twentieth century, and the final victory of technology over landscape."¹² The close proximity of Walpole Island, nestled on the border between the US and Canada, made it susceptible to, and a unique example of, this technological transformation. As Anastakis further states:

Canada's unique story was also influenced by its location: proximity to the United States was both a blessing and curse for Canadians and their connection to the car. Abutting the world's greatest automobile society meant that Canadians were also pioneers in the early use and production of cars. America's embrace of mass automobility spilled over into Canada: the democratic impulse unleashed by the car quickly made car

ownership and use a right for average people on both sides of the border.¹³

By 1903, there were only a few hundred automobiles in all of Canada (182 in Ontario, more than in any other province).¹⁴ However, not every province was quick to embrace the automobile; in fact, Prince Edward Island banned all cars in 1908, viewing them as a threat to the islanders' traditional, pastoral existence.¹⁵ There emerged many theories across North America as to whether the automobile might replace the horse; many critics of the automobile did not want to see a "horseless carriage" replace a mode of transportation that had existed since time immemorial.¹⁶

Ford's Model T emerged in October 1908; up until then, few had either driven or owned an automobile.¹⁷ With this new development, the automobile was beginning to change the very culture and way of life in both urban and rural communities. Many such communities resisted the automobile, however. Some, in fact, were simply resistant to the seemingly endless changes: from the canoe to the horse and carriage, the railroad, the bicycle, and now the automobile.

Archival photographs indicate that automobiles were present on Walpole Island as early as 1909.¹⁸ Summer tourists from nearby towns in both Ontario and Michigan began to travel and visit the Island, which was quickly becoming a popular destination for spring and summer cottagers. However, the members of the Walpole Island community did not own automobiles, or operate the sort of new mechanical farm equipment (tractors) that had revolutionized modern farming practices in this period of industrialization.

The Department of Indian Affairs' Written Records

Written records of road construction on Walpole Island can be found in the federal Department of Indian Affairs files, from 1889 to the present. These records include an extremely large body of correspondence (more than six thousand pages) between the Indian agent and the DIA in Ottawa, as well as from the citizens of the unceded Reserve, testifying to their resistance to this policy of assimilation. The correspondence illustrates the control exerted by the DIA over both the Pottowatomi and Chipewa "bands" and "councils" up until 1965. This documentation

depicts the colonial power and control wielded over First Nations citizens who had relied on traditional knowledge for centuries.

The primary roads were taken, constructed, and used by the DIA without any treaty or surrender of the more than fifty acres concerned, and without compensation, between 1912 and 1919. First Nations citizens who worked on their construction were paid out of their trust fund accounts—i.e., with their own monies.¹⁹ As a result, the Island's primary roads began to take shape, as cars began to drive along them in great numbers, from Wallaceburg and Algonac, to visit the beautiful beaches along the St. Clair River.

The roads on and leading to Walpole Island were becoming a concern for the DIA, as tourism and the automobile created a need for improvements. For example, J. D. McLean, the IAD's secretary in Ottawa, wrote on 13 July 1917 to Mr. A. McArthur, clerk of the Township of Chatham, in Tupperville, Ontario, pertaining to the roads on and off Walpole Island:

This department has been informed that the road leading from the lower ferry on Walpole Island to the main highway to Wallaceburg is in almost impassable state. This road is the main thoroughfare to Walpole Island and it is stated that as many as 50 automobiles passed over it last summer on a Sunday afternoon. The question of repairing is being taken up with the Indians but they are of the opinion that the Council of the Township of Chatham should be willing to make a substantial contribution towards the cost of repair. If your Council has a Road Superintendent I shall be obliged if you will be good enough to have him go over the road and give us a full report as to what needs to be done and the cost of the work. If your Council has no such men in its employ, kindly notify us at once.²⁰

There was a considerable increase in traffic to and from Walpole Island in 1917, and the road conditions were “nearly impassable.” Accommodating this high volume of traffic was a key reason why the DIA began to construct and maintain the roads on Walpole Island. They did so without consulting or negotiating with the WIFN; the DIA

simply took the land and used it to construct a modern road system through the Island. Neither the Chippewa nor the Pottawatomie bands or councils were involved in the planning or construction. To this day, no compensation has been paid for the taking and use of the roads. As noted earlier, the Walpole Island citizens were paid for their work on these roads from their own trust fund accounts.

The main beneficiaries of these roads were the summer cottagers and automobile owners (except for one purchased by Simpson Brigham in 1921, and some tractors donated by Henry Ford), and the federal agents who worked at the customs house and the local DIA office, none of whom were Walpole Island residents. Other than Simpson Brigham's, there is no documented case of an automobile owned by a WIFN member from 1917 up until the 1940s.²¹ Even if there had been, however, almost all Island residents still relied on *Miikaans*, travelling on foot, or using horses, Indian Ponies, or later, bicycles for their methods (traditional or modern) of transportation.

Indian Ponies

The traditional trails and pathways were still of great use, and many in the community travelled on foot, by bicycle, or by Indian Pony. Indian Ponies, of course, are a variety of small horse that has guided Aboriginal peoples for centuries. They were most beneficial in getting through the Island's wilderness and inaccessible areas. Elder Eric Isaac, who grew up on Walpole Island during the 1920s and 1930s, fondly remembers the use of Indian Ponies for various purposes. Mr. Isaac stated: "There were traditional paths to the south and to the north, and east to the west. The traditional way was by horseback riding one point to another, back in late 1920s to early 1930s. Quite a few wild ponies here, transportation by way of horse-and-buggy. It was another way of travelling, and the shortest way to get another one's place."²² Neither the Indian agent nor the DIA, however, cared for the interests of the "Indians," a point proven again and again by their official assimilationist policies and overall lack of the kinds of knowledge that Aboriginal peoples have always maintained.

Roads on the Island were constructed with the help of Indian Ponies and carriages, which hauled sand and gravel, for the roads' foundations. Indian Agent James W. Daley, in a letter dated 10 December 1940 and

addressed to the Indian Affairs Branch in Ottawa, discussed the lack of progress on constructing and improving the roads, and the use of Indian Ponies: "I would like to hire a large tractor to do this work, as Indian Ponies are of no use whatever. We have white men, who have land leased on the Reserve who have been very generous in giving us the use of their tractors free on several occasions and I thought that maybe we could hire them for a few days to do some of this work."²³ Documentation obtained through the National Archives of Canada, as well as information gleaned through oral history and storytelling, confirms the existence of Indian trails and ponies on the WIFN. Daley, the local Indian agent, deemed the Indian Ponies inadequate, and, by the 1950s, expendable.

The DIA used Indian Ponies together with carriages to haul gravel and road graders until the early 1950s. In his letter of 16 August 1939 to the secretary of the Department of Mines and Resources, Indian Affairs Branch, Ottawa, Indian Agent Daley stated:

Your letter dated July 29/39 No. 23040 received and contents noted. Possibly I shouldn't write this letter but I feel so strongly about the road situation on Walpole I am venturing to do so. I sincerely hope that my doing so will not be misunderstood. I feel that we are not getting anywhere in improving the roads on the Island with the excepting of the No. 1 and No. 7 roads. The reason in my opinion is because we have to use Indian Ponies, we had teams the other day working that couldn't haul 1 yard of stone. Last year, that is 1938, a stretch of Road No. 10 was graded using Indian teams and labour and I would judge that from $\frac{1}{4}$ to $\frac{1}{2}$ mile was done and this was not good enough in my opinion to put stone on, yet this cost by the road sheets a trifle over \$200.00. I am informed by the reeve and Council of Sombra Township that a tractor and grader can do a mile of real hard road at an estimated cost of \$50.00 a mile. If this is true, and I have every reason to believe that it is, we paid about 8 times too much for our grading. You mention in your letter that there are 2 or 3 families who have teams. This is true but the teams are so old that they are about useless. H. B. Williams has a young team but they are afraid to drive them as have run away

several times. I do not feel that we would be taking anything away from the Indians by bringing in a power grader but rather I feel that we would be helping them considerably by giving them improved roads and incidentally better doctor and mail service in the spring of the year the mail and Doctor cannot get within 3 miles of Squirrel Island and instead of the mail going its regular route it returns on the main road. If I would be permitted to spend \$100.00 of road money to grade a piece of the roads to use as a comparison. I have spoken to the Chief about this and he believes the same as I do. Trusting that you will not think that I am to persistent in this matter and that you will give it further consideration. I am.²⁴

According to the records in the Indian Affairs files, Indian Ponies were used to help construct and maintain the roads up until 1941.

The replacement of Indian ponies on Walpole Island by Indian Agent Daley represented the kind of “positivism” that was being implemented upon the Indians themselves. There is no question that Mr. Daley had scant use either for the people of Walpole Island or for the ponies. Further, Daley, in a sense, saw progress in the “the power of [human] force over nature,” and, in particular, over traditional Indigenous knowledge. It was Daley who, in response to the complaints from white farmers that the ponies were “ruining” their crops, rounded up all the Indian Ponies on the Island in the early 1950s and shipped them to a Stratford glue company at a dollar a head. Today there are no Indian Ponies left on the Island.²⁵

The peoples of Walpole Island have always maintained their distinctiveness and traditional knowledge. In the context of modern times, Aboriginal peoples have always maintained their ecological otherness. As Richard White writes in his essay “Environmentalism and Indian Peoples”: “Many Indian communities have conceived of themselves as one group of conscious persons living in the midst of other groups of persons, most of whom are not human.”²⁶ Indian Agent Daley, like many of his predecessors, did not understand or care either for the Ponies or for Aboriginal peoples. Using the power of modernity to assimilate and control the lives of the people at Walpole Island was official DIA policy

as outlined in the *Indian Act of 1876*, together with successive legislation, a policy that persists even today.²⁷ The Ponies are part of nature, which also includes human beings, as well as the lands and waters that encompass Walpole Island.

Maintenance of the Walpole Island Roads

In the 1920s, the DIA and the Indian agent continued with further road construction and maintenance via the purchase of road scrapers, which they used to haul and spread gravel across the Reserve. Both the residents of Walpole Island and the ponies were instrumental in constructing and maintaining these roads. The ponies helped pull the road scrapers across the Island, a fact that had so aroused the Indian agent's ire. However, the labour of the Walpole Islanders themselves was also vital. According to DIA records, on 17 September 1918, McLean instructed Indian Agent T. A. McCallum pertaining to the labour and construction of the Chief's road: "With reference to your letter of the 11th instant regarding the opening of Chief's road I beg to say that no money will be spent on the portion which it was intended to have done from the band funds until the portion which it was intended to have done by Statute labour is first made. Kindly see that as much Statute labour as possible is put on this road in order that it may be made passable."²⁸ This was just one among many examples pertaining to road issues on the Reserve where the Indian agent and the DIA were allowed to use Indian "statute labour" (i.e., under the Indian Act); in effect, between 1911 and 1919, Indian Affairs was able to construct the many roads and bridges located on the Reserve using free Indian labour.²⁹

Between 1880 and 1951, under sections 23 and 24 of the *Indian Act of 1876* (and its successor legislation), male First Nations citizens were required to perform statute labour every year; if they did not complete their mandatory statute labour, they could face the possible penalty of a fine or imprisonment.³⁰ The Indian agent was the local justice of the peace, and there was a lock-up on the Island, so the federal government could readily enforce these rules. This system of statute labour on the Island appears finally to have been ended in the 1930s. Nonetheless, the DIA in Ottawa used Indian statute labour for the purpose of constructing and maintaining roads on the Walpole Island Reserve during this time period.³¹ It was

undoubtedly also used elsewhere in Ontario and throughout Canada.

The use of statute labour was just one factor allowing Indian Affairs to construct and maintain the many roads and bridges on the Reserve between 1911 and the 1930s. It is unknown, however, how many persons or days per year were involved in such building and maintenance; the First Nations citizens were not paid for their labour, and thus no records were kept. Nevertheless, by the DIA's estimate, the value of First Nation citizens' labour was at least a dollar a day.

Many veterans of the First World War returned to Walpole Island seeking employment and opportunity. With little or no employment, they could not support themselves or provide for their families. They could not travel to cities to find work, since non-Indigenous Canadian citizens would not want to hire an "Indian." Some found work in Detroit. It also appears many of them found "work" performing road maintenance on the Island.³²

The taking of Reserve land for the purpose of road and bridge construction occurred without consultation or negotiation with the WIFN. As the issue was never the subject of negotiation, an estimate of the lands taken for roads based on historical documentation from 1933 places them at approximately ten miles in total length (a 1933 estimate had the Chief's road at 5.5 miles). A provincial road is 66 feet in width, which thus yields an estimated total amount of some 52-plus acres of land taken on the Walpole Island Indian Reserve.³³

According to an Upper Canada statute of 1811, all roads through Indian Reserves were to be common and public property, and thus were considered part of Reserve land; this legislation remains on the books in Ontario to this day.³⁴ In 1979, in regard to a road through Shawanaga Indian Reserve (leading to the Skerryvore subdivision on Georgian Bay, where Mike Harris, the former, disgraced Ontario premier, has a cottage), the Ontario Court of Appeal ruled that roads were indeed common and public highways belonging to the Province of Ontario, and not to the Shawanaga First Nation. The Supreme Court of Canada declined to hear an appeal. Thus, all roads through Indian Reserves across Ontario, if not throughout Canada, are common and public highways, rather than private lands or Indian Reserve lands.³⁵ David Moorman addresses the issue of roads in his essay "Roads and

Rights': Public Roads and Indian Land in Nineteenth-Century Southern Ontario":

Caught between politics and the law, the Natives of Ontario were excluded from the rights and privileges enjoyed by other members of the community, while at the same time they were subject to the sovereignty of the very power that shut them out. By adopting a different expropriation process when it came to building roads through reserve lands [than] was applied to all other lands, the British and Canadian governments led Natives to believe that they retained a degree of sovereignty over their land, but in fact the fundamental laws of the country denied their autonomy.³⁶

As a result, the taking of the roads, and their use and maintenance, remains the responsibility of the provincial government.³⁷ This legal phenomenon means that the federal and provincial governments are entirely responsible for the roads through Indian Reserves—the taking, the compensation, and one hundred percent of the maintenance.

Between 1911 and 1933, the WIFN paid somewhere from sixty to one hundred percent of the actual maintenance and construction costs of these roads. The province paid the rest. Walpole Island had a population of about 850 Indians, plus there were about 120 cottages occupied by white persons during the summer months. In the period between 1911 and 1950, traffic to and from the Reserve consisted mainly of non-aboriginal-owned motor vehicles, as statistics from 1943 show. A regular, international ferry operated between the Island and Algonac, Michigan, during the 1943 season up to and including 30 September. Approximately fifty percent of the vehicles came from the United States through the reserve to Canada, as follows:³⁸

	In	Out
Canadian Cars	45	42
Foreign Cars	1,151	1,188
Other Vehicles	1,166	1,166
Passengers	35,502	33,996 ³⁹

The roads were constructed and maintained via the use of statute labour up until the 1930s, when that form of free labour was abolished on the Island. The immediate beneficiaries of such labour (as noted above) were the cottagers and non-residents of Walpole Island.

Conclusion

The roads did bring employment to the residents of Walpole Island (albeit only through the Indian agent, up until his removal in 1965). This was a form of accommodation, in the sense that many of the Walpole Islanders could take part in constructing these rights of ways, even though they were being paid for their work with their own monies. Many residents would travel from the Island, seeking employment in the neighbouring United States. Many of the men on Walpole Island have worked on the roads. Veterans from both world wars returned to the Island seeking employment, and the majority of available work in Public Works was on the roads and bridges.⁴⁰

For centuries, the WIFN has lived in harmony with its surroundings, which have significantly contributed toward current sustainable development and biological conservation methods. The peoples of WIFN have overcome centuries of colonization, during which cultural assimilation and racism characterized the dominant forms of development and policy. A century ago Major John Richardson, a British officer (and an Indigenous person), visited Walpole Island and said the following of its people:⁴¹ “As I contemplated this scene and contrasted the really native dignity and simplicity of these interesting people with the loathsome hypocrisy of civilized life, I could not but deeply deplore the fast-approaching extinction as a race of the first lords of this soil, gentlemen of nature whose very memory will soon have passed away, leaving little or no authentic record behind, of what they once were.”⁴² In fact, the WIFN remains actively and strongly engaged, in many capacities, across its territory.

The WIFN has renewed partnerships with governments and maintained its traditional knowledge, while confronting various environmental obstacles arising from the evolving modern world. The road construction of the early twentieth century was an example of the DIA’s attempts to create, via an official policy of colonization and assimilation, a

non-Indigenous society on Walpole Island. Both through resistance and accommodation, this attempt failed. In part, it illustrates in microcosm the current situation and predicaments Indigenous peoples in Canada face today.

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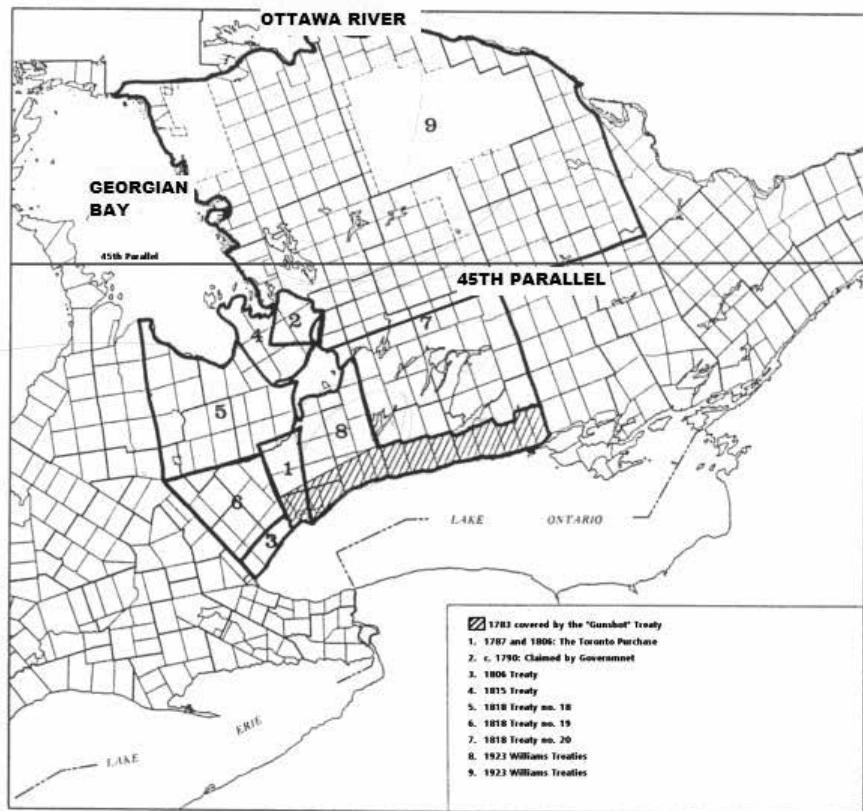


Figure 5.1: Map of claim area not covered by treaty, 1869–1923.

The Constellations Reveal Themselves One Star at a Time:

The Mississauga and Board of Arbitration, 1890–1900

Daniel E. Shaule

Background

Between 1869 and 1923, a large portion of southern Ontario was not covered by a treaty. The land was the hunting grounds of the Mississauga and Chippewa. Throughout this time period, despite the lack of a treaty, the Province of Ontario assumed ownership of these lands. By the fall of 1923, two separate treaties—one with the Mississauga of Rice Lake, Scugog Lake, Hiawatha, and Alderville, and the other with the Chippewa of Rama, Georgina Island, and Christian Island (Beausoleil), covering the same lands—would rectify this situation. The 1923 treaties would become known as the Williams Treaties after Angus Williams, the Treaty chairman, who was also a lawyer in the Indian Department. In contrast, due to a constitutional disagreement between 1890 and 1900, the Mississauga and Chippewa hunting lands had been viewed as improper and not worth pursuing.

Introduction

A disagreement arose during the 1890s when the Indian Department sought to clarify who was responsible for treaty annuities for the impending surrender of Mississauga and Chippewa lands in southern Ontario. The Indian Department assumed that the responsibility was held by the Province of Ontario, as the latter received the beneficial interest in

the land once a treaty was obtained. The Province of Ontario, in turn, assumed responsibility was held by the Government of Canada, as the latter held exclusive authority for Indians. It was within this context that the Indian Department forwarded the claim to a Board of Arbitration to compel the Province of Ontario to accept monetary responsibility for treaty annuities.¹ As fate would have it, the Board's assessment of the claim did not please the Indian Department, which, in response, created a committee to review claims before the Board of Arbitration. The internal investigation concluded, in essence, that neither the Province of Ontario nor the Government of Canada held any responsibility, and probably expected the matter to fade away.

The constitutional dispute between Canada and the Province of Ontario originated with the *British North American Act 1867* (BNA). The BNA granted the Government of Canada, under section 91(24), exclusive authority over Indians and Indian lands, which included the responsibility to obtain treaties²; while section 109 of the 1867 BNA stated that all lands belonged to the Province, once surrendered.³ Subsequent court cases have determined that Indians held a higher interest than section 109; however, once surrendered, the Province assumed ownership of the(ir) land. The separation between the responsibility for Indians and who owned the land once a treaty was obtained ignited a constitutional dispute between Canada and the newly created Province of Ontario. The dispute escalated over which level of government held beneficial interest in the land once a treaty was obtained and who was responsible for treaty annuities.

The Mississauga and Chippewa sent a petition to the Dominion, in 1869, claiming a large portion of southern Ontario as their hunting grounds. The Indians' petition, which claimed a large area totaling 10,719 square miles, would be of great concern to both the governments of Canada and Ontario.⁴ The timing of the Mississauga and Chippewa petition—two years after the passage of the British North American Act—revealed an anomaly in treaty making.⁵ The Government of Canada's concern was that since confederation the land had been illegitimately surveyed and sold to settlers without a treaty, as required by the *Royal Proclamation of 1763*. The Government of Canada was also concerned that they would be responsible for the annuities associated

with obtaining a treaty, while the province received all beneficial interests in the land.

Since 1867, the Government of Canada had no financial interest in ceded lands and was of the opinion that the responsibility fell to the Province of Ontario. Therefore, beginning in 1870, the Indian Department continually wrote to the Province of Ontario about the Mississauga and Chippewa land claim, requesting that the Province accept monetary responsibility for the impending treaty. Ontario responded that they were unable to find any treaty in their files covering the area, while failing to address the questions of financial responsibility.⁶ Canada had planned to ask Ontario to create a capital account of \$126,000 with an estimated annual interest at 4%; this would generate \$5,000 to cover the costs of treaty annuities for the Mississauga and Chippewa. Other than report on finding no treaty covering the area, the Province did not respond to any further questions. Eventually, the Indian Department sent the local Superintendent of Indian Affairs, William Plummer, to the Province of Ontario Land Office to seek an answer concerning the claim. Plummer reported back to the Indian Department that Ontario declined Canada's offer to accept responsibility for annuities, their reasoning being that the lands had been left to them by the old Province of Canada. Accordingly, the Province of Ontario recommended, according to a memo from Plummer, that Canada obtain the resources to cover annuities from the old Province of Canada:⁷

I have the honor to say that I have personally brought the matter before some of the officials of the Crown Lands Department, and although they readily acknowledge that no Treaty can be found showing the surrender of these lands, yet they do not admit their responsibility. They state that these lands were handed over to them at the time of Confederation and if anything has to be paid to quiet the Indian title such payment must be made by the Dominion Government and not by the Crown Lands Department of the Province of Ontario.⁸

After twenty years of inquiry, Indian Superintendent William Plummer had made it known that the Province of Ontario assumed that Canada was also responsible for annuities. Along with the Provincial

understanding, two other issues would motivate the Indian Department to be more proactive in obtaining a treaty for the land and clarifying who was responsible for annuities. First, Indian agents were enquiring constantly about the progress of the claim, since they were being questioned regularly by the Mississauga and Chippewa for the past two decades. Second, the Dominion of Canada wished to settle the matter, and to do this a surrender of the land was needed to comply with the Royal Proclamation of 1763.⁹

Therefore, by May 1889, John A. Macdonald, Prime Minister of Canada and Superintendent General of the Indian Department, sent instructions to the Deputy Minister of Justice, R. Sedgewick, to appoint someone to represent the Mississauga and Chippewa at a Board of Arbitration.¹⁰ A Board of Arbitration was being formed between Ontario, Quebec, and Canada to settle the constitutional debates between them.¹¹ Mr. Macdonald's announcement was a political gesture that had two effects. First, proposing to send the claim to the Board of Arbitration was a way to provide both the Indian agents and the Mississauga and Chippewa with some kind of reply. Second, for the Government of Canada, which held the legislative power to enter into treaties with Indians, this meant that they were responsible for treaty annuities. By appealing to the Board of Arbitration in this situation, it was hoped that the Board would decide that the benefactors of the surrender (Ontario) should be responsible for annuities.

If the Board of Arbitration ruled that the Province of Ontario was responsible for the annuities, the Indian Department would go ahead with treaty negotiations. However, if the Board did not give a favourable judgment, the Indian Department would remain in the same position, as the branch of government with constitutional responsibility for obtaining a treaty and paying the associated annuities. As a result, this political gesture of submitting the claim to the Board of Arbitration had no real drawbacks.

However, this constitutional debate was not limited to the Mississauga and Chippewa claim. Around the same time, for example, the Province of Ontario and Canada were disputing who owned the lands surrendered in 1873 in Treaty 3. The dispute involved the St. Catherines Milling Company, an Ottawa-based lumber firm that had been issued a license by

the Dominion government to a tract of pine forest in the Wabigoon Lake district near Dryden—a license the Province of Ontario was contesting. The dispute between the two sides eventually came before the courts. *Attorney General of Ontario v. St. Catherines Milling Company* went to the highest court in the British Empire, the Judicial Committee of the Privy Council. At trial, the Province of Ontario claimed that Indians held no title on their lands and that surrendered lands had passed to Ontario at Confederation.¹² In 1888, the Judicial Committee of the Privy Council ruled mostly in favour of Ontario's position. The Privy Council decided that Indians held a title interest in land, however, Indian title was described as a burden; and that all lands once surrendered were handed over to the Province of Ontario:¹³

Had its Indian inhabitants been the owners in fee simple of the territory which they surrendered by the treaty of 1873, Attorney-General of Ontario v. Mercer (1) 8 App. Cas. 767. might have been an authority for holding that the Province of Ontario could derive no benefit from the cession, in respect that the land was not vested in the Crown at the time of the union. But that was not the character of the Indian interest. *The Crown has all along had a present proprietary estate in the land, upon which the Indian title was a mere burden.* The ceded territory was at the time of the union, land vested in the Crown, subject to "an interest other than that of the Province in the same," within the meaning of sect. 109; and must now belong to Ontario in terms of that clause, unless its rights have been taken away by some provision of the Act of 1867 other than those already noticed.¹⁴ [emphasis added]

Who was responsible to provide monetary compensation for land not yet surrendered by treaty was the main debate arising out of the Mississauga and Chippewa claim. In the *St. Catherines Milling Co.* case, the Privy Council was being asked who owned lands surrendered by treaty—the Province or Canada. In ruling that the Province owned all land once surrendered, the Judicial Committee of the Privy Council created a treaty anomaly whereby Canada had to seek an agreement with the Province to borrow lands to create a reserve, as part of the treaty

mandatory process. As to the question of who was responsible for annuities, the Privy Council made a passing observation that the Government of Canada should not be burdened with the cost of Indian management and annuities:

The fact, that it still possesses exclusive power to regulate the Indians' privilege of hunting and fishing, cannot confer upon the Dominion power to dispose, by issuing permits or otherwise, of that beneficial interest in the timber which has now passed to Ontario. *Seeing that the benefit of the surrender accrues to her, Ontario must, of course, relieve the Crown, and the Dominion, of all obligations involving the payment of money which were undertaken by Her Majesty, and which are said to have been in part fulfilled by the Dominion Government.* There may be other questions behind, with respect to the right to determine to what extent, and at what periods, the disputed territory, over which the Indians still exercise their avocations of hunting and fishing, is to be taken up for settlement or other purposes, but none of these questions are raised for decision in the present suit.¹⁵ [emphasis added]

The court, however, had not been asked who was responsible for annuity obligations arising from the surrendered lands; therefore, it had no authority to make recommendations on who was responsible for the annuities.¹⁶

In practical terms, this decision separated the power to enter into treaties and the power to fulfill the terms of treaties. The Government of Canada had the authority to create a reserve, but it couldn't use provincial Crown lands for that purpose without the cooperation of the province.¹⁷ The ruling meant, not only did Canada want the Province to be responsible for annuities, it was necessary for the Dominion to borrow provincial lands to create a reserve in the event of a treaty.

In light of the *St. Catherines Milling Co.* decision and with continued pressure from the Mississauga and Chippewa, the Indian Department sent instructions to the Deputy Minister of Justice, R. Sedgewick, on 22 May 1889, instructing him to appoint someone to represent the Mississauga and Chippewa at the Board of Arbitration.¹⁸ These instructions outlined certain concerns of the Mississauga and Chippewa

claim. First, the Robinson-Huron Treaty of 1850 contained a portion of the land that rightfully belonged to the Mississauga and Chippewa. Second, the Dominion of Canada had wished to settle the matter by obtaining a surrender of the land, to be in good standing with the Royal Proclamation of 1763.¹⁹

Province of Ontario Position

The Dominion Justice Department had been entrusted to handle the matter on behalf of the Indian Department at the Board of Arbitration.²⁰ With respect to disputes that involved Indians, the newly formed Board had a very narrow scope. Claims relating to Indians at the Board of Arbitration came under clause 2(D), and authorized the Board to adjudicate disputes related to land surrenders that had occurred prior to Confederation and had not received treaty annuity payments from the federal government:

“The claims made by the Dominion Government on behalf of Indians, and payments made by the government to Indians, to form part of the reference.” *Under this head, all claims which the Indians have had relating to money demands under surrenders arising out of the treaties made before Confederation, and sums of money which the Dominion has paid in respect of some of these treaties, on behalf of the Indians, have been treated as coming within that sub-clause.*²¹ [emphasis added]

The Mississauga and Chippewa claim, which would be sent to the Board of Arbitration, was of significant interest to the Province of Ontario. Before Canada had time to submit a statement of its claim on behalf of the Mississauga and Chippewa, Ontario attempted to have the claim discarded. On 4 February 1893, the Province of Ontario submitted a memo, titled “This Memo to Consider Whether There Is Any Ground for Believing That the Claimants Owned the Territory In Question,” urging the Board to reject the Mississauga and Chippewa claim outright. The arguments therein demonstrate that the Province of Ontario’s intention was to dismiss rather than dispute the claim.²²

The Province first argued that the Mississauga and Chippewa did not have any other lands except those described in the treaties of 5 November

1818 and 28 November 1822, and that these treaties did not indicate they held any claim to any other lands. The memo's initial arguments were not considered a valid excuse for rejecting the claim. First, the argument was premised on the idea that the purpose of treaties was to determine which lands the band's, or bands', traditional territory encompassed. This defense was self-defeating, in that the treaties were not undertaken for this purpose, but rather to seek a surrender of a portion of a band's traditional territory. Second, the acknowledgment that at least these two treaties (5 November 1818 and 28 November 1822) were made with the Mississauga and Chippewa illustrates the contradiction in the Province's argument. If the Mississauga were surrendering only the land they had claim to, there would have been no need for the second treaty covering a different portion of land—or for the dozen-or-so separate treaties made with the Mississauga and Chippewa between 1764 and 1891.²³

Next, Ontario argued that demographics ultimately demonstrated that the Mississauga and Chippewa had no claim to the land. The Province determined that, "the population seems to be small—and it requires explanation to establish that they had rights further north."²⁴ The situation became more desperate as the Province proposed that the Mississauga and Chippewa "were not aboriginal inhabitants of the Upper Canada—they were immigrants, and possessed no rights to the lands therein...."²⁵ These arguments likewise failed to convince the Board of Arbitration to reject the Mississauga and Chippewa claim to 10,719 square miles of land north of the forty-fifth parallel; the claim went ahead for consideration.

Government of Canada's Position

On 6 May 1895, W.D. Hogg, counsel for Canada, submitted a "Statement of Case of the Dominion" regarding the unsurrendered land claimed by the Mississauga and Chippewa.²⁶ Two points are noteworthy about this document. First, the Arbitration Board had not been asked to determine if the Mississauga and Chippewa had a valid claim. Second, the Board was tasked only with determining who held the responsibility for the annuities.

The Dominion of Canada's statements illustrated that the Mississauga and Chippewa had a valid claim to lands above the forty-fifth parallel. The Province of Ontario had acknowledged that no treaty covered the lands,

yet it refused to be financially responsible. Hogg's report concluded that since Confederation, the Province of Ontario had surveyed and allotted the land to settlers, as well as issued timber licenses. Since the unsubmitted lands became the possession of Ontario under section 109 of the BNA, Canada requested that, "a lump sum should be provided by Ontario and paid to the Dominion from which the Indians might receive ... annuities in the future."²⁷

The Government of Canada in all probability was optimistic that the Board would make the benefactor of the surrender (Ontario) responsible for the impending annuities.²⁸ If the Board of Arbitration ruled that responsibility for the annuities fell to the Province of Ontario, the Indian Department would be off the hook. If the Board, however, did not give a favourable judgment, the Indian Department would be responsible for paying the associated annuities. Thus, as noted earlier, the political gamble of submitting the claim to the Board of Arbitration had no real drawbacks. Nevertheless, the Indian Department's lawyers knew, or ought to have known, that the joint Mississauga and Chippewa claim was beyond the mandate of the Board.

Board of Arbitration Interim Decision

On 7 February 1896, the Justice Department reported the Board of Arbitration's interim decision to the Indian Department. Again, the decision outlined that the Board had the authority to review, "all claims which the Indians have had relating to money demands under surrenders arising out of the treaties made before Confederation."²⁹ The Board reported that, "we did not think it was a case that could be properly brought before the arbitrators for their consideration."³⁰ As the claim by the Mississauga and Chippewa was for land not covered by a treaty and submitted post-Confederation, on both accounts the claim was unmistakably outside of the Board's jurisdiction. Therefore, the Justice Department advised that the Mississauga and Chippewa claim could not be properly be brought before the committee.

As the Government of Canada had constitutional responsibility for acquiring treaties from "Indians," the Board's recommendation was the Indian Department should seek an agreement with the Province of Ontario to get a treaty. It stated:

this claim to your department, saying that we did not think it was a case that could be properly brought before the arbitrators for their consideration. It appears to be rather in the nature of a case for negotiation between the governments of the Dominion and of Ontario. All the land, as we said before, is embraced within that province and not having been surrendered may now be the subject of agreement to treaty between the two governments; in other words, according to the Indians contention this land is open for treaty and surrender.³¹

This quote is also the first known report from the Board to the Indian Department indicating the nature of the claim.

The Indian Department then did something that no one could have anticipated. On 2 September 1897, the Department wrote to the Board of Arbitration requesting that the Mississauga and Chippewa files be returned so that the Minister of the Indian Department could review the claim.³² Within ten days, the files were returned to the Indian Department, together with an attached memo by Joseph Howe, counsel to the Board of Arbitration, to guide the Department. Howe was likely suspicious of the Department's intentions in requesting that the files be returned. In his letter, he explained that the Mississauga and Chippewa case was outside the Board of Arbitration's mandate, and that "it was a case that could be properly brought before the arbitrators for their consideration."³³ Howe summarized the Board's position on the matter, "according to the Indians contention, this land is open for treaty and surrender, and until some action of that kind is taken (with reference to it), it does not seem to be a case which the arbitration are called upon (by the reference) to consider."³⁴ Howe remarked further that the claim "appears to be rather in the nature of a case for negotiation between the governments of the Dominion and of Ontario."³⁵

Indian Department Internal Investigation

Three events at the Indian Department changed the direction of the Mississauga and Chippewa land claim. First, lawyer Reginald Rimmer was hired as a law clerk in the Department.³⁶ Second, an internal review process was created to inquire into the matters in dispute between the Dominion and Ontario.³⁷ Third, the Indian Department appointed J. A.

J. McKenna³⁸ and the Department's law clerk—Rimmer—to the internal investigation.”³⁹ Rimmer was a lawyer and McKenna had studied law, and his expertise in legal matters was probably decisive in his being chosen for key assignments within the Indian Department.

Rimmer and McKenna reviewed approximately twenty different petitions that were before the Board of Arbitration. The Mississauga and Chippewa hunting-lands claim to 10,719 square miles was the fifth case the pair considered. In their review, Rimmer and McKenna began by accurately reporting that the Mississauga and Chippewa claimed that their hunting grounds had been occupied by settlers and were seeking compensation for loss of use, observing that:

This is a claim to compensation for land used for settlement, and *alleged* to have been hunting-grounds of the said Indians, and not have been included in any surrender by them.⁴⁰ [emphasis added]

Characterization of the claim to these hunting grounds as “alleged” suggests that Board of Arbitration counsel Howe was probably correct to be suspicious of the Indian Department’s agenda. High on Rimmer and McKenna’s priority list was putting distance between Canada’s “Statement of Case of the Dominion,” filed 6 May 1895, the Board’s interim decision, and Howe’s memo. Rimmer decided to employ a play-on-words to re-characterize the land claim as invalid. This he accomplished by repurposing the phrase “Counsel advised that the claim was not a proper one within the jurisdiction of the Arbitrators. No further steps have been taken.” Rimmer and McKenna reported that the Counsel for the Board of Arbitrators had advised, “The claim was not a proper one,” and then quickly added that, “we agree with his decision and therefore the case should be withdrawn.”⁴¹ Rimmer and McKenna’s inference that the Board of Arbitration had determined the claim to be invalid—and that they were simply in agreement with this decision—is fiction.⁴² The internal review committee was confidential and not subject to review by the Justice Department or the Board of Arbitration; therefore, Rimmer and McKenna were able to present themselves as the ultimate authority, a status they bestowed upon themselves merely by virtue of reporting directly to the Minister of Indian Affairs, Clifford Sifton.⁴³

The Board's interim decision, however, was not about the validity of the claim. In fact, the Board reported that Canada had confirmed the Mississauga and Chippewa land claim, not covered by a formal treaty, as valid. In advancing this misinterpretation, Rimmer and McKenna understood very well that the Board of Arbitration held no authority or mandate to determine a claim's validity. This manipulation, carried out by Indian Affairs officials—seasoned bureaucrats, with training in law—is a transgression beyond any measurable scale of justice, the honour of the Crown, and the rule of law.

The depth of Rimmer and McKenna's deceit becomes apparent inasmuch as their arguments for Case No. 5: "Claims on Behalf of the Mississauga of Rice, Mud, Alnwick and Scugog and the Chippewa of Lakes Simcoe and Huron to compensation for unsurrendered lands" appear to affirm Ontario's position of ten years earlier, in 1893, when the province sought to dismiss rather than dispute the claim.⁴⁴ It would appear that the Indian Department's philosophy of dismissing the Mississauga and Chippewa claim had become dissimilar to that of the Province of Ontario in February 1893. For example, like Ontario, Canada now concluded that the Mississauga and Chippewa could not have owned the land, as they "inhabited and claimed" other lands now surrendered.⁴⁵ The only argument not previously used by the Province was that the land belonged to another group. Rimmer and McKenna concluded that a portion of the lands in question, surrendered by the 1850 Robinson-Huron Treaty, was the hunting territory of the Lake Huron Chippewa and the Algonkians.⁴⁶ The assertion that the land belonged to another group was based on an inference contained in just one letter written twenty years earlier, and which was not substantive.⁴⁷

The matter of the Mississauga and Chippewa land claim was then closed for discussion by Canada and Ontario, to each other's satisfaction. Yet the fact remained: the claim would be submitted by the Board of Arbitration to get the Province of Ontario to accept financial responsibility for the annuities of the impending treaty. The Indian Department's appointment of Reginald Rimmer and J. A. J. McKenna to investigate the decision of the Board of Arbitration internally was an overtly manipulative transgression by a legislative executor and fiduciary. The conclusions of Rimmer and McKenna in relation to the

Mississauga and Chippewa land claim seem to have been predetermined and outright erroneous.⁴⁸

Summary

Between 1890 and 1891, Ontario, Quebec, and Canada passed parallel legislation to establish a three-member Board to settle disputes amongst themselves concerning public accounts, including a number of matters dealing with Indians and Indian lands.⁴⁹ The Board was authorized to review treaty annuities that had not been paid for pre-Confederation treaties. The Indian Department sent the Board the claim of the Mississauga and Chippewa regarding land not covered by a treaty; British subjects were using the land in question without compensation being paid to the Mississauga and Chippewa. The Board eventually ruled that the claim of the Mississauga and Chippewa was not within the jurisdiction of its mandate, the latter being limited to treaty annuities that had not been paid for pre-Confederation treaties.

The land claim of the Mississauga and Chippewa was submitted to the Board of Arbitration to determine who held monetary responsibility for annuities in the event of a treaty. Responsibility was outlined in the 1867 BNA, section 91(24), which indicated that Indians were a federal responsibility, and in section 109, which indicated that all lands surrendered via treaty were given to the province. The Indian Department was reluctant to make a treaty and thus be responsible for annuities and other expenses when the financial interest in the land was handed over to the Province. When Ontario was asked to accept monetary responsibility for the impending treaty, the Province declined, citing section 109 of the BNA, which gave them all land in the province.

The Indian Department had nothing to lose when it petitioned the Board of Arbitration to consider who was responsible to pay the annuities for the impending treaty.⁵⁰ The Board's interim report stated the claim was not within its mandate. Upon receiving the interim report, the Indian Department asked that the file be returned. The Department then made three decisions that would change the direction of the Mississauga and Chippewa land claim. First, the Department hired lawyer Reginald Rimmer as a law clerk. Second, the Department created an internal review of the cases before the Board of Arbitration. Third, the Department

then appointed Rimmer and McKenna, the Department Secretary, to carry out this investigation.⁵¹ This proved to be a calculated, deceitful tactic by the Indian Department to investigate a claim it had acknowledged as valid for the previous twenty-five years.

After reviewing the Mississauga and Chippewa claim, Rimmer and McKenna concluded that the claim “could not be successfully pressed.”⁵² The manipulated evidence they presented included an inference that the Board of Arbitration had already concluded the claim to be invalid.⁵³ With this decision, Canada, which held the constitutional responsibility for “Indians and Indian lands,” was guilty of intentionally misrepresenting the Mississauga and Chippewa, knowingly allowing the claim, previously acknowledged as valid, to be dismissed and deemed invalid.

One might conclude that the Province of Ontario and the Government of Canada had colluded to ensure such an outcome, as it suited them both. Rimmer, as Indian Affairs legal counsel, and McKenna reported directly to the Minister of Indian Affairs, and used Ontario’s arguments to justify dismissal of the claim. The outcome was that Ontario and Canada both argued they had no monetary responsibility for annuities. Characterization of the claim as not worth pursuing was comparable to the Province of Ontario’s earlier position to dismiss the claim. But the Indian Department’s internal review of claims before the Board of Arbitration only succeeded in delaying the Mississauga and Chippewa land claim. Despite the internal investigation’s conclusion, the Indians continued to pursue their claim for compensation for the loss of their hunting grounds.⁵⁴

This article has explored the events around the Mississauga and Chippewa land claim of 1890–1900. During that time, the claim was submitted to a Board of Arbitration to determine if the Province of Ontario was responsible for treaty annuities for an impending treaty with the Mississauga and Chippewa. The Mississauga and Chippewa rightfully claimed a portion of Ontario not covered by a treaty, which in turn ignited a constitutional dispute between Government of Canada and the Province of Ontario. The *Constitution Act*, which formed Canada in 1867, gave responsibility for Indians to Canada and for lands surrendered by treaty to the provinces. Canada wanted the Province of Ontario to be responsible for the annuities for the impending treaty, but Ontario

refused to respond to the request. Therefore, the Government of Canada sent the claim to the Board of Arbitration. Unhappy with the Board's decision, the Indian Department decided to hold a confidential internal investigation, which ruled that neither the Government of Canada nor the Province of Ontario were responsible for treaty annuities.

Nonetheless, this move by Ontario and Canada to dismiss the claim, though a fantasy, lasted another twenty-five years. The power of these governments to dominate and legislate over the Mississauga and Chippewa would hold the latter back for the next fifty years. The claim would be dealt with in 1923, with many issues in debate. By 1927, Canada would pass legislation that Indians could not hire lawyers to pursue claims against the Crown.

In the spring of 1923, the Province of Ontario finally agreed to accept responsibility for the annuities and to provide reserve lands for the impending treaty. By the fall of 1923, two separate treaties—one with the Mississauga of Rice Lake, Scugog Lake, Hiawatha, and Alderville, and the other with the Chippewa of Rama, Georgina Island, and Christian Island (Beausoleil) covering the same lands—would rectify this situation. The 1923 treaties would become known as the "Williams Treaties," after Angus Williams, the Treaty chairman, who was also a lawyer in the Indian Department.

The dismissal of the Mississauga and Chippewa claim, as alleged, is one of the bumps in the road I encountered whilst researching the larger history of the 1923 Williams Treaties. These events between 1890 and 1900 were a fascinating story, which I thought would capture readers' interest and attention. Further, it is a testament to the general history of the Mississauga and Chippewa, and to the tenacity with which they pursued their claim. Their tenacity and efforts for justice resulted in officials in the Indian Department setting aside the rule of law to make the issues go away. The resulting decision that neither the Government of Canada nor the Province of Ontario were responsible for annuities, it is suggested, was the result of a conspiratorial or collusive endeavour. The 1923 surrender raises many concerns about the conduct of Ontario and Canada, and their manipulation of justice, law, and fairness in the face of the Board of Arbitration's decision in relation to the Mississauga and Chippewa land claim.⁵⁵

Epilogue

The 1923 Williams Treaties claim was accepted for specific claims negotiation by letters dated 18 April 1994 from John Sinclair, Assistant Deputy Minister, Claims and Indian Government, Department of Indian Affairs and Northern Development, to Chief Jeffrey Monague, Chippewa of Beausoleil First Nation; Chief William McCue, Chippewa of Georgina Island First Nation; and Chief Norman Stinson, Chippewa of Rama First Nation. The “negotiations” in this specific claim were overshadowed by the George Henry Howard case at the Supreme Court of Canada.

Litigation was filed by the seven First Nations in 1992 and went to trial in 2012. In *Alderville Indian Band et al v. Her Majesty the Queen et al, Canada and Ontario*, the First Nations claimed equity and remained in court until 2017, making it the third-longest trial in Canada to date. At the time of completion of this article, the case went into negotiations, with a September 2018 date by which to reach a decision, failing which the parties will make closing arguments and the judge will deliver a written decision.

Appendix

The statement is shown below in full:

Filed by W. D. Hogg Counsel for Dominion

the case of the Dominion on behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississagua Indians of Mud Lake, Rice Lake, Alnwick and Scugog in their arbitration against the Province of Ontario

1.

The above-named Indians have for many years claimed and do now claim that a certain large tract of land, which is hereinafter set out and referred to, formed the hunting-grounds [*sic*] and abode of their ancestors; and that the title of the said Indians to these lands has never been surrendered to the Crown.

2.

The lands, with respect to which the Indians allege that their title has not been extinguished by treaty or surrender to the Crown, comprise all that tract of land in the Province of Ontario containing approximately ten thousand seven hundred and nineteen square miles, bounded on the north by the Ottawa River, on the east by the surrender of the 8th November, 1822, on the south by the said surrender, by the surrender of the 5th November 1818, and 18th November, 1815 and by Lakes Simcoe and Couchiching [*sic*], and on the west by the Georgian Bay and the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, and which lands may be more particularly described as follows: —COMMENCING on the Georgian Bay at the northeastern angle of the surrender of the 18th November, 1815, thence southerly and easterly following the boundaries of the said surrender to the westerly shore of Lake Simcoe; thence northerly following the said westerly shore of Lake Simcoe and the westerly shore of Lake Couchiching to the foot of the said Lake Couchiching; thence northerly and easterly along the boundaries of the surrender of the 5th November, 1818 to the northeastern angle of the said

surrender; thence easterly and northerly along the boundaries of the surrender of the 8th November, 1822 to the Ottawa River; thence up the said Ottawa River to the point where it crosses the 47th parallel of latitude; thence southerly and easterly along the boundaries of the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, to Moose Deer Point on the Georgian [illegible from photocopy] southerly following the easterly shore of the Georgian Bay to the point of COMMENCEMENT, excepting thereout and therefrom certain Islands at the foot of Lake Couhiching and in the head waters of the Severn River, that are claimed by the Indians as their property.

3.

Prior to Confederation the said lands were dealt with by the Province of Canada and portions thereof were sold and disposed of as crown lands, but no portion of the proceeds of the said sales was paid to the Indians or any compensation made to them by the said Province of Canada.

4.

The Indians above named assert that although the said land now forms part of the Province of Ontario and has been surveyed and used by that Province, and has been laid out into townships, and portions of it have from time to time been sold and conveyed, and the full benefit and advantage of the said land has been enjoyed by the said Province of Ontario, in the same manner as if the title of the said Indian had been surrendered and extinguished; yet the said tribes, and bands of Indians have never been in any way compensated for or in respect to their title and interest in the said lands.

5.

The claim of the Indians for compensation has, on many occasions, been brought by the Dominion to the notice of Ontario, and although that Province has acknowledged that no surrender or extinguishment of the Indian title to the said lands has ever taken place, yet Ontario has refused and declined to

acknowledge the claim of the said Indians to be compensated, the allegation of that Province being that the Dominion and not Ontario must compensate the Indians, for their right title and interest in the said lands.

6.

The Dominion on behalf of the said Indians, claims that the said lands came into the hands and possession of Ontario under section 109 of the British North American Act, 1867, subject to the Indian title thereto, which was and is an interest in the lands "other than that of the Province in the same," and that the said title and interest of the Indians are still outstanding and unsurrendered.

7.

The Indians have, on many occasions since the date of the Union, signified their willingness to the Dominion to cede and surrender their claims in and upon the said lands upon receiving proper compensation therefore, and the Dominion has brought the question of this desire on the part of the Indians to the notice of Ontario, and has requested that some fair and equitable settlement of the claims of these Indians, should be made; but up to the present time, no step has been taken by Ontario towards making such settlement.

8.

In the year 1884, the number of Indians forming the several bands interested in the said lands, and who would be entitled to share in any compensation which may be granted was 1227, made up as follows:

Chippewa of	Beausoleil	318
	Snake Island	137
	Rama	248
Mississagwas of Mud Lake		158
	Rice Lake	94
	Alnwick	281
	Scugog	<u>41</u>
		1227

and at the present time the numbers are about the same. The Dominion therefore submits that in view of the valuable character of the said land, being to a large extent situated in, or close to the centres of population, the Indians should receive from and be paid by the Province of Canada and the Province of Ontario a liberal allowance and indemnity, for their interest and title in the said lands, for the respective periods during which the said lands were comprised in either of the said Provinces; and that Ontario should hereafter provide an annuity for the said Indians, or that a lump sum should be provided by Ontario and paid to the Dominion from which the Indians might receive and be paid annuities in the future.

The Dominion, on behalf of the said Indians, submits the said claim to the consideration of the arbitrators, and prays for an award which will answer, and provide for, the just claims and demands of the Indians entitled in the premises.⁵⁶

Appendix B

Comparison of the Province of Ontario and Government of Canada argument against the land claims of the Mississauga and Chippewa	
Memo to consider whether there is any ground for believing the claimants owned the territory in question, 4 February 1893.	Joint Report by McKenna and Rimmer, 20 March 1899.
<p>The treaty of 5 Nov 1818 with Chippewa and Mississaguas does not shew that the grantees had any Land except that which they surrendered & described [illegible] 740 @ 10—[illegible] 796 Indians.</p> <p>The treaty of 28 Nov 1822 with Mississaguas was with 257 person—(Indians) who became annuitants and it does not shew that they claimed any other Lands than those they surrendered as described [illegible].</p> <p>The population seems to be small—and it requires explanation to establish that they had rights further north—</p> <p>1. As above the Chippewa—should be taken to have surrendered all they had — (in absence of better information)</p> <p>2. As above the Mississauga—same remark—</p> <p>3. Then as to Chippewa of Lake Huron—there is the first Treaty B which we have—17 Nov 1815—and in the Text thereof it is stated that the North Eastern part of B borders on a previous purchase "said to have been made in 1785."</p> <p>This indefinite information suggests the idea that the Title had been acquired from these Chippewa between that Boundary and Lake Simcoe & Muskoka—in other words room to contend that the [sic] had sold their lands.</p> <p>4. That this territory is also covered [illegible] the Robinson Huron Treaty it has been contended that the Robinson Huron Treaty should have stopped at Moose Deer point and not gone as far as Penetanguishene as it affected Land of this other Band of Chippewa of Lakes Huron & Simcoe—</p> <p>if so—if the Robinson Treaty did not extend below Moose Deer point then there is room for suggestion that the purchase said to have been made 1785 covered the claim between L. Huron and Lakes Simcoe & Muskoka</p>	<p>That by surrender of 5th November, 1818, No. 20. And 28th November, 1822, No. 27, the above Chippewa and Mississauga respectively surrendered to the Crown lands South of the 45th parallel inhabited and claimed by them comprising in the whole 4,699,000 acres [original italics].</p> <p>That the Chippewa of Lake Huron who made the Robinson-Huron Treaty of 9th September 1850 (No. 61) were entitled to surrender the land on the north and east shores of Lake Huron as far south as Moose Deer Point (near 45th parallel) and inland to the height of land, which territory is included in the Treaty.</p> <p>That as to the Chippewa of Surrender No. 20 it has for 22 years been ceded by the Department that they were not entitled to claim rights north of Moose Deer Point.</p> <p>That in as much as we can discover no evidence that the Chippewa and Mississauga who made surrender Nos. 20 and 27 respectively had any use of the land north of the one and north and west of the other prior to the surrenders the words "inhabiting and claiming" used in the surrenders may, when the surrenders are read with the treaty, be fairly taken as implying that the parties to the surrenders by them relinquished the whole territory they inhabited and claimed.</p>

Endnotes

- 1 The term “Board of Arbitration” will be used interchangeably with the term “Board” throughout this paper.
- 2 *British North America Act, 1867*, 30–31 Vict., c. 3 (U.K.) 91. (24). “Indians, and Lands reserved for the Indians.”
- 3 The British North America Act, 1867. An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith, 29th March, 1867: “109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.”
- 4 Sam Bray to Deputy Minister of Indian Affairs, 21 October 1884, Library and Archives Canada (hereafter LAC), RG 10, vol. 2329, file, 67,071, reel 11,202. The Deputy Minister requested a report on the size of the land claimed by the Mississauga and Chippewa. In 1884, Sam Bray, surveyor for the Indian Department, reported that, “the area you required of the designed Tract of Land is approximately 10,719 Square Miles.”
- 5 Joseph Wetongue, Thomas Jacobs, Isaac Jacobs, John [Tauchy], Henry Crow, John Rice, and Henry Howard to William Sprague, 22 December 1869, RG 10, vol. 2328, no. 67071-1A. See map above.
- 6 See ch. 2 in Dan Shaule, “The Disputed Boundaries of the 1923 Williams Treaties” (master’s thesis, Trent University, 2003), for examples of the Government of Canada approaching the Province of Ontario.
- 7 Plummer to Vankoughnet, 1 March 1881, LAC, RG 10, vol. 2328, no. 6707-1. The full text:

I have the honor to say that I have personally brought the matter before some of the officials of the Crown Lands Department, and although they readily acknowledge that no Treaty can be found showing the surrender of these lands, yet they do not admit their responsibility. They state that these lands were handed over to them at the time of Confederation and if anything has to be paid to quiet the Indian title such payment must be made by the Dominion Government and not by the Crown Lands Department of the Province of Ontario.

This of course is not official, but I believe it to be the view generally entertained by the Crown Land’s Authorities.

I may state that the Indians interested in this matter have recently held councils on the subject and they request me to urge the Department to have it settled. They say this correspondence has been going on for many years and that a generation of their people has passed away without deriving any benefit from property to which they are justly entitled.

- 8 Ibid.

- 9 The Dominion of Canada had searched its files and determined that the land claim by Mississauga and Chippewa had never been surrendered. The Province of Ontario also searched its files and found no surrender or treaty covering the land claimed by the Mississauga and Chippewa.
- 10 Department of Indian Affairs to Deputy Minister of Justice, Robert Sedgewick, 22 May 1889, LAC, RG 10, vol. 2328, PAC. Macdonald had told the House of Commons at year earlier, he was sending the claim the Board, see Debates in the House of Commons, Sessional Papers, May 19, 1888, p. 1606, 1607.
- 11 Richard Daniels, *A History of Native Claims Processes in Canada 1867–1979* (Ottawa: Department of Indian and Northern Affairs, Research Branch, February 1980), 56. “In 1890 and 1891, Ontario, Quebec and Canada passed parallel legislation to establish a three-member Board to settle certain disputes amongst themselves concerning public accounts, including a number of matters dealing with Indians and Indian lands.”
- 12 See *St. Catherines Milling And Lumber Company v. The Queen* (1888), 13 S.C.R. 577 (also reported: 4 Cart. B.N.A. 127).
- 13 To read more on the St. Catherines Milling and Lumber Co., see: Sidney Harring, *White Man’s Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1998), 125–47; and Leonard Ian Rotman, *Parallel Paths, Fiduciary Doctrine and the Crown-Native Relationship in Canada* (Toronto: University of Toronto Press, 1996), 223–43. The *St. Catherine Milling Co.* decision in the Privy Council is noteworthy for its characterization of Indian title as a burden: “the Crown [that is, the Provincial Crown] has all along had a present proprietary estate in the land, upon which the Indian title was a mere burden.”
- 14 *St. Catherines Milling and Lumber Company v. The Queen*. (1888).
- 15 Ibid.
- 16 Ibid.
- 17 Rotman, 224.
- 18 Indian Department official to Deputy Minister of Justice Sedgewick, 22 May 1889, LAC, RG 10, vol. 2328, file 67,071, pt. 1, reel c-11,202. Macdonald also mentioned the Board in the House of Commons debates. House of Commons, Sessional Papers, 19 May 1888, 1610–11:

I forward herewith file No. 67071 of this Dept. relative to a claim of the Mississauga Indians of Alnwick, Rice, Mud and Scugog Lakes as well as of the Chippewa of Lake Simcoe in the Province of Ontario to compensation for a large tract of land which was dealt with as forming part of the public domain in part by the old Province of Canada up to Confederation and the same has since then been administered by the Province of Ontario as if the Indian title therein had been extinguished, whereas *it is claimed on behalf of the Indians above mentioned that no surrender thereof was ever made by them....*

...A portion of the tract, viz, the south Eastern portion part of it from Moose Deer Point was erroneously included in the Robinson Huron

Treaty of Sept 9th 1850 negotiated by the late Hon. Wm. Robinson with the Ojibway Indians of Lake Huron: but these Indians themselves have acknowledged that they had no right to and part of the land which is claimed by the Mississauga and Chippewa Indians mentioned above.

The Dept. has also communicated on the subject from time to time, as will be observed on the file, *with the Depart. of Crown Lands of Ontario, and that Dept., while admitting that there is no record of any surrender having been made of the land claimed by the Mississauga and Chippewa* excepting the portion thereof which was erroneously included in the Robinson Huron Treaty above referred to, has not suggested any mode of settlement of the claim. The attention of the Govt. of Ontario was also called officially to the matter, but without any result.... [emphasis added]

- 19 The Dominion of Canada had searched its files and determined the land claimed by the Mississauga and Chippewa had never been surrendered. The Province of Ontario had also searched its files and found no surrender or treaty covering the land claimed.
- 20 Indian Department official to Deputy Minister of Justice Sedgewick, 22 May 1889, LAC, RG 10, vol. 2328, file 67,071, pt. 1, reel c-11,202.
- 21 W. D. Hogg, counsel to E. L. Newcombe, Deputy Minister of Justice, 13 September 1897, LAC, RG 10, vol. 2329, file 67,071.
- 22 "This Memo to Consider Whether There Is Any Ground for Believing That the Claimants Owned the Territory in Question," 4 February 1893. A copy can be found in Robert J. Surtees, "Williams Treaties Historical Report," Department of Indian and Northern Affairs, Specific Claims Branch, August 1990 (cited as Documents 103, Band Document 66):

The treaty of 5 Nov 1818 with Chippewa and Mississaguas does not shew that the grantees had any Land except that which they surrendered & described [illegible] 740 @10 – [illegible] 796 Indians.

The treaty of 28 Nov 1822 with Mississaguas was with 257 person—(Indians) who became annuitants and it does not shew that they claimed any other Lands than those they surrendered as described [illegible].

The population seems to be small—and it requires explanation to establish that they had rights further north—

1. As above the Chippewa—should be taken to have surrendered all they had—(in absence of better information)
2. As above the Mississauga—same remark—
3. Then as to Chippewa of Lake Huron—there is the first Treaty B which we have—17 Nov 1815—and in the Text thereof it is stated that the North Eastern part of B borders on a previous purchase "said to have been made in 1785."

This indefinite information suggests the idea that the Title had been acquired from these Chippewa between that Boundary and Lake Simcoe

& Muskoka—in other words room to contend that the [sic] had sold their lands.

4. That this territory is also covered [illegible] the Robinson Huron Treaty it has been contended that the Robinson Huron Treaty should have stopped at Moose Deer point and not gone as far as Penetanguishene as it affected Land of this other Band of Chippewa of Lakes Huron & Simcoe—

if so—if the Robinson Treaty did not extend below Moose Deer point then there is room for suggestion that the purchase said to have been made 1785 covered the claim between L. Huron and Lakes Simcoe & Muskoka

23 See Canada, Indian Affairs, *Indian Treaties and Surrenders*, Volumes I–III (1891; reprinted Ottawa: Fifth House Printing, 1992).

24 "This Memo Is to Consider Whether...", 4 February 1893.

25 "A. E. I. Amendments, Additions by J. P. MacDonell," 9 February 1893, Archives of Ontario, Irving Papers, MU 1464, 26/30/87]

26 "In the Matter of the Arbitration between the Dominion, the Province of Canada, and the Province of Ontario and Quebec. Statement of Case of the Dominion On Behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississauga Indians of Mud Lake, Rice Lake, Alnwick and Scugog," 6 May 1895, LAC, reel C-11202.

27 Ibid.

28 As remarked earlier, the Indian Department had sought an initial amount of \$126,000 to create a capital account with interest at 4%, which would generate \$5,000 annually to cover the costs of treaty annuities for the Mississauga and Chippewa.

29 Hogg to Newcombe, 13 September 1897.

30 Ibid.

31 Ibid.

32 J. D. McLean, Secretary, to E. L. Newcombe, Deputy Minister of Justice, 2 September 1897, vol. 2,329, file 67,071, reel 11,202. "On the 22nd May 1889, a letter was addressed to your predecessor relative to the claim of the Mississauga Indian bands of Alnwick, Rice, Mud and Scugog Lakes, as well as the Chippewa of Lake Simcoe, Province of Ontario, to compensation for a large tract of land which was dealt with as forming part of the public domain of the Old Province of Canada and since that time, of the Province of Ontario, and File No 67 071 of this was Department, containing the Correspondence in regard thereto was enclosed. As the Minister is desirous of having this matter laid before him, I beg to ask that you will kindly have the File of papers above returned to the Department at your earliest convenience."

33 Hogg to Newcombe, 13 September 1897.

34 Ibid. Full text of Hogg's clarification:

The claims of these Indians different from any of the others excepting the Temiscamingues, upon which we reported some time ago. In this case the contention of the Indians is, that the land in question never was surrendered to the Crown, not being included in the Robinson Treaties. The land, as you will observe, in paragraph 2 of the statement of Claim, is a very large tract, amounting to about 10,719 square miles, in the Province of Ontario. On the 13th of February last, we reported briefly on this claim to you department, saying that we did not think it was a case that could be properly brought before the arbitrators for their consideration. It appears to be rather in the nature of a case for negotiation between the governments of the Dominion and of Ontario. All the land, as we said before, is embraced within that province and not having been surrendered may now be the subject of agreement to treaty between the two governments; in other words, according to the Indians contention this land is open for treaty and surrender, and until some action of that kind is taken with reference to it, it does not seem to be a case which the arbitration are called upon by the reference to consider.

At the time the statement of claim was prepared, we made an effort to bring the claim within the requirements of the reference and submitted that the Indians should be paid some reasonable allowance and indemnity for their interest and title in the lands, but further consideration has led us to the conclusion that it is a case which would be more properly construed by the governments above mentioned.

35 Ibid.

36 "Reginald Rimmer was born in Southport, Lancashire, England in 1865 to Edward Johnston Rimmer and Sarah Frances (Boothroyd) Rimmer. He practiced law in England for several years before moving in December 1892 to Regina, North-West Territories, where he entered a law practice with Nicholas Flood Davin. In 1896 Rimmer was appointed legal advisor to the Lieutenant Governor of the North-West Territories, an office he held until the formation of the first Executive Council. In 1898 Rimmer went to Ottawa, Ontario where he served as a law clerk for the federal Department of Indian Affairs under Clifford Sifton." See: <http://sain.scaa.sk.ca/collections/index.php/reginald-rimmer-fonds> (accessed 27 September 2011).

37 The report was submitted 10 June 1898. It is noteworthy that a note marked "confidential" in the files indicates that only fifty copies were requested, and all copies were to be delivered directly to the Minister of Indian Affairs. LAC, reel C-11236. Also see: *"Appointment of Reginald Rimmer and Resignation, June 27, 1898, as Chief Clerk in the Department Of Indian Affairs,"* LAC, microfilm reel C-11302, vol. 2947, file 199,630, 26 pp. Further research is required to determine if the Board had already made decisions on the files the internal review committee was to review.

38 "James Andrew Joseph McKenna attended St. Patrick's School and St. Dunstan's College, educational institutions for Catholics in his home town. He worked briefly for the Prince Edward Island Railway and tried his hand at journalism before moving to Ottawa, where he became a third-class clerk

in the Privy Council Office on 11 March 1886. His talent for hard work was noticed; on 23 May 1887 he was assigned to the Department of Indian Affairs, where he became private secretary to the superintendent general, Sir John A. Macdonald. Throughout the decade that followed, he continued to be employed in the department's inside service, that is, the headquarters staff. On 1 July 1888 he was promoted to second-class clerk. Meanwhile, he studied law, and his expertise in legal matters was probably decisive in his being chosen for a number of key assignments in the years ahead." *Canadian Bibliography Online*, 27 September 2011. http://biographi.ca/009004-119.01-e.php?id_nbr=7588

- 39 Richard Daniels, *A History of Native Claims Processes in Canada 1867–1979*, 56.
- 40 Joint Report by McKenna and Rimmer, "Claims on Behalf of the Mississauga of Rice, Mud, Alnwick and Scugog and the Chippewa of Lakes Simcoe and Huron to compensation for unsurrendered lands," 20 March 1899, INAC Rare Book Room.
- 41 *Ibid.* "By letter dated December 16th, 1897, (file 111834 1a) advised that the claim was not a proper one within the jurisdiction of the Arbitrators. No further steps have been taken. We agree with Counsel's opinion, and we recommend that the case be withdrawn."
- 42 *Ibid.*
- 43 See the National Archives of Canada report "*Headquarters—Confidential Report By Mr. McKenna And Mr. Rimmer Respecting A Dispute Between The Province Of Ontario And The Federal Government On Indian Matters*," reel C-11236.
- 44 "This Memo Is to Consider Whether...," 4 February 1893.
- 45 Joint Report by McKenna and Rimmer, 20 March 1899.
 3. That by surrender of 5 November, 1818, No. 20. And 28th November, 1822, No. 27, the above Chippewa and Mississauga respectively surrendered to the Crown lands South of the 45th parallel *inhabited and claimed by them* comprising in the whole 4,699,000 acres. [original italics]
 4. That the Chippewa of Lake Huron who made the Robinson-Huron Treaty of 9th September 1850 (No. 61) were entitled to surrender the land on the north and east shores of Lake Huron as far south as Moose Deer Point (near 45th parallel) and inland to the height of land, which territory is included in the Treaty.
 5. That as to the Chippewa of Surrender No. 20 it has for 22 years been ceded by the Department that they were not entitled to claim rights north of Moose Deer Point.

That in as much as we can discover no evidence that the Chippewa and Mississaugas who made surrender Nos. 20 and 27 respectively had any use of the land north of the one and north and west of the other

prior to the surrenders the words “inhabiting and claiming” used in the surrenders may, when the surrenders are read with the treaty, be fairly taken as implying that the parties to the surrenders by them relinquished the whole territory they inhabited and claimed.

46 Ibid. “That the tract of land *appears* to have been used as a hunting ground generally by the Algonkians (see file 83,203) and the Chippewa of Lake Huron afterwards party to treaty 61, rather than by the particular tribes on whose behalf this claim is made.” [italics in original]

47 R. V. Sinclair to E. L. Newcombe, Deputy Member of Justice, 23 November 1916, LAC, RG 10, vol. 2330, file 67,071-3, pt. 2.

48 See Memorandum, Memorandum, J.D. McLean to Clifford Sifton, November 27, 1903, R.G. 10, Indian Affairs, Red Series, vol. 2329, no. 67071-1B

Chippewa still pursuing their claim and being informed the Arbitration Board had deemed the claim invalid and the Indian Department agreed.

You will remember that the claim of all these Indians was submitted to the Department of Justice to be brought before the arbitrators appointed to settle outstanding claims between the Provinces of Ontario and Quebec; but the counsel for the Dominion advised that the claim was not a proper one within the jurisdiction of the arbitrators.

Subsequently Messrs. Rimmer and McKenna were asked by you to report confidentially on the matters in dispute between this Department and the Province of Ontario ... and you will see that they did not consider the claim of the Chippewa and Mississauga, above referred to, to be one which the Department could successfully press, and were of opinion that it should be dropped.

Submitted whether you desire an appointment with Mr. Hunter for the purpose of ascertaining what evidence, if any, he has to present on behalf of the Indians whom he represents, and, if so when.

49 See Richard Daniels, *A History of Native Claims Processes in Canada 1867–1979*, 56.

50 The Board was not asked to determine if the Mississauga and Chippewa claim was valid, as the Indian Department, which held that responsibility, had judged the claim (to 10,719 square miles) to be valid since 1870. Either way, the Indian Department had the legislative obligation to obtain a treaty.

51 Richard Daniels, *A History of Native Claims Processes in Canada 1867–1979*, 56.

52 Joint Report by McKenna and Rimmer, 20 March 1899. “We have considered whether this is a claim which can be successfully urged in any way on behalf of the Dominion or the Indians ... claim of the Chippewa and Mississauga to be one which the Department could successfully press, and we are of opinion that it should be dropped.”

53 Evidence of this is that the Province of Ontario and Canada made a treaty within the next twenty-five years with the same people for the same lands.

54 See Memorandum, J. D. Mclean to Clifford Sifton, 27 November 1903. Also see J. D. Mclean, Assistant Deputy Minister and Secretary, Indian Department, to Deputy Minister of Justice, 15 January 1914, LAC, RG 10, vol. 2329, 67,071, reel 11202. "A. R. V. Sinclair was commissioned to investigate the claims of the Mississauga's and Chippewas. He would report they have a valid claim the monetary value is incalculable]

55 For a general overview of the issues related to the 1923 Williams Treaties, see Daniel Shaule, "The Disputed Boundaries of the 1923 Williams Treaties" (master's thesis, Trent University, 2003).

56 In the Matter of the Arbitration between the Dominion, the Province of Canada, and the Province of Ontario and Quebec. Statement of Case of the Dominion on Behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississauga Indians of Mud Lake, Rice Lake, Alnwick and Scugog, May 6, 1895.

The US-Canada Border and the Unceded Status of Sugar Island and Neebish Island

Phil Bellfy

This essay explores the upper St. Mary's River in the "international" waters between the United States and Canada at the mouth of Lake Superior. Specifically, what I am most interested in is the drawing of the border in this area, and, as a consequence of how and when that border was drawn, what appears to be the "unceded" status of Neebish Island and Sugar Island (along with its "islets"). But before we delve too deeply into that more "modern" border history, we need to look far back into pre-contact history and try to uncover how the Europeans viewed "pagan lands" and how they had decided to "dispose" of them (along with the "pagans" themselves, I would add).

Documents and Declarations

Fifteenth-Century Papal Bulls

The *Dum Diversas*, a 1452 papal bull issued by Pope Nicholas V, contains the following language:

We grant you [the King of Portugal] by these present documents, with our Apostolic Authority, full and free permission to invade, search out, capture, and subjugate the Saracens and pagans, and any other unbelievers and enemies of Christ wherever they may be, as well as their kingdoms, duchies, counties, principalities, and other property ... and to reduce their persons into perpetual slavery.

Essentially, what the Pope is doing here is establishing the “right” of Christian Kings to seize the lands of pagans—in this particular case, Muslim land. For our purposes here, what this bull does is set the stage for future papal bulls, notably *Inter Caetera*, issued by Pope Alexander VI in 1493, following Columbus’s “discovery.” This particular Bull was issued so that Spain and Portugal wouldn’t fight over lands that they might both “discover” or “possess.” Here’s the relevant language from *Inter Caetera*:

[I, the Pope] give, grant, and assign to you and your heirs and successors, kings of Castile and Leon [Spain], forever … all islands and mainlands found and to be found, discovered and to be discovered towards the west and south, by drawing and establishing a line from [north to south] … with this proviso however, that by this our gift, grant, and assignment no right acquired by any Christian prince [of Portugal], who may be in actual possession of said islands and mainlands prior to the said birthday of our Lord Jesus Christ [1493], is hereby to be understood to be withdrawn or taken away.

For our purposes, what is important is the “proviso” at the end of this excerpt—that no “right” to any lands already held by Portugal can be “taken away” from them. In other words, the Pope is declaring that one, and only one “Christian King” can take possession of any “pagan” lands “discovered” or yet to be “discovered.”

The Pageant of Saint-Lusson

In 1671, the emissary of the French “Christian King” Louis XIV, Simon-François Daumont de Saint-Lusson, held a “Pageant” at Sault Ste. Marie (apparently on the north side of the river¹). As part of that ceremonial claim, Saint-Lusson made the following statement:

In the name of the most high and redoubtable sovereign, Louis the Fourteenth, Christian King of France and Navarre, I now take possession of all of these lakes, straits, rivers, islands, and regions lying adjacent thereto … and I declare all of the people inhabiting this wide country that they now become my vassals [and that] other princes and potentates of whatever rank …

that they are denied forever seizing upon or settling within these circumjacent seas.²

It is no mere coincidence that the language that Saint-Lusson used, albeit more than two centuries later, closely parallels that of the earlier papal bulls. Significantly, the “Pageant” was designed to “warn off” other European powers that France was, essentially, laying formal claim to the whole of North America not yet “claimed” by others. Again, the French were following Papal dictates that one, and only one European power can “seize or settle” these lands. All others are barred “forever.” Of course, the French “forever-claim” came to naught on the Plains of Abraham, outside of Quebec City, in 1760, when they were defeated by the British.

The Royal Proclamation of 1763

After defeating France, Great Britain laid formal claim to the former French colonial holdings in North America, and in 1763 issued a “Royal Proclamation,” which contained the following language:

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.

We can see that through this Proclamation, the British were asserting sole “monopoly” power over the previously “unclaimed pagan lands” of the continent. However, this document adds new and significant language far different from that of the fifteenth-century papal bulls. No longer is it considered just and proper to simply *seize* “pagan” lands; instead, Great Britain warns other European powers—and, most notably, the “American” colonists—that the “Indians” cannot “be molested or disturbed [in] *their* Hunting Grounds” (emphasis added).

What this Proclamation does—and it is significant to our discussion of the islands in the upper St. Mary’s River—is to establish a vast “Indian Territory” essentially “off limits” to everyone except the Indigenous people who live and hunt there. It also refers to them as the “several

Nations or Tribes of Indians,” adding another layer to British recognition of their sovereignty over their “hunting grounds.” The significance of this Proclamation lies in the fact that “Indian Territory” remains sovereign and intact until the land is either ceded to or purchased by the British (and, of course, only the British).

The American Revolution

British claims of “sovereignty,” made in light of the French defeat, were relatively short-lived, given the outcome of the Revolutionary War, which ended in 1783 with the signing of the Treaty of Paris. The Americans lost little time in negating the Royal Proclamation by issuing one of their own: the Confederation Congress Proclamation of 1783. This Proclamation declared that the internationally recognized new US federal government was now the sovereign power in “Indian Territory,” taking over from the British who had taken over from the French, and that the United States alone had the power to obtain cessions of land from the “Indians,” or the right to purchase their “hunting grounds” from them. This is the language that was used in 1783:

[The United States] do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and directions of the United States in Congress assembled.

It should be noted that the restrictions imposed by this Proclamation could only be applied to territories; as states were expressly exempted, they might thus indeed obtain cessions or purchase “Indian” land within their own state boundaries.

The Northwest Ordinance of 1789

The Northwest Ordinance lays out the process whereby those areas within “Indian Territory,” now under US jurisdiction, could organize themselves as “states” and thus be admitted into the Union. Mention of the “Indians” is restricted to this short passage in Article III:

The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them

without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress.

In addition to reinforcing the claim of sole federal jurisdiction over “Indian Territory,” again we see formal government policy restating the sovereign right of Indigenous people to their “lands and property”—unless taken from them in a “just and lawful” war. This reference to war becomes significant later, as we shall see. Also keep in mind that the internationally recognized boundaries of “Indian Territory” had yet to be established in certain areas, due to the ambiguity of the “border” language contained within the treaty that ended the Revolutionary War.

The Jay Treaty

So, yes, the 1783 Treaty of Paris ended the war between the United States and Great Britain, but it did not resolve all of the outstanding issues between the two governments. In light of these continuing difficulties, the US government sent Chief Justice John Jay to London to negotiate a Treaty of Amity, Commerce, and Navigation, signed by the two countries in 1794. For our purposes, Article III is tremendously important:

It is agreed that it shall at all times be free to His Majesty’s subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson’s Bay Company only excepted.) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other.

Article III of the Jay Treaty reinforces the sovereignty of “Indian” tribes by expressly delineating three distinct political entities in North America: 1) His Majesty’s British “subjects”; 2) United States “citizens”; and 3) “Indians” dwelling on either side of the US-Canada boundary. Well, the “Amity” mentioned in the Jay Treaty’s title didn’t last all that long, broken as it was by the War of 1812.

The 1814 Treaty of Ghent

The War of 1812 ended with the signing of a treaty between Great Britain and the United States in 1814. The details of the war—and the peace—are of little concern to our exploration of the border that was drawn between the two countries. The Treaty of Ghent did recognize, however, that “border issues” needed to be attended to; the following language addresses this issue:

It is further agreed that the said two last mentioned Commissioners after they shall have executed the duties assigned to them in the preceding Article, shall be, and they are hereby, authorized upon their oaths impartially to fix and determine according to the true intent of the said Treaty of Peace of [1783], that part of the boundary between the dominions of the two Powers, which extends from *the water communication between Lake Huron and Lake Superior* to the most North Western point of the Lake of the Woods; to decide to which of the two Parties the several Islands lying in the Lakes, water communications, and Rivers forming the said boundary do respectively belong in conformity with the true intent of the said Treaty of Peace of [1783], and to cause such parts of the said boundary as require it to be surveyed and marked. (emphasis added)

The “water communication” mentioned in Article VII is a reference to the St. Mary’s River, and the drawing of the border through this area proved to be harder than the boundary commissioners had anticipated. In fact, the commissioners ceased their work in the upper St. Mary’s in 1828, and the map they submitted indicated clearly that they were entirely unable “to decide which of the Parties” would be “awarded” Sugar Island.

Maps and Musings

The Boundary in the Upper St. Mary’s River

Figure 1 shows the “termination line” as drawn by the surveyors in 1828. Here is how the commissioners referred to that issue in 1842, when the line was finally determined: “from the place where the joint Commissioners *terminated their labors* under the sixth article of the

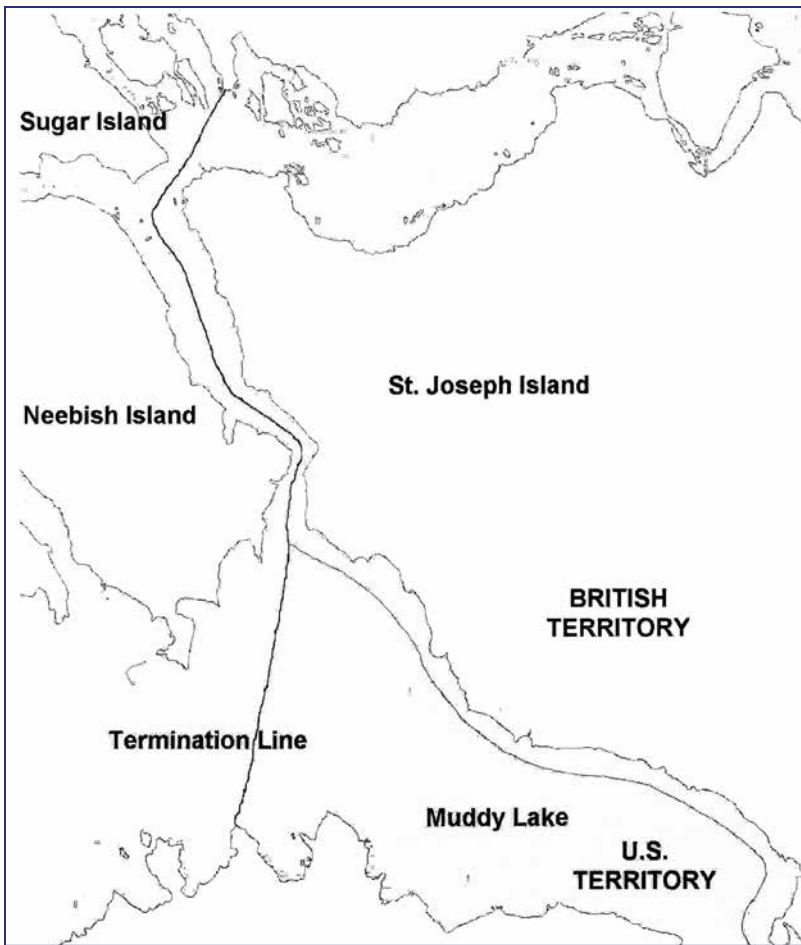


Figure 6.1: The upper St. Mary's River, showing the "termination line" of the US-British border in 1828.

Treaty of Ghent, to wit: at a point in the Neebish Channel, near Muddy Lake" (emphasis added).³

This "termination line" is significant not only because it recognizes the difficulty in drawing the border itself, but also because the area being subjected to the commissioners' deliberations is still officially designated as "Indian Territory." Consequently, and in a very real sense, the "border" is nothing more than a "gentlemen's agreement" determining which of

the two parties is given the right to “treat” with the Indigenous people of the area for the cession of their land. That is, the papal bulls, the Royal Proclamation (1763), the Confederation Congress Proclamation (1783), and the Northwest Ordinance (1789) are all still very much in effect, and the “Indians” cannot be “molested or disturbed in the possession” of their lands. Remember: one, and only one “Christian” power can be “assigned” to gain a cession or purchase pagan/Indian lands according to well established international agreements in force for about four hundred years.

So, we now find ourselves at a point in history where the State of Michigan is seeking admittance to the Union—but before this can happen, the United States must obtain a cession of land from the Indigenous people who still use the lands as their “Hunting Grounds.” The 1836 Treaty of Washington obtained from the Anishnaabeg a huge cession approximately one-third the size of present-day Michigan: the entire northwest section of the Lower Peninsula and the eastern half of the Upper Peninsula.

The 1836 Treaty of Washington

For our purposes, the language of the Treaty of Washington is critical to our understanding of the border in the upper St. Mary’s, as it describes the limits of the land that it claims is being “ceded” to the United States:

thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, *following the said line, as established by the commissioners* acting under the treaty of Ghent, through the straits, and river St. Mary’s, to a point in Lake Superior north of the mouth of Gitchy Sebing. (emphasis added)

For our purposes, it is important to refer to Figure 1 again, noting that the “line established by the commissioners” *terminated* at a point south of Sugar and Neebish islands—a line that did not continue until that point “in the middle of the St. Mary’s river, about one mile above St. George’s or Sugar Island.” That would put the northern terminus of the disputed area just below the Rapids (see Figure 2).

What these two maps show very clearly is that the border in 1836, “as established by the Commissioners” working to fulfill the spirit and intent

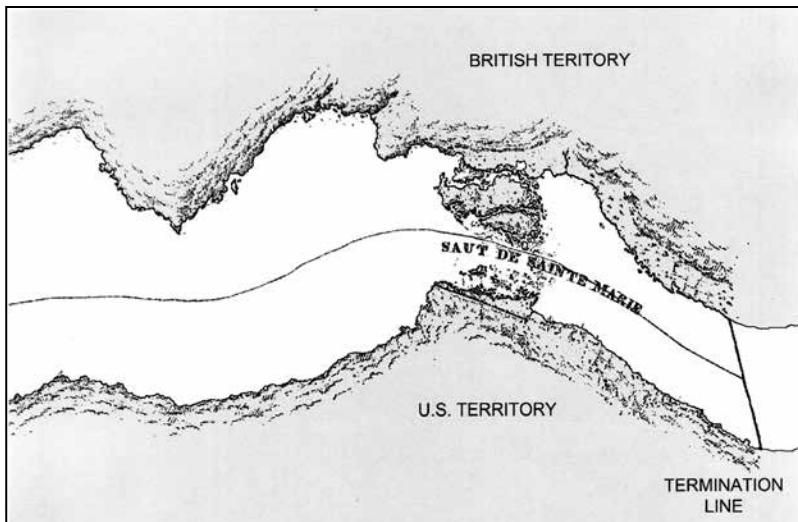


Figure 6.2: The rapids of the St. Mary's River, showing the “termination line” of the US-British border in 1828.

of the Treaty of Ghent, was simply “indeterminate”; they could not agree which side would be “awarded” the right to “treat” with the Indians for a cession of their land. Consequently, neither side had that right, and the land in question—Sugar Island and Neebish Island—remained clearly outside of those lands being ceded to the United States in 1836.

The Treaty’s language addresses the indeterminate status of Sugar Island simply by stating the obvious: “There shall also be reserved for the use of the Chippewas living north of the straits of Michilimackinac, the following tracts … Sugar island, with its islets, in the river of St. Mary’s” (Article III). Remember that “the tracts” listed in this Treaty do not comprise a list of lands “given” to the Native people of the region; instead, it is a recognition of the existing, longstanding understanding that Indigenous people “reserve” their rights of sovereignty over the lands not ceded to the US or the British (it should be noted that *the Treaty makes no mention of Neebish Island as reserved land, although it, too, lies north of the 1828 “termination line”*). Such “reserved rights” obviously include those rights recognized by the Northwest Ordinance, unquestionably the document that was guiding the cession process: “[Indian] lands and property

shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed."

Another aspect of this process—Michigan's admittance to the Union—required, per the Northwest Ordinance, a census of “free male inhabitants” to ensure that the number exceeded 60,000. Of course, “free male inhabitants” did not include “Indians not taxed.” I would assume that as part of this population requirement, the Indian Agent for Michigan Territory, Henry Rowe Schoolcraft, would have been charged with conducting a census of “Indian souls,” as it appears that he was also charged with composing a map of all reservations showing where those “souls” were living. Remember: in keeping with the requirements of the Northwest Ordinance, neither “Indian” lands nor people were to be considered as being a part of “Michigan.” Native people are *not* citizens of the United States; they are simply “Indians dwelling on either side of the said boundary line,” again according to the Jay Treaty.

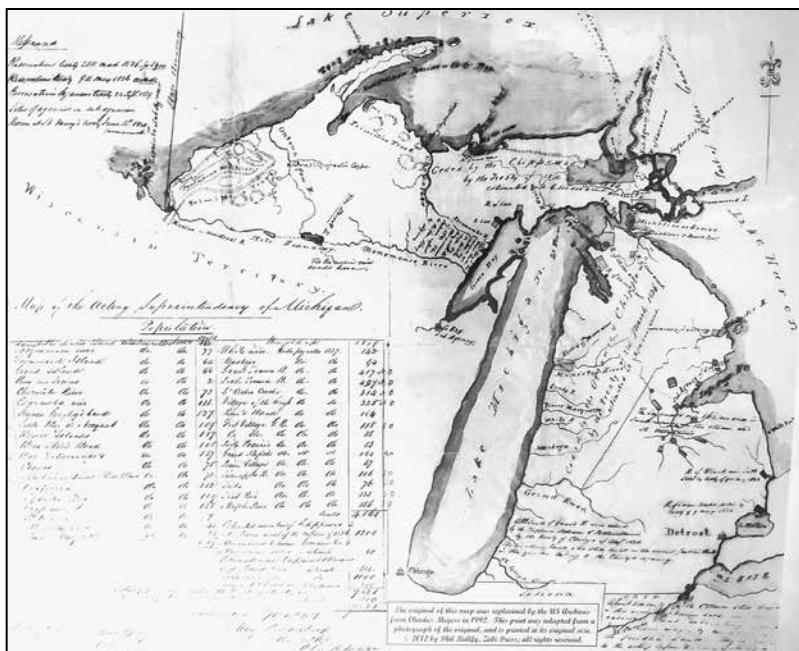


Figure 6.3: A Map of the Acting Superintendency of Michigan, September 16, 1837.



Figure 6.3a: A Map of the Acting Superintendency of Michigan, September 16, 1837. Detail showing the Sugar Island reservation.

		Population		
		Souls		
French Lake	Land	100		Brought to
Jacques River	do.	do	77	White Pine. Middle 1837.
Guernon's Island	do.	do	64	Muskies. do.
Grand Island	do.	do	66	Grand Prairie R. do.
Rose aux Bois	do.	do	2	Little Prairie R. do.
Chocolate River	do.	do	73	S. Arctic Creek. do.
Econawka nar	do.	do	111	Village of the Creek do.
Shawen Bayou's bend	do.	do	127	Rain's Head. do.
Sute River de Coquet	do.	do	109	First Village. G. R. do.
Flower Islands	do.	do	117	do. do. do.
Pine Mtn. Road	do.	do	105	Little Prairie do. do.
Oneelliswigo's	do.	do	157	Grand Rapids. do. do.
Chenos	do.	do	75	Brave Village. do. do.
Ulichineakunac River R.	do.	do	72	Wanapitae R. do. do.
Oneigan.	do.	do	112	Port. do. do.
Spanies Bay	do.	do	104	East Pine. do. do.
Barb river. S	do.	do	138	Maple River. do. do.
State river	do.	do	9	do. do.
W. nisla river.	do.	do	45	Estimated number of Chippewas.
W. nisla. Magazie	do.	do	68	Michigan west of the Captain of 1836.
			1519	Aberrances between Econawka nar.
				Aberrances river. estimate.
				Yan.

Figure 6.3b: A Map of the Acting Superintendency of Michigan, September 16, 1837. Detail showing the number of "souls" for each reservation; the Sugar Island "reservation" is omitted from the list.

Schoolcraft's map, with its census table, is curious in what it includes and omits. First, the map shows Sugar Island as a "reservation," but in the census table, Sugar Island's "souls" are *not* listed. See Figure 3 (Figures 3a and 3b provide detail).

I am going to speculate that the reason for Schoolcraft's failure to include Sugar Island's "souls" in his September 1837 census is because this was a census of *Michigan* Indians, and the status of Sugar Island was still an open question. In fact, it was neither Michigan nor Ontario, neither a part of the US nor of "Canada." Given that the border had not yet been determined in the area, it was—and is—"Indian Territory" (albeit a very small remnant of that once vast area).

The 1850 Huron-Robinson Treaty

Our discussion of Sugar Island would not be complete without exploring the issue in light of the 1850 Huron-Robinson Treaty signed by representatives of the British Crown (really "Canadians") and numerous Chiefs and Headmen from "Penetanguishine to Sault Ste. Marie, and thence to Batchewanaung Bay, on the Northern Shore of Lake Superior." What's notable for our purposes is that the "disposition" of Sugar Island was finally settled in 1842, as was mentioned above, in favour of drawing the line along the eastern side of the island, putting it within US jurisdiction. Of course, as we've already seen, Sugar Island had not been ceded to the US; the 1836 Treaty of Washington set the island aside as "reserved for the Indians."

So, when the British/Canadian authorities came to the Sault to negotiate a land cession from the Indigenous people of the area, the British were not "authorized" to "treat" with the Native people due to the centuries-old "tradition" of not interfering with another "Christian power's" "right" to obtain cessions from the Native people on the "other side of the border." As a result of the border dispute, the US obtained no cession of Sugar Island in 1836, and Canada didn't obtain one, either, in 1850.

The 1855 Treaty of Detroit

It is curious, though, that the Plat Books for Chippewa County show sections of Sugar Island being sold and registered as early as 1841, at least one year before the border through the area had been determined.⁴ Another important document, which confuses the situation even more, is

the 1855 Treaty of Detroit. This Treaty is essentially an “allotment” treaty, whereby the Ottawa and Chippewa, having successfully resisted removal to Kansas, were forced to break up their reservations and accept allotment of their “unsold” reservation lands. While we may see that the entirety of Sugar Island (“and its islets”) was “reserved for the Indians” by the 1836 Treaty—setting aside the fact that it was not within US borders at the time—and that portions of the reservation’s “public lands” were sold as early as 1841, the 1855 Treaty simply states that “sections 2, 3, 4, 11, 14, and 15 in township 47 north, range 2 east, and section 34 in township 48 north, range 2 east” will be “withdrawn from sale for the benefit of said Indians.”

What is very curious about all this is the fact that the US government essentially ignored Sugar Island’s long and well-established history. The entire island had been set aside as a reservation; yet the US began to sell those reservation lands in 1841. Then, in 1855, they agreed to “withdraw from sale for the benefit of the Indians” a tiny portion of that vast reservation, even though the latter were clearly entitled to the *entire* island. And, to make the issue even more complex, the 1855 Treaty contains this language: “The benefits of this article will be extended only to those Indians who are at this time actual residents of the State of Michigan, and entitled to participate in the annuities provided by the treaty of March 28, 1836; but this provision shall not be construed to exclude any Indian now belonging to the Garden River band of Sault Ste. Marie.”

This provision is curious for several reasons. First, it is quite unclear exactly what are “the benefits of this article” that are being referred to. Can the outright theft of vast areas of “reservation” land ever be considered a “benefit” to those whose land is being stolen? Second, if you were living on Sugar Island in March 1836, but Sugar Island was not a part of Michigan, were you “entitled to participate in the annuities provided” by the 1836 Treaty? Furthermore, as a “Sugar Island Indian,” given the indeterminate status of your residency in 1836, what can be said of your residency status in 1855? Third, and perhaps the most curious question of all, why does a US treaty refer to the “Garden River band of Sault Ste. Marie,” *Ontario*? This may very well be the only US treaty that mentions a “Canadian” First Nation. Which leads to the fourth question posed by the above passage: if Indians of the Garden River band cannot be

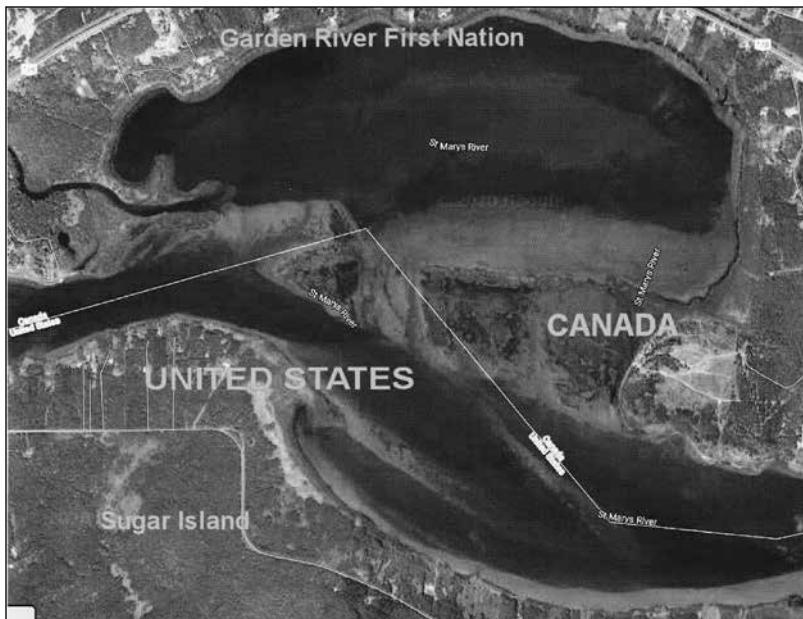


Figure 6.4: Satellite image of the upper St. Mary's River showing the US-Canada border.

“excluded” from the provisions of the treaty, exactly what “provisions”—that is, legal rights—do they enjoy today on the US side of the border? For example, do they enjoy the same rights to fishing, hunting, and gathering in the ceded territories and waters guaranteed to “US tribes” (a guarantee upheld by the courts) under the provisions of the “treaty of March 28, 1836”?

“Lines Drawn Upon the Water”⁵

The Garden River/Sugar Island situation is complicated further by the observable fact that the border, as drawn through the upper St. Mary's River north of Sugar Island, puts a portion of the Garden River First Nation on the US side by making it part of Sugar Island Township. For a clear picture of this anomaly, see Figure 4, a satellite image of that section of the US-Canada border.

Conclusions and Considerations for Future Research

Looking at Figure 4, it's readily apparent that the Garden River First Nation has a property interest in Sugar Island. In fact, the language of the 1855 Treaty of Detroit places their interests into the category—as laid out in the US Constitution—of “Supreme Law of the Land.” The two tribes in the area on the US side of the border—the Sault Ste. Marie Tribe of Chippewa Indians and the Bay Mills Indian Community—both have small areas of “trust land” on Sugar Island, so their interests are also well-established. The fourth area tribe, the Batchewana First Nation, also considers the entire St. Mary’s River watershed as part of its “traditional territory,” without regard to the US-Canada border. So, it too has an interest in Sugar Island.

The four tribes came together in August 2008 in an Anishnaabeg Summit, and signed a Treaty reaffirming their ancient cultural, historical, family, and clan ties without regard for the border. Two copies of the Treaty were signed on Sault Tribe territory; the Ogemaag (Chiefs) then reassembled on Sugar Island, and from there made the traditional canoe ride to Garden River territory, where two more copies of the Treaty were signed. Over the course of the Summit, there were numerous references to the important role that Sugar Island played in the lives of the Anishnaabeg of the entire area, both historically and today.⁶

All of this is presented here as a kind of “disclaimer.” While I am deeply committed to conducting historical research into the history of the US-Canada border as it affects Indigenous people, and the “disposition” of Sugar Island in particular, I am merely a researcher. In other words, I cannot assert any kind of “formal” claim relative to the Island; that is something that will have to come from the Tribes themselves. However, having said that, here is a brief summary of the history of Sugar Island, with some suggestions for future research.

The bulls, declarations, proclamations, ordinances, treaties, etc., all point to one indisputable fact: only one “Christian” power has any “right” to dispossess Indigenous people of their land. And, based on that fact, the “borders” separating colonial powers are simply “gentlemen’s agreements” in regard to which of the two (or more) powers has the “right” to “possess” “pagan” lands. Furthermore, in a more “modern” sense, Indigenous people *must* consent to the cession or sale, or it has no validity.

What the Americans appear to have done in the case of Sugar Island is to declare, simply and unilaterally, that they were the sole power with the “right” to “treat” with the Indigenous people of the upper St. Mary’s for a cession of Sugar Island. Then, having seized Sugar Island under the pretext of declaring it “reserved for the Indians” of the region in 1836, they began to sell parts of it as “public lands” in 1841, a year before the British agreed that it should fall under their “jurisdiction,” the border finally being agreed in 1842. Then, in 1855, the US gave up attempting to “remove” the Anishnaabeg to Kansas, and began a further disposition of Sugar Island by “allotting” parcels to individual Native people. Although the following was said decades ago, and in reference to the Panama Canal, it remains quite appropriate to Sugar Island: “We stole it fair and square.”⁷

As a researcher, I have a number of unanswered questions: What course did the US-Canada border follow through the upper St. Mary’s River in 1836, and how did the British feel about the unilateral US declaration that Sugar Island “belonged” to them, years before the Treaty of Ghent commissioners completed their “who gets what” deliberations? How did the area’s Native people react to this unilateral declaration? How did the Native people react to the outright theft of their “reserved land” upon witnessing the US simply offer it up for sale in 1841?

We know that the Native people of Sugar Island were deeply disturbed at their treatment for over a hundred years, leading, in 1953, to the formation of the Sugar Island Group of Chippewa Indians and Their Descendants; this group was later granted federal recognition as the Sault Ste. Marie Tribe of Chippewa Indians in 1972. The Sault Tribe Constitution, adopted in 1975, contains a provision that grants tribal membership to descendants of the Garden River Band (among others).⁸ So, the question remains: What historical ties led the Sugar Island Group to extend citizenship in the Sault Tribe to Garden River descendants? Could the answer to that question be found in the 1855 Treaty, which recognized that Garden River Band members possessed certain unstated interests in Sugar Island land?

And the big question is simply this: what might the fact that Sugar Island appears never to have been “ceded” either to the US or Canada in the mid-nineteenth century have to do with the Island’s status today? This paper lays out some facts and much history, but in many respects it

represents “unfinished business.” What are the implications for the future of Sugar Island’s “unceded Indian Territory” status? Only time will tell, but I am happy to have been involved in the discussions that have led to the posing of this question. The answer may not come for another hundred years—but I know that when it does, it will be profound and far-reaching, if for no other reason than that posing the question has brought the area’s four tribes much closer toward a common identity as they explore their historical ties to each other and to Sugar Island.⁹

Endnotes

- 1 There is a plaque commemorating the event on a building in the west end of downtown Sault Ste. Marie, Ontario, at the corner of Queen and Gore streets (observed by the author).
- 2 Reuben Thwaites, ed., “Saint-Lusson’s Process Verbal,” in *Collections of the State Historical Society of Wisconsin* XI (1883): 26–29.
- 3 John Bassett Moore, *History And Digest of the International Arbitrations to Which the United States Has Been a Party, Together With Appendices Containing the Treaties Relating to Such Arbitrations, And Historical And Legal Notes...* (Washington: Government Printing Office, 1898). Maps can be found in vol. 6.
- 4 The Chippewa County Plat Books, held in the courthouse in Sault Ste. Marie, were personally inspected by the author in the summer of 2010.
- 5 This term was applied to the U.S.-Canada border by Dr. Karl Hele, a Garden River First Nation citizen. See his edited book, *Lines Drawn Upon the Water: The First Nations Experience in the Great Lakes’ Borderlands* (Waterloo: Wilfrid Laurier University Press, 2008).
- 6 The author served on the Planning Committee for this conference. See also Mike Restoule, “Treaty summit ignores border,” *Anishinabek News* (Sept. 2008), 7.
- 7 This quip was made by California Senator S. I. Hayakawa during his 1976 Senate campaign in reference to the Panama Canal. See “The Nation: Ceding the Canal—Slowly,” *Time.com*, 22 August 1977, <http://www.time.com/time/magazine/article/0,9171,915288-4,00.html> (accessed on 21 February 2011).
- 8 The Garden River Band provision is delineated in Article III, Section 1(a) of the Sault Tribe Constitution, available under “Documents” on the Tribe’s homepage. The tribe’s history is also available there: <http://www.saulttribe.com> (accessed 21 February 2011).
- 9 Though I was not born and raised in Sault Ste. Marie, the area has been my home since 1970. Through research into my family history, I have been

able to document that my Tenth Father, Keechee-nezuhyauh (My Great [or Respected] Elder Brother), represented all of the Ojibwe people at the "Pageant of Saint-Lusson" mentioned in the text. For details and citations, see "Crossborder Crossbloods: Rupert's Land Connections," in *Papers of the Rupert's Land Colloquium 2004*, ed. David G. Malaher (Centre for Rupert's Land Studies, University of Winnipeg, 2004), 59–67.

Becoming Christian:

The Sault Anishinaabeg Missionary Experience, c. 1828–71

Karl S. Hele

In response to a query concerning religion from Samuel P. Jarvis, Superintendent of Indian Affairs, Shingwaukonse stated:

that [I] heard the Minister of one denomination speaking into [my] right ear beseeching me to hear his instruction and another to my left ear, another to my back and another to my face all of separate denominations all ... kept singing around me that I might listen to their instructions and when I had the notion to listen to one the other opposed him—and so also each of the others strove to be uppermost—each saying that my religion is the best.¹

Being surrounded by so many “singers” presented Shingwaukonse and other Anishinaabeg living in the Sault Ste. Marie borderlands with a rare choice of Christian faiths. In this environment of multiple faiths competing across an international border, the missionaries were at a disadvantage because the Anishinaabeg were able to engage in multiple conversations with and test each faith, and hopefully choose a version of Christianity that suited their personal, family, and community goals. As such, conversion in the Sault borderlands proved to be a multifaceted process that involved many different conversations between missionaries, Anishinaabeg, and governments.

Established in 1783, the British North America–United States border split the village of Sault Ste. Marie in two by drawing a line down the middle of the St. Mary’s River. While the location of the border would not be finalized until the 1842 Webster–Ashburton Treaty, people living in the Sault Ste. Marie region had come to understand that the South Shore was claimed by the United States (US), and the North Shore by British–Canadian authorities (BNA).² The presence of two incipient settler nation states interested in promoting themselves, while securing claims to territory, presented the Anishinaabeg and others in the region with an opportunity to manoeuvre and limit the immediate effects of settler colonialism. Nonetheless, the two emerging states sought to make use of missionaries as agents of civilization, albeit each with a particular national brand, to encourage the Anishinaabeg to become supporters, adherents, or residents of BNA or the US. As such, US and BNA government policies played a role in strengthening or weakening the appeal of Christianity or its specific denominations.

Permanent missions to the Sault Anishinaabeg that had been initiated and concluded by the Jesuits in the seventeenth century were resumed by Protestant clergy in 1828. Between 1695 and 1828, ministers visited the Sault region, while the Anishinaabeg likely met preachers during their travels among the newcomers. In the course of these many meetings, the Sault Anishinaabeg requested the return of missionaries, requests that were finally answered in 1828. Over a seven-year period, from 1828 to 1834, the Baptists (1828), Methodists (1830), Anglicans (1831), Presbyterians (1831), and Catholics (1834) established permanent missions on either the British–Canadian or American sides of the St. Mary’s River. Unlike other denominations the Anglicans and Presbyterians mission sites rested solely within BNA or the US, respectively, although both sought adherents across the international border. Baptist and Methodist establishments in BNA eventually failed in the 1840s and 1850s. While all these faiths managed to gain adherents in the Anishinaabeg community, only the Catholic Church managed to maintain a physical and spiritual presence in both BNA and the US beyond the 1870s. Regardless of the trials and tribulations of the various missions, the missionaries proselytized to all the Anishinaabeg in the Sault region, “saying that my religion is the best.”

The Anishinaabeg, who had resided in the Sault region for thousands of years, found themselves facing unprecedented changes and challenges to their way of life by the nineteenth century. While newcomers had been seen in the region since Étienne Brûlé visited in 1621, it was only with the end of the War of 1812 that the pace of change picked up.³ From 1821 to 1871, the Anishinaabeg experienced a great deal of change stemming from continuous contact with Settlers and colonialism, albeit offset by the presence of an international border. The increasing intrusion of global influences into the Sault region, including Euro-American Settlers and governments, created drastic changes in the environment and economy. Loss of land, waves of disease, disruption of game populations by logging and mining, increased competition for animals and fish by Settlers and companies, as well as agriculture, challenged Anishinaabeg culture. These ongoing changes forced Anishinaabeg leaders and their followers to seek alternative forms of subsistence, education, and belief. In an effort to aid in the comprehension of the changing situation, the Anishinaabeg sought to learn more about the Settlers' apparently "superior" abilities/knowledge, specifically their spiritual-religious beliefs.⁴ By the 1850s, the Anishinaabeg had become familiar with the Anglicans, Baptists, Catholics, Methodists, and Presbyterians. To this end, the multiple denominations seeking converts, as well as the presence of an international border, presented the Anishinaabeg with the ability to choose based on a myriad of overlapping spiritual and material factors within the borderlands. Since Anishinaabeg interpretations, understandings, and explanations of Christianity occurred according to a myriad of factors, the following discussion focuses on the more salient explanations for conversion in the Sault borderlands. In the process of conversion, the border was often irrelevant, except in cases where Indigenous concepts of alliance and government policy overlapped to help or hinder missionary activity and conversion. Other explanations of conversion, such as disease and kinship, spanned the border. Undoubtedly each individual experienced the conversation with missionaries differently; yet certain commonalities exist that show that while the Anishinaabeg were willing to listen and be baptized, they did not accept "new" truths blindly.

The Anishinaabeg's experience with these various missionaries and denominations led them to interesting interpretations of their respective

merits. For instance, after observing exuberant Methodism, an unnamed Anishinaanbe asked if the Great Spirit was deaf, “for when they pray over there among the Long Knives (Americans), they scream at the top of their voices and groan hard.”⁵ In another instance Kabenoděn, having experienced Reverend Able Bingham’s urging, since 1828, to become Christian and cease drinking, labouring on the Sabbath, and sinning, felt that the missionary was a “scolding preacher.”⁶ Regardless, individual Anishinaabeg carefully studied the merits, claims, and knowledge of the respective churches and ministers.

All missionaries at the Sault found themselves preaching to and instructing Anishinaabeg who travelled between meetings, sermons, and personal interviews. To better understand the differences among Christian evangelists, Anishinaabeg carefully questioned the Christian representatives. For example, Shingwaukonse, a chief in BNA, spent at least a decade discussing the merits of Christian religion with various ministers. In June 1832, Shingwaukonse and Bingham debated the respective merits of Baptist Christianity and the *Midewiwin*.⁷ In 1839, Shingwaukonse, five years after his Anglican baptism, again visited the Baptist missionary Bingham to discuss religion. During that meeting, he thanked the minister for his sage advice from years past concerning temperance and religion.⁸ Similarly, Keokās requested Bingham discuss the differences between the Baptist and Roman Catholic faiths.⁹ Meanwhile, Reverend Frederick A. O’Meara found himself explaining the Anglican interpretation of the Second Commandment, the differences between himself and the Catholic priest, and “other truths of Christianity.”¹⁰ Simply, Mukubwām, a member of the Tahquamenon band, like many Anishinaabeg in the Sault region, wondered, “Why is it that there are so many different religions among you when you have but one gospel? Why are you not all agreed in worshiping the same God?”¹¹

Inquiry into all things Christian thus played a large role in an individual’s decision to accept one denomination over another. Mukubwām’s, Wazāwadong’s, Keokās’s, and Shingwaukonse’s responses to the assertions of evangelicals merely confirmed the statement made by the Methodists that “people were not necessarily reasoned into or out of religion.”¹² Instead, acceptance of baptism by a particular denomination was a personal journey that held many paths.

Governments and Missions

Missionaries often found themselves faced with questions concerning political claims of the governments they seemed to represent. For instance, in 1837, Bingham faced a set of questions from Wazâwadong,¹³ a Tahquamenon leader, who demanded to know why the Americans coveted the land in such an un-Christian-like manner.¹⁴ Similarly, Shingwaukonse asked Father Proulx and Reverend O'Meara if the Bible had authorized the theft of Anishinaabeg land by BNA and the US in 1841.¹⁵ In 1852, during an Anishinaabeg Methodist camp meeting held at Whitefish Point, Michigan, Chief Ogista (from BNA) openly wondered if he could speak freely in the US. Once reassured that freedom of speech was an American custom, the Chief not only related the story of his religious experience, but of his opinions relating to the relative merits of US and BNA Indian policies. Obviously, Christianity could be used to remind missionaries of failed state promises, as well as to convey subtle reminders that the Anishinaabeg recognized the links between Christianity, Settlers, states, and missionaries.

Aside from the larger critiques of the state, its people, and the broader moral aspects of Christianity, material support or lack thereof, either by the sponsoring missionary societies or governments, affected whether or not missionaries could successfully develop and maintain relations with the Anishinaabeg. Simply, adherents could be won or lost with the goods—material, political, and spiritual. For example, Anglican missionary William McMurray quickly discovered the necessity of government funding. In 1833, one year after McMurray's arrival, Shingwaukonse stated that he would "shut [his] ears against them [Methodists, Catholics, and Baptists], and attend only to [McMurray] the Preacher," whom Lieutenant Governor Colborne had sent.¹⁶ Shingwaukonse informed Reverend Anderson in 1848–49 that "the [Anglican] religion ... commends itself ... by the fact that he prays out of the same book that our Great Mother the Queen does."¹⁷ Importantly, when Shingwaukonse and his supporters left American territory to settle in the British Sault region,¹⁸ Francis Audrain, the US subagent at Sault Ste. Marie, informed Shingwaukonse that the door to his office, and hence the ear of their Great Father in Washington, would be forever shut.¹⁹ Despite Audrain's assertion, Shingwaukonse maintained relations with various

representatives of the US until his death in 1854. These assertions by Audrain meant that Anishinaabeg desirous of maintaining ties to the South (or American) Shore could not necessarily become associated with the Anglican Church or retain their allegiance to their Great Mother, the English Queen.

Other missions and missionaries manifested similar vulnerabilities to the vagaries of government support. The American Baptist Foreign Mission Society (ABFMS) abandoned its boarding school in Sault Michigan and its post at Pendill's Mill once Congress ended its annual appropriation in 1858–59. Additionally, Bingham's repeated clashes with Henry R. Schoolcraft, the US Indian agent for Sault Ste. Marie and Mackinaw, led the latter to introduce and support other denominations at the Sault in the 1830s. One dispute in 1830, wherein Bingham relieved Charlotte Johnston, Schoolcraft's sister-in-law, of her interpreter position and while admitting to the boarding school a young woman some people in the Sault thought had a questionable moral background, led Schoolcraft to encourage Methodist and Presbyterian efforts among the Anishinaabeg and Settler populations.²⁰ To settle the disputes between Baptists and Methodists at the Sault, the US decided to support financially both groups of missionaries.

During the 1830s and 1840s, colonial authorities viewed Methodist evangelicals in Upper Canada/Canada West with distrust. They feared that the Methodists would inculcate the Indians with dangerous American democratic-republican values, which included the “love of liberty,” a preference for populism, and confidence in their rights to the land.²¹ Essentially, the British elite in Upper Canada believed Methodism “attack[ed] the intellectual, social, and political foundations which the Anglican elite were attempting to construct.”²² To encourage the Anishinaabeg to convert to Anglicanism, British officials stressed that Methodists did not belong to the Great Mother's Church and hinted that this represented disloyalty. In an effort to retain and attract adherents and dispel colonial calumny, Methodists denied the charges of disloyalty to the Queen and Britain. Fears held by the colonial elite of American interference eventually abated during the late 1840s and 1850s. Yet, by the end of 1858, it became apparent to the Sault Ste. Marie

Anishinaabeg that continued allegiance to the Methodist Church represented a definite disadvantage as long as they resided in BNA.

Community, Christianity, and Conversations about Unity

While initially hostile to the concept of their own conversion, some chiefs offered reluctant support to missionary activities. Others, such as Shingwaukonse, advocated a specific brand of Christianity as a basis of community, which later expanded to include all beliefs present in the Sault region as he sought to attract additional followers. When visiting Shingwaukonse's followers in 1841, Bingham found that they had joined the Anglican Church because they were "urged to by the chief."²³ A few years prior to this declaration, Shingwaukonse declared publicly that, "it is my wish that this side [British] of the River should be occupied by Indians alone who will be instructed by my Minister [Anglican]."²⁴ Shingwaukonse tried to consolidate his followers into a cohesive band by excluding those who were not members. Moreover, by appealing to the religious prejudices of the Church and Indian Department, Shingwaukonse hoped to secure help in protecting Anishinaabeg rights as well as solidifying his own power base. In 1839 and 1844, for instance, Shingwaukonse pleaded with the British government to prevent the Catholics and Methodists from either settling or establishing missions among his followers at Garden River.²⁵ While his comments may appear sectarian, it is interesting to note that at the time of both comments, he was attempting to secure recognition of the Anishinaabeg settlement at Garden River from the Indian Department and Anglican Church.²⁶ Shingwaukonse's attempts to secure a following and create a "new" band through the use of "religion" was fairly common and customary. In Anishinaabeg communities, leaders were often selected based on their ability to provide a *Bimaadiziwin*, or "good life," for his followers based not only on hunting skill but their ability to call on the supernatural for assistance.²⁷ This customary means of gathering a following transferred easily to the use of Christianity as a base. Many nineteenth-century leaders, Shingwaukonse included, used the Christian religion in an effort to secure their communities, such as those at Wikwemikong, Manitoulin Island, and Credit River, Upper Canada.

Once it became apparent post-1848 that neither the government nor the Anglican Church was willing to support Anishinaabeg title, Shingwaukonse readily accepted individuals from all denominations into his band. By having band members belong to various denominations, Shingwaukonse believed that many church voices raised in protest of government policy would carry more weight than one. Also, concern over how the potential for disunity among his growing number of followers could be used by Settlers to weaken or destroy the community forced Shingwaukonse to alter his plans. To maintain unity, Shingwaukonse upheld ties with both the Anglican and *Midewewin* faiths while allowing his sons to join other denominations; religious tolerance became the chief's main policy.²⁸ Tegoosh became a Catholic, Buhkwujjenene an Anglican, and Ogista joined first the Methodists and then the Anglicans. After Shingwaukonse's death in 1854, Ogista attempted to maintain balanced relations among his followers. These efforts led him to cross the evangelically minded Anglican Reverend Chance, who in turn sought to depose Ogista and remove all Catholics from the community with the support of Buhkwujjenene, another of Shingwaukonse's sons.²⁹

Other Sault bands tended to affiliate, although not exclusively, with one particular church or another. Shingwaukonse's desire to unite his followers under the Anglican banner stemmed from the fact that his band was a recent personal creation. Prior to the 1830s, Shingwaukonse was not a band leader in the region, although he was known as a prominent member of the *Midewiwin* and *Wabeno*, and as speaker for the Crane chiefs in the region. He lacked many of the kin connections usually needed to aspire to the position of a key chief. Thus, he attempted to define himself and followers as Anglicans to differentiate himself from the other bands. In contrast, a few of the older bands, established prior to the 1800s and likely made up of the descendants who first met the Jesuits in the seventeenth century, tended to be mainly Catholic. For instance, Nebenaigooching's band, resident at the British Sault, and Oshawwano's band, in the Michigan Sault, were mainly Catholic, although Baptists, Methodists, and Anglicans were members. Piabetassung's band, resident on Sugar Island and the eastern shore of the Garden River's mouth, appear to have been exclusively Methodist, while the band members that settled variously at Little Rapids, Naomikong, and Back Bay were mainly

Methodist, although some members also belonged to other faiths.³⁰ The group settled at Tahquamenon were Baptist based on direct kin connections to the Baptist Reverend Cameron and Deacon Shegud. Since both missionaries and Anishinaabeg regularly moved about the region, however, the communities never entirely belonged to one faith.

Family and Kinship

For the Anishinaabeg, interaction with outsiders, European or Indigenous, centred upon the concept of kinship and alliance among equals. Failure to maintain proper relations or initiate them could indicate hostile intentions. Therefore, until a stranger became incorporated into Anishinaabeg society, the potential for hostilities existed and precluded normal relations. The social relationship of alliance rested upon two basic principles. First, an outsider, such as a missionary or fur trader, had to be incorporated into the structure of kinship and his or her social standing determined. Significantly, the community extended membership to every missionary entering the Bawating area. Inclusion often involved the symbolic reconstruction of a missionary's identity through renaming, although this could also represent the strangeness and incomprehensibility of English names for the Anishinaabeg.³¹ For instance, William McMurray became Nashikawahwahsung (The Lone Lightning), Frederick A. O'Meara became Tatebawa (One Who Walks along the Shore), John Clarke became Waubkenewh (White Eagle), John Pitezel became Wazuhunhwadoong³² (Yellow Beard—a name long associated with the Tahquamenon leadership), S. Steele became Whyahbawauhdik (The He Elk), Auguste Kohler, SJ, became Gasongide'eshkang (The Inspirer), and Joseph-Urbain Hanipaux became Nossawaquat (The Fork that Raises Hearts from Earth to on High).³³ An individual's actions, opinions, and physical characteristics formed the basis for each name. Gasongide'eshkang represented the inspiration Kohler gave those with whom he conversed.³⁴ Tatebawa fell to O'Meara because he often walked along the shore from home to home while reading his Bible.³⁵ George McDougall received his name after the missionary accepted the challenge of Ahyahbans (Little Buck) to a foot race and won. After winning the race and in recognition of his abilities, McDougall was given Ahyahbans's name.³⁶ The symbolism of names constituted only one indicator of the community's acceptance of a missionary.

By allowing themselves to be baptized, Bawating residents saw themselves as being incorporated into the Christian family and allying themselves with a particular missionary or church. Nevertheless, baptism became fraught with contradictions for both the missionaries and Anishinaabeg because each imbued the sacrament with their own interpretations.³⁷ Symbolically, for both missionaries and Anishinaabeg, baptism represented the entry into a new life for the convert—a spiritual rebirth. Prior to allowing an individual to undergo the ceremony, the missionaries ensured that the candidate understood the act's meaning for their particular sect. According to the missionaries, the potential convert must obtain a "proper" understanding from the Christian perspective. While instructions given by a minister ensured a degree of comprehension from their perspective, the Anishinaabeg also formed their own cultural interpretations. During the baptismal ceremony, each candidate received a new name, and, from the missionary perspective, a new Christianized identity that linked the newly blessed believer with Christians around the world. The bestowing of a new name also "implicitly ... recognized the end of a wild, pagan existence and the beginning of a new civilized, Christian life."³⁸ The importance of naming and entering a community required ceremonies within the Anishinaabeg world as well. Upon conversion, adults received European names that symbolized their entry into a new faith and world, and linked them to their new spiritual guide—Christ.³⁹ It must be remembered, however, that the Anishinaabeg had slightly different interpretations of the naming ceremony. The bestowing of a name by a missionary added another title to an individual's personal collection of appellatives, which granted spiritual and personal power. Shingwaukonse took the Christian name of William McMurray when baptized, as an expression of his ties to that Anglican missionary. The new English name, to Shingwaukonse perhaps relatively incomprehensible, expressed an alliance with the missionary and his respective church. In reality, nineteenth-century Anishinaabeg—like Shingwaukonse—rarely used their English names except when corresponding with their missionary or for church functions. Yet, at some level for the convert, it did express a sense of alliance and kinship with the family of God.

Social incorporation and acceptance into an Aboriginal community can also be seen through residency, as well as the development of kin ties and mutual affection. Primarily, the Anishinaabeg believed that a missionary must reside within and only serve their community. For instance, Reverend Chance reported in the 1850s that the Garden River community resented his occasional preaching in the nearby Settler communities of Sault Ste. Marie and Bruce Mines.⁴⁰ Both Reverends Anderson and O'Meara also faced criticism for their failure to reside among the people at Garden River.⁴¹ Perhaps the Anishinaabeg feared that the missionary would betray their interests to the Settler society or leave them without a "shepherd."

In the US, Bingham also faced criticism over the location of his mission station and boarding school. Recognizing the poor situation of the mission adjacent to the US garrison and within the growing Euro-American settlement area, Bingham and Cameron sought to alleviate the situation by moving the entire station, including the church, farm, residence, and school, to Tahquamenon. Investigations into the matter revealed the move to be prohibited under the terms of the 1828 Treaty. In the end, the Baptist mission and school within the village limits of Sault Ste. Marie experienced declining Anishinaabeg attendance.⁴² Tahquamenon existed merely as an outstation until the community relocated in search of work. The Methodist Church on the South Shore likewise decided to abandon its post at Little Rapids in the 1840s due to the people's lack of title to their lands, and increasing problems associated with the proximity of the station to the Settler community. The Naomikong station, which replaced Little Rapids, was eventually closed in the 1850s because the Euro-American Methodist ministers believed the area to be too remote and lacking in secure land titles. To encourage the community to relocate to a site chosen by the minister, the Methodists dismantled the church and transported its materials to the new location. Rather than remove from Naomikong, the remaining Anishinaabeg invited the nearby Baptist Reverend Cameron to minister to their spiritual needs.⁴³

Residing with the community formed only one aspect of the process of incorporation. Establishing kinship through marriage enabled two missionaries, William McMurray and James Cameron, to establish a direct physical connection with the community.⁴⁴ Cameron solidified his

links to the community through two marriages to the Head Chief and Crane totem member Shingabawasin's daughter, Janet Shinganbawasen, and to his daughter's niece, Lydia Shegud after the death of his first wife. His second marriage not only consolidated Cameron's incorporation into the community, but also solidified the relationship of the Baptist Church with the Tahquamenon band. Through their marriages, Cameron and McMurray ensured an audience and a pool of potential adherents, who otherwise might have rejected their particular messages. The bond of kinship maintained the Baptist Church even after Cameron's forced retirement in 1859.⁴⁵

Similarly, McMurray's marriage to Charlotte Johnston on 31 December 1832 created tighter bonds between the Anishinaabeg community, McMurray, and the Johnston family. Johnston brought her family's fur-trade connections into the union, as well as her own Métis background. Significantly, Shingwaukonse's conversion to the Anglican faith was linked directly to Charlotte Johnston McMurray's role at the mission.⁴⁶ After Shingwaukonse's conversion, his immediate family joined the Anglican Church, which formed the basis of an Anglican community at Bawating.⁴⁷ In Ogista's words, "He [McMurray] took ... one of our nation, for his wife; and for this we loved him still more, for we felt that he had now indeed become one of us."⁴⁸ In other words, as with that of fur traders, the missionary's "influence and success ... with Indians corresponded to the strength and renown of his father-in-law."⁴⁹

While marriage created ties to the community, it could also create disension. Cameron's marriage to his wife's sister's daughter, Lydia Shegud, raised concern over its appropriateness among both Anishinaabeg and Settlers. Anishinaabeg worried that Cameron and Shegud had violated traditional incest taboos, while Settlers objected to Cameron marrying both his first and second wife *à la façon du pays*.

Bingham likewise discovered that a controversial marriage among converts had the potential to rend the community. When Bingham married Henry N. Shegud, son of Deacon Shegud at Tahquamenon, to Margaret Wzauedo in 1850, controversy ensued. A few people claimed that Wzauedo had a husband, married in the Indian custom, which meant in their view that the Christian marriage was invalid and bigamistic. In an attempt to mend a growing rift within the Baptist congregation,

Bingham paid a visit to the bride's parents. Despite his best efforts, neither the father nor mother would shake the minister's hand or listen to his calls for unity.⁵⁰ After discussions with members of the community, Bingham concluded that the accusations of bigamy appeared to be unfounded. Bingham eventually calmed the controversy through discussion, although he refused to renounce the marriage. Clearly Anishinaabeg tradition continued to influence acceptance or rejection of Christian marriages.

Marriage and conversion tended to be fraught with underlying issues of culture and gender, often resulting in a mixed experience for the couple.⁵¹ With the youngest of his wives, Ogahbageyhegoqua (baptized Eliza McMurray), Shingwaukonse converted to Anglicanism. Other husband-and-wife conversions in 1835 included Abitakeshik and his wife; Bashigonaib (baptized Thomas Shaw) and Nahbunaahsenoqua (baptized Charlotte Shaw); Mahgesahnequa (baptized Charles Mathews) and Owiaquahgeyhegoqua (baptized Mary Mathews); Pēabétasiñ and his wife; and Biahbedahsug (also spelled Piabetassung, baptized Charles Askin)⁵² and Obahbahmejewenoqua (baptized Eliza Askin).⁵³ When Abitakeshik became a member of Reverend Anderson's Anglican congregation at Garden River in 1848–49, his wife and two of their children converted from Roman Catholicism. The Abitakeshik family provided the best example of a woman and children becoming members of a particular sect at the behest of a male head of household. Bingham also lamented the possible loss of a convert, because he felt Abitakeshik's wife would follow her husband and join the Episcopal (Anglican) Church like many other couples had done.⁵⁴

The possibility of being abandoned led many women to accept or resist conversion.⁵⁵ At one time Shingwaukonse had at least four wives, three of whom he reluctantly relinquished upon conversion.⁵⁶ This placed the abandoned women in situations of economic hardship.⁵⁷ After the departure of the missionary and his disillusionment with Christianity, however, Shingwaukonse later returned to his abandoned wives.⁵⁸ In 1860, Alan Salt referred to an individual at Batchewana who had decided to become a Christian in the spring and consequently promised to give up two of his three wives.⁵⁹ The *Christian Guardian* even cited an instance of a female convert who attempted to take her life after being rejected

by her husband.⁶⁰ Reverend O'Meara told another man that he must turn away his late brother's widow, with whom he was living, before he could become a Christian.⁶¹ Reverend Bingham likewise encountered opposition due to his insistence that a man may only have one wife.⁶² Women also chose to abandon Christian partners. The wife of Nahwahquashkum briefly abandoned him during his final illness because he remained faithful to his conversion.⁶³ By insisting upon monogamy and living together "for better or worse, until death do they part," Christianity further reduced the chances of a convert finding a partner or leaving a bad one.

Documents from the 1830s and 1840s show confrontations within families between converts and non-converts, resulting in violence and possible marital breakdown. David Sawyer, a Methodist and Mississauga missionary at the Sault, declared that many husbands prevented their wives from attending his and John Sunday's preaching.⁶⁴ In another instance, a man who had two wives attempted to murder the one who sought conversion.⁶⁵ Women also committed violence to encourage a husband to renounce Christianity. Nahwahquashkum's wife and mother-in-law abused him by splashing him with boiling maple sap, and threatened him with further violence should he continue professing Christianity.⁶⁶ An unnamed converted couple, for example, persisted, and "bore [all] without resentment, even when he was evilly beaten and had one of his ears literally torn out by his brother."⁶⁷ A six- or seven-year-old girl sang as she lay dying, "How happy are they who their Saviour obey"; her mother asked her "if she had her senses," and she replied, "yes."⁶⁸ Sawyer, reporting upon the incident in the *Christian Guardian*, interpreted the scene as a mother making sure that her daughter understood what the profession of faith meant. Alternatively, by asking the girl "if she had her senses," the mother may have been indicating her displeasure and shock at the daughter's decision to die a Christian. Possibly the mother feared her daughter would now be forever separated from her, confined to the Christian heaven. Or perhaps she believed the story about the Indian being turned away from both the Indian and the White heavens, doomed to wander forever between the two.⁶⁹ Mishinimákumigokwa, the daughter of Chief Kabenoděn, decided to seek refuge at Bingham's mission after pondering the question of religious adherence throughout the summer of 1838, and knowing her father's reluctance to support Baptist Christianity.⁷⁰

Others hesitated to accept baptism because of a relative's opposition, while a few only became Christians after continual prodding by a partner.⁷¹ Ahbetukgezhik, for example, experienced "something of a trial in his mind" because of opposition from close friends.⁷² Despite the criticism, he eventually became a key proponent of Baptist Christianity and devoted himself to its dissemination.⁷³ Notwithstanding ridicule and taunts from relatives both Christian and non-Christian, Mrs. Nahwuhkeezhik maintained her Anglican faith until death.⁷⁴⁴ Through the medium of an unnamed convert, Alan Salt expressed the desire of converts to remain steadfast. He claimed that "even if my children, should cast me out of my house, I would not give up [Christianity]."⁷⁵ Female converts sometimes reminded their husbands of the "evil of Indian ways and drink" while speaking of Christ. In the case of one couple, as Henry R. Schoolcraft noted, the husband was less than impressed with his wife's opinions, but eventually became a convert after a brief period of trial.⁷⁶ Conversely, the Reverend Pitezel noted with amazement that Nahbahnaosh, an "unrepentant pagan," was the devoted husband "of an exemplary and devoted Christian wife."⁷⁷ Simply, men and women of different faiths continued to marry and remain together.⁷⁸ Similar to Euro-American communities, Anishinaabeg parents tended to seek a minister of their denomination to baptize a child.⁷⁹ Despite possible repercussions, many people continued along the courses they chose. Thus, mutual affection, while influencing decisions, did not necessarily determine religious attachment.

Waiskey's Christian journey reflects the influence that kinship played throughout the interaction with Christian evangelicals. At various times, he had entertained the possibility of converting to the Baptist, Methodist, Anglican, and Presbyterian churches. When Waiskey, a minor chief who had moved to the Sault region and the brother of Mrs. Susan Johnston, did convert, he united with the Presbyterian Church. This decision rested upon an examination of each faith's merits and the presence of numerous relatives in the Presbyterian sect. Mrs. Johnston had earlier joined and donated a building to the congregation. A niece, Mrs. Jane Schoolcraft, and her husband, Indian Agent Henry R. Schoolcraft, also belonged. Other members of the Church included local traders, merchants, and US officers from the local garrison. Finding the Sault area overrun with

ministers, the Presbyterian Reverend, Jeremiah Porter, decided to follow US troops going to Chicago in 1838. Prior to his departure, Porter recommended to his congregation that they disband and join the remaining churches.⁸⁰ Both the Anglican and Methodist missionaries solicited Waiskey's membership. Based on his niece's association with the Anglican Church (his niece was Charlotte Johnston McMurray), Waiskey indicated that he would ally himself with his Great Mother's religion. In spite of this intimation, Waiskey remained denominationaly aloof until Johnston McMurray left Sault Ste. Marie and the majority of his relations became Methodists. While directly linked to kinship, Waiskey's decision to convert to Presbyterianism, and later Methodism, may also reflect a desire to remain on his hunting lands near present-day Whaiskie Bay, Michigan.⁸¹ Ties to kin served to influence denominational choices, while a connection to the land likewise exerted profound pressure on such decisions.⁸²

A desire for membership within the community of Christian converts also placed pressure upon particular individuals. Conversion meant alliance, and possibly protection or escape from the constraints of Anishinaabeg society. For instance, the Christian doctrine of forgiveness brought a suspected *windigo* into the Methodist congregation.⁸³ This unnamed man had become suspect because he was unknown to the Sault community and acted in socially inappropriate ways. The *windigo*, a being feared for its desire for human flesh, would normally have been executed immediately by the Anishinaabeg.⁸⁴ In joining with Christ's followers, the *windigo* allied himself with a power that he hoped would protect him from the evil within and death from without. Unfortunately, the records are silent concerning this unnamed individual's fate.

Mutual affection functioned as another attachment that bound many Anishinaabeg to their missionary and his religion. Missionaries who were accompanied by their wives found their families incorporated into the social order. Both Hannah Chance and Hannah Pitezel entertained Anishinaabeg visitors on a regular basis, cooked meals for ailing and elderly individuals, and administered medical aid to men and women.⁸⁵ Mrs. Chance, for instance, acted as the hostess of summer picnics, Christmas celebrations, and New Year's gatherings. In appreciation of visits, both women and men presented Mrs. Chance with gifts of thanks. Buhkwujjenene's wife sent Mrs. Chance beaver meat to let her know

“God gives us the wild animal” and that she was “a noble woman.”⁸⁶ Anishinaabeg women also included the missionary’s wife in their social circles, visiting and discussing issues specifically important to them. Refusal to attend Anishinaabeg gatherings or signs of reluctance to welcome guests could result in the couple being censured by the community as unfriendly. Such censure could damage a mission’s ability to function, thereby hindering efforts by the evangelical couple to convert the Anishinaabeg.

Children born to mission couples further created bonds of mutual affection. For those individuals who married into the community, offspring linked the couple to the community through blood. Hannah and James Chance hired Chief Buhkwujjenene’s wife to care for their infant children. While the adult Chances may have seen the woman as a servant, their children were raised alongside those of the Anishinaabeg, which established affectionate links. Additionally, there exists a distinct possibility that the Chance children’s first language was Anishinaabeg. When mission families lost children through disease, Anishinaabeg residents came forward to offer condolences and pray.⁸⁷ Finally, the children themselves, through play and interaction, allowed both sets of parents to meet outside of religious settings.⁸⁸

Anishinaabeg and Métis in the Sault borderlands found the bonds of kinship tested by individuals’ decisions to accept a particular brand of denominational Christianity and outright rejection of conversion. Ties of kin and affection to the mission family further influenced people’s adherence to a particular faith. Men and women together, as families and individuals, found that the Anishinaabeg-missionary encounter both divided and united them in a myriad of ways.⁸⁹

Reciprocity

For the Anishinaabeg, relationships rested upon and were directly linked to metaphorical relations established through gift-giving, as well as direct aid. The custom of gift exchange functioned within the context of reciprocity, and as such, the exchange of tangible goods and services underlay all social functioning for generations.⁹⁰ Indeed, giving was as much a social obligation as receiving.⁹¹ As such, reciprocity facilitated the relationship, which could eventually lead to baptism.

Missionaries, however, viewed the social obligation of reciprocity from their own perspectives. Hence, evangelicals at Bawating tended to negate the importance of reciprocity to a successful intercultural relationship. Bingham, for instance, claimed that during a visit in 1836 to speak of religion, Kabenoděn really sought “to get the cravings of nature satisfied.”⁹² Nevertheless, Bingham did realize the importance of gifts. A perusal of Bingham’s journals and letters reveal numerous attempts to develop reciprocal relations with the Anishinaabeg. Bingham sought to have new houses constructed at Tahquamenon, and to make seed grain, clothes, and food available to those in need.⁹³ While Bingham tended to couch his vocabulary in terms of “material” advantage over fellow missionaries when corresponding with the ABFMS, evidence indicates he knew otherwise.

William McMurray, with the aid of his wife Charlotte Johnston, understood better than most missionaries the concept of reciprocity. From 1832 to 1838, the McMurrays created a proper relationship of exchange with the Aboriginal community. McMurray’s original instructions, given to him by Sir John Colborne and members of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among Destitute Settlers (or the “Toronto Society”), called for the construction of twenty houses, a supply of farm implements, animals, and an instructor.⁹⁴ Promises of housing and other aid encouraged adherence, if not outright conversion, to Anglicanism. In the Toronto Society’s Annual Report for 1833, McMurray recognized the advantage that the promise of material aid gave him over other faiths at the Sault.⁹⁵ Inducements to conversion aside from housing, such as oxen, cows, chickens, and ploughs, attracted potential Indian converts from the Baptist, Catholic, and Methodist flocks.⁹⁶ Those who followed McMurray were entitled to receive their annual gifts, such as provisions, coats, flags, medals, blankets, cloth, decorative items, and cutting tools, from the Queen at the Sault from approximately 1833 to 1837, whereas “pagans,” Baptists, Catholics, and Methodists had to travel to Manitoulin Island.⁹⁷

For Shingwaukonse and his followers, material aid prefaced their adherence to the Anglican Church. In 1833, for instance, Shingwaukonse suggested that he predicated loyalty to the Church of England upon the fulfillment of certain promises: “when I see the houses built, and School-House erected, I will send all my children and all my young men, and

all our sisters, to be instructed by our kind Teacher.”⁹⁸ Shingwaukonse also associated his conversion with government promises to help protect Anishinaabeg land and stop whiskey traders from taking advantage of his people. Until his death, Shingwaukonse continued to ask for the houses that the government had promised in the early 1830s on condition of his band’s acceptance of Christianity. This linkage between the Garden River Anishinaabeg and Christianity came to the fore in 1859, when Chief Ogista, a son of Shingwaukonse, reminded the government that the Anishinaabeg had accepted Christianity in the 1830s with the understanding that aid would be provided.⁹⁹

By permitting Anglican adherents to collect their gifts at the Sault, the Indian Department and colonial elite attempted to undermine American Episcopal Methodist activities, and to create and maintain loyalty to the British Crown. Such blatant favouritism fostered negative feelings toward McMurray among converts and missionaries of other denominations. In 1835, Bingham and Saguiucosa, a Baptist convert from Sault Michigan, claimed that Anglican converts feared to become Baptists because they might lose their right to British presents. In other words, by accepting membership in an American-based church, Anishinaabeg residents in Upper Canada risked being classified as belonging to the US, which meant they lost their rights to reside on the North Shore. Basically, non-Anglican Anishinaabeg derided Shingwaukonse and other Anglicans for permitting “worldly consideration” to hinder their fellowship with the Lord.¹⁰⁰

McMurray quickly discovered the necessity of government funding. In 1833, one year after McMurray’s arrival, Shingwaukonse stated that he would “shut [his] ears against them [Methodists, Catholics, and Baptists], and attend only to [McMurray] the Preacher” whom Lieutenant Governor Colborne had sent.¹⁰¹ Shingwaukonse informed Reverend Anderson in 1848–49 that “the [Anglican] religion … commends itself … by the fact that he prays out of the same book that our Great Mother the Queen does.”¹⁰² Importantly, when Shingwaukonse and his supporters left American territory to settle in the British Sault region,¹⁰³ Francis Audrain, the US subagent at Sault Ste. Marie, informed them that the door to his office, and hence, the ear of their Great Father in Washington, would be forever shut.¹⁰⁴

Despite claims to represent Christ and not a particular form of government, McMurray acted as the direct representative of the Great Father (Lieutenant Governor) in Toronto, both in the eyes of the Anishinaabeg and the colonial government. The alliance between the Anishinaabeg and the British, as well as other Indigenous groups in North America, utilized metaphors such as “father” and “brother” to illustrate specific symbolic relationships, but the term “father” contained opposite connotations in their respective cultures. Specifically, Anishinaabeg understood the term to indicate a benevolent and kind individual who shared provisions with his children, whereas the British interpreted the term to imply “childishness,” a need of guidance, proper chastisement, and Anishinaabeg acceptance of Euro-American superiority.¹⁰⁵ While the Anishinaabeg called upon their father in search of kindness, the British believed them to be subjects who were like children, and thus in need of toleration, discipline, and instruction. The Toronto Society, whose key patrons were the leaders of Upper Canadian society, such as Lieutenant Governor Sir John Colborne and Bishop John Strachan, had appointed McMurray to be its missionary. These connections theoretically gave the Anishinaabeg direct access to the governing elite. In 1835, Thomas G. Anderson, Superintendent of Indian Affairs at Manitowaning, confirmed the missionary-government ties when he informed the Sault Anishinaabeg “that if their father had anything to communicate to them he would do it thr’ their Minister and should they have anything to say to him, he would write it for them if it was proper.”¹⁰⁶ Furthermore, prior to departing for his station, McMurray had been appointed Indian agent for Sault Ste. Marie, a position he held until his resignation.¹⁰⁷ As such, the Anishinaabeg were justified in believing that they had a direct line to the heart of British civilization and authority. These ties to the colonial administration proved to be McMurray’s undoing. Changes in Indian policy under Lieutenant Governor Sir Francis Bond Head led to the cancellation of promised material aid and McMurray’s eventual resignation. Basically, Head’s actions compromised the reciprocal understanding that had been established between the Anishinaabeg, McMurray, and the Crown, the latter represented by the Lieutenant Governor. Nonetheless, the Toronto Society refused to acknowledge the source of the problems

by concluding that conversions had declined because all the Sault Indians had been baptized by one faith or another.¹⁰⁸ This tarnished the illusion of power emanating from the Great Father, and McMurray's mission collapsed.

Comparatively, Roman Catholic missions to the Sault never suffered from loss of government support since they never really enjoyed it. With unofficial and official government backing, both McMurray and Bingham sought to remove Catholic priests from the area. McMurray lobbied for the removal of Roman Catholic Métis from the vicinity of the Anglican mission, as well as a restriction of their rights to harvest game, fish, and timber. In response, a group of Métis, including John Bell and Shingwaukonse's son Pierre Lavoine (Tegoosh), wrote to Bishop Macdonell requesting the services of a priest and assistance in obtaining government recognition of their rights.¹⁰⁹ Father Menet, SJ, noted that Catholic efforts, while suffering from several drawbacks, including a lack of financial resources compared to the Protestants, did not experience official government hostility.¹¹⁰ Menet calculated that the total income supporting the American Methodists received from the US government amounted to 26,000 francs annually, while the Baptists received fewer funds "since the minister [was] less industrious."¹¹¹ Unfortunately, Menet did not present a tally supporting the latter assertion or indicate the amounts granted by the British government to its Protestant missions. Nevertheless, "gloomily-triumphant," Menet concluded "le catholicisme est pauvre, bien pauvre, et pourtant il se soutient, il fait des progrès parce qu'il est l'oeuvre de Dieu et non des hommes."¹¹² In assessing God's role, Menet presented a misleading opinion, since the actions of "hommes," namely the Catholic Métis, played a significant role in the conversion process.¹¹³ The lack of definitive ties to the governments of BNA and the US allowed the priests to assume a more apparently pro-Anishinaabeg stance than those reliant on government funds. This lack of official, explicit ties to governments permitted the Anishinaabeg to register a protest against their Protestant missionary and government policies by supporting or converting to Catholicism.

Disease

Disease and its effects played a definitive role in encouraging the Anishinaabeg to seek alternative forms of spirituality and wellbeing, but did not act as the sole determinant. The initial period of illness in the Sault region, which included typhus in 1829, and seven continuous years of sickness and death between 1832 and 1838, coincided with an eclipse in 1831, as well as the resumption of attempts to Christianize and civilize the Anishinaabeg. These events contributed to the newly arrived missionaries becoming overwhelmed with positive responses to their initial forays at the Sault. By 1838, the Anglicans reported 160 communicants and numerous attendees at Sunday services. Methodists proclaimed victory for Christ when fifty people were converted and baptized in a single summer, and reported that many more showed promise.¹¹⁴ Methodists also asserted that “every day the number of hearers increased so much that our chapels got too small to contain all who came to hear,” and, in an effort to listen, “they cut holes through the sides of our chapels.”¹¹⁵ Baptist numbers similarly grew, reaching a peak of twenty-four communicants in 1837.¹¹⁶ Obviously, the presence of disease, together with an eclipse, assisted evangelical efforts to create a stark sense of morality among the Anishinaabeg, while promising ultimate salvation.

Anishinaabeg turned to Christianity during periods of illness for a variety of reasons. Conversions occurred as other means of curing illness faltered and failed. David Sawyer, a Methodist preacher, noted in 1833 that many Sault-area Anishinaabeg converted to Christianity in hopes of avoiding cholera.¹¹⁷ According to Sawyer’s report, many Anishinaabeg believed that the missionaries’ religion would render them impervious to the new diseases appearing at Sault Ste. Marie. Additionally, Sawyer believed that once the fear of contagion passed, many converts would relapse into former ways. His conclusion bore substance when attendance upon the Methodist “means of Grace” fell briefly in 1834, during the post-cholera period, and rose again with the appearance of typhus and an unknown affliction.

Sault Anishinaabeg debated the curative or destructive powers of baptism rather than its scriptural meaning. The power of baptism to heal or curse was bound with the tradition of summoning a “namer” when a named or unnamed individual fell ill. Relatives expected that the power

of a new name, provided by the minister/namer, might save their kin's life.¹¹⁸ The Methodist Reverend Copway contended that sick individuals received initiation into the *Midewiwin* to "receive the favour of the Great Spirit" and thereby aid in their recovery,¹¹⁹ which carried over into Anishinaabeg understandings of baptism. Father A. Kohler, SJ, ascertained that the Anishinaabeg continued to ascribe curative powers to the sacrament of baptism up into the 1850s, despite more than two decades of missionization.¹²⁰ When an Anishinaabeg couple asked Bingham to baptize an ailing child, Bingham explained that he could not baptize an infant, but agreed to "lay hands" upon the babe and pray for its soul as the Lord had done. By symbolically imitating Christ's act, and performing in a role akin to a shaman, Bingham managed to calm worried parents and anxious relatives.¹²¹

Wahbunosa and Shingwaukonse converted to Anglicanism after being convinced of the benefits of Christ's mercy. Both men converted once their ailing sons recovered soon after being visited and treated by a missionary.¹²² Others, like Mukubwâm, a resident of the South Shore, promised to give up their "superstitions" should the Christian God spare an ailing wife, child, or themselves.¹²³ Mukubwâm's negotiation with Bingham and the Christian God occurred in 1839, one year after a typhus epidemic in which an unknown number of Anishinaabeg died after receiving baptism. Basically, the Anishinaabeg evaluated their missionary upon his ability to effect a cure based upon their cultural criteria. In 1833, for instance, an unnamed healer converted to Christianity after his favourite daughter died despite his efforts to save her. After witnessing the preacher's success in aiding sick individuals and his own inability to do so, the healer believed his power and spiritual guides had abandoned him. Subsequent conversions occurred as individuals sought a new *manitou* to aid them in their lives.¹²⁴

According to Bingham, Makgissahneque became inclined to listen to the Word of Christ after losing a daughter.¹²⁵ Anumawetuñ similarly found his "ears unstopped" after the death of a child. Bingham noted in his diary that unlike Makgissahneque, Anumawetuñ and his wife sought the gospel's comfort when another child had died two years earlier.¹²⁶ Bingham expressed hope that this further loss would convince the couple of the necessity of Christ's redemption.¹²⁷

Temperance

Despite an apparent agreement on the necessity of temperance among the Anishinaabeg and the benefits that would result, missionary and Anishinaabeg opinions differed as to its meaning. Baptists and Methodists maintained the strictest interpretation of temperance, which amounted to total abstinence on the part of the Indians from all forms of alcohol. Anglican and Catholic missionaries generally wanted converts to abstain from strong beverages, such as whiskey and rum, although some priests demanded full abstinence. Abstinence, however, remained an undesirable goal from the Anishinaabeg perspective. People drank for many reasons: as an escape from declining standards of living or poverty; as a form of protest against missionary or Settler society's attempts at "reformation"; or simply as a social, or anti-social, act. Neither the documents nor the people's actions described in the records indicate that the nineteenth-century Sault Anishinaabeg drank to induce any form of religious experience,¹²⁸ or that alcoholism was rampant in the community. Instead, alcohol at times became a symbol of resistance to or acceptance of a particular form of Christianity. For instance, when criticized for drinking, an Episcopalian Methodist convert named Kabosa informed Bingham that he would not sign a temperance pledge for he "could not put the knife to his throat."¹²⁹ Other Anishinaabeg who wished to express allegiance with Christianity, such as Shingwaukonse, joined temperance societies on a permanent or temporary basis.¹³⁰ For instance, during his testimony of faith, Shagwenaby included temperance as part of his experience and a reason for becoming a Baptist Christian.¹³¹ Continued drinking and the minor differences in the presentation of temperance led ministers and some Anishinaabeg Christians to accuse one another of accepting "drunkards" into their churches.¹³²

Visions and Dreams

An unshakable belief in the power of dreams and visions also contributed to Anishinaabeg decisions. We must remain cautious when interpreting dreams and visions, both because of translation difficulties and the fact that dreams transpired sometimes days, weeks, months, or even years before being revealed to missionaries. In fact, the revelation of a dream occurred only after its true meaning had been understood and acted upon

by the Anishinaabeg participant.¹³³ Guidance gained through a vision became more valuable if an individual secured a physical possession that symbolically represented the dream subject. Hence, a direct connection existed in Anishinaabeg culture between a person's *manitou* and a dream object. Children and adults alike experienced dreams, as well as visions, as potent expressions of being, often following the direction gained therein throughout their lives.¹³⁴ Power, knowledge, and wisdom for the Anishinaabeg emanated from dreams and visions. Thus, Anishinaabeg belief in the power of dreams and visions led individuals to unite with one or more of the sects at the Rapids, as much as they could ensure maintenance of belief.

Anishinaabeg men and women maintained that dreams and visions influenced their decision whether or not to accept Christianity. In 1851, one year after the British Robinson-Huron Treaty and a time of heightened epidemics, Father Frémoot, SJ, discussed one such incident, but with a twist that involved an "old medicine man."¹³⁵ The priest revealed with some surprise that despite the medicine man's opposition to Christianity, he decided to allow a son to be baptized. When asked for an explanation, the old man stated that a vision obtained as a teenager predicted the baptism of a son by a priest, and in preparation for the event he christened the child "D'anamiké-Kijik," or "ciel de la prière" (sky prayer). Frémoot claimed that this wish represented a contradiction common in Anishinaabeg belief, but he nonetheless baptized the child in accordance with the father's vision.¹³⁶

Other examples of the effects of visions and dreams, while not as detailed in the records, hint at the continuation of Anishinaabeg custom, albeit in a Christian context. John Sunday related the tale of a "female conjuror, [who] had purchased a 'medicine bag' at great expense," but "by a singular dream she came to the conclusion to renounce her pagan customs" and become a Christian.¹³⁷ Peter Marksman revealed after his conversion in the spring of 1838, during the height of a typhus epidemic, that he had dreamed of a judgment day. Through discussions with Anishinaabeg agents at the Sault, Marksman eventually became aware of the dream's importance, converted, and entered the Methodist ministry.¹³⁸ When discussing the state of spiritual development with Bingham, Tadábuhsás related that a dream cleared his thoughts and

awoke his mind to Christianity.¹³⁹ After praying throughout the night, the Methodist convert William Pwaun experienced a similar revelation during the early morning hours as the dawn broke.¹⁴⁰

In relating her Christian experience to the Baptist congregation, Malivina claimed she had heard a voice telling her she was too young to become a Christian. Later, after reflection and thought, as well as a vision, she discovered that the voice belonged to Satan and she could indeed become a Christian.¹⁴¹

Death experiences also helped to promote interest in conversion. Miskâjéchâ regularly spoke of the vision he had whilst on his deathbed, likely suffering from typhus. According to Miskâjéchâ's testimony, he saw a grand city populated by beautiful people with wings and lighted by something other than the sun. Two of these winged beings, which had carried him to the city, informed Miskâjéchâ that he must return and share the vision with others.¹⁴²

Another vision of heaven dating to the seventeenth century that affected people's decisions was the notion of a dual heaven—one for Europeans and one for Indians. In this vision, a converted Indian was denied access to both—to the one because he was not European, and the other because he renounced his "Indianness" by becoming Christian. This damned the man's soul to wander between the two, forever seeking access. Okubagezhik confronted the Baptist Reverend Bingham and the Methodist Reverend Jones with this argument in 1837. In reply, Jones stated that since he had an equal share of Indian and non-Indian blood, if the "old man's" vision were true, he would be at a loss where to go. Jones then informed Okubagezhik that Christ preached about the equality of mankind, and therefore no one could be refused entrance into heaven.¹⁴³

Indigenous Assistants

Anishinaabeg and Métis assistants at the Sault missions played a key role in proselytization. The regular employment of Anishinaabeg or Métis as mediators, whether or not they were related to the individuals they were ministering to, helped attract people to the various denominations. In short, missionaries at the Sault relied on anyone familiar with the Anishinaabeg, French, and English languages, customs, mores,

symbols, and values.¹⁴⁴ These cultural mediators enabled the process of becoming Christian and the conversations with missionaries.

Upon arrival at the Sault, missionaries expected to begin preaching regardless of whether or not they spoke the Anishinaabeg language.¹⁴⁵ Recognizing the importance of language, evangelicals hired interpreters to assist in their proselytizing efforts. As such, throughout the period Methodists, Catholics, Baptists, and Anglicans all relied heavily on Anishinaabeg and Métis assistants. To this end, Bingham received into the ministry James D. Cameron, a Mixed-Blood from the Nipigon country, and employed both Anishinaabeg and Métis men and women, such as Shegud, Edward Cadotte, Alexis Cadotte, George Johnston, Peter Jacobs, Lydia Shegud, Jane Johnston Schoolcraft, and Charlotte Johnston. Similarly, the Anglicans employed a number of Indigenous interpreters. Reverend McMurray, for example, employed Charlotte Johnston McMurray (Ogebunoqua), John Tanner (Shawshawwabenase), John McFarlane (John Bell), and James Robertson (Odahbit). The Methodists, however, employed the greatest number of Indigenous assistants—approximately sixteen individuals—including John Sunday, James Young, George Henry, David Sawyer, Thomas M'Gee, John Cah-beach, John Tauncy, Henry Chase, Peter Jones, William Herkimer, Thomas Frazer, Henry Snake, Peter Jacobs, Peter Marksman, George Copway, and Peter Greensky, as well as Charlotte Johnston. Together, these individuals guided the Anishinaabeg missionary conversation.

Nonetheless, this reliance on Indigenous mediators concerned the missionaries. They worried about the appropriateness of relying on non-coreligionists, the accuracy of interpretation and translation, and the mediators' overall effectiveness. These concerns forced missionaries to seek the best possible interpreters and even debate the relevance of Indigenous agents. Regardless of their concerns, missionaries at the Sault had little option but to employ such assistants.

Bingham, on arriving at the Sault, employed Charlotte Johnston and John Tanner. Both of these interpreters created issues for the mission. On the one hand, Tanner's temper and questionable translations of Bingham's sermons led to his dismissal. McMurray, who also employed Tanner, similarly found him untrustworthy. Johnston, on the other hand, proved a very efficient and popular interpreter for Bingham. For

instance, when Johnston became ill, Bingham found himself in desperate need of a suitable interpreter. His meetings with the Anishinaabeg were dismissed without a sermon. Johnston's ability and popularity became obvious, as Bingham recorded in his diary that "those back in the woods having learnt that Miss J. had so recovered her health as to be able to interpret," resulted in "an excellent meeting."¹⁴⁶ When Johnston married the Anglican missionary, McMurray, Bingham once again lamented the loss of his proficient interpreter.¹⁴⁷

The Methodists reported, in 1830, that John Sunday and his Anishinaabeg colleagues had created two revivals in the Sault through their efforts, the first among the Anishinaabeg and the second among the soldiers at Fort Brady.¹⁴⁸ These Indigenous exhorters drew such large crowds that the Presbyterian Reverend Jeremiah Porter, who ministered mainly to Settlers, expressed sympathy for Baptist efforts in the area.¹⁴⁹ The presence of Sunday and other Anishinaabeg preachers suppressed Baptist efforts in 1830–32. It was only when the Methodists appointed non-Indigenous ministers to head the mission that the interest in that denomination slowed.

Charlotte Johnston's marriage to McMurray in 1832 also contributed to the decline in the popular interest in Methodism. Johnston McMurray's popularity and longstanding presence at the Sault immediately served to draw support toward the Anglicans. One particular visitation aptly showed the importance of Johnston McMurray's role as mediator for her husband and the Anishinaabeg. In December 1833, McMurray visited Shingwaukonse's lodge to see the ailing Buhkwujjenene, who many believed to be dying. During this visit, McMurray reported that Shingwaukonse knelt to pray, expressed repentance for his sins, and asked to become a baptized Christian (Anglican). As this conversion drama unfolded, Johnston McMurray translated McMurray's address to the gathered family, as well as Shingwaukonse's response. Interestingly, Shingwaukonse's actions took place not after McMurray's translated address, but only following McMurray Johnston's prayer "that the old man said I have been a great sinner."¹⁵⁰

Instead of radically altering culture as demanded by the missionaries, Johnston McMurray and other Anishinaabeg missionaries and assistants sought to teach the Anishinaabeg new knowledge, the most important

of which, in their mind, was Christianity. Again, it is difficult to ascertain the exact message being presented to the community. Certainly, the Anishinaabeg preachers were popular, but their exact Christian message is not truly knowable. Records indicate that Johnston McMurray, when briefly working with the Methodists and during her work with the Anglicans, spoke of Christian salvation, temperance, industry, and homelands.¹⁵¹ Thus, it is apparent, albeit fleetingly, that the Anishinaabeg preachers did not seek full assimilation. Rather, they merely sought to present the Anishinaabeg with a set of skills and knowledge that would allow participation in the Euro-American political economy gradually engulfing the Sault borderlands.

Conclusions

Anglican, Baptist, Catholic, and Methodist missionaries worked by straddling the borders of culture and nation—Anishinaabeg and Euro-American, BNA and the US. While attempting to act within the cultural framework present at the Rapids, external agencies hindered each mission and missionary. McMurray found his reciprocal and kinship relationships strained and then severed through the shifting policies of patrons and governments. The Baptist minister Bingham and the Methodist minister Clarke discovered that removal policies adversely affected and ruined Anishinaabeg efforts to establish themselves in permanent villages. O'Meara learned that his unsocial hoarding of goods and support for an unpopular government policy adversely affected his ability to function as an emissary of Christ. Government and Euro-American opposition proved a mixed blessing for Catholic missionaries. Implied and/or direct support of treaties and government goals effectively devastated missions. In the end, from the 1820s to the 1850s, the missionaries found themselves trying to negotiate within a multitude of conversations among themselves, Aboriginals, and governments, which often appeared beyond their influence or control. Yet, individuals such as McMurray, Bingham, Clarke, Pitezel, and Chance successfully negotiated a path that led to reported “successes” in winning adherents to their versions of Christianity.

The Anishinaabeg sought to cast the missionaries within a societal context based upon their culture and familiar interactions with

other Europeans and Euro-Americans. Missions and missionaries were judged according to Anishinaabeg cultural criteria for proper “civilized” relations. Failure to adhere to the code of conduct resulted in a loss of support, reduction in church attendance, and, in the case of Reverend Anderson, outright rejection. Nevertheless, the Anishinaabeg, like the missionaries, maintained conversations among the different faiths to keep their options open. Anishinaabeg found evangelicals to seem deaf to their concerns on some occasions, while at others they appeared willing and able to listen. Despite being judged as caring more for the present than the future, the Anishinaabeg attempted to ensure their future by establishing binding relations through kin and gifts with the representatives of Western Christianity in their midst.

While kin, alliance, and community remained the primary factors affecting individual decisions and actions throughout the process of Christianization, other factors also arose. Disease, death, dreams, visions, and Indigenous exhorters also played key roles in determining which denomination individuals selected. Kinship remained intimately bound up with these other influences, since the death or near-death experience of a loved one might serve as a guide for friends and family. With the myriad of options represented along the St. Mary’s River, people relied on relatives to offer advice and guidance to help create understanding among the multiple conversations occurring in Sault Ste. Marie’s borderlands.

The presence of a border and competing mission stations along both shores gave the Anishinaabeg numerous choices—choices unavailable to many other Indigenous groups in BNA and the US, who resided at a greater distance from an international boundary. Additionally, the presence of five separate denominations gave the Anishinaabeg choices unavailable to those who confronted a single denomination. Anishinaabeg residents openly questioned and judged responses by missionary representatives of the various denominations concerning Settlers’ actions and biblical interpretations, as well as the apparent sincerity of mission personnel. Wazâwadong, Shingwaukonse, Shegud, Kabenodën, Okubagezhik, Mukubwâm, and others actively sought to educate themselves about the various Christian messages presented by the Anglicans, Baptists, Catholics, Methodists, and Presbyterians. Differences in styles

of worship were noted, discussed, and queried. Ministers frequently found themselves explaining their version of Christianity. Only after investigating the position of each evangelical would the Anishinaabeg consider conversion.

A sense of alliance with the Queen, the President, or a particular missionary encouraged adherence to a particular brand of Christianity. Specifically, a sense of alliance to a particular form of government expressed through membership in a particular church could help or hinder conversions—such as Shingwaukonse’s desire to pray from the same book as the Queen. Individuals who desired to remain in the US refused to become Anglican. Methodist Anishinaabeg in Canada were forced to relocate to the US, or forswear the alliance with that denomination because government authorities viewed them as Americans. Thus, conversion needs to be seen as a set of multifaceted conversations between Anishinaabeg and missionaries that were affected by many factors at the local, regional, and national levels.

Thus, when Shingwaukonse heard so many birds singing “around me that I might listen to their instructions and when I had the notion to listen to one the other opposed him—and so also each of the others strove to be uppermost—each saying that my religion is the best,” he was expressing not only disbelief at the lack of unity among the professors of Christianity, but also noting that this gave the Anishinaabeg great range of choice. It is these choices, echoed in the records of the “singing birds,” which illustrate the multiple factors that might influence acceptance of Christian baptism. The Anishinaabeg, while pressed to become Christian, were never forced to accept a particular denomination; instead, they let experience and knowledge guide their decisions. It was these decisions that led the entire Anishinaabeg community at Sault Ste. Marie to be baptized, either by Anglicans, Baptists, Catholics, Methodists, or Presbyterians, by the 1850s. Yet, according to the words of the early twentieth-century Sault Ste. Marie historian E. H. Capp, “although the country was under Christian influence many of the Indians still retained the customs handed down to them by their fathers.”¹⁵²

Endnotes

- 1 "Shingwokkonse to Father S. P. Jarvis, 13 Nov. 1840," Library and Archives Canada (hereafter LAC), RG 10, vol. 125: 70534–5, Indian Affairs Records (hereafter RG 10).
- 2 See Karl S. Hele, "An Era's End?: Imposing/Opposing Control in the Sault Ste. Marie Borderlands," in *Tecumseh's Vision: Indigenous Sovereignty and Borders Since the War of 1812*, ed. Ute Lischke, David T. McNab, and Paul-Emile McNab (Winnipeg: Aboriginal Issues Press from the University of Manitoba, 2015), 47–70.
- 3 Robert E. Bieder, "Sault Ste. Marie and the War of 1812: A World Turned Upside Down in the Old Northwest," *Indiana Magazine of History* XCV (1999): 1–13; and Hele, "An Era's End?", 47–70.
- 4 Janet E. Chute, "Pursuing the Great Spirit's Power: Anishinaabeg Ways of Revitalizing the Failing World System," in *Papers of the Twenty-Sixth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba, 1995), 35–51; and "Shingwaukonse: A Nineteenth-Century Innovative Anishinaabeg Leader," *Ethnohistory* 45, no. 1 (1998): 65–101.
- 5 Rev. F. A. O'Meara, *Appeal on Behalf of Indian Missions in the Diocese of Toronto* (Toronto: Henry Rowsell, 1856), 23.
- 6 John H. Pitezal, *Lights and Shades of Missionary Life: Containing Travels, Sketches, Incidents, and Missionary Efforts, During Nine Years Spent in the Region of Lake Superior* (Cincinnati: Walden and Stowe, 1882; reprint, Wentworth Press, 2016), 199.
- 7 Entry for 17 December and 24 January 1832, Journal 2, Rev. Abel Bingham Papers, Clarke Historical Library, Central Michigan University.
- 8 Entry for 14 November 1837, Journal 3 (October 1836–October 1840), Bingham Papers.
- 9 Entry for 4 March 1839, Journal 3, Bingham Papers.
- 10 Rev. F. A. O'Meara to Bishop, 3 October 1839, Rev. John Strachan Papers, Archives of Ontario.
- 11 Entry for 8 March 1839, Journal 3, Bingham Papers.
- 12 "Experience not Logic," reprinted from *The Christian Witness*, in *Christian Guardian* (hereafter CG), 27 November 1889.
- 13 Spelled "Wazuhunhwadoong" by the Methodists. Bingham also used "Wazâwadon."
- 14 Entry for 13 January 1837, Journal 3, Bingham Papers.
- 15 "John Bell's relation," T. G. Anderson Papers, Toronto Metropolitan Reference Library (TMRL hereafter). John Bell was a Mixed-Blood trader who at the invitation of Chief Shingwaukonse in the late 1840s joined the Garden River Band. Bell became a trusted advisor and headman, with his name appearing on the 1850 and 1859 Treaties, and converted from Catholicism to Anglicanism at the behest of Shingwaukonse.

- 16 Waddilove, *The Stewart Missions: A Series of Letters and Journals...* (London: J. Hatchard and Son, 1838), 105; and John Webster Grant, *Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1854* (Toronto: University of Toronto Press, 1984), 91.
- 17 O'Meara, *Appeal on Behalf*, 23.
- 18 Francis Audrain, Subagent to H. R. Schoolcraft, US Indian Agent, 13 June 1833. Letters received by the Agent at Mackinac, vol. 2 (1 May 1833–29 December 1834), 48–49, Records of the Michigan Superintendency of Indian Affairs, 1814–51. It was also rumoured that McMurray threatened to force Shingwaukonse to use the British flag and burn his American one. Ironically, Shingwaukonse claimed that this assertion was false, since McMurray promoted the Gospel and not a particular form of government. McMurray to Schoolcraft, 14 June 1833, Henry Rowe Schoolcraft Papers, r21, c38: 11853–4, Clarke Historical Library, Central Michigan University (hereafter "CHL").
- 19 Audrain to Schoolcraft, 13 June 1833, 48–49.
- 20 For information on the various disputes, see Bingham Journals in the Rev. Abel Bingham Papers and Bingham's Correspondence within the ABFMS for 1830–31 Correspondence held by the Clarke Historical Library; John T. Fierst, "Return to 'Civilization': John Tanner's Troubled Years at Sault Ste. Marie," *Minnesota History* 50, no. 1 (spring 1986): 23–36; Richard G. Bremer, *Indian Agent and Wilderness Scholar: The Life of Henry Rowe Schoolcraft* (Mount Pleasant: Clarke Historical Library, Central Michigan University, 1986), 116–17, 243, 149–51; Marjorie Cahn Brazer, *Harps Upon the Willows: The Johnston Family of the Old Northwest* (Ann Arbor: Historical Society of Michigan, 1993), 218–21; J. Clarke to H. R. Schoolcraft, 13 June 1833, Schoolcraft Papers, r6, c10: 1933; "Request of the Indians of Sault Ste. Marys Sept. 1831 to be allowed to grant land to the Chippewas of Grape Island, L. Ontario," 20 September 1831, Schoolcraft Papers, r5, c10: 1688; and "Of John Sunday and other converted Indians from Grape Island, U.C., to the northwestern Indians," *New York Christian Advocate* (hereafter NYCA), 25 November 1831.
- 21 Peter Jones, *Life and Journals of Kay-Ke-Wa-Qua-Na-By (Peter Jones)* (Toronto: Wesleyan Printing Establishment, 1860), 221–22; Neil Semple, *The Lord's Dominion: The History of Canadian Methodism*. (Montreal: McGill-Queen's University Press, 1996), 46, 166–72; and Elizabeth Gillan Muir, "Beyond the Bounds of the Acceptable Behaviour: Methodist Women Preachers in the Early Nineteenth Century," in *Changing Roles of Women within the Christian Church in Canada*, ed. Elizabeth Gillan Muir and Marilyn Fardig Whiteley (Toronto: University of Toronto Press, 1995), 177–78.
- 22 Semple, *The Lord's Dominion*, 46–47.
- 23 Entry for 15 October 1841, Journal 4, Bingham Papers.
- 24 Speech of Shingwaukonse 27 May 1835, Samuel Jarvis Indian Papers, TMRL.

- 25 F. A. O'Meara, *Report of a Mission to the Ottahwahs and Anishinaabegs on Lake Huron* (London: Society for Propagation of the Gospel, 1846), 30; and T. G. Anderson to S. P. Jarvis, 13 May 1844, LAC, RG 10, vol. 129: 72524–5, Samuel Jarvis Papers, TMRL.
- 26 Address of Shingwaukonse to Col. Jarvis, 6 August 1839, Samuel Jarvis Indian Papers, TMRL.
- 27 By the 1830s, a concept of traditional leadership had arisen among the Great Lakes Anishinaabeg. While a particular clan or family may have had the “right” to appoint a leader, it is not clear that the next in line was always the eldest son or the individual best able to lead. The idea of hereditary leaders among the Great Lakes Anishinaabeg needs further study. For the concept of the “good life,” see Lawrence W. Gross, “*Bimaadiziwin*, or the ‘Good Life,’ as a Unifying Concept of Anishinaabe Religion,” *American Indian Culture and Research Journal* 26, no. 1 (2002): 15–31. For an example of how an individual could rise to a leadership position, see James Redsky, *Great Leader of the Anishinaabeg: Mis-quona-queb* (Toronto: McClelland and Stewart, 1972), 24–7, 37–48. See also Janet Chute, *The Legacy of Shingwaukonse: A Century of Native Leadership* (Toronto: University of Toronto Press, 1998).
- 28 For examples of how religion divided communities, see Robert F. Berkhofer, “Faith and Factionalism among the Senecas: Theory and Ethnohistory,” *Ethnohistory* 12 (1965): 99–112; and Walter Randolph Adams, “Processes of Dynamics of Community Fission and Maintenance: An Anishinaabeg Case,” in *Explorations in Anthropology and Theology* (Lanham, MD: University of America Press, 1989), 209–30.
- 29 For more information, see Alan Knight, “‘A Charge to Keep I Have’: Mission to the Ojibwe at Sault Ste. Marie, St. John’s (Church), Garden River, 1983.” Shingwauk Project, Algoma University College SP 197.13–15. See also “Dr. O’Meara defending Mr. Chance in the ‘Globe,’” *CG*, 9 July 1862; “The Rev. James Chance—Last Saturday’s Leader,” *CG*, 30 July 1862; *CG*, 22 October 1856; “Dr. O’Meara’s Letters,” *CG*, 31 December 1856; Frederick A. O’Meara, “The Garden River Mission,” *The Globe*, 30 April 1858; Chute, *The Legacy*, 158–59, 185–91; Hannah Chance to William Spragge, 20 June 1865, LAC, RG 10, vol. 615; Letter (C-512), James Chance to H. L. Langevin, Secretary of State, 30 April 1868: 218320–4; Letter (C-533), J. Chance, Port Hope to William Spragge, 20 June 1868; and Letter (C-594), J. Chance to H. L. Langevin, 20 January 1869, LAC, RG 10, vol. 326: 218433–4, 218689–96.
- 30 Charles E. Cleland, *The Place of the Pike (Gnoozhekaaning): A History of the Bay Mills Indian Community* (Ann Arbor: University of Michigan Press, 2001), 32.
- 31 This nineteenth-century Anishinaabeg practice appears to accord with the conclusion reached in James Axtell, *The Invasion Within: The Contest of Cultures in Colonial North America* (New York: Oxford University Press, 1985), 83–84.
- 32 Spelled “Wazâwadôn” and “Wazâwadong” by Rev. A. Bingham.

33 "Letter from the Reverend Father Hanipaux, Missionary – Apostolic of the Society of Jesus, to his Brother dated Ste. Croix, Great Manitouline Island, Sept. 14th, 1845," *Annals of the Propagation of the Faith* 7 (1846): 341; John H. Pitezal, *Life of Rev. Peter Marksman: An Ojibwa Missionary* (n.a.: Western Methodist Book Concern, c.1901), 154; George Copway, *Life, Letters and Speeches*, ed. A. Lavonne Brown Ruoff and Donald B. Smith (1850; reprint, Lincoln and London: University of Nebraska Press, 1997), 109; "Extract from the Journal of the Rev. P. Jones," *Wesleyan Methodist Magazine* (hereafter WMM) 75 (December 1852): 1140; and Knight, "A Study in Failure," copy of manuscript in author's possession.

34 "Kohler, Auguste," *Dictionary of Jesuit Biography: Ministry to English Canada, 1842-1987* (Toronto: Canadian Institute of Jesuit Studies, 1991), 173.

35 Knight, "A Study in Failure"; and Augustine Shingwauk, *Little Pine's Journal: The Appeal of A Christian Chief on Behalf of his People* (1872 Reprint, Sault Ste. Marie: Shingwauk Reunion Committee, 1991), 4.

36 John McDougall, *George Millward McDougall: The Pioneer, Patriot, and Missionary* (Toronto: William Briggs, 1888), 55.

37 After exploring the issue of how the Montagnais in the seventeenth century interpreted baptism, Morrison concluded that the sacrament's symbolism was significant when attempting to understand conversion and its meaning for Aboriginal people. Kenneth M. Morrison, "Baptism and Alliance: The Symbolic Mediations of Religious Syncretism," *Ethnohistory* 37 (fall 1990): 416–37; and Gertrude P. Kurath, "Blackrobe and Shaman: The Christianization of Michigan Algonquians," *Papers of the Michigan Academy of Science, Arts, and Letters* XLIV (1959): 214.

38 A. A. Den Otter, "'The Wilderness Will Rejoice and Blossom Like the Crocus': Bishop David Anderson's Perceptions of Wilderness and Civilization in Rupert's Land," in *Historical Papers 2001: The Canadian Society of Church History*, ed. Bruce L. Guenther (Canada: Canadian Society of Church History, 2001), 90.

39 Axtell, *The Invasion Within*, 167–68; and Myra Rutherford, "Revisiting Colonization through Gender: Anglican Mission Women in the Pacific Northwest and the Arctic, 1860–1945," *BC Studies* 104 (winter 1994): 19.

40 Mrs. James Chance, *Reminiscences of Our work among the Indians* (London, ON: Heal and Fleming, 1898), 11.

41 Knight, "A Study in Failure."

42 For example, see "Missions in North America: Mission to the Anishinaabegs," *American Baptist Magazine* (hereafter ABM) 23, no. 6 (June 1843): 137–38; "Mission to Anishinaabegs," *ABM* 29, no. 7 (July 1849): 266–67; and "Report" *Missionary Magazine* (hereafter MM) 36, no. 7 (July 1856). See also Karl S. Hele, "James D. Cameron: Baptist and Mixed-blood Minister at Bawating: 1831-1859," in *Papers of the 35th Algonquian Conference*, ed. H. C. Wolfart (Manitoba: University of Manitoba Press, 2004), 137–61.

43 "Mission to the Anishinaabegs," *MM* 35, no. 7 (July 1855): 331; and "Report," 30 June 1854, sent to Rev. S. Peck, Corresponding Secretary for the ABFMS, Copies of Reports, Bingham Papers, CHL.

44 Bruce White, "'Give Us a Little Milk': The Social and Cultural Significance of Gift Giving in the Lake Superior Fur Trade," in *Rendezvous, Selected Papers of the Fourth North American Fur Trade Conference, 1981*, ed. Thomas C. Buckley, 185–98 (St. Paul: The Conference, 1984), 187–89.

45 For more information on Cameron's labours, see Hele, "James D. Cameron."

46 See Karl S. Hele, "'How to Win Friends and Influence People': Missions to Bawating, 1830 – 1840," *Historical Papers 1996: Canadian Society of Church History* (1996): 155–76; "'Fully Equal to a Mission in Herself': Charlotte Johnston McMurray's Missionary Labours at Bawating, 1827–1838," in *Papers of the 39th Algonquian Conference*, eds. Karl S. Hele and Regna Darnell (London: Algonquian Society, 2008), 316–57; and "James D. Cameron," for the discussion of Charlotte Johnston McMurray's role in proselytizing at Bawating.

47 The Shingwauk or Pine family has generally maintained its attachment to the Anglican Church since this period.

48 Shingwauk, *Little Pine's Journal*, 4.

49 White, "'Give Us a Little Milk,'" 185.

50 Entries for 13 and 14 August 1850, Bingham Papers. Based upon another letter, it is possible that the dispute may have arisen because the woman already had a husband. J. R. Livingston to Rev. Bingham, 3 June 1848, Letters April–June 1848, boxes 5 and 6, Bingham Papers.

51 Carol Devens, *Countering Colonization: Native American Women and Great Lakes Missions, 1630–1900* (Berkeley: University of California Press, 1992), 90–113.

52 Despite his Anglican conversion, Piabetassung affirmed his adherence to the Methodist Church along with many followers in the late 1830s, something he maintained until his band dispersed in the late 1850s.

53 Entry for 20 March 1842, Journal 4 (October 1840–June 1844), Bingham Papers, CHL; Pitez, *Life of Rev. Peter Marksman*, 240; Diary of Rev. Gustav Anderson, T. G. Anderson Papers; *Fifth Annual Report of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among Destitute Settlers in Upper Canada* (Toronto: Robert Stanton, 1836), 28–30; and Chute, *The Legacy*, 56–57.

54 Rev. Bingham to Rev. Dr. Bolles, 3 August 1831, Correspondence—Bingham 1830–1831, ABFMS Papers, CHL.

55 See Devens, *Countering Colonization*.

56 Diary of Rev. Gustavus Anderson, T. G. Anderson Papers; *Fifth Annual Report of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among Destitute Settlers in Upper Canada*, 28–30; and Chute, *The Legacy*, 56–7.

57 Devens, *Countering Colonization*, 108.

58 Knight, "A Charge to Keep I Have."

59 A. Salt, "Garden River Mission," *CG*, 23 May 1860.

60 "John Sunday's Journal extracts, continued," *CG*, 2 October 1833.

61 Rev. O'Meara to Bishop of Toronto, 17 October 1842 and 3 March 1844, Strachan Papers.

62 Entry for 10 December 1839, Journal 3, Bingham Papers.

63 Rev. F. A. O'Meara to Bishop, 4 May and 7 October 1840, Strachan Papers.

64 "Continuance of extracts from David Sawyer's Journal," *CG*, 27 February 1833; "Of John Sunday," *NYCA*, 2 December 1831.

65 *CG*, 2 October 1831.

66 Rev. F. A. O'Meara to Bishop, 4 May and 7 October 1840, Strachan Papers.

67 Entry 7 October 1846, Journal 1846–1848, Pitezel Papers.

68 "Continuance of extracts from D. Sawyer's Journal," *CG*, 27 Feb. 1833.

69 Rev. F. A. O'Meara, *Second Report of a Mission to the Ottahwahs and Anishinaabegs on Lake Huron* (London: S.P.G., 1847), 16.

70 Entries for 11 June, 4 July, 28 October, and 20 November 1838, Journal 3, Bingham Papers.

71 Entry for 2 January 1833, Journal 2. For additional examples, see entries for 18 October 1829, Journal 1, and 20 November 1847, Journal 5, August 1844–October 1864, Bingham Papers.

72 Entry for 1 July 1832, Journal 2, Bingham Papers.

73 Entry for 15 October 1833, Journal 2, Bingham Papers.

74 *Twenty-second Annual Report of the Incorporated Church Society of the Diocese of Toronto* (1864), 41–42.

75 "Extract of a letter from the Rev. A. Salt, dated Jan. 2, 1860," *CG*, 22 February 1860.

76 Henry R. Schoolcraft, "Conversion of an Indian Juggler," *NYCA*, 11 September 1835; and Henry R. Schoolcraft, "Mythology, Superstition and Languages of the North American Indians," *Literary and Theological Review* 2 (Mar. 1835), 97–100.

77 Nahbahnaosh may be a fictive name invented by Pitezel, either as a trope within his work or to protect the identity of the couple in question. This is based on the name's phonetic pronunciation being similar to that of Nanaboozo, or Nanabush, the cultural hero of the Anishinaabeg. Pitezel, *Life of Rev. P. Marksman*, 235.

78 Personal communication with A. Knight, March 2000.

79 However, this does not mean that the child remained within that faith for his or her entire life, although many did. See "Diarium Missionis S.S. Cordis Jesu,"

Church of the Immaculate Heart of Mary, Garden River; and Parish register, St. John's Anglican Church, Garden River.

80 Jeremiah Porter, "Sketches of A Pioneer Missionary," *Michigan Historical Collections* 4 (1883): 86–87.

81 McMurray to Johnston, 16 March 1833, folder 1833, September–December, George Johnston Papers, Burton Historical Collection, Detroit Public Library (hereafter DPL).

82 For other examples of kin influencing people's decisions concerning denominational adherence, see McDougall, *George Millward McDougall*, 53; CG, 24 September 1856; and Schoolcraft, "Mythology, Superstition and Languages," 97–100.

83 Fred Landon, "October 1838," "Letters of Rev. James Evans, Methodist Missionary, Written During his Journey to and Residence in The Lake Superior Region, 1838-39" *Ontario Historical Society* 28 (1932): 61–62.

84 Windigos are the most terrifying creatures in Anishinaabeg oral tradition. Whether real or mythological, inherent fear of the Windigo was and is pervasive in Anishinaabeg communities—the terror was and is real. Anyone suspected of becoming a Windigo would immediately be put to death. Essentially, the Windigo was a person who had become or was becoming a threat to society—an individual who consumed other individuals, physically or metaphorically. Basil Johnston, *The Manitou: The Spiritual World of the Ojibway* (Toronto: Harper Perennial, 1996), 221–25, 235–37; J.-Allen Burgess, "Windigo," *Beaver*, outfit 277 (1947): 4–5; Herbert T. Schwarz, *Windigo and other tales of the Ojibways* (Toronto: McClelland and Stewart, n.d.), 11–12; and Robert A. Brightman, "The Windigo in the Material World," *Ethnohistory* 35, no. 4 (1988): 337–77.

85 Pitezel, *Lights and Shades*, 387–90; "Mrs. Chance ... from Garden River: — Sept. 19, 1862," *Annual Report of the CCCS* (1863): 60; "Mrs. Chance thus writes..." *Annual Report of the CCCS* (1870): 36–37; Edward F. Wilson, *Missionary work among the Ojebway Indians* (New York: E. & J.B. Young & Co., 1886), 52–53, 72; Chance, *Our Work*, 47; and "...extracts Mrs. Chance's letter," *Annual Report of the CCCS* (1868): 59.

86 *Annual Report of the CCCS* (1870): 36.

87 Chance, *Our Work*, 22.

88 Linda Clemons, "'Our Children are in danger of becoming little Indians': Protestant Missionary Children and Dakotas, 1835–1862," *Michigan Historical Review* 25, no. 2 (fall 1999): 69–90. Clemons discusses how common social interaction could affect church adherence.

89 Devens, in *Counteracting Colonization*, 4, 52–53, 108, argues that gender divisions created by the conversion experience prevailed in communities throughout the Great Lakes region in the seventeenth and nineteenth centuries. My analysis of nineteenth-century missionary records indicates that a community-wide split between men who accepted Christianity and women who rejected Christianity did not occur. These findings are similar to Margaret

Whitehead's "'A Useful Christian Woman': First Nations' Women and Protestant Missionary Work in British Columbia" *Atlantis* 18.1&2 (Fall-Winter 1992/Spring-Summer 1993): 152, wherein individual women converted to Christianity for their own reasons, not as a group.

90 Carolyn Podruchny, "'I Have Embraced the White Man's Religion': The Relations Between the Peguis Band and the Church Missionary Society, 1820–1838," in *Papers of the Twenty-Sixth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba Press, 1995), 354–55; and White, "'Give Us a Little Milk,'" 185–97.

91 Charles E. Cleland, *Rites of Conquest: The History and Culture of Michigan's Native Americans* (Ann Arbor: The University of Michigan Press, 1992), 54–58.

92 "Ordination of Mr. Cameron—Arrival of Miss Rice and departure of Miss Brown," *ABM* 16, 10 (September 1836): 224–25.

93 For examples, see Entry for 20 March 1837, Journal 3; James Cameron to A. Bingham, 2 May 1848, Boxes 5 and 6, Letters April-June 1848, Bingham Papers; Rev. Bingham to Rev. S. Peck, 8 June 1843 and 28 February 1843, Correspondence—Bingham 1843; Bingham to Rev. S. Peck, 12 June 1833, Bingham 1832–1833, ABFMS Papers; and "Mission in North America: Missions to the Anishinaabegs," *ABM* 24, no. 7 (July 1844): 179. The staff of the Methodist mission similarly recognized the advantage of providing material aid to the Anishinaabeg, as well. "Sault Ste. Marie Mission, J. Clarke, 23 Jun. 1834," *NYCA*, 18 July 1836; "J. Clarke's report," *NYCA*, 13 May 1836; and Pitez, *Lights and Shades*, 385–97.

94 Archdeacon McMurray, "Mission Work Among Indians at Sault Ste. Marie in Early Days," *The Canadian Church Magazine* [typescript copy] (1891): 4, Historical Files, Missions and Missionaries Binder, Sault Ste. Marie Public Library.

95 *Third and Fourth Annual Reports of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among Destitute Settlers*, 12 (3rd), 31–32 (4th).

96 *Christian Advocate* (hereafter CA), 11 April 1834; "Sault St. Marie Mission, Letter J. Clarke to Rev. B. Waugh, 21 Feb. 1834," *NYCA*, 11 April 1834; Chief Shingwaukonce's Speech, 10 August 1839, Samuel Jarvis Indian Papers; Rev. O'Meara to Bishop, 3 October 1839 and 17 March 1840, Strachan Papers; Waddilove, *Stewart Missions*, 104–5; W. McMurray to George Johnston, 16 March 1833 and 3 June 1833, Folder 1833, September–December, George Johnston Papers; CG, 5 July 1854; and F. Audrain, Subagent, Sault Ste. Marie, to H. R. Schoolcraft, US Indian Agent, Mackinac, 13 June 1833. Letters Received by the Agent at Mackinac, Volume 2—May 1, 1833–December 29, 1834: 48–49, Records of Michigan Superintendency of Indian Affairs, 1814–51.]

97 T. G. Anderson, SIA to Capt. G. Philpots, A.D.C. 18 July 1835, Strachan Papers.

98 Speech of Shingwauk re: Squatters on Indian Lands, 27 May 1835, Samuel Jarvis Indian Papers.

99 *The Fifth Annual Report of the Society for Converting and Civilizing the Indians and Propagating the Gospel, Among the Destitute Settlers of Upper Canada*, 11; *The Third Annual Report of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among the Destitute Settlers of Upper Canada*, 53–54; Speech of Shingwauk re: Squatters on Indian lands, 27 May 1835, Samuel Jarvis Indian Papers; Waddilove, *Stewart Missions*, 104; “Speech of Chief Shingwauk, 20 August 1859,” Samuel Jarvis Indian Papers; and Drafts of letters and reports, Anderson.

100 Entry for 29 January 1842, Journal 4, Bingham Papers.

101 Waddilove, *Stewart Missions*, 105; and John Webster Grant, *Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1854* (Toronto: University of Toronto Press, 1984), 91.

102 O’Meara, *Appeal on Behalf*, 23.

103 Francis Audrain, Subagent, to H. R. Schoolcraft, US Indian Agent, 13 June 1833. Letters received by the Agent at Mackinac, Volume 2: 1 May 1833–29 December 1834: 48–49, Records of the Michigan Superintendency of Indian Affairs, 1814–51. It was also rumoured that McMurray threatened to force Shingwaukonse to use the British flag and burn his American one. Ironically, Shingwaukonse claimed that this assertion was false, since McMurray promoted the Gospel and not a particular form of government. McMurray to Schoolcraft, 14 June 1833, Schoolcraft Papers, r21, c38: 11853–4, CHL.

104 Audrain to Schoolcraft, 13 June 1833, 48–49.

105 White, “Give Us a Little Milk,” 185–97.

106 T. G. Anderson, SIA, to Capt. G. Philpots, 18 July 1835, Strachan Papers.

107 Richard E. Ruggle, “McMurray, William,” *DCB*, vol. XII, 680; and *Fifth Annual Report of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among Destitute Settlers*, 9.

108 *Seventh Annual Report of the Society for Converting and Civilizing the Indians, and Propagating the Gospel, Among Destitute Settlers in Upper Canada*, 20.

109 Chute, *The Legacy*, 63–65.

110 “38e. Le Père Menet, Missionnaire De La Compagnie De Jésus Dans L’Amérique Du Nord, À Un Père De La Même Compagnie. Sault-Sainte-Marie, 10 Novembre 1847,” in Lorenzo Cadieux, sj., *Lettres des Nouvelles Missions du Canada, 1843-1852* (Montreal: Les Éditions Bellarmin, 1973), 423–27. Kohler noted a similar problem affecting BNA missions in 1854. A. Kohler to P. Cotel, 13 July 1854, Extract of Letters re: Garden River, Université de Sudbury Archives. The Oblate missionaries in Western Canada complained of similar disadvantages in the late nineteenth century. For

more information, see Raymond J. A. Huel, *Proclaiming the Gospel to the Indians and the Métis* (Edmonton: University of Alberta Press, 1996), xix, 141, 165, 174.

111 "38e. Le Père Menet," 426.

112 "38e. Le Père Menet," 427.

113 As discussed in Karl S. Hele, "Book Three: Indigenous-Christian Messengers," in "'By the Rapids': The Anishinabeg-Missionary Encounter at Bawating (Sault Ste. Marie), c.1821-1871," Ph.D. diss. McGill University, 2001, 287-411.

114 NYCA, 14 September 1832; and *Seventh Annual Report of the Canada Conference Missionary Society of the Wesleyan Methodist Church* (1831-32): 11.

115 "Indian Missions in Canada," NYCA, 14 September 1832.

116 Entry for 4 March 1840, Journal 3, Bingham Papers.

117 "John Sunday's Journal extracts, continued," CG, 2 October 1833; and Enemikeese [Conrad van Dusen], *The Indian Chief: An Account of the Labours, losses, sufferings and Oppression of Ke-zig-ko-e-ne-ne* (David Sawyer). *A Chief of the Ojibbeway Indians in Canada West* (1867; reprint, Toronto: Coles, 1874), 28.

118 Frances Densmore, *Chippewa Customs* (1929; reprint, St. Paul: Minnesota Historical Society, 1979), 56; and Basil Johnston, *Anishinaabeg Ceremonies* (Toronto: McClelland & Stewart Inc., 1989), 11-30.

119 George Copway, *The Traditional History and Characteristic Sketches of the Ojibway Nation* (1850; reprint, Toronto: Coles Publishing Co., 1972), 167; and Robert E. Ritzenthaler, "Southwestern Chippewa," in *Handbook of North American Indians, volume 15: The Northeast*, ed. Bruce G. Trigger (Washington: Smithsonian Institution, 1978), 754.

120 "74e. Le Père Kohler," 703.

121 Entry for 23 December 1830, Journal 1, Bingham Papers.

122 Chance, *Our Work*, 16; and Anonymous, *Centennial Commemoration; One Hundred Years of the Church of England in Sault Ste. Marie, Ontario*, (Sault Ste. Marie: Cliffe Printing, 1932), 9; and Hele, "Fully Equal to a Mission in Herself".

123 Mukubwâm's "bargaining" with God referred specifically to the recovery of his wife. Entry for 8 March 1839, Journal 3, Bingham Papers.

124 "John Sunday's Journal Extracts, continued," CG, 2 October 1833; and Entry for 23 December 1830, Journal 1, Bingham Papers.

125 Makgissahneque lost his daughter approximately six months before seeking Bingham's ministrations. Entry for 2 January 1832, Journal 2, Bingham Papers.

126 Entry for 18 February 1839, Journal 3, Bingham Papers.

127 For other examples, see entries for 3 and 24 December 1830, Journal 1; entries for 20 March and 2 April 1837, and 6 December 1838, Journal 3, Bingham Papers.

128 The literature examining Indigenous drinking patterns has quickly leapt to explain Indigenous drinking in terms of “altered consciousness” connected to the vision quest or other religious rituals. For example, see Cornelius Jaenen, *Friend and Foe: Aspects of French-Amerindian Cultural Contact in the Sixteenth and Seventeenth Centuries* (New York: Columbia University Press, 1976), 114; Bruce Trigger, *Natives and Newcomers: Canada’s “Heroic Age” Reconsidered* (Montreal: McGill-Queen’s University Press, 1985), 205; James Axtell, *The Invasion Within: The Contest of Cultures in Colonial North America* (New York: Oxford University Press, 1985), 64–65; Peter C. Mancall, *Deadly Medicine: Indians and Alcohol in Early America* (Ithaca: Cornell University Press, 1995), 75; James Axtell, “The First Consumer Revolution,” in *Beyond 1492: Encounters with Colonial North America*, ed. James Axtell (New York: Oxford University Press, 1992), 142; and Denys Delâge, *Bitter Feast: Amerindians and Europeans in Northeastern North America, 1600–64* (Vancouver: UBC Press, 1993), 138–40. More recent scholarship has called into question the assumption that Indians drank to induce religious experiences: Gilbert Quintero, “Making the Indian: Colonial Knowledge, Alcohol, and Native Americans,” *American Indian Culture and Research Journal* 25, no. 4 (2001): 57–59; Maia Conrad, “Disorderly Drinking: Reconsidering Seventeenth-Century Iroquois Alcohol Use,” *American Indian Quarterly* 23, nos. 3/4 (summer/fall, 1999): 1–11; and White, “Give Us a Little Milk,” 185–98.

129 Kabosa eventually became a convert to Anglicanism. Entry for 17 October 1841, Journal 4, Bingham Papers.

130 Entry for 30 January 1850, Journal 5; entry for 6 June 1831, Journal 1—September 1828–January 1832; entries for 1 December 1841, 9 October, and 27 November 1842, Journal 4, Bingham Papers; “Sault de St. Marie [J. Clarke’s letter dated 9 November 1833],” NYCA, reprinted in the CG, 22 January 1834; “Extract from the Journal of the Rev. P. Jones,” WMM 75 (December 1852): 1139–40; and McDougall, *Pioneer, Patriot and Missionary*, 26.]

131 Entry for 1 July 1832, Journal 2; and entry for 2 February 1844, Journal 4, Bingham Papers.

132 For example, see reprint of article from the NYCA: “Sault de St. Marie,” CG, 22 June 1834; and, referring to William McMurray’s letters: Waddilove, *Stewart Missions*, 99.

133 Raquel Rubio Goldsmith, “Commentary [on J. Peterson, ‘Women Dreaming’],” in *Western Women: Their Land, Their Lives*, ed. Lillian Schlissel, Vicki Ruiz, and Janice Monk (Albuquerque: University Press of New Mexico, 1988), 69–70; and Jill Mulvay Derr, “Commentary [on J. Peterson, ‘Women Dreaming’],” in *Western Women: Their Land, Their Lives*, 73, 76; and Jacqueline Peterson, “Women Dreaming: The Religiopsychology

of Indian White Marriages and the Rise of a Métis Culture," in *Western Women: Their Land, Their Lives*, 49–68.

134 Densmore, *Chippewa Customs*, 78–83; Warren, *History of the Anishinaabegy People*, 64–65; George Copway, *The Life, History and Travels of Kah-ge-ga-gah-bowh (George Copway)* (Albany: n.p., 1847), 48–49; Johnston, *Anishinaabegy Ceremonies*, 41–56; Schoolcraft, "Mythology, Superstition and Languages," 104; Cleland, *Rites of Conquest*, 188–89; Ritzenthaler, "Southwestern Chippewa," 754–57; Grant, *Moon of Wintertime*, 19–20, 240–42; and Regina Flannery and Mary Elizabeth Chambers, "Each Man Has His Own Friends: The Role of Dream Visitors in Traditional East Cree Belief and Practice," *Arctic Anthropology* 22, no. 1 (1985): 1–22.

135 Between 1844 and 1856, no less than twenty outbreaks of disease occurred.

136 "81e. Lettre du Père Frémoit," 778.

137 "John Sunday's Journal extracts, continued," CG, 2 October 1833.

138 Pitezel, *Life of Reverend Peter Marksman*, 42.

139 Journal 2, Bingham Papers.

140 Pitezel, *Life of Reverend Peter Marksman*, 150.

141 Entry for 6 April 1832, Journal 2, Bingham Papers.

142 Entry for 3 March 1838, Journal 3, Bingham Papers. Bingham reported in 1833 that John Mallott, an Anishinaabeg boy, reported seeing a light shortly before he died in 1833. See entry for 26 April 1833, Journal 2, Bingham Papers.

143 Entry for 1 June 1837, Journal 3, Bingham Papers.

144 James H. Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York: W. W. Norton & Company, 2000), 52–56, 58–59, 85, 92, 104.

145 C. L. Higham, *Noble, Wretched, and Redeemable: Protestant Missionaries to the Indians in Canada and the United States, 1820–1900* (Alberta: University of Calgary Press, 2000), 61–87.

146 Entries for 14 and 21 December 1828, "Journal 1," Bingham Papers.

147 Karl Hele, "'Fully Equal to a Mission in Herself': Charlotte Johnston McMurray's Missionary Labours at Bawating, 1827–1838," in *Papers of the 39th Algonquian Conference*, ed. Karl S. Hele and Regna Darnell (London: Algonquian Society, 2008), 316–57.

148 "Work of God at Fort Brady, Mich.—Letter from J. Clark dated 1 Jan. 1834," *NYCA*, 7 March 1834; "Extract of a letter from Mr. Stinson, 2 Apr. 1835," *WMM* 58 (September 1835): 713–14; "Green Bay Mission—letter from John Clark, 27 October 1832," *NYCA*, 9 November 1832; "Peter Jones' Visit to Penetanguishene (concluded)," CG, 8 August 1832; "To the editor of the Christian Guardian, Sir:—Please to give the following interesting extracts of

a letter I received from the Rev. W. Case, dated Grape Island, 17 Apr. 1833," CG, 8 May 1833.

- 149 Entry for 6 June, "No. VI. Journal Incidents, 1832 Summer," Rev. Jeremiah Porter Diaries, CHL.
- 150 W. McMurray to H. R. Schoolcraft, 30 December 1833, Schoolcraft Papers, r6, c12.
- 151 Frederick Norwood, "Conflict of Cultures: Methodist Efforts with the Ojibwa, 1830-1880," *Religion in Life* 48 (Autumn, 1979), 367-68; and Donald B. Smith, *Sacred Feathers: The Reverend Peter Johns (Kahkewaquotonaby) and the Mississauga Indians* (Toronto: University of Toronto Press, 1987), 66-97, 173-97, 234-49.
- 152 Edward H. Capp, *The Story of Baw-a-ting: Being the Annals of Sault Sainte Marie* (Sault Ste. Marie, ON: Sault Star Presses, 1907), 59.

“Are we really sorry?”:

Indigenous Sovereignty and the Kelowna Treaty (Accord) of 2005

David T. McNab and Paul-Emile McNab

On 11 June 2008, the Prime Minister of Canada rose in the House of Commons and made history with three words: “We are sorry.” His statement, and others that day by the leaders of the other parties in Parliament, and the responses from the leaders of five national Aboriginal organizations, may have been a historic watershed in Canada’s Aboriginal history, marking a new beginning in the relationship between Aboriginal people and the federal government in Canada. The apology was for the many harms wrought upon stolen children by the residential schools since the nineteenth century. Quite apart from the apology, however—which was a promise fulfilled—there was nothing new attached to the words: “We are sorry.” As many Aboriginal people said that day, the real work to heal their relationship with Canada was only about to begin, and whether it would change thereafter remained a question mark in the early twenty-first century. In this century, there are indeed plenty of questions. One primary unresolved question is that of Indigenous sovereignty—the International Declaration of Indigenous Rights—and the other is: whatever happened to the Kelowna Treaty of 2005?

An April 2008 *Globe and Mail* article, headlined “Natives threaten Olympic disruptions,” quoted Assembly of First Nations National Chief Phil Fontaine as stating, “The situation here is compelling enough to convince Canadians that while it is okay and right to express outrage

with the Chinese government's position against Tibet and the Tibetans, they should be just as outraged, if not more so, about our situation here.”¹ Most Canadians reading that headline would be shocked that we would be compared with the human rights abuses of China against Tibet. Such remains the broad lack of understanding of Aboriginal issues in Canada. What are the legacies of the past relations between Canada’s founding peoples and later settlers for Canadians in 2008, and why are these issues still with us? Local, regional, and international perspectives have long been the strength of First Nations and a key to their survival, in contrast to the outmoded nineteenth-century nation-building approach of Canada’s politicians. As a place on Turtle Island (the Earth), Canada fundamentally has been a product of a treaty process; it is to that process that we are returning.

International and Sovereignty Issues

The former Conservative federal government recently denied Indigenous rights in the international sphere. It was not always so. Domestically, such rights are part-and-parcel of Canada’s Constitution Act (1982), section 35(1) of which states, “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and reaffirmed.” These peoples are, according to section 35(2), “the Indian, Inuit and Métis peoples of Canada.”² At the same time, the Indian Act (since 1876, as revised) is still on the books, and this federal legislation is racist and colonial, and takes away from Aboriginal Canadian citizens those same rights that the nation-state recognizes under its Constitution. The legislative consequences of all of this history, which Indigenous people must still live with and work through today, prevail in spite of the many initiatives taken by Canada’s Aboriginal peoples to change the policies and processes of the federal government, as well as to resist the implementation of current national policies on a day-to-day basis.

The fundamental issue is one of Indigenous sovereignty. The same is true on the international stage. On 13 September 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples by an overwhelming majority: 143 votes in favour, 4 negative votes (Canada, Australia, New Zealand, and the United States), and 11 abstentions. Les Malezer, chair of the International Indigenous

Peoples' Caucus, welcomed the adoption of the Declaration in a statement to the General Assembly:

The Declaration does not represent solely the viewpoint of the United Nations, nor does it represent solely the viewpoint of the Indigenous Peoples. It is a Declaration which combines our views and interests and which sets the framework for the future. It is a tool for peace and justice, based upon mutual recognition and mutual respect.³

The Declaration "calls on nations with Aboriginal peoples to give them more control over their lands and resources," but "is not binding." Governments are urged, however, "to introduce laws to underpin its provisions." In June 2007, it was reported that a "Canadian delegate has told the council it will have 'no legal effect in his country' and that 'several of the articles would violate the national constitution or even prevent the country's armed forces from taking measures necessary for its defence.'" However, "Indigenous coalition representatives say they believe the big power opposition was largely driven by concern over the potential loss of state control over how natural resources like oil, gas and timber, are exploited."⁴ Canada's negative vote on the Declaration, it should be noted, came after previous Canadian governments had been instrumental at the UN in initiating and drafting the document.

On 8 April 2008, as reported in the American publication *Indian Country Today*, but not in any Canadian newspapers or electronic media, at the urging of Canada's First Nations, the House of Commons "passed a resolution to endorse the declaration as adopted by the UN General Assembly and called on the government of Canada to 'fully implement the standards contained therein.'" Mary Simon, currently president of the Inuit Tapiriit Kanatami, stated, "The UN Declaration on the Rights of Indigenous Peoples provides a road map for the reconciliation of indigenous and non-indigenous peoples in Canada and around the world." The House voted 148–113, with the Liberals, NDP, and Bloc Québécois voting in favour as a direct response to requests made to them by national Aboriginal organizations. The federal Conservatives continued with their opposition to this declaration: "This government's latest arguments against the declaration show just how ridiculous their position has

become,” said Chief Wilton Littlechild, international chief for Treaty Six, in a release. “The UN declaration explicitly states that treaties and other agreements with indigenous peoples are to be honoured and respected.” Tellingly, this *Indian Country Today* report states, “The Harper government’s arguments are belied by briefing notes from legal advisers to the departments of Foreign Affairs, Indian Affairs and National Defence to government ministers,” and even the federal government’s “legal advisers had recommended that Canada endorse the UN declaration and support its adoption.”⁵ This human rights issue is now joined in Canada, both at the international and domestic levels.

What accounts for these differences in Canadian Amerindian policies and the reality of Indigenous existence in Canada? The answer lies in the issue of sovereignty and the disparate histories of Indigenous and non-Indigenous people in Canada. The primary objective of the former is spiritual—one of peace and protection of the land (Mother Earth) and the waters of Turtle Island. This is a sacred trust. The continuity and integrity of their lands are important to the survival of the First Nations as Indigenous peoples. Generations of First Nation members have used the land and have shared in its bounty and its uses. Moreover, they will continue to use this land and teach their children about the Creator and the land. Thus, this relationship between the people and the natural world is all-important if they are to survive culturally. It is both simple and profound.⁶ Today, the larger business of the Constitution and the treaty-making process, through various land-rights policies, remains incomplete and unfulfilled. It is currently being defined, on an issue-by-issue basis, by the courts.

Canada’s Aboriginal policies, through a long process of denial, have created institutional racism and corresponding resistance movements that have culminated in violence and death. The events of the Temagami blockades (1988–90) in northern Ontario; of the summer of 1990 centred on Oka, Quebec; of Ipperwash (1995) and Caledonia (2006) in southern Ontario; and of Gustafsen Lake (1995) in British Columbia; and Burnt Church (1999–2002) in New Brunswick will not be erased from history or memory. Nor will the ongoing problems of the Innu of Labrador, the Deh Cho of the Northwest Territories, the Lubicon Cree of northern Alberta, and of the many other outstanding claims be solved

by inaction and denial. The initiative for change in recent Aboriginal history has almost always come from the Aboriginal people. At the same time, federal and provincial government policies have often been characterized by reaction, crisis management, and denial.

In the early twenty-first century, the prominent issues arising for Canada's Aboriginal policies remain outstanding and unresolved. Ultimately, these issues are "all about the land," as was recently observed by Alex Neve, secretary-general for Amnesty International Canada, and Murray Klippenstein, counsel for the George family during the Ipperwash Inquiry. They stated: "Return of these lands [Ipperwash] now would offer powerful redress to Dudley George's family, as his death came about due to his efforts to assert the rights of his people. What better way to evidence the dawn of a new approach than to ensure redress of the land rights violations at the heart of the Ipperwash tragedy."⁷ Sovereignty and land rights cannot be separated. They are central to Indigenous rights in Canada and have been denied for far too long. In this sense, Canada's Aboriginal policies have been a wholesale failure in the face of the resistance to them by Aboriginal citizens. And these misconceived policies, made with little or no consultation, have led directly to the denial by the federal government of Aboriginal rights in Canada and on the international stage. Of note, the federal government has failed to replace the Indian Act by 2010. Instead, it proposed a glorified form of municipal-style governance created by federal legislation. The clear alternative lies in the recognition and development of the inherent right of Aboriginal governance made by and for Indigenous people in Canada. This alternative has been proposed to be included in Canada's *Constitution Act, 1982*, as a new part of section 35, since the 1980s. If such a change were made, the Indian Act would become redundant. It has been a failure of political will by non-Indigenous federal and provincial governments to carry out this change.

The Kelowna Treaty of 2005

On 25 November 2005, then Prime Minister Paul Martin announced in Kelowna, BC, that an accord (effectively what was regarded by some Aboriginal people as a national treaty) had been reached, whereby more than \$5 billion would be provided over a five-year period by the

federal government in an effort to improve the daily lives of Aboriginal Canadians in terms of housing, health care, education, and economic opportunities. The Kelowna Treaty was seen by some to be a belated attempt by the federal government to begin to meet at least some of the social equity issues raised by the recommendations of the Royal Commission on Aboriginal Peoples in 1996. The historic occasion was concluded by federal and provincial first ministers and Aboriginal leaders, who had set the course for a plan that would improve the lives of all Aboriginal people and their communities across Canada. Prime Minister Martin stated, “Our plan is built on a foundation of respect, accountability and shared responsibility.”⁸ The Treaty had five-year targets within a ten-year plan to ensure that actions would remain focused and accountable. The first ministers and Aboriginal leaders both agreed that broad indicators would be used to assess progress, while more specific measures and targets would be developed at regional and sub-regional levels.⁹

Aboriginal people and communities significantly trail behind other Canadians in many different areas, including health, education, and economic well-being, and the Kelowna Treaty aimed to begin to address these inequities. In regard to education, 44 percent of Aboriginal people ages 20–24 have less than a high school education; among the rest of Canadians, 19 per cent have not completed high school. By 2001, only 23 percent of Aboriginal people ages 18–29 had completed any of various forms of post-secondary education, compared to 43 percent in the rest of Canada.¹⁰ The federal government pledged to address these issues in the Kelowna Treaty by increasing the number of Aboriginal students in post-secondary education programs through the provision of bursaries, scholarships, and apprenticeships. The federal government had also pledged a review to identify how the overall gap and disparity in post-secondary education might be closed.

Another issue was improvement in health care. Rates of infant mortality, youth suicide, childhood obesity, and diabetes all are approximately 20 percent higher for Aboriginal people than for the rest of the population. The government pledged to double the number of health professionals serving Aboriginal communities in ten years from the present level of 150 physicians and 1,200 nurses.¹¹ The goal of this

initiative was to match the statistics for other Canadians in the course of a five-to-ten-year period. Phil Fontaine stated, “All of the targets we’ve set are achievable. We’re driving this process and we’re forcing government to respond to our plan.”¹²

The main obstacle to the Kelowna Treaty came when Paul Martin’s minority government fell, and the ensuing federal election of 23 January 2006 brought Stephen Harper’s Conservative Party to power with another minority government. Martin had repeatedly stated during the election campaign that the Kelowna Treaty would never be brought before the House of Commons with a Conservative government led by Harper. Unfortunately for Aboriginal people, he was right, and another opportunity was missed.

Many Aboriginal leaders expressed their concerns over the newly elected Conservative government and whether it would honour the Treaty. The Conservatives did not make it an election priority, and their first budget did not indicate a commitment to the agreement.¹³ Instead, the Harper government offered only \$150 million in 2006 and \$300 million in 2007 to improve education programs, provide clean water, upgrade mostly off-reserve housing, and close the socio-economic gap between Aboriginal people and the rest of Canada’s population. As Canada’s military budget grew (now more than \$15 billion) and its overseas involvement in an imperial war in Afghanistan grew in scope, the severe reduction in funding for Aboriginal socio-economic problems drew criticism from many First Nations leaders. Fontaine stated that the “Kelowna Accord was designed to eradicate poverty in First Nations communities and make Canada a better place. This budget suggests to me that we won’t be able to move ahead on those commitments.”¹⁴ He was correct.

The only response from the Conservative government came from then Indian Affairs Minister Jim Prentice, who questioned the validity of the agreement. He believed that the first ministers had actually not reached a written agreement and questioned whether Quebec had been properly engaged in the political process, noting that its Aboriginal leadership apparently did not take part. In fact, the Treaty was endorsed by the prime minister and all the premiers, and had the approval of the Assembly of First Nations (including Quebec) and its leader, Phil Fontaine. By 2007, the Kelowna Treaty and its promises of money and investment in

Aboriginal communities across Canada appeared to be dead. In 2010, it is still dead.

The failure to implement the Kelowna Treaty was a clear indication that the federal government was not prepared to offer the financial support needed to improve the many First Nation communities and citizens who continue to live far below the standards of the rest of Canada. The Indigenous unemployment rate on reserves is about 29 percent, and off-reserve it is 19 percent, while the national rate is 7 percent. Median employment income for Aboriginal Canadians is \$16,000, while the average for other Canadians is close to \$25,000.¹⁵ The Kelowna Treaty was supposed to help close this gap in five years. As of early 2010, the federal government had not extended or announced any plan of financial support to First Nation citizens akin to the Kelowna Treaty, either on- or off-reserve.

In Retrospect

The early twenty-first century brought new challenges for Aboriginal people across Canada, as well as unresolved problems from the past. The federal Conservative government, elected in early 2006, wasted no time undoing the efforts of its predecessors by immediately scrapping the Kelowna Treaty of 2005, and by its refusal in 2006, being only one of four nations in the world to do so, to accept the United Nations Declaration of Indigenous Rights. On 8 April 2008, the opposition parties put that right by passing a resolution in the House of Commons endorsing the Declaration. The Tories opposed it. The new century also brought some closure to other issues, such as the release of the final report of the Ipperwash Inquiry into the death of Dudley George, along with the Ontario government's pledge to return the provincial park to the Stoney and Kettle Point First Nation. The residential schools settlement provided some of the Aboriginal survivors of designated residential schools at least some compensation for their tragic experiences of assimilation over the course of the twentieth century. However, the pain of all these experiences can never be taken back, and many Aboriginal people, individually and collectively, will never recover what they lost.

While there remains hope that the twenty-first century will bring positive change for all Aboriginal people across Canada, many of the issues

now confronting them are dramatically evident. There is still a significant gap in the standard of living compared to the rest of Canada, in terms of economic development, housing, education, and health care. Unresolved land-rights issues, which have always posed a tremendous strain on the relationship with the federal and provincial governments, continue to be a central issue. The federal government introduced legislation in the fall of 2007 to speed up the specific claims process through the establishment of an independent tribunal. The slow pace of negotiations has created a deep mistrust on the part of First Nations people toward the federal and provincial governments and their commitment to resolve long-standing disputes.

The federal government's foreign policy stance on Indigenous rights was a startling reminder that Canada's policy on Aboriginal rights—as human rights—always has been one of denial, and thus a failure.¹⁶ Kenneth Deer, a Mohawk from Kahnawake and editor of *The Eastern Door*, reflected on Canada's failure at the UN Commission on Human Rights in 2007, noting that the influence and image of Canada as an advocate for human rights abroad has been severely damaged. Canada, after all, had played a central role at the United Nations over the previous decade in initiating and framing this document. Deer noted that Louise Arbour, a former Canadian Supreme Court justice and the UN High Commissioner for Human Rights, stated that many Canadians cling to an "unduly romantic vision" of their country as an international peacemaker and honest broker on the world scene—a vision largely rooted in the achievements of former Liberal prime minister Lester Pearson, and the Nobel Peace Prize he won more than half a century ago. "I think Canadians have an image of themselves that is now pretty dated, that is not reflective of the contemporary position."¹⁷ Nevertheless, to many Aboriginal people in Canada, the recent decision has come as no surprise, and the federal government's stance at the UN has become all too familiar. In the early twenty-first century, one of many unanswered questions relating to the future of Aboriginal peoples in Canada is whether they can become partners in building a more equitable nation of nations, or if they will be forced, by governments and by the indifference of public opinion, to focus exclusively, in piecemeal fashion, on their own, often desperate needs. Are we really sorry? It is clear that many question marks still remain in spite of the words: "We are sorry."

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Métis Stories and Reconciliation:

A Perspective from Spirit Memory

Olive Patricia Dickason (1920–2011)¹ and David T. McNab

Introduction: A Treaty Story with Canada

It is now the 150th year of the Canadian Confederation. I think it is about time to reflect on some of our Métis stories about this event, and what came before and after. We are “free and independent,” and sovereign, within the Place of Canada. This is what the Métis have always believed as one of their stories. In 2017, the old non-Indigenous Canadian story of the Métis and the Confederation of Canada as a nation-state badly needs replacing in a time of Reconciliation. The fact is that, for the Métis, the Confederation of Canada meant that we became attached through our Treaty, the Manitoba Treaty of 1870, to a New Empire of Canada, replacing the informal empire of the Hudson’s Bay Company, and the British Empire, in 1867.

This Métis story needs to be told as part of our stories and as a spirit memory. As Indigenous persons, Métis people are born into the natural world from the spirit world, and, when we walk on, we go back into the spirit world, with all of our experiences, and those of our ancestors, intact. We always remember our spirit memory as stories. It is part of our research in this world. Métis research is part and parcel of Reconciliation in 2017. The Métis authors of this chapter span almost one hundred years and two generations—from 1920 to the present. We began our doctoral research in the early 1970s, and have, through our historical research, transformed the ways Indigenous Nations and communities understand

their histories—their stories. All of our work has been guided by the spirit of reconciliation.² However, at the same time, we have not changed our objectives as a sovereign people in every aspect of our existence. But now we, as a Métis Nation, must move forward to continue our treaty-making, and toward reconciliation after 150 years with the nation-state of Canada.

Canada as a Métis Place before 1867

The Place of Canada is an Indigenous one—meaning the villages, cities, communities where we dwell beside the waters, the lakes, and rivers since time immemorial. For the Métis Nation, Canada does not mean the nation-state of Canada, which has only existed for the past 150 years. Almost forty years ago, I wrote that we needed to know more about Métis stories and their contexts in the world before Louis Riel was born in 1844. That journey has taken me back to find Métis family stories since at least the early seventeenth century.³ The core of our stories and our Métis identities are found within our family histories and communities throughout Canada and the international world. Our families and communities are human beings first, as well as belonging to our Métis Nation and being truly international.⁴

Ten years ago, I co-edited a book (with Ute Lischke) titled *The Long Journey of a Forgotten People* in which I noted in the Introduction that “We are still here”.⁵ We have been recognized in Canada’s Constitution for thirty-five years (since 1982). Recently, we have seen two Supreme Court of Canada decisions, the Manitoba Treaty (2013) and Daniels (2016), which have recognized us as historic Indigenous communities under Canada’s Constitution. Of course, Powley led the way in 2003.⁶ We are still here in this Place called Canada, and now we need to be treated equitably. We are in a place called Canada as a sovereign people before the multiple Imperial layers of colonialism embodied in the nation-state were placed on us 150 years ago.⁷ We were not citizens of the British Empire, since British imperial citizenship did not ever exist, and perhaps not Canadian citizens in 1947, which was passed as federal legislation, and perhaps some of us not thereafter.⁸ In Canada’s Constitution, 1982, and the Charter of Rights and Freedoms, Canadian citizenship is not defined at all, and is presumably wholly dependent on the 1947 federal

legislation. In our stories, our creation story is that we remain sovereign as full Indigenous citizens of the Métis Nation in every part of the Place we call Canada since at least the early seventeenth century.⁹

A Story of Denial about Confederation

There is a persistent historical myth that all Indigenous people were never consulted about the Confederation of Canada. Such was not the case for the Métis. This one-sided story was based on the written record. I will be focusing primarily on the Métis Nation, not the Inuit or the First Nations—they have different, equally independent, stories. As Métis, we need to turn to spirit memory and our independent, oral, and family stories, our history as citizens of the Métis Nation. The late Vine Deloria wrote that pre-colonial Indigenous thought systems of spirituality are seemingly incompatible with the modernism of the twentieth and twenty-first centuries based on the material character of Euro/American knowledge systems.¹⁰ Deloria's thought forms the basis for the primary argument of this paper that Métis voices are being reclaimed and recognized. Spirit memory is the process by which Métis families and communities continue to operate, as they always have done, in international, transnational, and hemispheric contexts.¹¹ Well before 1867, there was a strong movement among the Métis of the Red River community, and other places in Canada, notably the Great Lakes, to regard themselves as a New Nation. This Métis citizenship was a distinctive blend of families and communities that incorporated land and natural resource title, farming and horticulture, buffalo hunting, and trade, including the fish and fur trades. They even had their own national bard: Pierre Falcon (1793–1876), who was born and lived within the fur trade, and whose ballads became favourites with voyageurs while paddling and around their campfires.¹² The Métis way of life had developed under the economic umbrella of the fur and fish trades since at least the mid-sixteenth century. The Métis Nation stretched from Atlantic Canada through the Great Lakes and connecting waterways to the west and the north.¹³ They built their log cabins where they fancied, usually along the Great Lakes and the riverbanks, there and in the west and north, for the most part without formal arrangements with the HBC—in fact, often without the Company's knowledge. As Sir George Simpson, governor of the HBC

from 1826 to 1860, observed, “We point out the situations where they may squat, we do not give them titles unless they make some arrangement for payment.... The majority has settled where they liked and we could not prevent them.” At Red River, in the District of Assiniboia, and elsewhere, a Métis sense of identity as a Nation had crystallized (as it had much earlier in the Great Lakes).

A Métis Story about the British Empire and the Hudson’s Bay Company

One of the first steps in the recognition of spirit memory is discovering who we are, as Métis, and where are our places are, both in Canadian and international contexts. The Métis Nation, in our Places, has always wished to be free and independent, and, as such, has struggled to be heard. When we were not listened to, we strongly resisted, as evidenced in many events in the last two hundred years. Most notably, it was our Petition to the British imperial government in 1846 (also in 1849), with the fight for free trade in the Sayer case, the fight against the HBC’s monopoly, which followed from 1846 to 1860, breaking that imperial layer. We participated in the making of Confederation from 1856–67, and we became a part of Confederation with the resistance of 1868–70, and the Manitoba Treaty of 1870. Finally, we tried to overcome the imperial and racist thought of Canada’s first prime minister in 1885 through the resistance of that year. We survived the next hundred years of racism and imperialism, and today we are still here in 2017. In the twenty-first century, we need to be treated equitably and fairly in a new Treaty covering all parts of Canada, with our Place as Métis citizens reflected in the Charter of Rights and Freedoms in Canada’s Constitution (1982) and the decisions of the Supreme Court of Canada since 2003.

The Canadian imperial government needs to listen to us—to our letters and our Petitions—rather than to send in the Canadian Armed Forces, such as happened in 1868–70 and 1885. One notable example occurred in 1849 (originally in 1846), when Alexander Kennedy Isbister (1822–83, a Métis solicitor originally from Cumberland House) wrote a Petition to Lord John Russell on September 30, 1849, declaring Indigenous sovereignty and confronting other outstanding issues, such as free trade and the Hudson’s Bay Company’s apparent monopoly. In

the mid-nineteenth century (prior to 1857), however, the British imperial government did not listen and did not want to negotiate with the Métis. However, a British parliamentary inquiry was held in 1857–58. In that inquiry, the Métis overcame the imperial monopoly of the HBC, removing its control from Rupert's Land and the Northwest by 1860.¹⁴

A Métis Story about Breaking the Political Deadlock of 1858–59 and Confederation in 1867

Through the 1850s and 1860s, and during the political deadlock in the Canadas of 1858–59, Isbister's uncle, William Kennedy (1814–90), a Métis from Cumberland House, and later from the Saugeen, Toronto, and the Red River, offered a way out of this political impasse. He advised George Brown (then publisher of the Toronto *Globe*) and Peter Brown, his brother, who were both Reformers, to add the Territories of the Métis Nation in the Northwest to the Canadas. Kennedy also wrote articles in Brown's newspaper, advocating that the Métis communities be added to the new political union of Canada.¹⁵ By this time, the Métis Nation knew that the British imperial government would not make the Red River into a Crown colony. This, in turn, led to the conferences at Charlottetown and Québec, as well as the Confederation of Canada. Manitoba was added to Canada, with the Manitoba Treaty of 1870.¹⁶ This is an untold Métis family story. The citizens of the Métis Nation, and their communities, did participate in the making of Canada.¹⁷

A Métis Story about “Superior Energy and High Organization”

When the Dominion of Canada was created by British imperial legislation in 1867, Indigenous people, including the Métis and the Inuit, were declared a federal responsibility in the section of the British North America Act, 91(24), on “Indians, and Lands reserved for Indians.”¹⁸ The misrepresentation of the notion of “Indians” was also understood in previous colonial legislation to mean Métis. This definition was by inclusivity, and not by racist blood quantum. You were an Indigenous person (a Métis), an “Indian”: if your family was “Indian,” or if you married an “Indian” according to Métis customs and laws, or if you were adopted by and resided in an “Indian” (Métis) community(ies). Prior to *The Indian Act* of 1876, the Métis people were recognized as an Indigenous people,

even within the colonial legislation of Canada. The Cree word for Métis is *apethaghosinan*, meaning “a half son/daughter of my people”.¹⁹ This was the only reference in this British imperial legislation to Canada’s Indigenous peoples.²⁰ It should have been reason enough to include the Métis, their families, communities, and Nation in every part of the Place we call Canada.

The main inheritance was the Indigenous tradition of the treaties to regulate relations between “Indians,” the Métis, and settlers. Euro-Canadians confidently expected that Indigenous people would eventually be assimilated, as there was nothing in their way of life that was worth preserving. One of the primary proponents of this view was Sir John A. Macdonald (Prime Minister of Canada, 1867–73; Superintendent General of Indian Affairs, 1878–91). He wrote in 1887, “the great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change”.²¹ There have been many similar statements from non-Indigenous Canadians, and not just from Macdonald. These words evoke, in the words of the *Final Report of the Truth and Reconciliation Commission* (December 15, 2015), “cultural genocide,” which was put into practice as policy, and subsequently as legislation, in 1885, and thereafter primarily, but not exclusively, through the residential school system.²²

For the non-Indigenous people of Canada, the French or English word “Métis” came from the Latin verb “to mix,” and the name Métis only meant a person, or a family, or a community who were mixed. To be of mixed descent meant that, in the racist context of Canada, you were not “pure” and thus a lesser “breed” of human being, usually the derogatory notion of “half-breed.”²³ In 1841, in his *Lectures of Colonization and Colonies* at the University of Oxford, Herman Merivale (1806–74), then Professor of Political Economy, noted the nineteenth-century perspectives on race and “pure blood,” while at the same time recognizing the “superior energy and high organization of these half-blood races”.²⁴ These racist views Macdonald, and other Europeans and Canadians, also applied to the Métis.²⁵

As the buffalo herds diminished, Métis citizens became independent traders or wage labourers, their relative position within the HBC

hierarchy declined. Most now tended to find themselves at the level of menial labour rather than at that of the officer class, where some had been earlier. The prospect of the federal government encouraging white settlement spurred the Métis to become more militant in expressing their concerns. In 1845, 977 of them signed a petition asking Alexander Christie (governor of Red River and Assiniboia, 1833–39; governor of Assiniboia, 1844–49) to define their status. They claimed special rights by virtue of their Indigenous descent through their families and communities. The Métis saw the apparent HBC monopoly as leading to the “utter impoverishment, if not the ruin,” of Indigenous people. The HBC had little concern that it had not provided sufficient schools to prepare Indigenous children for the changes everyone could see were coming.²⁶ Considering the impact of the residential school system since 1885, perhaps this was, in retrospect, for the better.²⁷

Two years later, in 1847, they took their 1846 petition to England through the intercession of a Métis lawyer, Isbister.²⁸ This time, the Métis asked that the HBC charter be declared invalid. The original charter had been granted in 1670, but expired twenty-two years later in 1692. The HBC had been operating under a legal fiction for almost 160 years. Even if the charter was to be upheld, its jurisdiction did not extend beyond the territories surrounding the Bay. As well, the Métis petitioners claimed that Red River community (reorganized into the District of Assiniboia in 1836) was beyond its range of authority, and should be declared a Crown colony, as was the case with Vancouver Island in 1849.²⁹

This petition gave rise to spirited exchanges in the British Parliament. Powerful forces opposed monopolies in principle, but equally powerful forces saw the dangers of competition as outweighing those of monopoly, and held that the Hudson’s Bay Company provided the best means available to govern Rupert’s Land. Merivale, then the permanent undersecretary at the Colonial Office, could not conceive of Indigenous self-government. Colonial status should only be granted to those regions where there were sufficient white settlers to ensure they would have control. Losing out in Parliament, the Métis could have appealed to the Privy Council, but only at their own expense. Their lobbying had already strained their meagre resources, so in 1850 this legal issue remained in abeyance. Other petitions followed, however, including one in 1851,

again demanding that Red River be made a Crown colony. Métis citizenship, except as part of the Métis Nation, was never clarified, and remains in legal and constitutional limbo in 2017.

In 1849, the Company in effect lost the power to enforce its monopoly when the sentence of Pierre-Guillaume Sayer (fl. 1796–1849) for free-trading was suspended. Simpson also gave in to demands that the Métis have a wider representation on the Assiniboia Council. As HBC control eroded, the Métis communities still had the largest population and the best leadership. One of these international leaders was William Kennedy, who had led two of the private expeditions (sponsored by Lady Jane Franklin) sent to the Arctic in search of Sir John Franklin. (Kennedy had insisted that the expedition crews wear Inuit clothing and practice Indigenous, i.e. Inuit, knowledge.) He was the only Canadian-born person of Indigenous descent to lead a search expedition for Franklin.³⁰ Later, he was an active exponent for the building of a transcontinental railway, as well as a railway line from Winnipeg to Churchill to have a northern access route for Canada. He was also an advocate for the Métis Nation, and sought to bring about all aspects of the Métis Nation's sovereignty within Canada.³¹

Mainland British Columbia was separated from HBC administration and became a Crown colony in 1858. In that colony's first election in 1858, Dr. John Frederick Kennedy (1805–59), Hudson's Bay Company surgeon and a graduate of the University of Edinburgh—and William's oldest brother—became one of those elected to assembly representing Victoria. The Red River community, with its predominantly Métis population, was not deemed ready for such a status. As Merivale saw it, as espoused in Victorian racist thought, Indigenous peoples could not be included “in the arrangement of a regular community.” Besides, in the region as a whole, Indigenous people predominated, and they were “too self-sufficient and satisfied with their own way of life to adopt any other.” Crown colony status would only be granted if the European lifestyle was being followed. Since that was not the case, Merivale argued that the best administration was that of the HBC, which should continue. Not surprisingly, the select committee did not think it advisable to test the validity of the HBC's charter. The disappointment in the Red River community was profound. As for the Métis and First Nations, their fears for

the future had not been allayed. Already, they wanted a treaty (treaties) with the British Empire.³² This demand for sovereignty did not change with the creation of the new Canadian empire, the Dominion of Canada, in 1867, or thereafter, to the present.

An application in 1851 to charter the Lake Superior and Pacific Railway was rejected by Canada's Standing Committee on Railways because both Indigenous and, supposedly, HBC land titles stood in the way. An irregular postal service with Canada was established in 1860, whose president was the ubiquitous entrepreneur William Kennedy. The company operated by steamship, canoe, dogsled, and courier, depending on the season. The HBC was less than enthusiastic about this new service, as it competed with its own, which operated via York Factory. By either route, communication was slow. Once the American transcontinental railroad reached the Mississippi in the 1850s, it was faster and easier to communicate via the United States, at least until 1885.

With the HBC no longer effectively in control of the Northwest, other voices began to be raised in favour of a provisional government with an elective council as "a temporary government formed by the people themselves for the time being until the British Government shall see fit to take the place in its own hands." Meanwhile, in 1864, the Oblate Albert Lacombe (1827–1916), also an Indigenous person, established a self-governing community at Big Lake (now St. Albert, Alberta). Even in the face of these initiatives, the Colonial Office steadfastly refused to end the Company's fictional regime and set up a Crown colony. Macdonald, in London in 1865 to negotiate the terms of Confederation, agreed to negotiate for the purchase of Rupert's Land, and thereafter, apparently, from his perspective, to "extinguish" Indigenous title and land rights once the region was under Canadian control.³³

Métis Stories of Resistance in the 1860s

Resistance continued in the 1860s. These were difficult years. Drought and grasshopper plagues brought crop failures. The buffalo hunt was declining and becoming more distant, and the fisheries were at low ebb. In 1868, even the rabbits were at the bottom of their cycle.³⁴ White settlers threatened the settlement pattern that had spontaneously developed among the Métis families of the Red River community.³⁵ This

Métis pattern mirrored that of the seigneurial system of the old regime of Québec, certain lands adjacent to the Detroit River, at Métis communities at Red River (renamed Goderich in 1828), and at Saugeen (Southampton) on Lake Huron.³⁶

In 1868, Britain passed *An Act for the Temporary Government of Rupert's Land*, providing for a lieutenant governor and an appointed council.³⁷ All laws then in force in Rupert's Land, which were not in conflict with British law, were to be retained. William McDougall, who as Commissioner of Crown Lands had negotiated the Manitoulin Island Treaty of 1862, and who was actively working for the annexation to Canada of the Northwest, was appointed the first lieutenant governor in 1869. He was instructed to "report upon the state of the Indian tribes now in the Territories, their numbers, wants, and claims," and how the HBC was dealing with them. He was also to make suggestions as to how the tribes could best be protected and "improved".³⁸ What about the Métis citizens and their Nation?

The new federal government continued to be oblivious to the situation in the Red River community. When the new North-West Council was appointed, it was English and Protestant in composition, without representation of the region's French-language element. Even the English-language settlers protested this political action. In the meantime, another figure had reappeared on the scene. Louis Riel (1844–85) had attended the Collège de Montréal for several years. A natural leader, he was present in 1869 when the English-language Métis William Dease (fl. 1855–70) organized a meeting demanding that the payment for Rupert's Land be made to First Nations and the Métis as rightful owners of the land, not to the HBC. Riel was already a member of the Comité National des Métis, which had been organized to defend Métis rights with the active support of Abbé Joseph-Noël Ritchot (1825–1905) of St. Norbert.³⁹

The transfer of lands and authority from the HBC to Canada was scheduled for 1 December 1869, still without official consultation with the people of the Northwest. When word reached Red River that McDougall and his entourage were coming before the scheduled date of transfer, Riel and the Comité acted to defend their interests. They set up a blockade at the international border on the Pembina Trail by which the

official party must travel, and on 31 October refused to let them enter the Indigenous Territories. The new Dominion had finally come face-to-face with the Métis Nation, whose existence, rights, and Territories it had steadily refused to acknowledge. The day after McDougall was turned back, a roll call revealed 402 men, all bearing arms, prepared to support Riel. Later that day, another hundred men were reported to have come in. Two days later, on 2 November, Louis Riel informed the HBC officer at Fort Garry that the fort was under the protection of his men. This also ensured the Comité's control over Red River, at least until British imperial troops arrived.⁴⁰

McDougall, now back in Pembina, compounded his errors. In a snow-storm on 1 December, the day originally scheduled for the fictional and “formal” transfer of Rupert’s Land from the HBC to Canada, he crossed the border into Canada and read the proclamation that was to have put this in effect. On 8 December, Riel issued the “Declaration of the People of Rupert’s Land and the Northwest,” stating that “a people, when it has no government, is free to adopt one form of Government in preference to another, to give or to refuse allegiance to that which is proposed.” Two days later, the Métis flag was hoisted, and on 27 December the first provisional government was established, with Riel elected president. Riel and the Métis Nation remained in control of their Territories.⁴¹

Macdonald’s immediate reaction upon learning—on 25 November—of the Métis resistance had been to advise his representative in London not to complete the transaction with the HBC until Canada could be assured peaceful possession of the “Northwest.” He then sent a message to McDougall, warning him that he was in effect approaching a foreign country and that he could not force his way into Indigenous territories. Macdonald saw the consequences, both nationally and internationally, all too clearly:

it is quite open by the Law of Nations for the inhabitants to form a Government ex necessitate for the protection of life and property, and such a government has certain sovereign rights by *jus gentium* which might be very convenient for the United States but very inconvenient for you. The temptation to an acknowledgement of such a Government by the United States would be very great and ought not to be lightly risked.⁴²

Macdonald recognized that the Métis Nation had sovereignty over its communities and Territories. He sent the vicar-general of St. Boniface, Jean-Baptiste Thibault (1810–79), and Colonel Charles-René-Léonidas d'Irumberry de Salaberry (1820–82) to reassure the Métis Nation about the federal government's intentions. In December 1869, Macdonald appointed Donald A. Smith (1820–1914, named first Baron Strathcona in 1897) as special commissioner to investigate and calm the situation.⁴³

Riel formed a second provisional government on 8 February 1870, which was more broadly representative of the Métis Nation than the first had been. In the meantime, the rowdy behaviour of some Canada Fisters led to arrests. On 4 March 1870, there was an apparent execution by court martial of Orangeman Thomas Scott, who had refused to keep the peace and who had insulted the Métis Nation's laws.⁴⁴ The only witnesses to these events were the Métis. Their oral and written traditions (from the Métis Sanderson Papers) provided compelling evidence that Scott was shot by another Irishman, a Catholic, Riel's treasurer William B. O'Donoghue (1843–78), after the Métis firing squad (which had only paper and wad in their guns, but no bullets) obviously failed to do so. Riel and the Métis Council had ordered this court martial and had only wanted to scare Scott, not kill him.⁴⁵ Riel and the Métis never told the truth about the killing of Scott, but then the Métis would never have been believed because of the racism in Ontario.

A Métis Treaty Story of 1870–71

Macdonald moved quickly to meet with the Métis Nation's delegation and the representatives of its provisional government. Terms were agreed upon through treaty negotiations with the Métis. The Manitoba Treaty, in part, created the Manitoba Act, which created the new province of Manitoba. This federal legislation was rushed through the Canadian Parliament, getting royal assent on 12 May. The name of the new province had been suggested by Riel: "Spirit Strait" of the Crees, "Lake of the Prairies" of the Assiniboines, the name stood for self-government and was already in use for the region. Macdonald made the "postage stamp" province as small as possible: 28,490 square kilometres (11,000 square miles). Official equality of French and English was guaranteed, and a separate school system was provided. The Métis Nation's territories

were now part of the new province of Manitoba, with 1.4 million acres (566,560 hectares) being reserved for the unmarried children of the Métis, an area close to the size of Prince Edward Island.⁴⁶ This latter provision of the Manitoba Treaty was never fulfilled.

After twenty-five years of litigation, in 2013 the Supreme Court of Canada reaffirmed these historical and legal facts. All existing occupancies and titles were to be respected, including those of the Métis, a principle more easily stated than honoured, as events would prove. Apart from the Selkirk Treaty, no Indigenous (including Métis) title to lands had been extinguished. Thus, the Manitoba Act led to the creation of the first Indigenous province within the context of the new empire of Canada. It also prodded the federal government into negotiating the first of the numbered treaties of the West in 1871, 1872, and thereafter. This Treaty process continues in 2017.

Macdonald sent a military expedition to Red River in 1870 under Colonel G. J. Wolseley (1833–1913). The newly appointed A. G. Archibald, lieutenant-governor, was supposed to arrive ahead of the troops. The Métis were counting on this, but unfortunately it happened the other way around. Despite the unfinished state of both the Dawson Road and the transcontinental railway, and the necessity to negotiate rights of passage with the Anishinabe Nation through whose territory the expedition had to pass, the military expedition arrived first. Riel, forewarned, went into hiding in the United States. The behaviour of the troops in the settlement did more damage than all the previous months of uncertainty. During the ten months of the resistance, the Métis had served when needed as volunteers, even to the extent of providing their own arms and ammunition. Their conduct had been exemplary. Now they were subjected to verbal and physical abuse. Two Métis were murdered.⁴⁷

Macdonald and the federal government then focused their attention on Riel. Macdonald was able to announce that he had no idea as to the Métis leader's whereabouts, which he hoped would calm the situation. The Fenians, who were conducting sporadic raids from across the border, hoped for Métis help, particularly as one of them, O'Donoghue, had been one of Riel's principal aides—and, of course, the one who had shot Thomas Scott, the Orangeman. However, Riel was twice elected to Parliament for the constituency of Provencher, first by acclamation in a

by-election in 1873 and then the following year by defeating his Liberal opponent. Although he was never able to take his seat, he did slip into Ottawa long enough to sign the parliamentary oaths book, a gesture that led to his formal expulsion from the House of Commons. For the Métis Nation, all of these actions were a portent of the “cultural genocide” by federal government policies, which they would experience after 1870.

The Métis Nation’s resistance movement of 1869–70 and the subsequent question of amnesty were the first serious racial controversy in Canada. Often, Métis families and communities crossed from one group into another depending on their Place and sense of belonging. However, Métis citizenship was still intact, since the Métis remained “free and independent.” The Métis New Nation remained to fight another day (Dickason and McNab, 240). The Métis resistance movement of 1869–70 occurred with the passing of the HBC as an important power in the Northwest and the purported transfer of its lands to Canada. The HBC’s charter expired in 1692, and it did not legally have any lands to sell. As English common law provided, one cannot sell what one does not have. In addition, Indigenous title and land rights were paramount. The second resistance movement included both the Métis and First Nations. This movement occurred with the passing of the buffalo as a subsistence base, and coincided with the completion of the Canadian Pacific Railway, which would bring in settlers in greater numbers than ever before.

A Métis Story of the Resistance of 1885

Two years of poor crops (1883, frost; 1884, wet harvest) meant that the winter of 1884–85 had been hard. Ottawa appeared to lose its sense of direction, and it disarmed the North-West Territories militia. In 1884 Hector-Louis Langevin, Minister of Public Works, 1869–73 and 1879–91, on touring the West, cancelled a scheduled visit to Prince Albert without telling the people. In spite of all this uncertainty and unrest, Riel’s return in 1884, while widely welcomed, did not trigger a call for violence. Riel himself repeatedly stressed his pacific intentions, even as he maintained that the North-West Territories should be a self-governing province and that Indigenous people should be better treated. He also said that settlers were being charged too much for land. The Métis wanted Riel to be appointed to the North-West Council to replace

Pascal Breland, who they felt was not effectively representing their interests. The white settlers, however, were not so sure, as they were worried about Riel's friendly relations with First Nations. Although Big Bear did not join up with him, the Cree chief told Riel he was confident the Métis leader would not forget First Nations in his fight for Métis rights. Lawrence Vankoughnet, the Deputy Superintendent General of Indian Affairs, under orders from Macdonald and deeply suspicious of Big Bear, ordered a reduction of First Nations' citizen rations.⁴⁸

This action was a deliberate federal government policy of cultural genocide. The intent of Macdonald was to "clear the Plains" of Indigenous peoples.⁴⁹ They were becoming hungrier and hungrier, and even co-operative chiefs such as Mistawasis (Big Child) and Starblanket complained.⁵⁰ Not only were rations at issue, but also the quality of agents and farm instructors Ottawa had sent out. These people were political sycophants and owed these patronage appointments to Macdonald and the Conservatives.⁵¹ Ottawa's policy was either to assimilate Indigenous people completely, or transform them into small-scale farmers.

As Riel pointed out in his 16 December 1884 petition to Ottawa, the Métis citizens had every right to be treated with the full dignity of British subjects, which was not happening. It was not happening because there was no British imperial citizenship and Indigenous people were not regarded as "British subjects." In his listing of complaints, he included those of Métis, First Nations, and white settlers. This time Ottawa acknowledged receipt of the petition. The Métis were so jubilant that the federal government had at last granted their wishes in the petition that, on New Year's Day 1885, they honoured Riel at a banquet and presented him with a house, some money, and an illuminated address thanking him for his efforts on their behalf.⁵² The optimism was premature. The most that Ottawa was prepared to do at the time was to establish a commission to list Métis who were resident in the Northwest in 1870, and their title and rights. It was not initially empowered to do anything about them. Edgar Dewdney, Lieutenant Governor of the North-West Territories (1879-1888), realizing this was too little too late, deliberately modified the message before relaying it to the Métis. The ploy did not work.

On 8 February, Riel replied, "in 40 days they will have my answer." The religious implications of that response were obvious, as the seasonal

Lenten fast, which occurred at this time of year, lasted forty days and reflected the forty days Jesus spent fasting in the wilderness at the beginning of his ministry.⁵³ It will be recalled that Riel had already had his Métis vision of sovereignty, freedom, and independence “hiking up a mountain [Mount Vernon] near Washington, D.C.” After this vision, Riel became “a prophet of the New World”.⁵⁴ Aware of the anomaly of his position as an American citizen, he offered to return to the US and leave the Métis citizens to work out their own problems. They refused to let him go, and at a secret meeting agreed to take up arms if necessary “to save our country”.⁵⁵

On 8 March, Riel announced his intention to set up a provisional government and presented a ten-point Bill of Rights. He maintained that the Métis Nation further west and north should have the same rights to land grants as the Métis in Manitoba. They should be issued patents to their lands. The districts of Alberta and Saskatchewan should be created provinces, with legislatures elected on the basis of representation according to population, “so that the people may be no longer subject to the despotism of Mr. Dewdney”.⁵⁶ He also asked for better provision for Indigenous people and for respect for the “lawful customs and usages” of the Métis. Two days later, the Métis began a novena. By this time, Riel had broken with Father André. Both novena and Riel’s “forty days” ended on 18 March. The Métis seized the Indian agent and other officials, and occupied the church of St. Antoine de Padoue at Batoche. They cut the telegraph lines from Regina to Prince Albert, but left those to Battleford intact. Riel proclaimed his provisional government, and the people armed themselves.

Kapeyakwaskonam (One Arrow, c. 1815–86), chief of the Willow Cree whose reserve was the closest to South Branch (series of Métis Settlements along the South Saskatchewan River that formed the heart of the Métis resistance in 1885), butchered all the cattle on his reserve and joined the Métis Nation. Later he would claim that he had been threatened by Dumont and forced into his action. Riel, emulating the events of 1869–70, sent a summons to Fort Carlton on 21 March, calling upon it to surrender. Five days later, on 26 March, NWMP Superintendent Leif Crozier attempted a sortie from the fort with one hundred Mounties and volunteers to seize a strategic supply point. He was met by the Métis at

Duck Lake, a place chosen by the Métis. Within fifteen minutes, twelve of Crozier's men were dead and eleven wounded, a casualty rate of nearly 25 percent. Five Métis and one "Indian" were killed (later it would be claimed that the latter was there by mistake). Riel, armed only with a crucifix, stopped the pursuit of the routed police.⁵⁷

The call to arms raised by these events brought a quick response across Canada. By 6 April, Frederick Dobson Middleton (1825–98), commander of the Canadian militia, and his troops were marching north to Batoche from Qu'Appelle, armed with field guns and two American-owned Gatling guns, which had been developed during the US Civil War. The latter were there as an experiment to be tried and used against the Métis. From Swift Current, Colonel William Dillon Otter (1843–1929) headed for Battleford on 13 April, and from Calgary, Major-General Thomas Bland Strange (1831–1925) set off for Edmonton, where he arrived on 1 May. The sternwheeler *Northcote*, with armed men aboard, proceeded up the Saskatchewan River with the intention of acting as support for the ground troops. It ran into a ferry cable the Métis had strung across the river, and lost its stacks and masts. Its crew did not like being targets for Métis sharpshooters, so its brief career as a "warship" ended abruptly.

On 24 April, Middleton ran into Dumont's ambush at Fish Creek, the southern boundary of the territory that South Branch considered its own. Middleton was saved by premature fire from the Métis against his scouts. To the west on 2 May, Colonel Otter attacked Poundmaker's sleeping camp at Cut Knife Hill, and was saved from rout by Poundmaker refusing to allow his warriors to go off in pursuit. The following week, 9–12 May, Middleton and 850 men confronted entrenched Métis, about 350 strong, at Batoche. After three days, the Métis ran out of ammunition. It was the only clear defeat of the Métis during the uprising, but it was decisive. When the Canadian Forces burned and pillaged after the battle, the clergy, including Riel's opponent Father André, made an indignant protest. Riel surrendered on 15 May, Poundmaker on 26 May. The hunt was on for Big Bear, and the military fanned out in all directions in pursuit. On 2 July, Big Bear, accompanied by his youngest son, Horse Child, walked into Fort Carlton to surrender to a startled sentry. The resistance movement's toll was as follows: 53 soldiers and settlers killed, 118

wounded; about 35 First Nations and Métis killed. The Cree historian A. Blair Stonechild has written that less than five percent of the Indigenous population was involved. The financial cost to Canada was enormous: about \$5,000,000.⁵⁸

The federal government's anger was motivated racially against those Indigenous people who had protested the treatment they had received. The government charged or considered charging more than two hundred individuals, most for treason-felony against the Canadian empire that had forced the First Nations and Métis citizens into a resistance movement. The nation-state of Canada, and the British Empire, could not and did not grant them citizenship, since none existed. Riel had American citizenship. Of the nineteen Métis convicted, Riel was charged with treason under Edward III's Statute of Treasons (1352) and hanged on 16 November 1885.⁵⁹ Riel was charged under the British doctrine that a person born a British subject (ignoring the fact that British imperial citizenship did not exist) could not lose that status through later naturalization in another country. Most of the other Métis prisoners were convicted on the lesser charge of treason-felony, eleven being sentenced to seven years; three to three years; and four to one year each. Métis title remained a tortured question.⁶⁰

A Métis Guiding Star: Remaining a Free and Independent Nation

Politically, many Métis felt that they were now a separate and forgotten people, rather than a "free and independent Nation." However, the citizens of the Métis Nation never forgot that they were a sovereign people. Their dilemma was that, under *The Indian Act*, if they took treaty, they became legally "Indians." Acceptance of scrip meant loss of entitlement to be registered as an "Indian" and exclusion from *The Indian Act*. Culturally, the line between the two classifications was far from clear-cut, but the distinction in legal consequences was enormous. For one obvious point, responsibility for status "Indians" was (and is) solely that of the federal authority, whereas the Métis, even though now (since 1982) constitutionally recognized as an "Aboriginal people," are classed as "white" citizens and so come under provincial jurisdiction in matters of property and civil rights. Such federal government by "cultural genocide" appeared to have "worked" for over a century.

Some Métis Stories of Success

Now the Métis Nation, and their communities, are rising in all parts of the Place we call Canada. The Métis survived and are still here, free and independent.⁶¹ Moreover, there have been some success stories. An outstanding example was James McKay (1828–79), who became wealthy as a fur trader and politician. In the latter capacity, his posts included serving as a member of the first council appointed by Manitoba's lieutenant governor and as provincial Minister of Agriculture, 1874–75. Other prominent Métis citizens include: John Frederick Kennedy, first Métis medical doctor at the University of Edinburgh and MLA, a “father” of BC confederation; William Kennedy, the only Métis and Canadian-born expedition member in the search for the still-missing Sir John Franklin (1851–55); Alexander Kennedy Isbister, the first Métis lawyer; Roderick Kennedy (1821–1911), the first Professor of Obstetrics and Midwifery at Queen's University; Louis-François Laflèche, Bishop of Trois-Rivières (coadjutor, 1867–70; titular, 1870–98); Sir Edward Clouston (1849–1912), a first vice-president of the Bank of Montreal at the turn of the century; Dr. S. F. Tolmie, Premier of British Columbia, 1928–33; Dr. Norman Bethune (1890–1939), the Montreal physician who became a hero of China's Maoist revolution; Maurice Duplessis, Premier of Québec, 1936–39 and 1944–59; Peter Lougheed, Premier of Alberta, 1971–85; Olive Patricia Dickason (1920–2011), Métis historian; Herb Belcourt, Métis businessman (1931–2017); and James Balsillie of BlackBerry Limited and the Arctic Research Foundation (which participated in the Inuit-guided discovery of the HMS *Erebus* and the HMS *Terror*). Our stories have led to the creation of our own Métis Nation, and continue to be a cornerstone of the Place we call Canada today.

Senator Mr. Justice Murray Sinclair, former Chair of the Truth and Reconciliation Commission, spoke on “Indigeneity, the World, and Canada” at York University on 30 March 2017. Among other things, he said that we need to know, and to speak, the Truth before Reconciliation is possible. He noted that there were certain implications for all Canadians who did not attend residential schools, and went instead to public schools, as he himself did. The truth is that our public schools continue, through teachings and textbooks, to promulgate misrepresentations about the histories of Indigenous people, their communities,

and Nations. If we are to find reconciliation, the truth must be told. As Senator Mr. Justice Sinclair said, “education got us into this mess and education will help us get out of it.” The truth about the Métis people, their communities, and Nation must be told before reconciliation is possible.

We are still here. Our stories are our research from our spirit memory. We are international. We continue to be successful. Irrespective of whether or not we, as Métis, are citizens of Canada, we are citizens of our own Nation. We are here in Canada as a Place. Indomitably, again, we are becoming free and independent and sovereign.

Endnotes

- 1 This chapter is a tribute, intended to honour the memory of Olive Patricia Dickason (1920–2011). As such, it is inspired in part by chapters 18 and 21 in the fourth edition of Dickason, with David T. McNab, *Canada's First Nations, A History of Founding Peoples from Earliest Times*, Toronto: Oxford University Press (Toronto: Oxford University Press, 2009), 226–40; 260–87.
- 2 See David T. McNab, “Taking Down the Elephant Gun: Olive Patricia Dickason, a Métis Historian Par Excellence,” special issue, *Native Studies Review* 21, no. 2 (2012): 63–68.
- 3 David T. McNab, “The Colonial Office and the Prairies in the Mid-Nineteenth Century,” *Prairie Forum* 3, no. 1 (Fall 1978): 21–38; and David T. McNab, Patsy McArthur, and Paul-Emile McNab, *Historic Saugeen Metis: A Heritage Atlas* (Belleville, ON: Essence Publishing Company, for the Historic Saugeen Metis Council, 2013), 59–69.
- 4 Dickason and McNab, 364–90; David T. McNab, “Taking Down the Elephant Gun: Olive Patricia Dickason, a Métis Historian Par Excellence,” *Native Studies Review* 21, no. 2 (2012): 67; and Herb Belcourt, *Walking in the Woods: A Metis Journey* (Victoria: Brindle and Glass, 2006), 185–92.
- 5 Ute Lischke and David T. McNab, *The Long Journey of a Forgotten People, Métis Identities and Family Histories* (Waterloo, ON: Wilfrid Laurier University Press, 2007), 1–10.
- 6 R. v. Powley [2003] 2 S.C.R. 207, 2003 SCC 43. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do>
- 7 McNab, “Taking Down the Elephant Gun,” 67–80.
- 8 This idea about Metis citizenship came to me from Dr. Dean M. Jacobs, former Chief of the Bkejwanong First Nations, on the occasion of his speech at Glendon College, York University, where he received his third honorary degree in June 2009. He asked a simple enough question: why was he, the citizen of a First Nation, who was born after the Canadian Citizenship Act was

passed by the federal government in 1947, an alien in his own country? The first Canadian Citizenship Act was not retroactive and did not apply to anyone born in Canada before 1947, and it did not apply to Indigenous persons at least until the Bill of Rights was passed in 1960. So, if you did not have a birth certificate, and even if you were born in Canada, you were probably an alien in your own country. This situation of Metis citizenship remained unchanged when Canada's Constitution was passed in 1982, with its Charter of Rights and Freedoms, because that Constitution did not define who was a Canadian citizen. Is a citizen of the Metis Nation also a citizen of Canada? Daniel Gorman, *Imperial Citizenship, Empire and the Question of Belonging* (Manchester: Manchester University Press, 2007), 1–5.

- 9 David Hackett Fischer, *Champlain's Dream* (Toronto: Vintage Canada, 2009), 6–7.
- 10 Vine Deloria, Jr., *The World We Used to Live In: Remembering the Powers of the Medicine Men* (Golden, CO: Fulcrum, 2006), xvii–xxi.
- 11 McNab, "Taking Down the Elephant Gun," 67–80.
- 12 Dickason and McNab, 231.
- 13 McNab, "Métis Voices and Sovereignty: Reflections on Métis Resistance to Imperial Layers of Colonialism in Canada," in *Comparative Indigenous Identities: Toward a Hemispheric Approach*, M. Bianet Castellanos, Lourdes Gutierrez Najera, and Arturo J. Aldama, eds. (Tucson: University of Arizona Press, 2012), 70–72.
- 14 Barry Cooper, *Alexander Kennedy Isbister: A Respectable Critic of the Honourable Company* (Ottawa: Carleton University Press, 1988), 175–202; David T. McNab, "The Colonial Office and the Prairies in the Mid-Nineteenth Century," *Prairie Forum* 3, no. 1 (Fall 1978), 21–38; and David T. McNab, "Herman Merivale and the Native Question, 1837–1861," *Albion* 9, no. 4 (Winter 1977): 359–84.
- 15 J. M. S. Careless, *Brown of the Globe: The Voice of Upper Canada, 1818–1959, Volume 1*, (Toronto: Macmillan of Canada, 1959), 281–328; and McNab, McArthur, and McNab, *Historic Saugeen Metis*.
- 16 Dickason and McNab, 233–40; and Douglas N. Sprague, *Canada and the Metis, 1869–1885* (Waterloo: Wilfrid Laurier University Press, 1988), 1–10. Sprague's book was essentially Sprague's expert report in the Metis Manitoba Treaty case. This significant book would not have been published, as it was in 1987 by Wilfrid Laurier University Press, except for the intervention of three Indigenous persons. The two reviewers whom SSHRC selected to review the manuscript had both been experts for the Crown's (federal government) case at the trial level—a clear conflict of interest. Not surprisingly, both of these reviewers rejected Sprague's book. I believe that the one other, favourable review was from Olive Dickason. Was the federal government, under then Conservative prime minister Brian Mulroney, stacking the "legal deck" against this Metis case in the late 1980s? I believe so. Fortunately for the Metis Manitoba Treaty case, the book was published because of the intervention of

three Indigenous persons, two of which were Metis historians.

- 17 I was told this story by the Elder Rita Sands at a Heritage Committee meeting in May 1992, when she asked me whether I knew about the "Indian" contribution to the Confederation of Canada.
- 18 British North America Act, 1867, 30-31 Vict., c. 3 (U.K.), section 91(24). <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t13.html>
- 19 Anne Acco (Carriere), "Traditional Knowledge and the Land: The Cumberland House Metis and Cree People," in *Metis Legacy: A Metis Historiography and Annotated Bibliography*, Lawrence J. Barkwell, Leah Dorion, and Darren R. Préfontaine, eds. (Winnipeg: Pemmican Publications, 2001), 127.
- 20 Dickason and McNab, 226–29.
- 21 Dickason and McNab, 226.
- 22 Truth and Reconciliation Commission, *Final Report* (Montreal: McGill-Queen's University Press, 2015), 1–2.
- 23 See Maria Campbell, *Half-breed* (Toronto: McClelland and Stewart, 1973).
- 24 Herman Merivale, *Lectures on Colonization and Colonies*, ([1861], New York: Augustus M. Kelley, 1967), 521.
- 25 Sprague, 172–77.
- 26 Dickason and McNab, 232.
- 27 Truth and Reconciliation Commission, *Final Report: Volume 3, The Metis Experience*, (Montreal: McGill-Queen's University Press, 2015).
- 28 Dickason and McNab, 233; and Cooper, 107–42.
- 29 Cooper, 175–202.
- 30 David T. McNab, "The Arctic Prescription: Indigenous Knowledge and the Role It Played in the Search for Sir John Franklin's Erebus," *Aboriginal Business Report* 3 (February 2016): 30–32.
- 31 Dickason and McNab, 233.
- 32 Dickason and McNab, 234.
- 33 Dickason and McNab, 235.
- 34 Dickason and McNab, 235–36.
- 35 James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), 99–126.
- 36 McNab, McArthur, and McNab, *Historic Saugeen Metis*, 11–20.
- 37 An Act for the Temporary Government of Rupert's Land
- 38 Dickason and McNab, 236.
- 39 Dickason and McNab, 236–37.
- 40 Dickason and McNab, 238.

- 41 Dickason and McNab, 239.
- 42 Dickason and McNab, 238.
- 43 Dickason and McNab, 238.
- 44 Dickason and McNab, 240.
- 45 Irene M. Spry, ed. "The 'Memories' of George William Sanderson, 1846-1936," *Canadian Ethnic Studies* 17, no. 2 (1985): 115-34.
- 46 Dickason and McNab, 239-40.
- 47 Dickason and McNab, 240.
- 48 Dickason and McNab, 274.
- 49 Daschuk, 127-58.
- 50 Dickason and McNab, 275.
- 51 David T. McNab, "'A Lurid Dash of Colour': Powassan's Drum and Canada's Mission, the Reverend William and Duncan Campbell Scott," in *Aboriginal Cultural Landscapes*, Jill Oakes and Rick Riewe, eds. (Winnipeg: Aboriginal Issues Press, 2004), 258-71. Similarly, William Scott (1812-91), whose son Duncan Campbell Scott (1862-1947) was an Indigenous person himself, was appointed to the federal Department of Indian Affairs in 1878. Duncan Campbell Scott was not responsible for the creation of the residential schools; Macdonald was.
- 52 Dickason and McNab, 275.
- 53 Dickason and McNab, 276.
- 54 David T. McNab, "Travels of a Metis through Spirit Memory around Turtle Island, and Beyond," in *Becoming Indigenous, Asserting Indigeneity*, Milena Santoro and Erich Langer, eds. (Lincoln: Nebraska University Press, 2017), 364-90.
- 55 Dickason and McNab, 276.
- 56 Dickason and McNab, 276.
- 57 Dickason and McNab, 276.
- 58 Dickason and McNab, 278-80.
- 59 Dickason and McNab, 280.
- 60 There was a treaty—the Piche Wampum Strings Treaty—negotiated by the Metis Pierre Piche with the Saugeen Ojibway at Saugeen, near present-day Southampton, in 1818. This Treaty predicated any treaty signed with the Crown (1825). Relations with the Crown were not always cordial, such as was the case in the Robinson Treaties. Métis title and land rights were usually not dealt with by negotiation, but by unilateral government action and Orders-in-Council. It was widely recognized that whereas First Nations acquired special status through the treaties, the Metis did not gain long-term benefits. After 1885, they became a "forgotten people."

61 For one example in Ontario, see David T. McNab, Patsy McArthur, and Paul-Emile McNab, *Historic Saugeen Metis: A Heritage Atlas* (Belleville, ON: Essence Publishing Company (for the Historic Saugeen Metis Council), 2013).

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