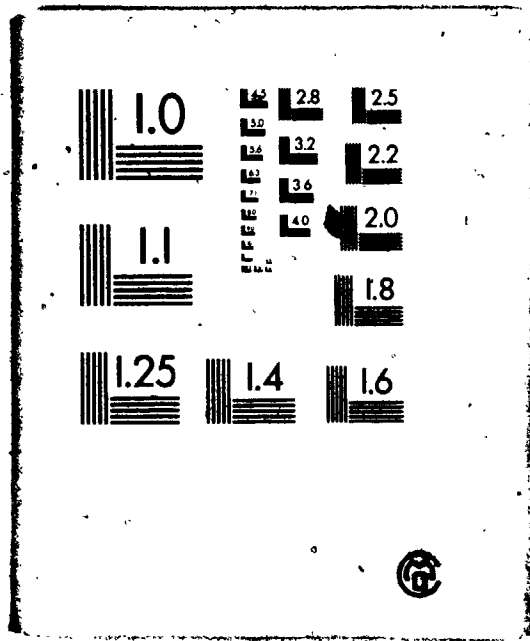


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Indian Land Cessions in Ontario, 1763-1862:
The Evolution of a System

by

© Robert J. Surtees, M.A.

A thesis submitted to the Faculty of
Graduate Studies and Research in partial fulfilment
of the requirements for the degree of

Doctor of Philosophy

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III - IV

To my parents

Abstract.

The Indian Territory, described by the British Royal Proclamation of 1763, included most of the present province of Ontario. Beginning in 1764 the British gradually extinguished the Indian title to the region by concluding 27 major (and several minor) land purchases from the native inhabitants. By 1862, therefore, the Indians of Upper Canada were confined to small pockets of reserve lands scattered among a growing white population. The change occurred peacefully, and as it progressed there emerged certain recognized principles and established procedures which created a formal, institutionalized process for transferring lands from Indian to government control. It became known as the treaty system, and would be used by the federal government when dealing with the Indian tribes of the Canadian West.

Of paramount importance was the recognition of the right of Indian ownership, and the corresponding right to compensation for surrendering it. Also important was the stipulation that ownership could be transferred only to the Crown. It was to be done at formal and public councils convened for that purpose, and attended by representatives of the Crown and of the Indian band which claimed ownership.

In the years 1783-1800, white officials were very circumspect when treating with the Indians, who outnumbered the whites at first and remained a potentially dangerous military force for several decades. Their success in accomplishing the task with minimal hostility was aided by the consideration that land was plentiful and could accommodate newcomers as they arrived in steadily but only slowly increasing numbers. It owed something also to the careful recognition of Indian rights. Records, haphazard at first, were maintained fastidiously after 1794; and in all of the purchases made before 1815 care was taken to pay proper deference to Indian wishes and Indian dignity. Government was also assisted in this early period because Indians did not understand the full impact of the land sales.

After 1815, as increasing numbers of white settlers arrived, the meaning sank in. By then the Indians no longer constituted a military threat and government could treat them in a more summary fashion. But precedents had been set. The system continued to evolve during a second group of land cession agreements which saw the interior line of settlement pass to the Crown and concurrently saw the Indians making increasingly sophisticated demands on government despite their weakened state.

Buttressed by the philanthropic impulse which affected imperial policy in the 1830s, the Indians increased their demands, particularly with respect to reserve lands. This consideration characterized the third period of land cessions, which brought the northern and western regions of the province into the hands of the government. By then the system was firmly in place. Government commissioners who treated for the north shores of Lake

Huron and Lake Superior and for the Manitoulin Island in 1850 and 1862 were compelled to follow the established patterns of formal negotiations, public councils, payments, and reserves.

The reserves, instituted in a variety of ways after 1784, also took on new meaning. In 1830 official policy dictated that these locations be used to promote civilization among the Indians. By 1840 the government attitude was less noble and tended to view reserves as isolated locations to which Indians could be banished, thereby removing them from the path of white progress. For the Indians, who had lost their traditional hunting territories to the expanding white frontier, the reserves became pockets of hope; they were locations where, in isolation, Indian culture, heritage and custom could continue to survive.

Table of Contents

Abstract v

Table of Contents vii

List of Figures viii

Chapter 1. The Circumstances of Land Alienation: 1763-1867 1

Chapter 2. The System Begins, 1764-1784: Niagara, Lake Ontario, Lake Erie, and the Upper St. Lawrence 37

Chapter 3. Deficiencies Revealed, 1787-1806: Lake Ontario, Lake Simcoe and St. Joseph Island 80

Chapter 4. The System Reinforced, 1784-1796: The Thames Valley and the Detroit River 129

Chapter 5. Confirmation and Expansion, 1815-1827: The Interior Line of Settlement 164

Chapter 6. The Role of Reserves, 1830-1854: The Manitoulin Island and the Saugeen Peninsula 208

Chapter 7. The System Tested, 1850-1862: The Robinson Treaties and the Manitoulin Island 238

Chapter 8. The Results of Land Alienation 269

Bibliographical Essay 293

Select List of Works Consulted 297

List of Figures

Figure 1.	Eastern British North America after the Proclamation of 1763. (From <u>Native Rights in Canada</u> , 2nd. ed., p. 25)	7
Figure 2.	Indian Villages and Tribal Distribution c. 1768. (From <u>The Atlas of Great Lakes Indian History</u>)	13
Figure 3.	Major Land Cessions in Southern Ontario	24
Figure 4.	Area of the Robinson Treaties, 1850.	33
Figure 5.	Land Cessions, 1764-1784.	38
Figure 6.	Niagara Purchase, 1781. (From P.A.O., R.G. 1)	46
Figure 7.	Grand River Lands. (From Macaulay Report)	64
Figure 8.	Tyendinaga Indian Reserve. (From Macaulay Report)	66
Figure 9.	Land Cessions, Lake Ontario and Lake Simcoe, 1785-1806.	81
Figure 10.	Indian Purchases, 1784, 1787 and 1788. (From "The Chevalier De Rocheblave and the Toronto Purchase", p. 139)	89
Figure 11.	Purchases from the Indians of Upper Canada. (From P.A.C., Q 278, p. 94a)	96
Figure 12.	Cessions from the Indians on the North Shore of Lake Ontario, 1784, 1787 and 1788. (From P.A.O. Report 1905, p. cxviii)	98
Figure 13.	Land Granted to Joseph Brant. (From <u>Treaties and Surrenders</u> , vol. 1, p. 26)	106
Figure 14.	Mississauga Tract and Head of the Lake Surrender. (From <u>Treaties and Surrenders</u> , vol. 1, p. 26)	114
Figure 15.	Head of the Lake Surrender. (From <u>Treaties and Surrenders</u> , vol. 1, p. 58)	123
Figure 16.	The Toronto Purchase. (From <u>Treaties and Surrenders</u> , vol. 1, p. 58)	125
Figure 17.	Penetanguishene Purchase, 1798. (From <u>Treaties and Surrenders</u> , vol. 1, p. 26)	127
Figure 18.	Land Cessions, Chenail Ecarte and the Thames River, 1790-1796	131

Figure 19.	Land Cessions in the Upper Ohio Valley in the 18th Century. (From Allen, "Red and White. Indian Tribes of the Ohio Valley ...". M.A. Thesis, Dalhousie)	140
Figure 20.	The Huron Reserve and Indian Officers' Lands, Detroit River. (From Lajeunesse, ed. <u>The Windsor Border Region</u> , p. cvi)	148
Figure 21.	McKee's Purchase, 1790. The Lower Thames. (From Lajeunesse, <u>The Windsor Border Region</u> , p. cx)	151
Figure 22.	Proposed Purchase of the Chenail Ecarte (Sombra Twp.). (From Cruickshank, ed., <u>The Simcoe Papers</u> , vol. IV, p. 96)	155
Figure 23.	Proposed Purchase of London Township. (From Cruickshank, ed., <u>The Simcoe Papers</u> , vol. IV, p. 96)	157
Figure 24.	The Post-War Cessions, 1815-1827.	165
Figure 25.	The Rideau Purchase. (From <u>Treaties and Surrenders</u> , vol. 1, p. 58)	184
Figure 26.	Lake Simcoe Purchases, Showing Alternate Proposals. (From Claus Papers, vol. 11, p. 33)	189
Figure 27.	The Long Woods Purchase. (From <u>Treaties and Surrenders</u> , vol. 1, p. 58)	201
Figure 28.	The Huron Tract Purchase. (From <u>Treaties and Surrenders</u> , vol. 1, p. 90)	203
Figure 29.	Mississauga Reserves, Lake Ontario. (From <u>Treaties and Surrenders</u> , vol. 1, p. 58)	205
Figure 30.	Bond Head's Purchases: Manitoulin and Saugeen	210
Figure 31.	Saugeen Lands before the Surrenders of the 1850s. (From Schmalz, <u>History of the Saugeen Indians</u> , p. 232)	223
Figure 32.	Saugeen Surrenders, 1836, 1851 and 1854. (From Schmalz, <u>History of the Saugeen Indians</u> , p. 233)	226
Figure 33.	Indian Villages and Reserves, Manitoulin Island	261
Figure 34.	Indian Reserves and Surrenders from Reserves, Southern Ontario, 1790-1867. A sampling	281
Figure 35.	Grand River Lands. (From <u>Handbook of North American Indians</u> , vol. 15, p. 526)	285

Chapter 1. The Circumstances of Land Alienation: 1763-1867.

In a remarkably peaceful fashion, the Indians of Ontario, in the century following 1763, gave up their long-standing traditional territories to the British Crown. When the British regime opened in Canada, the region that is now Ontario was exclusively Indian country; by 1867 its original inhabitants had been confined to small parcels of reserved lands scattered about the province. This evolution has received scant attention from Canadian historians, even from those who in the past fifteen years have taken up the study of native peoples. We have only cursory or partial accounts of the dispossession of Ontario Indians. The story of that dispossession is important, not only because it completes the picture of early Ontario history, but also because it serves to explain much of the changing nature of aboriginal society in central Canada.

The alienation process covers three distinct chronological and geographic periods. Between 1781 and 1806 Britain acquired the waterfront along the St. Lawrence River, Lake Ontario, the Niagara River, Lake Erie, the Detroit River, Lake St. Clair and the St. Clair River.¹ In the decade after 1815, the Crown arranged seven large purchases² which opened up a second line of settlement, behind the first range of surrenders, to accommodate the rather heavy influx of post-war immigration. After 1830 four major and two smaller agreements saw the Indians agree to settlement on the Bruce Peninsula, the Manitoulin

1 See Figures 5, 9 and 18.

2 See Figure 24.

Islands and the north shores of Lake Huron and Lake Superior.³ All were similar in that the end result was the transfer of territory from Indian possession to complete ownership by the British Crown, but each of these series of land cessions differed significantly from the others with respect to purpose and conditions. As the cessions occurred, gradually a set of procedures and terms began to emerge to cover the changing circumstances, with the result that the process of land alienation evolved into an institutionalized system. When, after a century, the newly confederated government of Canada, endowed with responsibility for "Indians and Lands reserved for Indians",⁴ acquired the Hudson's Bay Company's western territory, it therefore possessed an established system for treating with the Indians there. The institution served to secure the bulk of the Canadian west through seven treaties between 1871 and 1877. The same system was used subsequently to acquire lands from Indians for a variety of reasons by successive Canadian administrations. But it was used selectively. Land cession treaties were not negotiated in the Atlantic provinces, in Quebec, or in British Columbia.⁵ Vary-

3 See Figures 4, 30 and 32.

4 The British North America Act, 1867, 30-31, Victoria, Chapter 3, Section 91(24).

5 The circumstances which mitigated against using the treaty system in those areas dated from the colonial era. In the Atlantic provinces the Proclamation was declared to apply, but its provisions regarding Indian lands were simply ignored; in Quebec the principle of non-inclusion of the St. Lawrence lowlands, as stated in the Proclamation, was extended; and in B.C. the principle was not fully recognized in the colonial era. For a discussion of the available sources see R.J. Surtees, Canadian Indian Policy: A Critical Bibliography (Bloomington, Indiana, 1982). In particular, see F.E. La Violette, The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia (Toronto, 1961); R. Shankel, "The Development of Indian Policy in British Columbia", Ph. D. Thesis, University of Washington, 1945; and L.F.S. Upton, Micmacs and Colonists, (Vancouver, 1979).

ing local circumstances in those regions rendered it either unnecessary or politically dangerous to apply the principles which were implied by the system. In Ontario, however, where it was developed, in the west and in the territories, it was not only viable to apply the system, but also advantageous to the federal government to do so.

Although the conquest of Canada established British sovereignty some remnants of the French attitudes towards native peoples continued to prevail. The French, for almost two centuries, had considered the Indians when evolving their policies and intentions for their North American possessions. The Indians were simply too important to ignore. Much has been written concerning French relations with the various Indian tribes who figured so significantly in the fur trade, in dealings with the English colonies and the Hudson's Bay Company, and in missionary activities in North America. There have also been specialized studies which examine French attitudes and policy towards Indians in general or their dealings with specific Indian bands or tribes.⁶ These reveal that the French considered the Indians to be a vital, if somewhat subservient, part of their North American empire.

With respect to land ownership, however, the French simply rejected Indian claims. They held that their sovereignty over New France was based on discovery and conquest; and the Indians who occupied lands within the bounds of New France were considered to be subjects of the French Crown. Fortunately for the French, the nature of their society and the nature of the economy which sustained it, never drew the question of land

6 For a summary account of these studies and their place in the historiography of Indian Affairs in Canada, see Surtées, Canadian Indian Policy, pp. 4-21.

ownership into sharp focus. In the interior of the French empire in North America, settlement was confined to small parcels of land in the immediate vicinity of forts or trading posts, where the French population was not sufficiently large to offer any threat. Furthermore, French Indian policy gave the impression of an acceptance of the Indians who were made welcome, more or less, within the interior settlements and even the French forts. This general acceptance appeared to prevail within the settled region of the St. Lawrence valley as well.

Indians moved among the French settlements rather freely. In some instances permanent Indian settlements were begun and encouraged in fairly close proximity to the French towns. Such settlements would include the Indian villages at Lorette, Sillery, Becancour, and Restigouche, as well as the more well known Iroquois communities at Caughnawaga, the Lake of Two Mountains, St. Regis and Oswegatchie.⁷ These Indian settlements however, were all supervised by one or other of the religious orders who sought to promote the French policy of gallicization among the Indians. And the land upon which the villages stood was held by the religious orders based on land grants issued by the French Crown.⁸ The principle of non-recognition was retained by the British insofar as it concerned the lands of the St. Lawrence colony; and thus the land-granting

7 See G.F.G. Stanley, "The First Indian 'Reserves' in Canada", Revue d'histoire de l'Amérique française, IV, No. 2 (September, 1950), 178-210; also R.J. Surtees, "The Iroquois in Canada", in F. Jennings, W.N. Fenton, and M.A. Druke, eds., The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and Their League (Syracuse, New York, 1983).

8 The single exception appears to have been the grant for the Sillery mission made in 1651. This grant clearly states that the lands were to be the property of the Indians. Even in this case, however, the grant was made through the Jesuit Order. Stanley, Revue d'histoire de l'Amérique française, IV, No. 2 (September, 1950), 184.

instruments made to the religious orders became the only means by which the Indians living in the area that would become the province of Quebec could lay claims to land. This extension into the British period of the French attitude towards Indian land ownership was implemented by the boundary provisions of the Royal Proclamation of 1763.

The western external boundaries of Canada changed three times between the Conquest and Confederation: in 1763, 1774, and 1783. In 1763 the colony was restricted greatly and included the region of seigneurial grants. It extended beyond the actual settlements however, for the boundary ran north of the river as far as Lake St. John. It also ran south of the St. Lawrence along 45 degrees latitude to Lake Champlain and then along the height of land to the coast of Acadia. Most significant, however, was the western boundary, which was run from the south shore of Lake Nipissing to the point where the line of 45 degrees north latitude crosses the St. Lawrence River.⁹ New France had been much larger, of course, and Britain did claim possession of the territory beyond the Lake Nipissing line. But the British policy makers of 1763 decreed that the bounds of the new colony would be restricted to the area where effective control could be maintained. The territory beyond the Lake Nipissing line was recognized as, and decreed to be, "Indian Country", and was to be administered by the Indian Department.

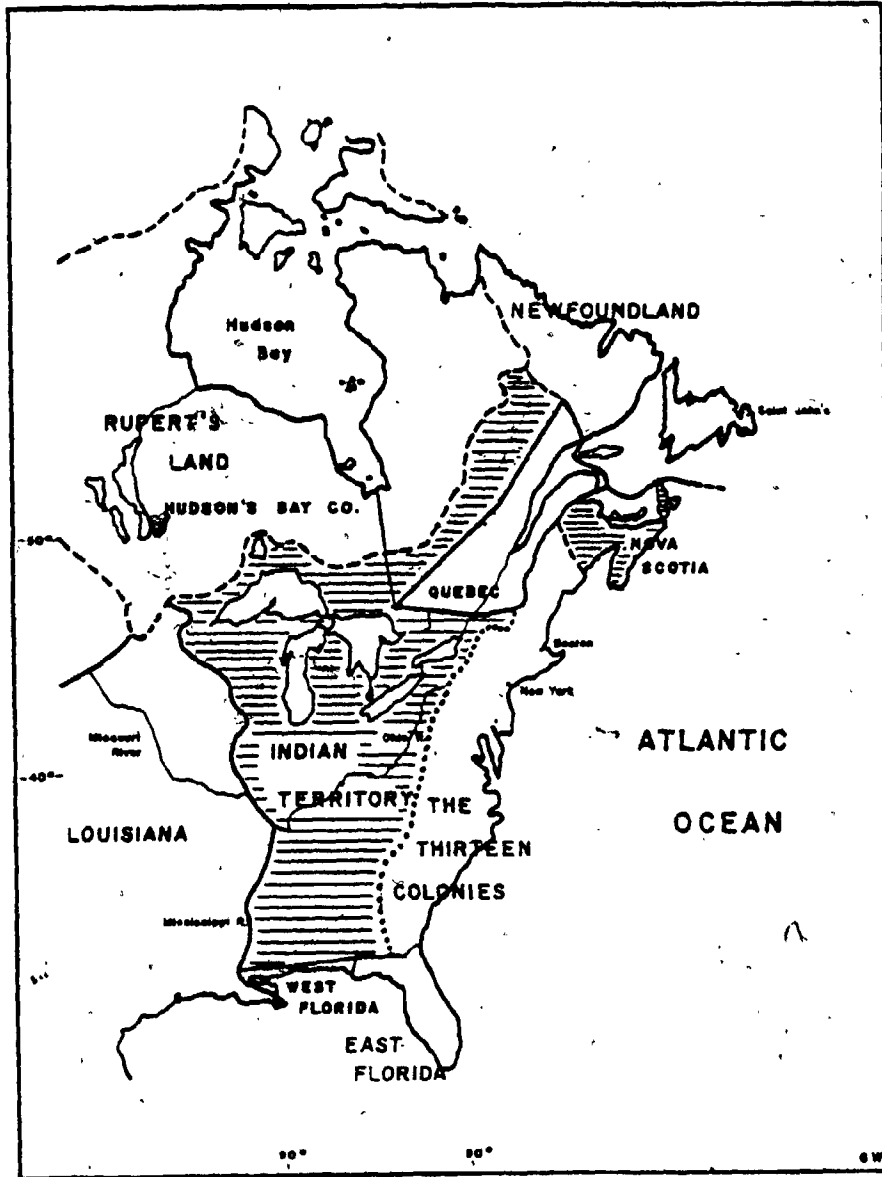
The Quebec Act extended the western boundary of Canada in 1774 to include the region of present-day Ontario as far north as the height of land and south to include the Ohio valley. That was reduced again in 1783 when the American Revolution stripped off the area south of the

9. See Figure 1.

Great Lakes and confined British Canada to territory between the new American republic and Rupert's Land. This restriction was not fully completed until 1796, when Britain withdrew her garrisons from the western posts - notably Oswegatchie, Niagara, Detroit and Michilimackinac - in conformity with the Jay Treaty. The settled boundaries of 1783 were not questioned by any external power, and they would remain the external boundaries of Canada until 1868, when Rupert's Land and the other Hudson's Bay Company territories were added to the Dominion of Canada. The internal boundaries of Canada were altered in 1791 when the colony was divided into the two provinces of Upper Canada and Lower Canada.

In 1783 when the final boundaries were set, Britain could, and did, claim sovereignty. But she could not claim to have effective control beyond the settled regions on the St. Lawrence River; nor could she claim more than a cursory knowledge of the lands involved beyond the Lake Nipissing line. Indeed the British had attempted to avoid commitments in the interior by forbidding settlement beyond the restricted confines of the 1763 boundaries. Non-Indians were forbidden to move into Indian country and any who had already done so were ordered to remove themselves. The only non-Indians allowed to penetrate the Indian territory were fur traders who could do so only through a licensing system, and troops and Indian Department officials who were charged with maintaining the regulations emanating from the Royal Proclamation. In the years following 1763, therefore, there evolved a rather anomalous situation. Britain attempted to preserve the integrity of another force - the Indians - within the confines of a territory over which she claimed both sovereignty and ownership in terms of international law.

Figure 1: Eastern British North America after the Proclamation of 1763



(From Native Rights in Canada, 2nd. ed., p.25)

It was a policy which Britain went to some pains to enforce.

This did not suggest that Britain accorded an independent status or nationhood to the Indians. The intent of the policy was rather to keep the Indians secure and unmolested in their hunting and living areas within the British Empire in North America. It was, of course, a policy inspired by self-interest. British officials wanted to keep the Indians securely in the British camp. They did not wish to be bothered with settling disputes between Indians and settlers. They did wish, also, to keep closer control over the colonists by preventing their dispersion. While the policy did not extend sovereign status to the Indians, it did in effect, create a new and legally distinct region - the Indian Country - in North America. This recognition of the Indians' right to occupy their tribal territories has caused the Royal Proclamation to be termed a kind of charter of rights for the Indians.

The Royal Proclamation continued to apply in Canada after the American Revolution had rendered it obsolete in the United States. At that point its terms became significant once again. The document states that the Crown reserved for the Indians the land "not included within the Limits of Our said Three New Governments"¹⁰ (i.e. Quebec, East Florida and West Florida.) In this fashion, the French rejection of Indian title was preserved in the settled region of the colony. The same paragraph would seem to proclaim the Indians' right to land beyond the Lake Nipissing line, and indeed it was interpreted in that

10 P.A. Cumming and N.H. Mickenberg, eds., Native Rights in Canada, 2nd. ed. (Toronto, 1972), p. 291.

fashion by the British officials in Canada.¹¹ But an equally important clause provided a means by which that right could be extinguished. After expressly forbidding private persons from buying Indian lands, the Proclamation went on to say that if any "Indians should be inclined to dispose of" their land, it "shall be purchased only for Us, In Our Name, at some Public Meeting or Assembly of the said Indians to be held for that Purpose". Thus, while the Royal Proclamation was certainly an important weapon in preserving the right of Indians to occupy and use their lands, it must also be seen as providing a method for removing that right by means of a formal purchase by the Crown. It was this instrument which was used to acquire the Indian land in what became the province of Ontario.

Because of the power structure of British colonial politics, the manner in which the Royal Proclamation would be implemented was determined according to the interests of Britain. Policy was framed in London, and the temporary appointments held by military and civil officials in Canada were also made from London. Regardless of the enthusiasm these men might feel for the colony their careers were connected directly to the imperial interest which they were expected to serve. Even at

¹¹ One study of the Royal Proclamation argues that this provision notwithstanding, a case can be made for extending the principle of aboriginal land ownership to the area east of the Royal Proclamation line. See J. Stagg, Anglo-Indian Relations in North America to 1763 and An Analysis of the Royal Proclamation of 7 October 1763 (Ottawa, 1981), pp. 350-391. In this Mr. Stagg follows the lead taken by B.J. Slattery in his Oxford D. Phil. Thesis of 1979, "The Legal Status and Land Rights of Indigenous Canadian Peoples as Affected by the Crown's Acquisition of their Territories". While conceding the intricacies of the arguments by both men, it is observed that both base their case on the "four corners of the act" and avoid the treaty-making process that followed the 1763 Proclamation. The persons who actually administered the colony of Quebec (later, Upper Canada), from Frederick Haldimand onwards, accepted the Lake Nipissing line as a division between Crown lands and the Indian Territory. Their actions were dictated by that interpretation, and were apparently accepted by the native people with whom they concluded the various land cession agreements.

the lower levels of administration where personnel was tied permanently to the colony, it could be expected that the imperial interest would prevail. Agents and officers held appointments and received promotions through royal commissions; they were required to take the appropriate oaths of allegiance and were expected to win the approval of their superiors who had been chosen at least in part because of their loyalty. The loyalty factor was especially strong in the years after 1783 and did not decline until beyond the War of 1812.

In brief, at all levels it was in the interests of officials charged with implementing policy in Canada to promote British interests. It was to Britain that they looked for guidance in formulating policy, and from Britain that they sought approval for administering that policy. The constituency that had to be pleased, therefore, was the British government and British officials. The general population of Canada did not figure directly - as it did in the United States - in the creation or execution of Indian policy. Until 1830 the general British attitude towards Indians was dictated by considerations of their military value. All aspects of relations with Indians were geared to that factor.

It was with those considerations in mind that the British had created the Indian Department in 1755. While that branch of the service was reduced after the Revolution, it remained in existence, and for the same reasons. To forward its purpose the branch employed agents and interpreters who supervised the distribution of the King's largesse to the Indians. This largesse included the annual distribution of gifts intended to demonstrate the King's friendship and concern for his Indian allies, and also to keep them dependent upon that friendship. The annual presents were supplemented by the issuing of

rations and supplies to Indians who visited the King's posts, or who accompanied his war parties during periods of hostility. The system worked well, and the British Indian Department was rather more successful in retaining Indian allies than were the Americans, both during and after the Revolution. Part of the reason for that success was the fact that the British did not make the same heavy demands for land as the Americans did. Indeed between 1763 and 1783 it was possible for the Indians to draw a sharp distinction between the British who appeared, by means of the Proclamation line, to be protecting Indian land, and the American colonists who were constantly encroaching upon it.

After 1783, in Canada, the distinction was somewhat blurred, for the British also began to demand access to the Indian territory. It was a situation which they could not avoid, for the loyalists had to be settled, and their preference was for lands beyond the Lake Nipissing line. Comparisons have been made between the Canadian and the American experiences in dealing with the movement against Indian lands, and it is noted that Canada did not experience the same kind of "angry Indian frontier".¹² Part of the reason rests in the rather more careful process of land alienation in Canada. In Canada the arrangements for acquiring Indian lands generally were made before any substantial settlement took place. Undoubtedly that helped, as did the experience of the men in the Indian branch. There were, however, other considerations as well.

Among these was the distribution of Indian population at the time that the land cessions began.¹³ It has been customary to describe the

12 G. Craig, Upper Canada: The Formative Years 1784-1841 (Toronto, 1963), p. 5.

13 See Figure 2.

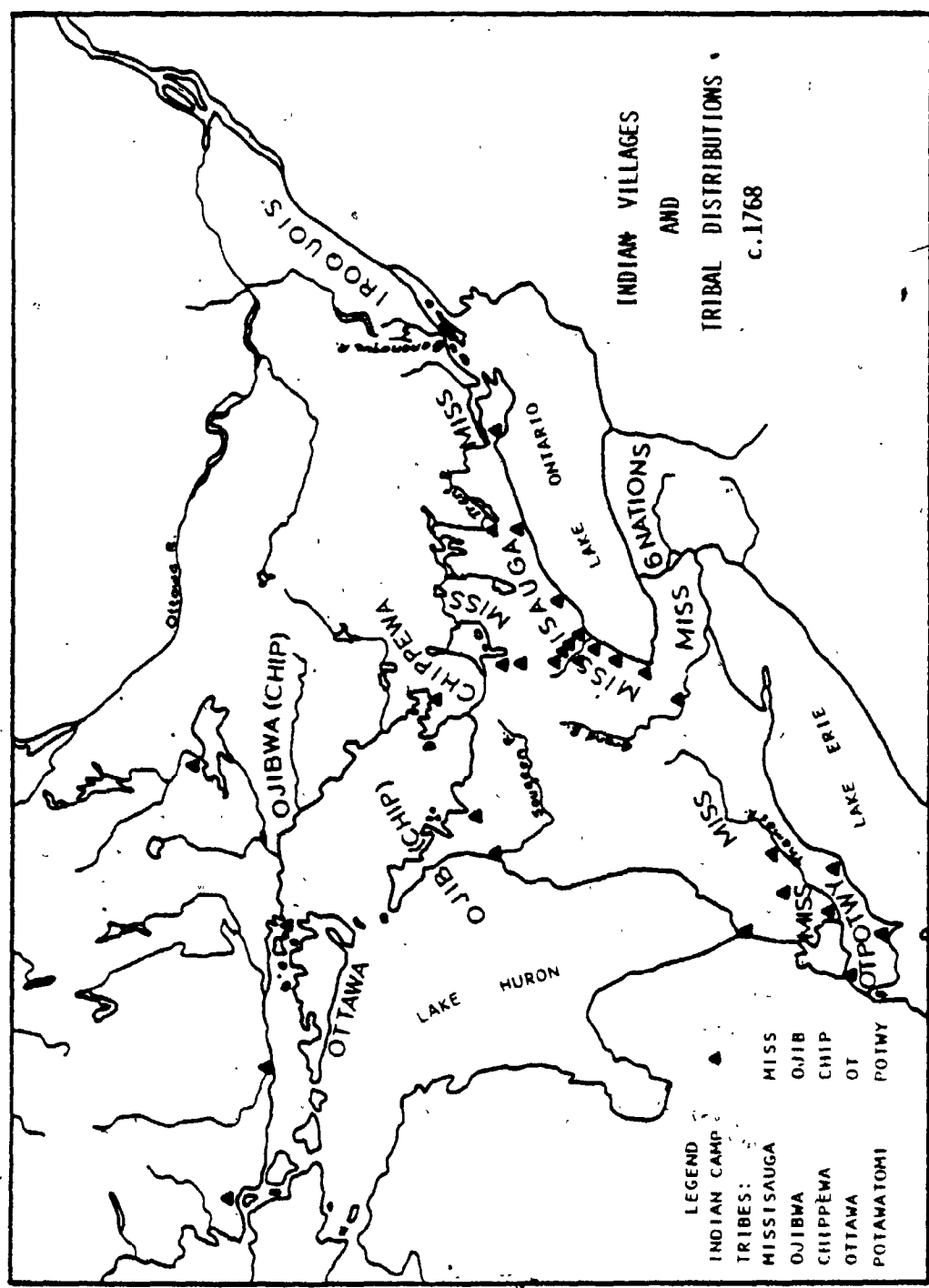
people who occupied the region west of the last seigniory as wandering bands of Indians. Such a description is misleading. It is true that the Algonkian and Iroquoian groups who claimed the region were not consistently sedentary, but there were definite lines of demarcation which were recognized, and honoured. Specifically, the Iroquois from New York, the Six Nations Confederacy, were, by 1760 or so, restricted to the area south of Lake Ontario. They did penetrate the Niagara frontier, but the village locations they had established on the north shore of Lake Ontario - such as the mouth of the Ganaraska River or Teiaiagon on the Humber¹⁴ - in the seventeenth century were no longer available to them. The Mississaugas, in a long conflict that occupied the first half of the eighteenth century, had wrested control of the north shore of Lake Ontario from the Confederacy. According to their own traditions, the Mississaugas had begun to enter the Ontario peninsula from the west after the Huron dispersal in 1649-50. One source suggests that they were a segment of the Shawnee, and came from the Ohio Valley¹⁵ by way of Sault Ste. Marie and the north shore of Lake Huron. They established themselves for a time at the Mississagi River. This latter observation is confirmed by the writings of the trader Alexander Henry, who noted a band of Mississaugas at that location in 1763.¹⁶ By that point the Mississaugas had moved fully into southern Ontario as well.

14 P. Robinson, Toronto During the French Regime (Toronto, 1965), p. 16.

15 Chief Robert Paudash and Johnson Paudash, "The Coming of the Mississaugas", in E.C. Guillet, ed., The Valley of the Trent (Toronto, 1947), pp. 9-13.

16 D.A. Armour, ed., Massacre at Mackinac: Alexander Henry's Travels and Adventures in Canada and the Indian Territories between the years 1760 and 1764 (Mackinac Island, Michigan, 1966), p. 18.

Figure 2: Indian Villages and Tribal Distribution c. 1768



(From Atlas of Great Lakes Indian History)

Their conflicts with the Iroquois for control of southern Ontario have been described in colourful detail in Copway's Traditional History of the Ojibway Nation.¹⁷ During and after that long struggle, they settled in the river valleys of southern Ontario, notably in the valleys of the Thames, the Grand, the Humber, the Credit, the Ganaraska and the Trent. Moreover, they did not move constantly nor randomly, but in a pattern which saw them return regularly to settled locations. These rendezvous points tended to be located at the mouths of rivers where fish, especially salmon, could be found in abundance. In the winter, they would break up into smaller groups or bands for purposes of survival. There were, then, definite spheres of influence and control, centred in the river valleys.

In the western end of the province, the Mississaugas had, as neighbours, several other Algonkian speaking tribes, particularly the Potowatomies and Ottawas. Also in that region were the Wyandots.¹⁸ These several tribes formed a major segment of the western Confederacy that had supported Pontiac in 1763, and who would follow Little Turtle, Blue Jacket and Tecumseh in the future. North of Lake Ontario, along the Toronto Carrying Place, the Mississaugas met the Chippewas,¹⁹ a related tribe,

17 G. Copway, The Traditional History and Characteristic Sketches of the Ojibway Nation (London, 1850).

18 The Wyandots are often referred to as Hurons in both contemporary and current writings and literature. Recent scholarship suggests that the Wyandots were more than simply a remnant of the pre-1649 Huron tribal group. Rather the Wyandots were in fact quite a new grouping or tribe comprised of remnants from the several Ontario Iroquois of the 17th century. That is, by 1760 a new group, calling themselves "Wendots" had been formed from the coalescence of former Hurons, Petuns and Neutrals. Dr. James A. Clifton, Professor of Anthropology at the University of Wisconsin-Green Bay, presented this explanation at the Western District Historical Conference in Windsor, Ontario, in October, 1979.

19 The two terms, "Mississaugas" and "Chippewas", have been used inter-

who dominated Lake Simcoe, Georgian Bay and the shores of Lake Huron. The Chippewas also used the Manitoulin Islands, but these were considered nonetheless to be the possession of the Ottawas. The Indians who occupied the Bruce Peninsula, were, like the Chippewas and Mississaugas, of the Ojibwa tribal grouping but were usually known as the Saugeens. Beyond the Saugeen lands the northern shores of Lake Huron and Lake Superior were occupied by the northern Ojibwa. They numbered about 2500, divided into about two dozen individual bands who resorted to fairly fixed locations on the upper lakes. The most important were those who would congregate near the fur-trading establishments of Sault Ste. Marie and Fort William. Until the middle of the nineteenth century, however, these bands did not figure in the land alienation process.

Along the eastern fringes of the province, and in the valleys of the Ottawa and the Madawaska, the hunting rights were generally conceded to belong to the Canadian Iroquois and their Algonkian associates. Although the Canadian Iroquois contacts and connections with the Iroquois Confederacy, they did not constitute part of the League. Their villages had been begun in the seventeenth century with a French mission for Christian Iroquois at Prairie on the south shore of the St. Lawrence River just to the east of the Lachine rapids. From this beginning there had evolved four separate Iroquois enclaves in New France at Caughnawaga, Oka, St. Regis and Oswegatchie. The Oka settlement, at the Lake of Two Mountains, also contained a group of Nipissing and

changeably at times for two distinct parts of the very large Ojibwa tribal grouping. Most observers of the early nineteenth century, however, used the name Chippewa when referring to Ojibwa bands of the Thames River valley and of the regions of Lake Simcoe, Georgian Bay and Lake Huron. The term Mississauga usually designated the bands along the north shores of Lake Ontario, and eastern Lake Erie, between the Upper Thames River and the Bay of Quinté.

Algonkians, although these existed quite distinctly from the Iroquois element. Caughnawaga and St. Regis included members of several tribes, but, like Oka, over time they became largely Mohawk in character. The fourth, Oswegatchie, begun during the late 1740s, was filled by Onondagas and a scattering of Cayugas and Oneidas. All four Iroquois cantons were associated in the loose grouping of French mission Indians known as the Seven Nations of Canada.²⁰ Each, however, also claimed distinct stretches of territory. The Oka groups, for example, claimed hunting rights in the lower Ottawa Valley, as well as the lands drained by the Madawaska River. The Mississaugas recognized the Gananoque River as the boundary between their lands and those of the Iroquois, and were very loathe to cross it.²¹ The land immediately to the east of that river would appear to have been a buffer zone, although the agreement which saw it surrendered to the British was made by an Oka chief.²² The rest of the upper St. Lawrence was clearly divided between the Oswegatchies who claimed the frontage from the Long Sault west to about Toniato Creek,²³ and the St. Regis Mohawks who claimed the land between the Raisin River and the Long Sault.

If the British wished to occupy any land to the west of Lake St. Francis, they would be required to make some type of deal with the Indians,

20 See Surtees, "The Iroquois in Canada", in Jennings, Fenton and Druke, eds., The History and Culture of Iroquois Diplomacy.

21 J.L. Morris, Indians of Ontario (Toronto, 1943), p. 7.

22 See below, Chapter 2.

23 Presently, Jones Creek, near Brockville, Ontario.

for the entire shoreline of the upper St. Lawrence and the lower Great Lakes was thus claimed by one or other of the several Indian groups and these were claims that the British had implicitly recognized by the Royal Proclamation. And while the British leaders could not claim to have extensive knowledge of the terrain they were very aware that these bands could field substantial numbers of warriors. They had done so during the recently concluded war, and they had demonstrated in that conflict their ability to act both aggressively, and on occasion, very cruelly. The first post-war years marked a very delicate time for the British who were moving from a war-time to a peace-time footing and concurrently trying to provide a new homeland for the dispossessed loyalists. Fortunately for the British, a number of circumstances mitigated the danger and created in Canada a situation which was demonstrably different from the American Indian-white frontier.

The most obvious difference lay in numbers, and in the slow rate of the white invasion of Indian land. In all, only about 6000 whites sought land west of Lake St. Francis in the years immediately following the peace of 1783. They entered the western region of Quebec at four separate points - New Johnstown (Cornwall), Cataraqui, Niagara and Detroit - and thus no group of Indians found itself facing overwhelming numbers at a single stroke. Even when settlement occupied most of the shoreline, as in the nine townships on the upper St. Lawrence, it did not move inland from the front for some time. Partly because of the system of land granting, but also because of rather small numbers of people, there were extensive gaps between settlements and even between settlers. In 1797, it was observed that the seat of government at York lay forty miles

"beyond the most remote of the settlements at the head of the lake".²⁴
 Thirty years after the Indian Country was opened up to whites, the total population of Upper Canada was less than 80,000. And this was confined mainly to the rings of farms that moved out from the four points of entry.

In this early period, therefore, the Indians were not presented with any major threat from white settlement. Their own numbers were also small. It is extremely difficult to try to estimate population figures for Indian groups. It seems likely however, that there were about 5500 Algonkian peoples in the southern regions of Upper Canada in 1783. That would include the Mississaugas, the Chippewas and the Ottawas who consistently reported to summer locations in the Ontario peninsula. The St. Lawrence Iroquois and associated Indians totalled 2300, including 100 at Oswegatchie, 400 at St. Regis, 750 at Oka, and 600 at Caughnawaga.²⁵

Two observations seem to be significant from these numbers. First, the Indians outnumbered the whites at the beginning of the period, and for a considerable time afterwards. Even later, using the War of 1812 as a convenient point for measurement, the Indians constituted better than 10% of the total. Thus, the British officials were quite correct in according a high degree of circumspection to the Indians. The loyalist settlements in Upper Canada were vulnerable and to some extent they existed at the sufferance of their Indian neighbours. At the

24. E.A. Cruickshank and A.F. Hunter, eds., Correspondence of the Honourable Peter Russell. 3 vols. (Toronto, 1932-36), vol. 1, p. 144. Elmsley to Russell, February 22, 1797.

25. Provincial Archives of Ontario (P.A.O.), Simcoe Papers, MU2787, Envelope #1. Return of Indians, Montreal, 10 December, 1786.

same time, while they did outnumber the newcomers, the Indians were not sufficiently numerous to feel pressured. There were enormous amounts of land available. It would accommodate the loyalists without destroying the Indian lifestyle. In other words, although they posed a very critical potential threat to white settlement, the Indians would not be inclined to translate that potential into a reality.

In addition to small numbers, the Indians were dis-united. That disunity was preserved by the appearance in Canada of about 2000 Indian loyalists and by the timing of the first land transactions. One principal chief, John Deseronto, led some 200 Mohawks from the Fort Hunter region of New York state to a refuge near Lachine; and a much larger Iroquois group, of various tribal allegiances, followed the Mohawk chief, Joseph Brant, to Niagara and Buffalo Creek. The latter included members of all six tribes of the Confederacy as well as some from allied Algonkian tribes. These two refugee settlements were comprised of those Indians, principally from the Confederacy, who chose to support the British during the war, and who had been forced to abandon their traditional locations because of that choice. Some western Indians were represented at Niagara as well. It was this large grouping²⁶ that frightened Haldimand when the peace terms became public.

To their great anger, they learned that the boundary of the new American republic was drawn to include the Six Nations' country as well as the Ohio Valley. To ease that anger Haldimand adopted a number of conciliatory measures in the spring of 1783. Most significant of these

26 See B. Graymont, The Iroquois in the American Revolution (Syracuse, 1972), pp. 259-67.

was the offer to provide lands in British North America for any Indians who chose to take them. Because they were not yet being assailed by the land-hungry American colonists, and because Haldimand decided to retain the western posts, the Western Indians did not feel it was necessary to move into Canada. But the dislocated Iroquois did take advantage of Haldimand's offer, and they moved, a year later, to lands of their choosing at the Bay of Quinté and on the Grand River. Thus Haldimand succeeded in re-establishing the loyalty of the Six Nations; and because he did it very quickly - indeed within a few months of the time that the treaty terms became public - he was able to turn a potential threat into a definite advantage. While they were still unhappy about losing their traditional homes, the Six Nations ceased to be a serious threat to the British. Their energies were turned from venting anger and disappointment to making plans and arranging for their new homes.

In easing the tension surrounding the peace treaty by settling the Six Nations at Quinté and Grand River, the British had made their first significant demands for Indian lands beyond the Lake Nipissing line. The first indigenous people to have been approached were the Mississaugas. At that time, the late summer of 1783, the Mississaugas at the Bay of Quinté indicated that they did not object to white settlers, but they did fear that the Six Nations might overwhelm them because of their great numbers.²⁷ That fear was overcome partly through the giving of presents and partly by the decision of Brant to locate his people farther west. It was a different group of Mississaugas that sold the large tract between Lake Ontario and Lake Erie to the British to provide for

²⁷ See below, Chapter 2.

the Six Nations at Grand River. These Mississaugas apparently were not as apprehensive about the Iroquois, perhaps because they had served together during the war, perhaps because the Niagara settlement had already brought them into contact with each other, or perhaps because they controlled a much larger and less populated territory.²⁸ At the same time that he placated the Six Nations, then, Haldimand also eased the apprehensions of the Mississaugas, or at least made it more difficult for them to create problems for the British. The Indians of southern Ontario were effectively divided into distinct groups.

It was after this had been accomplished that the British turned to acquiring the St. Lawrence River lands of the St. Regis and Oswegatchie Indians. By late spring of 1784, the Lachine Mohawks had begun to move to the Bay of Quinté. The arrangements for land there had been made by Captain Crawford the previous autumn and finalized that spring. Thus the British had isolated the St. Lawrence River tribes, thereby making it easier to secure those lands for the loyalists without undue tension. Even there the presence of the loyalist Indians helped. Joseph Brant intervened in the case of the St. Regis land claims, and Haldimand credited his intervention with easing the situation sufficiently to bring the St. Regis Indians into agreement to give up their claim to the north shore in return for a small reserve opposite the village of St. Regis.²⁹

28 See below, Chapter 2.

29 See below, Chapter 2.

In addition to consideration of numbers, procedures and timing, two other factors should be noted when treating the peaceful process of land alienation in the late eighteenth century. One was the Indians' desire for British trade goods. To what extent the Indians had grown dependent upon such items as kettles, hatchets, blankets, cloth and fire-arms is open to discussion. It is certain, however, that regardless of the degree of dependence, the goods were eagerly sought, and played a vital role in the Indian diplomacy of the period.³⁰ These items were dispensed on a regular and annual basis in order to cement friendship and renew alliances. They were also dispensed at the councils held to negotiate land sales, in addition to the goods which were intended as payment for land.³¹ Thus Indian bands felt inclined to sell land when they needed essential items, like blankets, hatchets or kettles.³²

In accepting trade goods in return for land, the Indians viewed the transaction differently than did the British who were making the offer. This stemmed from a basic difference in attitudes towards the meaning of land ownership. Indian bands held land in common; no single individual or group of individuals could claim to own any part of it. The concept of freehold tenure was alien to their thinking, and the idea of any person owning and fencing off large portions of land for his own exclusive use was new and even frightening to them. Indians thought rather in terms of shared or communal land. They had had sufficient contact with Europeans to understand that individual settlers did build permanent homes

30 For a discussion of the importance of trade goods in forest diplomacy, see W.R. Jacobs, Diplomacy and Indian Gifts: Anglo-French Rivalry along the Ohio and Northwestern Frontier, 1748-1763 (Stanford, 1950), pp. 11-29.

31 The method of payment was altered in several ways over the years, but it was not until the mid-nineteenth century that cash replaced trade goods as the item of exchange.

32 D.B. Smith, "The Dispossession of the Mississauga Indians: A Missing

and did cultivate small farms; and on the whole, they respected such arrangements when they encountered them. But it was a long intellectual leap from such confined holdings to a township or district. It is unlikely that any of the Indians who agreed to sell land in this early period understood, then, the true nature and meaning of the land cession agreements. There is evidence to suggest that when the Mississaugas agreed to the land cessions they were in fact of the judgement that they were simply agreeing to sell the use of the land,³³ and not its total and final loss.

That the settlers who moved in, or the officials who negotiated the arrangements, had a quite different opinion is not to be doubted. Nor, in the long run, was the agreement interpreted in the Indians' favour. But at the time of agreement, and for several decades thereafter, the real meaning of the land deal was not apparent to the Indians. Settlement moved in slowly, and until it did, the Indians continued to use and enjoy the benefits of the bulk of the land involved in the surrender. Thus they could foresee no problems worthy of raising any substantial resistance, and therefore land alienation proceeded smoothly and peacefully.

This pattern was assisted by another consideration, which was that the Indians did not deal with settlers in any of the land arrangements. The negotiating was done by the officers of the Indian Department, or by military officials, who had had considerable experience in Indian affairs. This had two effects. First, the people involved in the land surrenders were experienced and knowledgeable about Indians and about Indian methods of conducting business. They knew the protocol of Indian councils. More

Chapter in the Early History of Upper Canada", Ontario History, LXXIII, No. 2 (June, 1982), 71.

33 Smith, Ontario History, LXXIII, No. 2 (June, 1982), 72.

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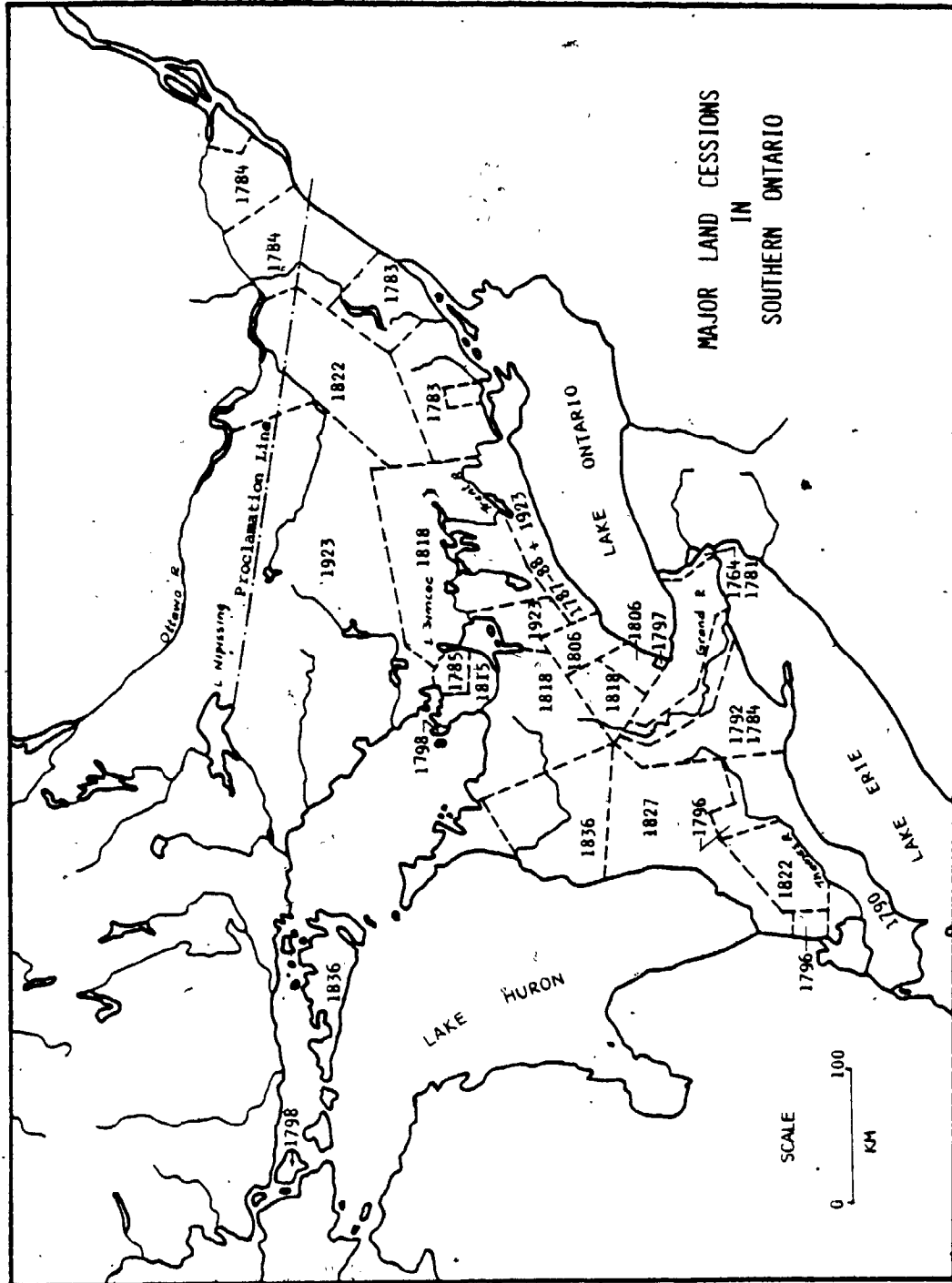
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Chapter in the Early History of Upper Canada", Ontario History, LXXIII, No. 2 (June, 1982), 71.

33 Smith, Ontario History, LXXIII, No. 2 (June, 1982), 72.

Figure 3: Major Land Cessions in Southern Ontario



importantly their own interests were not generally at stake.³⁴ They were not trying to buy land for their own use, but for the use of the Crown. It was the Crown which delivered the goods in payment for the surrender, and it was the Crown to whom appeals could be made when the settlers appeared to overstep their bounds. And very early on, the Crown appeared as the protector of the Indians when the settlers seemed to become overly aggressive. This became apparent as early as 1775 when settlers were admonished, through instructions to Governor Carleton, against impinging on Indian lands.³⁵ The Crown, therefore, through its duly appointed officials, acted as a buffer between the Indians and the settlers and could claim the status of the honest broker between the two groups. All of these factors were important while the Indians were still in a majority. They lost that position after the War of 1812, which in itself marked a significant dividing point in the story of Indian land cessions. After the war, Indian affairs were conducted in a different atmosphere, and there was also a change in the nature of Upper Canadian society.

Between 1815 and 1830, the white population of Upper Canada rose from 77,000 to 250,000, largely as a result of immigration from the United Kingdom. This flood of immigrants began very shortly after the war ended. As early as 1814 British officials in Canada began discussing the need to accommodate newcomers who were expected to start arriving in rather large numbers. Both the newcomers, and the new generat-

34 This was tempered somewhat in the western part of the province where the Indian officers did stand to gain from the land cessions, but aside from this exception, land surrenders were taken by men who had no direct interest in the outcome.

35 J. Leslie and R. Maguire, eds., The Historical Development of the Indian Act (Ottawa, 1978); pp. 6-9.

ions of native-born Canadians required lands upon which to settle. The economy was also changing. The new staples, wheat and timber, that were replacing the fur trade, required that new settlement lands be made available. As a result, the back regions of the province - the Ottawa River, the Madawaska River, the upper reaches of the Rideau, the Trent and the Humber, and the regions north of the Thames River - came to be viewed by timber merchants and by land company developers as areas of potentially large profits. In short, the society of Upper Canada was beginning to make new demands on the Indian lands.

This fresh assault on the Indians' land was made easier by the fact that the war had altered their position. Much of the deference paid to the Indians in Canada had resulted from the connections between those tribes and the tribes of the Old Northwest. In the course of the war, however, the Western Indian Confederacy was broken once again. In the years following the conflict, the Americans filled up the region with pioneers and concurrently urged the western tribes to move to the new hunting areas to the south and the west. Consequently, the connections with Canadian Indians were largely broken, and the bands of Upper Canada were effectively isolated. For the first time, therefore, Indian affairs in Canada were confined to Canadian Indians.

During the war, the resident Indians of Canada had been involved. Both contemporary participants in the war and more recent historians have noted and emphasized the role Indians played at Detroit, at Queenston, at the battle of Chippawa and especially at Beaver Dams. Also significant was the importance that General Brock placed upon their participation.³⁶ But these considerations must be balanced by the fact that

36 See for example, E.A. Cruickshank, "The Employment of Indians in the

only about 1000-1500 Indian warriors from Canadian territory were raised for action during the war. And at least 500 of them came from the Seven Nations of Canada in the lower province. Also, the Six Nations Indians from the Grand River had entered the fray rather reluctantly. And after the Battle of Chippawa they effectively withdrew from military action.³⁷ In short the War of 1812 revealed that the Indians of Canada were at best a minor and often dubious military factor.

When seeking Indian lands in the post-war era, therefore, government officials did not have to be as tentative as they had been previously. They were still required to conform to the regulations that had been set in 1763 and to any other special instructions set down by the department. But they were not dealing from a position of strength, for the threat of war was largely removed, and so was any real danger of the Indians inflicting any damage on white settlers or settlements. Despite these changed circumstances, the Indians were still viewed officially in warrior terms. The Indian branch had, in fact, been moved from the civil to the military field of government in 1816;³⁸ and Indian agents retained the principal function of cultivating Indian favour in the event that their services might be required in another war against the United States. Thus

War of 1812", American Historical Association, Report, (1895), pp. 321-35, and G.F.G. Stanley, "The Indians in the War of 1812", Canadian Historical Review, XXXI, No. 2 (June, 1950), 146-65.

37 G.F.G. Stanley, "The Significance of the Six Nations Participation in the War of 1812", Ontario History, LV, No. 4 (December, 1963), 30.

38 The Indian Department retained its military character until 1830. It was placed under civil control, at the insistence of Simcoe, in 1794 in U.C. (1800 in L.C.) and then returned to military control in 1816 where it remained until 1830 when it again became part of the civil government.

the annual presents continued; rations and supplies continued to be dispensed; and the Indian agents continued to speak and act in military terms.

In the next decade and a half the Indians were called upon to sell large portions of the interior of the province to the Crown. In addition to the seven major lands sales which that involved,³⁹ they also gave up, through sale, many of the small pieces of land that they had retained in previous land deals. These included the Huron Church reserve, and their oases at the mouths of rivers on the north and southwest shores of Lake Ontario.

Concurrently, white views of Indians were changing. Settlers in general had always possessed a fairly high degree of fear of Indians. The persons who moved into Upper Canada after the American Revolution were American colonists - either loyalists or late loyalists - and could therefore be expected to carry that fear as part of their intellectual baggage. The fear, however, was accompanied by a desire to possess the lands of the Indians, as well as by varying degrees of other feelings towards Indians, ranging through the spectrum of scorn, a sense of superiority, disrespect or even hatred. The latter feelings tended to be suppressed while the warrior image of Indians was dominant, but as the military value of Indians declined, settlers in Canada began to permit their scorn for Indians and their sense of superiority to outweigh their sense of fear. Such sentiments were reinforced by post-war immigration. The newcomers came largely from the United Kingdom and therefore did not have long-standing relations with or fear of Indians.

39 See Figure 24.

The change in attitudes could be observed fairly early in the nineteenth century as individuals began to express the view that the Indians were really not to be feared: that they were passive and able to endure great hardships,⁴⁰ but would not prove actively hostile. Others expressed the view that the Indians should be accorded no rights to land since they did not use it effectively or intelligently.⁴¹ These sentiments received positive expression through the actions of settlers who had begun, by 1818, to encroach on Indian lands that had been expressly reserved for their use. In particular the reserved fisheries of the Credit River and the Twelve Mile Creek were the objects of white aggression.⁴² The changed attitudes and actions of the settlers were beginning to surface at the same time that the official mind began to look beyond the warrior image. Increasingly, officials viewed the Indians of Upper Canada in social terms. On the one hand, they saw a people who were occupying territory that could be used to develop the province through settlement and industry; on the other hand, they saw also a group of people who were in need of assistance in order to adjust to a more settled life when game and land became less plentiful.

The land cession agreements of 1818-1827 were concluded, therefore, without the sense of anxiety and concern that had prevailed in the years before the war. These agreements also witnessed a significant alteration in the method used to pay for Indian land. Prior agreements had called for a single payment, to be made in trade goods at the time of the land sale. Beginning with the 1818 indentures, the payment took the

40 G. Craig, ed., Early Travellers in the Canadas (Toronto, 1955), pp. 5-6.

41 Ibid., pp. 200-201.

42 See below, Chapter 5.

form of annual payments to be paid in perpetuity. Because the game was growing scarce in the face of continued settlement, and because the shorelines of the lakes, including the valuable and plentiful fisheries, were being taken away - by settlement and surrenders - the Indians required a source of income beyond that to be derived from the chase. The reason for altering the system of payment was actually an attempt by the British to transfer costs from the British Treasury to the colony⁴³ but the effect was also to provide the additional income. Negotiators stressed this point when treating for land. This same period witnessed the beginnings of planned experiments in the civilization of groups of Indians. These took the form of special projects in which the Indians of a particular band were encouraged to abandon the traditional pursuits of hunting and fishing and adopt instead a sedentary and agricultural lifestyle. They were assisted by white farm instructors and by the gift of some agricultural implements. At the same time they were abjured to reject liquor, and to embrace the Christian faith. Among these experiments was the Credit River project, a pet indulgence of Lieutenant Governor Maitland.⁴⁴ Other projects were begun and encouraged by the Methodists, especially by Rev. Peter Jones, who also sought to promote civilization and Christianity.

It was during this middle period that the greatest assault was made upon the Six Nations' lands at Grand River and Tyendinaga.⁴⁵ Here the pattern was rather different from elsewhere, for two basic reasons. First

43 See below, Chapter 5.

44 F.M. Quealey, "The Administration of Sir Peregrine Maitland, Lieutenant Governor of Upper Canada 1818-1828", Ph.D. Thesis, York University, 1968, pp. 300-33.

45 See Figures 7 and 8.

these lands were not held by the Indians on the basis of the Royal Proclamation. They had been granted to the Iroquois by Governor Haldimand in 1784 and confirmed by patent by Lieutenant Governor Simcoe in 1793.⁴⁶ As a result, differing interpretations of the meaning and even extent of the grants were held by the Indians and by the government. Second, the process of alienation was different than elsewhere because the Indians of the Grand River, through their chief Joseph Brant, actually sought and encouraged white settlers to buy land and to move into the Grand River valley. It developed into the ironic situation in which the government attempted to retain Indian ownership and control of the valley in the face of the Indian determination to sell it. By 1830, through a series of sales and compromises, some 320,000 acres had been confirmed to white owners, while the Indians retained only 220,000.⁴⁷

The ability of the Indian branch to protect Indian interests and to resist encroachments was hampered by the economy drive of the British Treasury, and by the related proposal that the branch actually be abolished. Such a proposal was logical if the Indian Department existed solely for military purposes. The abolition did not take place. Rather the department was given a new role. The early expression of the white-man's burden, which had been attempted in the Maitland project, and which was sponsored further by religious and philanthropic organizations, prevailed over the pragmatic and drastic calls for economy. It became instead a formal and official policy to promote civilization and Christian-

46 See below, Chapter 4 and Chapter 8.

47 See below, Chapter 4.

ity among the entire Indian population of Upper Canada.⁴⁸ Here it should be noted simply that the change occurred officially in April of 1830; and that this change affected Indian lands in that several bands were granted special reserved lands within areas which had previously been sold. Among these were the reserves at Coldwater and Sarnia,⁴⁹ where pilot projects for the new policy were begun. Like the original tract which had been declared Indian Country by the Royal Proclamation of 1763, these reserves would be assaulted by white settlement, and would be reduced through cession agreements.⁵⁰ With few exceptions, however, these official reserves would be retained by the bands for whom they were set apart, although their size was invariably reduced.

In this third period of the history of land cessions in Ontario, after 1830, the government acquired some of the lands that remained in Indian hands in the southern portions of the province. These included the greater portion of the Huron Reserve in 1833 and the whole of the Nutfield Tract in 1847. Also the Grand River Indian lands were reduced to a reserve of 50,00 acres by agreements made in 1842. In these cases the cessions were simply the last step in white encroachments that had been going on for several decades. More dramatic were the land surrenders negotiated by Lieutenant Governor Francis Bond Head in 1836 and by William Benjamin Robinson in 1850.

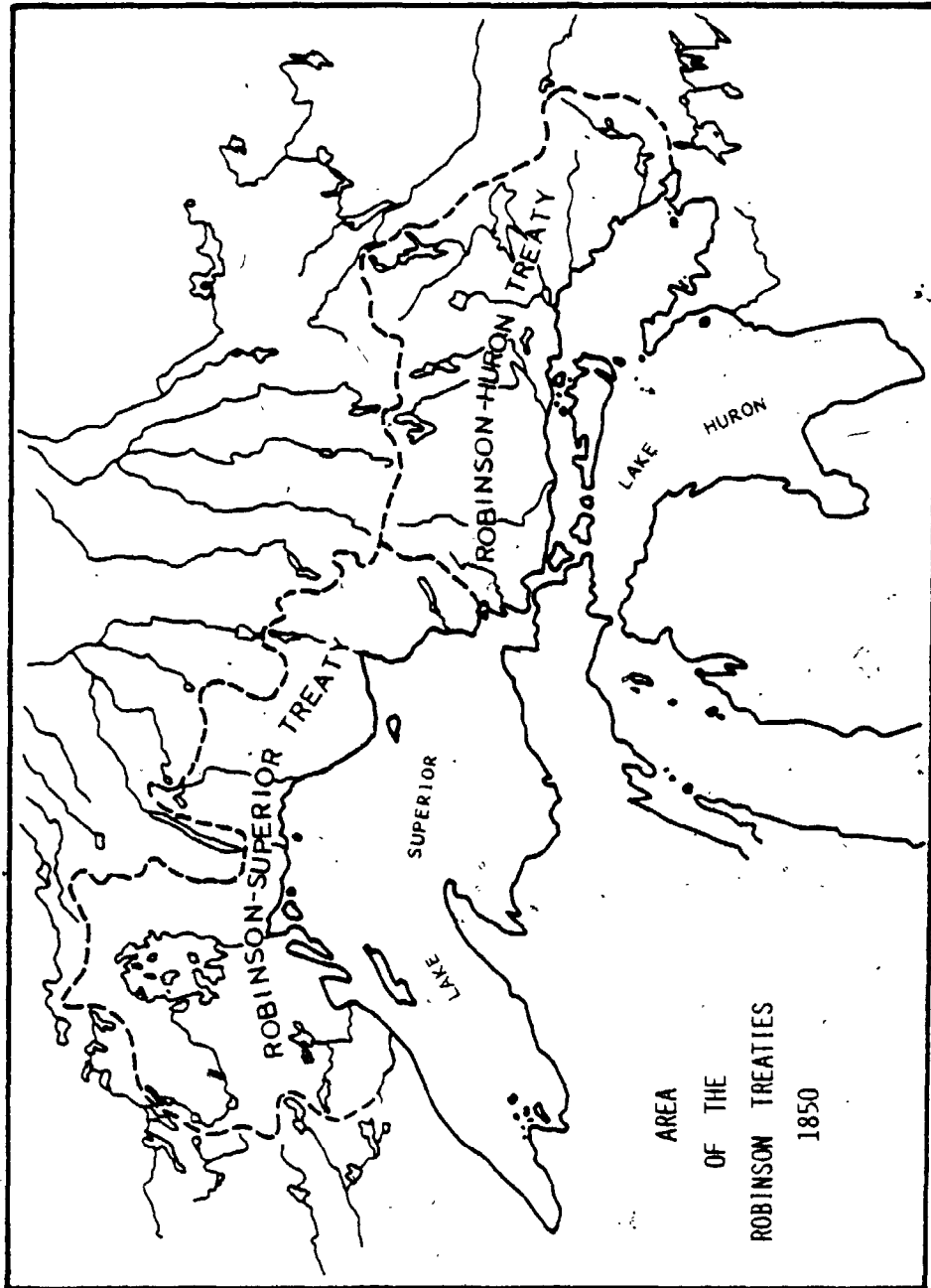
By the time these arrangements were made, all that the Indians had

48 R.J. Surtees, "The Development of an Indian Reserve Policy in Canada", Ontario History, LXI, No. 2 (June, 1969), 87-98.

49 R.J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845", M.A. Thesis, Carleton, 1966, p. 97.

50 See below, Chapter 6.

Figure 4: Area of the Robinson Treaties, 1850



to bargain with was the right of occupancy which had been recognized by the Royal Proclamation. Their military strength was gone, and their knowledge of the meaning of the law was too small, to present a serious challenge. These two sets of treaties, however, are inherently interesting because of the thinking and the circumstances that inspired them.

Most significant is the fact that local political interests had emerged as major factors in seeking land cessions from the Indians. When he sought and acquired the Saugeen Tract and the Manitoulin Islands in 1836, Sir Francis Bond Head declared that he did so in order to provide the Indians with some protection by isolating them from the dangers of white settlement. Thus, he said, the Indians should remove themselves to the tip of the Bruce Peninsula or to the Manitoulin Island. His prime concern, however, was to make the Saugeen Tract available to government for land granting purposes.⁵¹ By doing so, Sir Francis hoped to allay the discontent that had grown from previous land distribution. With that discontent removed, the Reform Party would lose support, and the government party would be more solidly entrenched. In that event, the cries for greater democracy in Upper Canada would be muted, and the colony would thus be more solidly loyal to Britain.

It was the first time that local politics affected Indian affairs or Indian lands. In that the ultimate goal was loyalty to Britain, imperial interests can also be said to have been involved. Fourteen years later, however, when Special Commissioner Robinson finalized agreements for the northern shores of Lakes Huron and Superior, the imperial interest was, at best, barely present. The main impetus came from the Cana-

⁵¹ See below, Chapter 6.

dians' desire to exploit the resources of the Canadian Shield. The lands were required to permit Canadian-based mining companies to operate in the northwestern reaches of the province. Agricultural communities were not envisaged for the region, but it was expected that some settlement would grow in the areas where mines would be developed or where railways might be built. Mining, settlement and railways would, of course, strengthen the Canadian economy, a consideration that Canadian politicians supported. The inspiration to negotiate these treaties, therefore, was to secure access to the mineral wealth of the Shield; and although Indian affairs remained an imperial responsibility at that point, the interests to be served were not imperial but Canadian. Because mining activity actually began in 1847, it was urgent that land cessions be secured quickly. The Governor, through his Executive Council, approved the planned acquisitions, and in 1850 Robinson concluded the requisite arrangements with the Ojibwa bands of Lake Huron and Lake Superior.⁵²

The Robinson Treaties of 1850, and the Manitoulin Island Treaty that followed in 1862, marked the completion of the land alienation process in the pre-Confederation era. These particular agreements revealed a fair degree of sophistication with respect to the actual terms agreed to by both the Indians and the government. It can be said that the land alienation process had become so institutionalized as to permit the surrender of Indian lands to be conducted in a business-like fashion. Rules of behaviour, and a range of terms or considerations, had been established; it was simply a matter of following the form. This marked a sharp contrast to the years of the late eighteenth century, when officials for the British and representatives for the

52. See Figure 4.

Indian bands grappled with the problems of reaching some type of accommodation that would satisfy both. In those early years, the full nature and meaning of the land alienation process was not comprehended by either the Indians or the British who sought to displace them.

Chapter 2.

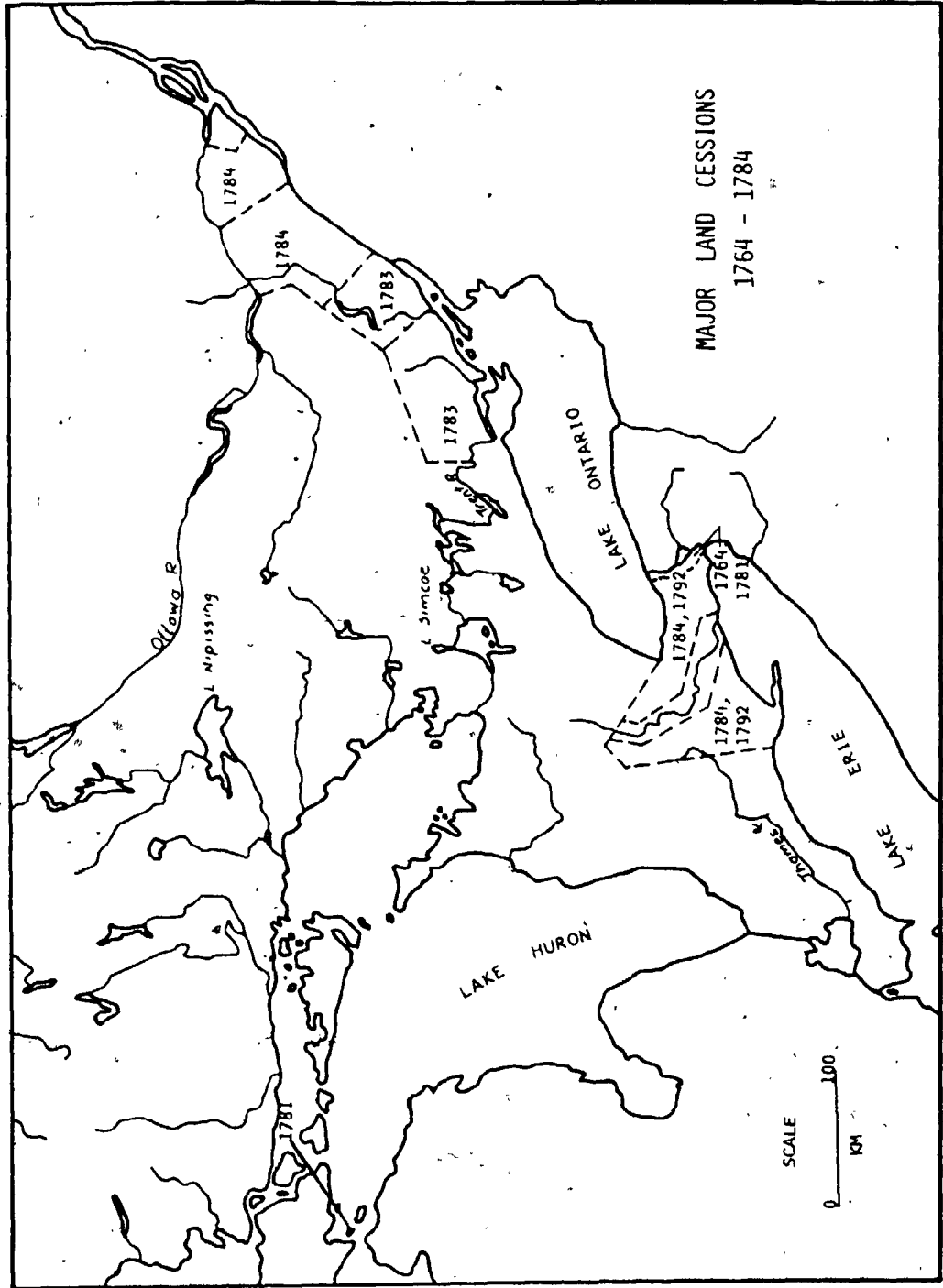
The System Begins, 1764-1784: Niagara,
Lake Ontario, Lake Erie, and the
Upper St. Lawrence

During the American Revolution the British commanders in Canada were responsible for the maintenance and protection of the western posts of Niagara, Detroit and Michilimackinac. Garrisons had to be maintained in those distant locations in order to defend the interior of the continent against the rebels and also to secure the fur trade, which involved a gross yearly income of about £350,000,¹ and which depended upon the interior posts both for fur-gathering and for safe passage to Montreal. The garrisons were also expected to mollify and control the Indians of the interior. These responsibilities in turn presented the British in Canada with problems of communications and of provisioning the western posts. This was always the case, but the war-time situations rendered those two problems more serious. Accordingly, the British adopted new plans and exerted new efforts to keep the communications open and to arrange for the ample supply of the garrisons. It was these new efforts and new plans which led the British into two land cession agreements with the Indians for territory along the Niagara River and for the island of Michilimackinac.

When Haldimand replaced Carleton as Commander in Chief and Governor of Quebec in 1778 he brought with him some personal knowledge of the problems of supplying the interior posts, for he had built and defended the fort at Oswego during the Seven Years' War. He observed they could

1 A.L. Burt, "A New Approach to the Problem of the Western Posts", Canadian Historical Association, Report, (1931), p. 71.

Figure 5: Land Cessions, 1764-1784



be cut off easily by way of Oswego, which Carleton had abandoned, or from Fort Pitt on the back settlements of Pennsylvania. Indeed the posts had been isolated for a year in 1775-76, when the Americans invaded Canada and forced Carleton to concentrate his full forces at Quebec. Carleton held Quebec, but Montreal was occupied by the Americans, and the routes to the west were totally blocked. Haldimand embarked upon a number of measures to ease the vulnerability of Montreal. These included extra protection for the navy, the occupation and fortification of Carleton Island and special efforts to keep the Indians of the upper St. Lawrence loyal to Britain. He also issued a contract to improve transportation facilities around Niagara, and gave orders to build defences for fur depots. The traders persisted in storing their furs at the military posts, and Haldimand feared that these supplies of furs might provide a temptation to the rebels to attack the posts.

As early as 1778 Haldimand also determined to adopt a programme of cultivating the land in the immediate vicinity of the posts. The agricultural settlements were intended to make the posts less dependent upon supplies from Canada and also to "lessen the expense of the transportation of provisions, which had strained the efforts of the marine service to the utmost".² These costs had, of course, grown drastically during the war. Part of the increase was the greater war-time consumption by the troops. In addition, at Niagara in particular, refugees from the American colonies had begun to seek safety as early as 1778; and the recruits for Butler's Rangers also

2 E.A. Cruickshank, ed., Records of Niagara 1778-1783: Niagara Historical Society Publications No. 38 (Niagara-on-the-Lake, 1927), p. 7.

began to assemble at Niagara.³ This placed an added demand on the resources of that post.

More costly than any of these were the Indians who also had to be supplied from the posts. Their demands grew during the war for two reasons. In general the Indians of the interior were courted more assiduously in war-time than normally. Their services as warriors were eagerly sought by both the Americans and the British during the American Revolution, and their general disposition was watched very carefully by the officers of the interior posts who were so very open to an Indian attack. Their actual use as allies was often questioned by British officers, but their potential as enemies was never under-estimated. Haldimand stressed the importance of winning their support and friendship at almost any cost for "if they do us no good, they may do us much harm".⁴ The cost was high, for war-time circumstances caused the British to be more lavish in their distribution of annual presents, and the warriors who gathered to support the posts also had to be provided with rations, arms, and supplies. In peace-time the Indians had come to the posts for rations but their numbers were never as large, and they usually stayed only a day or two. In war-time, they stayed longer, and the officers, in the face of growing numbers of armed Indians, had to be both more circumspect in their treatment of them and more generous in their distribution of rations. In addition, the peculiar circumstances of the American Revolution made these demands on the posts' stores even greater.

3 An early account of this interesting contingent is E.A. Cruickshank, The Story of Butler's Rangers (Welland, Ontario, 1893).

4 Cruickshank, ed., Records of Niagara No. 38, p. 4.

The British had always had a special alliance with the Six Nations Confederacy. In the wars with the French, the Confederacy on the whole had given its support to the British, although there had been some exceptions, but during the American Revolution the Confederacy split.⁵ Those who chose to support the British became vulnerable to American attacks against their traditional lands in the Mohawk Valley. Partly because of these attacks, and partly because they were encouraged to do so by the British Indian Department officials, substantial numbers of the Confederacy moved to Canada. Among them were two groups of Mohawks. One of these took up refugee quarters at Lachine, near Montreal; the other more numerous band, led by Joseph Brant, was located by the British at Niagara. Both camps engaged in several punitive expeditions against the Americans; and the Niagara group in particular was joined by further refugees from American attacks into the Genesee country, where 40 villages were destroyed in 1779. In February of 1779 there were 1346 people receiving provisions at Fort Niagara. This included 445 Indians, 348 Rangers, 200 troops of the garrison and 350 white refugees.⁶ By September the total number had reached 5000.

It was this circumstance which prompted Haldimand to pursue his scheme of agricultural settlements at the posts. He suggested to the Commanding officer at Niagara, Lieutenant Colonel Mason Bolton, that he

5 The most notable division occurred when the Oneidas chose to support the Americans but there were individuals, or groups of individuals, from each of the six tribes of the Confederacy to be found on each side during the conflict. The most recent complete study of this phase of Iroquois history is Graymont, The Iroquois in the American Revolution.

6 United Empire Loyalists: Niagara Historical Society Publications No. 37 (Niagara, Ontario, 1925), pp. 11-12.

should encourage capable persons at Niagara to cultivate as much land as possible about the fort in order to lay a foundation for being able, in time, to supply the post at least with white bread. He added that it should be possible also to raise cattle.⁷ Bolton was not enthusiastic. He replied that he had consulted people of the area who were familiar with the terrain and had been advised that such a plan would require six or seven years before any advantage would accrue to the garrison, and, worse, it might be "displeasing to our allies the six nations".⁸ According to Bolton's informants the Six Nations had ceded, in 1764, the lands on the east side of the Niagara River to a depth of four miles, but the terms of the agreement had stipulated that only improvements connected with the transport of stock or supplies around the portage could be made. The Indians had in fact objected even to some of those improvements which had been made by Mr. Stedman, the contractor for transporting goods around the portage. It was the opinion of his informants that the Six Nations would not permit a grant of their land, and that if one could be secured it would lead to future disputes. Finally it was feared that if farms were begun, the Indians would raid them.⁹ Haldimand, however would not drop the idea. In his report of

7 Public Archives of Canada (P.A.C.), Manuscript Group 21, B Series (Haldimand Papers), vol. 62, pp. 259-60. Haldimand to Bolton, October 7, 1778.

8 P.A.C., B 96-1, p. 251. Bolton to Haldimand, No. 31, March 4, 1779.

9 Ibid., pp. 251-53. The cession of 1764 had been taken by Sir William Johnson. It was the first cession of Indian land which affected land in Canada, but its purpose was not to provide land for settlement purposes. Rather its intent was to facilitate transportation around Niagara, and also to punish the Senecas for supporting the French during the Seven Years' War. In particular Sir William had in mind punishment for the Devil's Hole Massacre. For an interesting account of this episode, see Donald Braider, The Niagara (New York, 1972), pp. 130-137.

September 1779 to Lord George Germain, the Secretary of State for the Colonies, he reported on the American invasion of the Six Nations country which had destroyed so many villages¹⁰ and subsequently had imposed such a strain on supplying the refugees at Niagara. He noted that to preserve the fur trade in the west would require provisions for over 1000 additional men in the interior. He then added:

I have many years regretted that measures were not adopted such as to prevent the safety of the Upper Posts from depending upon Supplies from Home, some very distant, the Transport so extremely precarious and attended with such a heavy Expence to Government, all which might be obviated the Troops infinitely better provided and the different Posts be in perfect Security by raising grain and all kinds of Stock at Detroit, which from its central situation could very well supply both Niagara and Michilimackinac; the same Plan is very practicable at Niagara, and there is nothing wanting but a Beginning, it will necessarily be attended with some Expence the first two or three years, but would even in as many more repay it.

Germain's response was highly enthusiastic. He urged in March, 1780, that the project be adopted as soon as possible,¹² and underlined it a month later by saying that "presents of Tools and even Premiums upon Products"¹³ could be used to spur on the Indians, the inhabitants and even the troops to undertake the job of cultivating the area about the posts. Having secured the full support of the Secretary of State, Haldimand indicated to Bolton, who not surprisingly became more amenable,

10. This was the highly organized campaign into the Six Nations' lands led by Major General John Sullivan in 1779. Graymont, The Iroquois in the American Revolution, pp. 193-96.

11. P.A.C., Manuscript Group 11, Q Series, vol. 16-2, p. 565. Haldimand to Germain, No. 33, September 25, 1779.

12. P.A.C., B 44, p. 11. Germain to Haldimand, No. 23, March 17, 1780.

13. P.A.C., B 44, p. 79. Germain to Haldimand, No. 31, April 12, 1780.

that the plan was to proceed. By this time Haldimand had been advised by Colonel Butler, who commanded Butler's Rangers and who also held an appointment in the Indian Department, that the land on the west side of the river, considered by all observers to be more appropriate for agriculture, was claimed by the Mississaugas. Accordingly, Haldimand ordered the Chief Superintendent of Indian Affairs, Colonel Guy Johnson, to extinguish any claim that the Mississaugas might have, in particular for a four-mile strip on the west bank of the river.¹⁴

Colonel Guy Johnson, the nephew of Sir William Johnson, had arranged the 1764 treaty. When Sir William died in 1774, Colonel Guy succeeded to his position as Superintendent. Fortunately, Colonel Guy had actually drafted the terms of the 1764 agreement, and therefore could report that it had called for the cession, by the Senecas, of a four-mile strip on the east side of the river and a two-mile strip of land on the west side, provided that the land would be "solely reserved for the use of the Crown, for ever".¹⁵ The Seneca were fearful of settlers and very jealous of that stipulation in the years following 1764. Johnson noted that the Mississaugas had not been a party to the 1764 agreement, and that they retained "good pretensions to it".¹⁶ Thus, in order to implement his scheme of an agricultural settlement on the west bank of the Niagara River, it was necessary to come to terms both

14 Cruickshank, ed., Records of Niagara No. 38, p. 21.

15 P.A.C., B107, pp. 151-52. Guy Johnson to Haldimand, August 21, 1780.

16 Ibid., p. 152.

with the Six Nations, who were opposed to any extended farming in the tract, and with the Mississaugas who claimed their ownership had not been extinguished.¹⁷

In October 1780 Colonel Bolton, was replaced by Brigadier General H. Watson Powell. The occasion of the change of command was used to summon the chiefs of the Six Nations to Council. The issue of the agricultural settlement was apparently not mentioned in specific terms at this council, in which the two officers, Bolton and Powell, exchanged greetings and promises of continued friendship with the chiefs of the Six Nations who were present.¹⁸ However, in view of the weakened condition of the Confederacy, and of the absence of any subsequent complaints from the Six Nations, it would seem that their assent was obtained in private, or that a tacit understanding was reached which permitted the British to proceed with their plans.

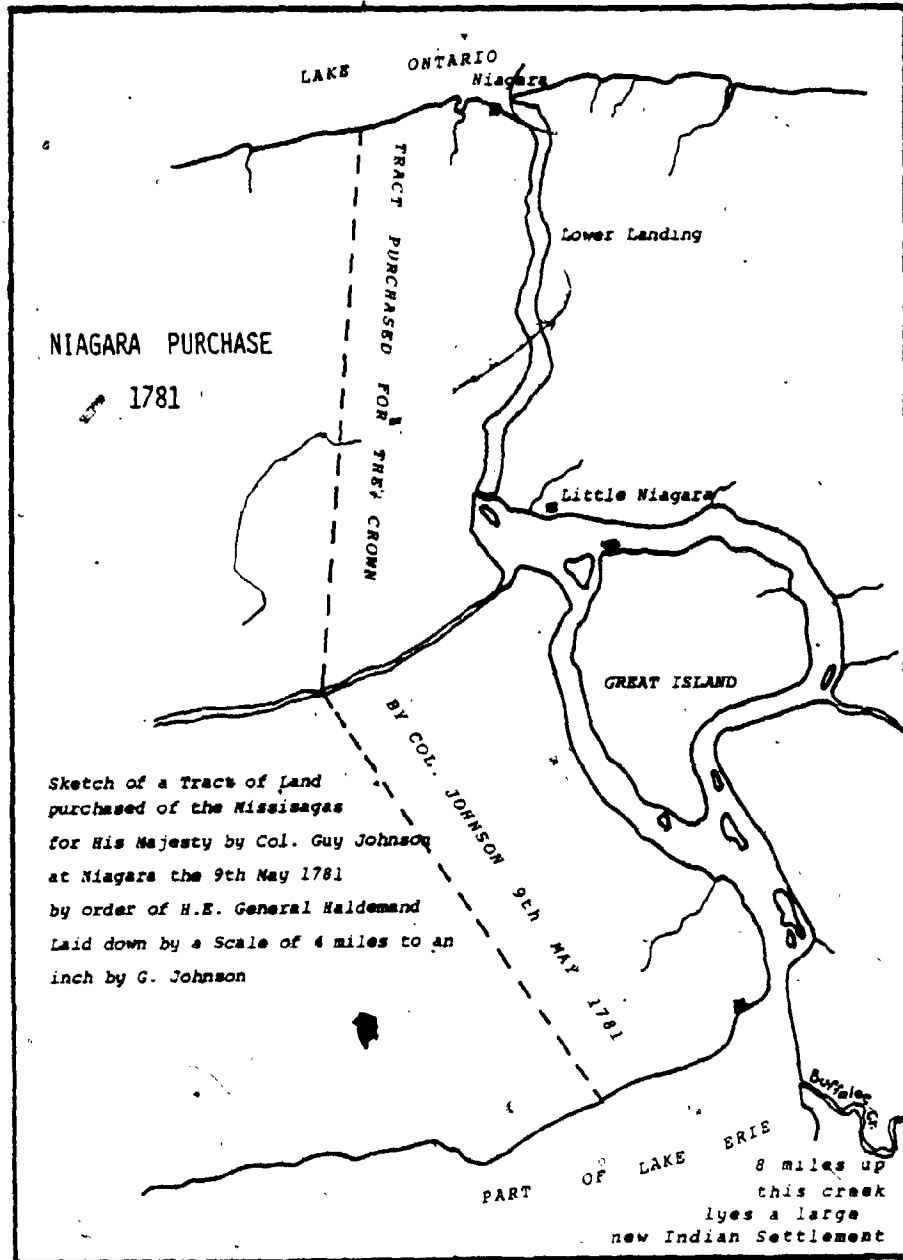
Unlike the Six Nations, the Mississaugas were not in a weakened state in 1780-81. Their lands had not been touched by the war, and by supporting the British war effort they had become important allies whose interests could not be disregarded. Nonetheless Guy Johnson was correct in assuming that they would make little difficulty in implementing a land cession¹⁹ for the Niagara frontier. The land sales would provide them with provisions and trade goods which were always in

¹⁷ P.A.C., B100, p. 454. Bolton to Haldimand, September 4, 1780.

¹⁸ Cruickshank, ed., Records of Niagara No. 38, pp. 25-26.

¹⁹ P.A.C., B107, pp. 151-52. Guy Johnson to Haldimand, August 21, 1780.

Figure.6: Niagara Purchase, 1781



Source: P.A.O., R.G.1

demand, and which were especially precious in war-time when so many warriors, who otherwise would have been hunting, were engaged in raids. Furthermore, by agreeing to sell the strip along the Niagara River, the Mississaugas were in effect reinforcing their claims, vis-à-vis the Iroquois, to the hunting territories to the west of the surrendered land.

The British actually began to implement the policy of an agricultural community on the west bank of the Niagara in 1780, without a formal cession. The dispersion of the Mississaugas to their winter camps delayed the final agreement until May 9, 1781. When completed, the arrangements were very suitable to the British. The ceded tract ran from the Niagara River west four miles along Lake Ontario and then in a straight line to the Chippewa River at a point four miles from the Niagara River and from there to a point on Lake Erie, four miles west of the Niagara River.²⁰ In return the Mississaugas received 300 suits of clothing,²¹ a payment which, Guy Johnson pointed out, they would have received anyway because of the British policy of providing necessities to the Indians in order to retain their friendship.²² The land was not surveyed immediately, but the tract was marked out by the engineer in order to prevent future disputes.²³ In 1787 when the township of Niagara

20 See Figure 6.

21 Canada. Indian Treaties and Surrenders from 1680 to 1890: 2 vols. (Ottawa, 1891). Reprinted, 3 vols. (Toronto, 1971), vol. 3, No. 381, pp. 196-97.

22 Cruickshank, ed., Records of Niagara No. 38, p. 29.

23 Ibid., p. 30.

was surveyed and established, its western boundary was made to conform to that of the surrender line. The ceded tract also included the eastern portion of the townships of Stamford, Willoughby and Bertie, which were laid out later after a subsequent purchase of Indian lands and therefore extend west of the original surrendered tract.

Three days after the Mississaugas agreed formally to sell the Niagara strip, the British also purchased the island of Michilimackinac, again with the object of protecting and supplying a western post. Situated as it was on the mainland, the long-standing post of Michilimackinac was considered by many to have become extremely vulnerable. It depended totally on supplies from Canada for sustenance; and the friendship of the neighbouring tribes could not be depended upon. Indeed the policy of distributing arms, presents and provisions drew larger numbers of Indians to the post, thereby making them potentially even more dangerous.

The retention of the post as a viable military establishment was made less certain by tactical considerations as well. Because the post had been in its current location for such a long time, firewood was scarce in the vicinity of the post. Furthermore the harbour was bad, even dangerous, for vessels no matter how small.²⁴ In short, the post was considered by officers on the spot to be virtually defenceless against attack except by small arms only; and it seemed to them very likely that the rebels would attack the post. The village connected to the post was a further problem. Because it was some distance away, it was susceptible to attack or insult without the possibility of immediate

24 P.A.C., B97-2, pp. 562-3. Grant to [?], June 21, 1780.

relief from the garrison.²⁵ Yet there was a determination to retain a post at Michilimackimac.

In 1779, the commanding officer, Lieutenant Governor Sinclair, spoke favourably of the island of Michilimackinac as a more suitable spot to locate the post and the garrison. He inspected the island twice. It had a better harbour; the land was good for agriculture; wood was plentiful; and there were safe fisheries close by. Sinclair went further, and submitted a detailed plan for a fort and an agricultural settlement.²⁶ The plan had the support of the traders who operated from the post. Governor Haldimand approved the proposed re-location, but stipulated that before it could proceed Sinclair must reach an agreement with the Indians who had a claim to the island.²⁷

In July of 1780 Sinclair reported that the chiefs of eight different "nations" had surrendered the island and removed their houses from it. The arrangements called for the Indian agent to be housed in the village behind the fort, and also for the fort to be off limits to all Indians.²⁸ It was on the basis of this agreement that Sinclair began to move the garrison to the island. But the actual deed of transfer was not made until May 12, 1781, when the Indians received \$5000, New York currency. The deed of surrender bears the marks of four chiefs who claimed to represent the Chippewa nation in the transaction.²⁹

25 P.A.C., B97-2, pp. 562. Grant to [?], June 21, 1780.

26 P.A.C., B97-1, pp. 234-241. Sinclair to Brehm, October 7, 1779.

27 P.A.C., B97-2, pp. 307. Brehm to Sinclair, April 17, 1780.

28 P.A.C., B97-2, p. 403. Sinclair to Brehm, July 8, 1780.

29 Treaties and Surrenders, vol. 1, no. 1, p. 1. The payment was, of course, made in trade goods.

During the war, therefore, the British had concluded two land cession agreements with two distinct groups of Indians. The lands involved were not extensive. Indeed they can be said to have been secured for military purposes, and thus, like the 1764 Niagara purchase of Sir William Johnson, were not serious demands on the Indian territory that had been created and recognized by the Royal Proclamation of 1763.

This would not be the case two years later when it had become clear that the refugee loyalists would not be returning to their former homes, but rather would be joined in Canada by rather large numbers of post-war loyalists. Haldimand agreed to permit these loyalists to settle in the lands west of the last seigniory, which meant moving them into the region which the Crown had decreed to be Indian territory. Such a decision required, by the Crown's own rules, that the Indians who occupied or claimed those lands had to agree to permit this migration of loyalists through the sale of their lands to the Crown. As it turned out, this agreement was secured fairly easily. The most critical areas were the three points of entry for the refugees: Niagara, Cataraqui and the upper St. Lawrence. The lands on the Canadian shores of the river and of Lake Ontario were purchased between 1783 and 1806, on the whole with a minimum of animosity. To suggest that there was no resistance, would be erroneous: the Indians did show resentment at times to both surveyors and settlers and they also resisted selling on occasion. This Indian response to the newcomers combined with the extremely delicate Indian-white and Anglo-American relations to instill in British officials a high degree of apprehension regarding land cession agreements. The sales in the years 1783-1806, therefore, were surrounded by concern, fear, secrecy

and often confusion on the part of the British officials who had to make the arrangements. And what emerged, as a result, was a series of land surrender agreements which were often loosely or even sloppily concluded and occasionally badly recorded. It was not just simple incompetence that caused this confusion. Rather the circumstances were such that ad hoc arrangements or simple cases of modus vivendi tended to prevail at times when formal, open and clearly recorded agreements were either too awkward or too embarrassing or even, at times, too dangerous. The men on the spot did attempt to act in accordance with the Proclamation of 1763, but its provisions sometimes were adjusted to accommodate particular circumstances.

In 1782-83, Haldimand's dilemma was serious. The preliminary articles of peace, which he received as early as the fall of 1782 had made it clear that the war was essentially over; and that fact, as well as the terms of the peace, had indicated two significant developments regarding his position in Canada. First, the stream of refugees, which had begun during the war would not be stopped. Rather it would grow. Most of the loyalists, it is true, would be directed into Nova Scotia or England or elsewhere, but substantial numbers would be joining those who had already moved into Canada at Niagara and at Montreal. They had to be accommodated; and because their flight had been caused by loyalty to the Crown their treatment had to be rather better than that given normal war-time refugees. Second, the preliminary articles had omitted any mention of the Indian allies of the Crown. Such an omission was understandable in the light of the rather grand issues that were involved.

After all, the Revolution was a major war of world-wide proportions, involving Britain with three European powers - France, Spain and Holland - as well as the American colonies. While the British negotiators, therefore, could be excused for omitting mention of the Indians, that neglect still made it extremely awkward for the men in Canada who had to deal with the potential Indian anger.

Haldimand attempted to keep the preliminary articles secret. But they leaked out before their confirmation by the Treaty of Paris in March of 1783 made them public knowledge. The Indian response was one of anger inspired by a sense of betrayal. In particular the Confederacy discovered that its traditional tribal territory had been ceded to the United States, despite British promises to the contrary. British officials tried to argue that the land had not in fact been given to the Americans but rather that Britain had simply withdrawn from that region. The Americans, they argued, would still be required to honour previous arrangements - such as the Royal Proclamation and the Treaty of Fort Stanwix - and thus it was simply a case of the Indians dealing with a new power. Such arguments sounded rather hollow to the Indians who had taken up the British cause during the war. And the British officials also realized that the arguments had little significance to the Americans, who very quickly advised the Six Nations that Britain had given the Indian lands to the new republic.

Haldimand greatly feared the Indians' anger. Their threats to re-open hostilities against the Americans were not dismissed lightly. Nor did Haldimand, or other officers in Canada, consider it impossible that

the anger might be turned against the British or against the small enclaves of loyalists that had been begun during the war. Consequently Haldimand made a series of critical decisions in the spring and summer of 1783. At first, these were intended to provide a means of defusing the Indians' anger, but changing circumstances meant that these early decisions were expanded somewhat in order to accommodate the loyalists.

Indian agents were urged to emphasize to the Indians the continued friendship of the King to his Indian allies, and to stress the importance of that friendship through the generous distribution of gifts and provisions. This was a matter of no small importance, for the Indians, despite their anger, still depended upon the British to a large extent for sustenance. Haldimand also determined to retain the western posts - Ogdensburg, Niagara, Detroit and Michilimackinac - despite the terms of the peace treaty which clearly placed those posts in American territory. This was a concrete indication that Haldimand and the British were not totally abandoning the Indians to the new republic. It was a decision which would have widespread international ramifications for the next 13 years until the Jay Treaty finally reversed Haldimand's decision; but in the immediate circumstances it helped in Haldimand's efforts to retain the Indians in the British camp and to reduce that anger. In addition to keeping the posts, Haldimand planned two strong and well-disciplined military establishments in the interior, at Bois Blanc Island, in the Detroit River near Detroit, and at Cataraqui, at the east end of Lake Ontario. Finally, he decided to compensate the Indians who had lost lands in the United States with new lands in Canada.

In particular the Six Nations Indians who had followed Joseph Brant and John Deseronto into Canada in 1778-79 were to receive lands in the vicinity of the Catararqui military base. At this point - the spring of 1783 - Haldimand still had no intention of breaching seriously the old Royal Proclamation line of 1763.

New developments with the loyalists, however, conspired to ruin those good intentions. In brief, a substantial minority of the refugees wanted to settle to the west of Montreal. Some had already done so, but the new arrivals from New York (1050 persons)³⁰ and elsewhere at Montreal over the summer of 1783 were the ones who caused a change in policy. They desired the western location partly because the land was considered better, but more likely because they wished to avoid the seigneurial system which prevailed in the settled portions of Canada. Also, some leaders, like Sir John Johnson, favoured the western location. These preferences and the added numbers had an effect on Haldimand. He had already learned that the Indians, both the indigenous Mississaugas and the newly arrived Mohawk loyalists, were willing to have white neighbours,³¹ and when the loyalists and their leaders added their preferences he agreed to permit the settlement of loyalists west of Lake St. Francis.

With that decision, however reluctantly made, the old 1763 policy of an interior Indian territory was abandoned. It would have been discarded in time in any case, but the admission of the loyalists in

30. L.F. Gates, Land Policies of Upper Canada (Toronto, 1968), pp. 13,15.

31. Ibid., p. 13.

1783 can be viewed as closing out the old policy. In the long run their advent would mean further demands on Indian land, but for the moment much of the potential explosiveness of the 1783 situation dissipated. Tensions remained, for the bitterness of the Indians could not be wiped away in a single stroke; but the critical point had passed. In the course of the following 12 to 18 months the British arranged for the settlement of the loyalists by treating with the Indians for ownership of lands between Lake St. Francis and Cataraqui, and for a large portion of land on the north shore of Lake Erie, west of the 1781 Niagara Purchase.

Haldimand's most serious crisis with the Indians concerned the refugee Mohawks and others of the Six Nations who had allied themselves with Sir John and who had followed him when he fled the Mohawk Valley and entered Canada. There were two groups. One, the Fort Hunter Mohawks led by John Deseronto, located at Lachine in 1778 in close proximity to the Caughnawaga Mohawks. During the war they operated from that location, in conjunction with British forces, in raids against the American rebels. In the course of several years' residence at Lachine, they associated with the Caughnawagas; at the end of the war, weary of their refugee status and eager to form a permanent community, they expressed a desire to join the Caughnawaga group. Such a proposal was greeted with horror by Haldimand.

During the course of the war the British had been suspicious, with cause, of the Canadian Iroquois, whom they feared would unite with the pro-rebel

Oneidas. Special efforts were always made to insure that parties of Canadian Iroquois, sent out on raids or scouts, were directed away from Oneida country. At the beginning of the Revolution one Caughnawaga chief had openly offered support to Washington, and the tribe in general had at first attempted to remain neutral in the conflict.³² To augment the size of a ~~suspect~~ band with 200 or more Mohawks was considered unwise in the extreme. Thus when the end of the war confirmed the refugee status of Deseronto's band, Haldimand was determined to find an alternate location for them.

Joseph Brant's Mohawks and others of the Six Nations who had spent the war in the Niagara region - at Niagara and at Buffalo Creek - also had to be placated, for the peace terms had turned most of them into permanent exiles. And they too were angry with the way the war had ended. This group, much larger than the Lachine community, had also engaged in campaigns during the war. Their principal leader was Joseph Brant, and he articulated their anger to Haldimand.

The proposed military and Indian settlement at Cataraqui was therefore, for Haldimand, the key to solving several problems. He had some general knowledge of the region and felt it was a good place to locate the dispossessed Six Nations of Lachine and of Niagara. The military base there would replace the war-time establishment at Carleton Island, now expected to lie within American territory, and would at the same time reassure the Indians that they were not being totally abandoned. He was therefore greatly relieved when Joseph Brant agreed in May 1763

32 Graymont, The Iroquois in the American Revolution, pp. 87, 95.

that Cataragui would serve as a retreat for his followers. Accordingly he dispatched the Surveyor General, Major Samuel Holland, to investigate the region more fully; and he ordered Sir John Johnson, who had recently been appointed Superintendent General of Indian Affairs, to make the necessary arrangements with the Indians of the region.

The two tasks - the inspection and the land cession - were undertaken concurrently. Over the summer of 1783 Holland reported favourably on the harbour and the lands of the region, but he could not begin the actual survey until the Indians had sold their lands. The basic agreement was reached in the fall of 1783 and arrangements for surveying and laying out the fort and settlement were begun at that point although the land arrangements actually took until the summer of 1784 to complete.

The Indians from whom the land had to be purchased were the eastern bands of the Mississaugas. Joseph Brant actually suggested that the British simply proceed with their plans without consulting the local Indians who, he said, would simply claim presents for giving their consent; and there was no need for that because the Six Nations were actually the "proper owners of that Ground".³³ Sir John Johnson, however, did approach the Mississaugas. He met some of them at Carleton Island in August, 1783. They expressed concern about the advent of the Six Nations. The Mississaugas were apparently prepared to accept white settlers, but felt that the Six Nations were too numerous and would "overrun their hunting grounds, and oblige them to retire to new and distant grounds not so good or convenient to them".³⁴ Johnson reassured

33 P.A.C., B114, p. 288. Claus to Mathews, July 17, 1783.

34 P.A.C., B115, pp.138-39. Sir John Johnson to Haldimand, August 11, 1783.

the Mississaugas by saying that the territory east of the Bay of Quinté down the lake would be sufficient to accommodate both the Indian refugees and the loyalists. Haldimand concurred with Johnson's sentiments, and instructed him to take the "proper steps to satisfy the Missisague Indians for the tract to be settled by the Six Nations, and to give such directions in this Business as will best tend to give satisfaction to the Parties concerned, and Make the Purchase as little expensive to Government as possible".³⁵

Johnson then turned over the task of treating with the Mississaugas to Captain William Redford Crawford, a young officer who had been seconded to the Indian Branch during the war. Crawford was able to assemble most of the Mississauga chiefs at Carleton Island in October, 1783³⁶ for the purpose of arranging for the sale of their land to the Crown. Also present were some Onondaga chiefs probably from Oswegatchie, and an old chief named Mynass who normally lived at the Lake of the Two Mountains.³⁷ Unfortunately the proceedings of that council either were not recorded, or have not survived. Nor have the written agreements which apparently were made at the time.³⁸ The persons who were in attendance have provided only sketchy accounts of the agreements. From these, however, the following arrangements appear to have been made.

35 P.A.C., B115, pp. 142-43. Haldimand to Sir John Johnson, September 1, 1783.

36 P.A.C., B126, p. 56. Ross to Haldimand, October 9, 1783.

37 P.A.C., B158, p. 315. Crawford to Sir John Johnson, October 9, 1783.

38 Ontario, Third Report of the Bureau of Archives for the Province of Ontario, 1905 (Toronto, 1906), pp. 454, 455.

On October 9, 1783 Crawford reported that in return for clothing for all their families, guns for those who did not have any, some powder and ball for winter hunting, twelve laced hats, and red cloth sufficient for twelve coats, the Mississauga chiefs had agreed to sell all the lands,

From Toniata or Onagara River to a river in the Bay of Quinte within eight leagues of the bottom of the said Bay including all the islands, extending back from the lake so far as a man can travel in a day.³⁹

He added that the chiefs who claimed "the land at the bottom of the Bay" were not present, but he felt that their lands could be acquired on about the same terms. Chief Mynass had assisted Crawford in reaching an agreement with the Mississaugas, and had also agreed to sell his own lands.⁴⁰ Mynass laid claim to the territory between Toniata Creek and the Gananoque River extending from the St. Lawrence River to the Ottawa River. This claim was apparently accepted, although his contention that it had been granted to him by the French⁴¹ is suspect. In return his family was to be clothed yearly throughout his life-time. As it turned out, Mynass died shortly afterwards, but the bounty was nonetheless extended to his family. Crawford also reported that Mynass had been given a wampum belt to document his agreement and that a larger belt was given to the Mississaugas to commemorate their agreement.⁴²

Apparently Crawford was later able to reach the chiefs of the Quinte peninsula. The following August he reported from Cataraqui that the

39 P.A.C., B158, p. 314. Crawford to Haldimand, October 9, 1783.

40 P.A.C., B115, p. 186. Sir John Johnson to Haldimand, November 17, 1783.

41 P.A.C., Record Group 10 (Indian Affairs), Vol. 3, pp. 1412-1414. Haldimand to Campbell, March 22, 1784.

42 Ibid., p. 1414.

Indians above the Bay of Quinté had come to receive their payment for lands they had sold. He was able to provide the items required and he added that those people "were the last that had or has any demands on us for lands".⁴³ At that stage the purchase extended 45 miles up the lake.⁴⁴ Crawford's statement that the Mississaugas were "well pleased"⁴⁵ with the arrangements would appear to have been somewhat sanguine, for three years later they would express displeasure to Sir John Johnson about the Crawford agreement. At that time Johnson "found it necessary to give them some more Articles of clothing etc."⁴⁶ than had been given them by Captain Crawford.

There were, it seems, two separate agreements. That with the Mississaugas included the Quinté peninsula and the shoreline between the Gananoque River and the Trent River.⁴⁷ At least it seems likely that the eastern boundary was the Gananoque River, for that stream was generally recognized as the division point between the Mississauga territory

43 Canada. Report of the Special Commissioners appointed on the 8 of September, 1856, to Investigate Indian Affairs in Canada. Sessional Papers, 1858, Appendix (No. 21.), (Ottawa, 1858), Appendix 33.p.253.

44 P.A.C., B124, p. 47. Ross to Mathews, November 3, 1783.

45 P.A.C., B158, p. 315. Crawford to Sir John Johnson, October 9, 1783.

46 Department of Indian Affairs, Treaties and Historical Research Centre, Crawford's Purchase (Background Material) File. Ferguson to Claus, March 8, 1816.

47 See Figure 5. There were those who felt that Crawford, in fact, obtained land as far west as the Ganaraska River. See Figures 11 and 12. Such a view could be taken from Crawford's letter to Sir John of August 1784 in which he says, "The purchase now extends on the Lake, 36 miles above the head of the Bay of Quinté." (Reference as in Note 48.) Crawford may well have felt that there was a western portion to the agreement beyond the Trent River. And the Mississaugas may well have agreed at the time. But bearing in mind subsequent surveys, and the agreements which Sir John and Colonel Butler would make in 1787-88, the section of land that would be considered the Crawford Purchase with the Mississaugas ran westward only to the Trent. The Johnson-Butler land agreements are discussed in Chapter 3.

and that of the Iroquois. Mynass' claim to the land to the east of the Gananoque seems to have been accepted. The western boundary, the "River in the Bay of Quinte within eight leagues of the Bottom of said Bay", was the Trent River. This conforms to Major Ross's statement⁴⁸ that the purchase extended about 45 miles up the lake. Furthermore, a subsequent agreement made at the Carrying Place of the Bay of Quinté stipulated that the eastern boundary of the new purchase was to be the Carrying Place,⁴⁹ located at the isthmus of the head of the bay. The actual depth and extent of the purchase were vague. It was certainly considered by British officials to have included the whole of the Quinté peninsula. The terms "so far as a man can travel in a day" was subsequently interpreted as meaning two or three townships. The surveys began after the Crawford agreement was completed. In the area of the agreement with the Mississaugas were the four "royal" townships of Kingston, Ernestown, Fredericksburgh and Adolphustown. Also the Quinté peninsula was further divided into the townships of Sophiasburgh, Marysburgh, Ameliasburgh and Hallowell. On the mainland, the Mohawks received the township of Tyendinaga, and ultimately an additional thirteen townships were surveyed and established within the tract which Crawford was considered to have purchased from the Mississaugas. These run two townships in depth between the Trent River and Richmond township, and three deep east of that point.

Mynass' land supposedly ran from the Gananoque River to the Toniato Creek.⁵⁰ The latter is a small river, renamed Jones Creek, just below

48 P.A.C., B124, p. 47. Ross to Mathews, November 3, 1783.

49 See below, Chapter 3.

50 See Figure 5.

present day Brockville. This tract was to have extended from the St. Lawrence to the Ottawa River. It would have been an enormous chunk of land to take from a single chief. In the end, the surveys stopped at a depth of three townships. Often this decision was an ad hoc result of decisions made by the surveyors in the field who were stopped from proceeding with their work by Indian parties. A total of eleven townships may be said to have formed the land which Mynass sold at Carleton Island.⁵¹

Crawford had been very careful at Carleton Island to avoid mention of the Six Nations and the intent of the British to settle them at Cataraqui. This silence was inspired by the anxiety expressed to Sir John Johnson in August by the Mississaugas, who feared the advent of large numbers of Iroquois into their country. In fact the danger of the Mississaugas being swamped by the Iroquois newcomers had passed at that point, because the larger portion of the Six Nations had already decided to reject the Cataraqui retreat and to move instead to the Grand River. For the Mississaugas, the greater danger would be the white settlers they were prepared to welcome. This changed circumstance resulted from two decisions made by Haldimand in the summer of 1783. Both decisions were in fact forced upon him by the actions of others; but they were decisions which did not greatly alter Haldimand's general plans.

First, Haldimand discarded his original plan of settling the loyalists in the eastern portions of the old Province of Quebec. It was not a difficult

⁵¹ The back line of these two Crawford agreements may be determined by consulting the descriptions of the agreement which connects to them, and which was concluded in 1819. See Treaties and Surrenders, vol. 1, no. 27, pp. 62-63.

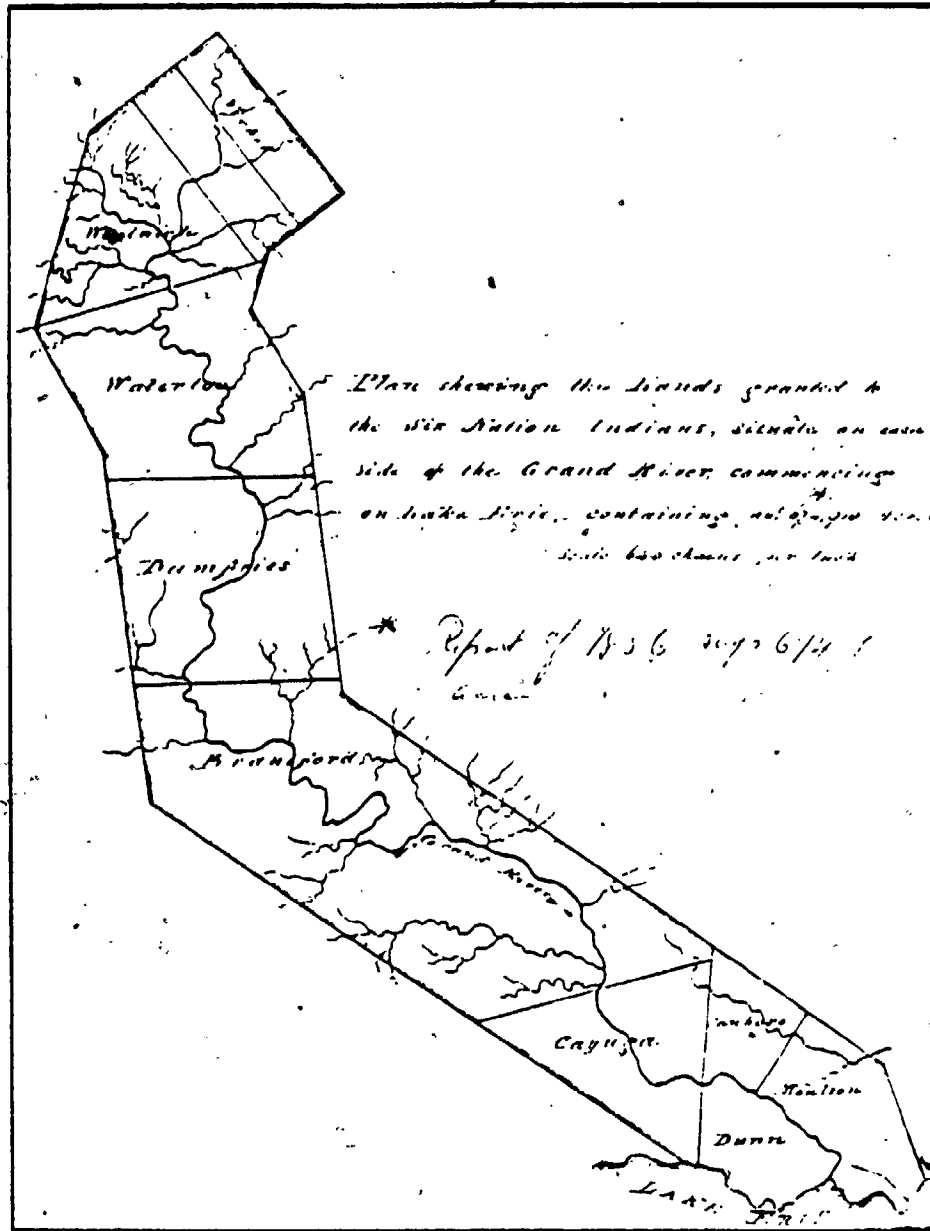
decision, for he had already planned a military settlement at Cataraqui, which, of course, had been a factor in seeking the Crawford arrangements. He simply determined to let more people enter the area, and to expand the settlement region to include the upper St. Lawrence River as well as the Cataraqui lands. Having made that initial change in his plans, Haldimand declared himself in favour of a continuous settlement line along the north shore of the river. And that, in turn, meant treating with the St. Regis Mohawks and the Onondagas of Oswegatchie.

The second decision concerned the Six Nations. Both Joseph Brant and John Deseronto inspected the Cataraqui region in the spring of 1783, and both had agreed to settle there with their followers. But Brant later changed his mind. The location was simply too remote for him, since it would remove him and his followers from the rest of the Confederacy and the other allies. More central and more strategic was land which Brant had visited some years earlier along the Grand River on the north shore of Lake Erie.⁵² There was a feeling that in times of trouble or danger the tribes of the Confederacy should live close together. The Senecas in New York State, in particular, feared being isolated and asked Brant to refrain from settling at Cataraqui and to move closer to them.⁵³ Brant was sympathetic; he also felt that a "powerful and integrated Indian community" on the Grand River would have easier access to the Indians of the Ohio valley region. He advised Lieutenant Colonel Butler that he had made a

52 C. M. Johnston, ed., The Valley of the Six Nations (Toronto, 1965), pp. xxxvi-xxxvii.

53 Graymont, The Iroquois in the American Revolution, p. 284.

Figure 7: Grand River Indian Lands



(From Macauley Report, 1839)

solemn agreement with the Western Nations to settle at the Grand River.⁵⁴

Finally, it was felt that the land itself at the Grand River was superior to that at the Bay of Quinté.

Haldimand agreed to the change of location, stating that he had no preference for one location or the other.⁵⁵ He did, however, desire that the immigrant Six Nations should locate at the same place, either at Cataraqui or the Grand River. Events conspired against that. In fact, a rather nasty quarrel developed between Deseronto and Brant over Deseronto's determination to settle at Cataraqui. Unlike Brant, Captain John had no desire to involve himself in general Indian concerns. Rather he wanted to settle his people in a place where they could live in quietude and he above all wished to remain isolated from the Americans and their aggressive land hunger. He remained steadfast in that preference, despite Haldimand's urgings to keep the Confederacy united, and in the face of Brant's sarcastic remarks that Captain John wished to keep his position of primacy at Cataraqui rather than accept a lesser role at the Grand River. Regardless of the respective motives of the two chiefs - and these have been examined at some length⁵⁶ - the quarrel required that Haldimand make arrangements for two groups of Loyalist Iroquois.

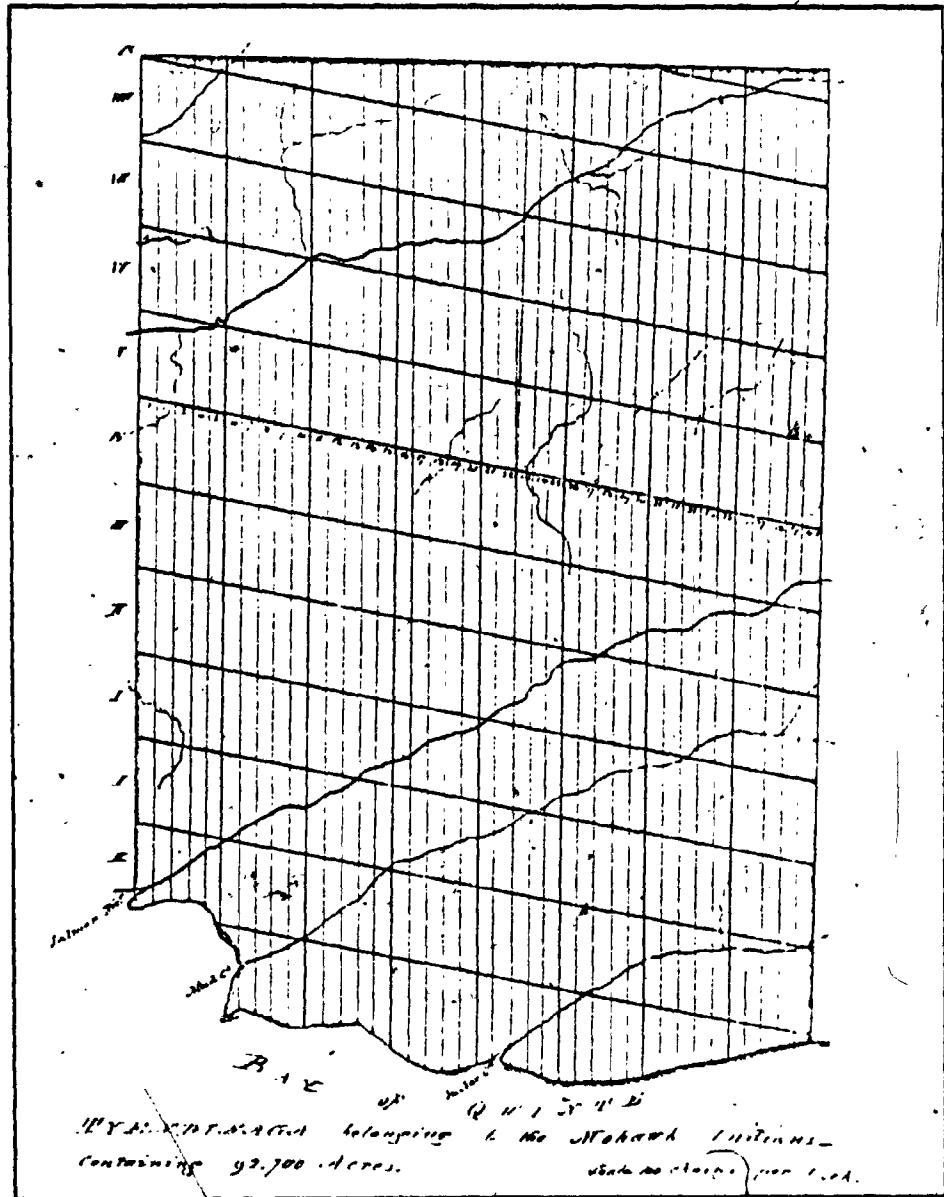
The Deseronto group was anxious to secure a permanent home and to achieve some degree of normalcy which could not be obtained in their refugee quarters. They made the move from Lachine to Cataraqui in May of

54 Graymont, *The Iroquois in the American Revolution*, p. 49.

55 *Ibid.*, p. 50.

56 The story of the quarrel between Brant and Deseronto, as well as the origins of the Tyendinaga settlement is treated in M.E. Herrington, "Captain John Deserontyou and the Mohawk Settlement at Deseronto", *Queen's Quarterly*, XXIX, No.2, (October, 1921) 165-80 and in C.H. Torok, "The Tyendinaga Mohawks", *Ontario History*, lviii, No. 1 (March 1956), 69-77.

Figure 8: Tyendinaga Indian Reserve



(From Macaulay Report, 1839)

1784. At first, their allotment consisted of only 700 acres, although Haldimand did state that he wished to see them occupy whatever amount of land might be required. Later their grant was extended to include all of Tyendinaga township, which was confirmed to them by patent from Lieutenant Governor Simcoe in 1793.⁵⁷

Brant's choice of the Grand River location, one that was preferred by most of those who had moved to the Niagara region and by a few of the Lachine group, required that Haldimand make prior arrangements with the Mississaugas who held that region. Once it became clear that Brant intended to locate at the Grand River, Haldimand issued instructions to Sir John Johnson to have Lieutenant Colonel Butler purchase a tract of land "between Lakes Ontario, Erie and Huron".⁵⁸ Of that tract, the Six Nations were to receive the Grand River valley.

The arrangements were made quite easily. Some of the Mississaugas expressed concern about the advent of the Iroquois, but at the formal council held on May 22, 1784 such concerns were pushed into the background. The principal speaker, Chief Pokquan, told Colonel Butler that the Mississaugas considered themselves and the Six Nations to be, as Indians, "one and the same people"⁵⁹ and therefore would welcome them as brothers into their territory. The Mississaugas were so amenable that government took advantage of the situation to take more land than was

57 See Figure 8.

58 Johnston, ed., The Valley of the Six Nations, p. 43.

59 Ibid. pp. 46-47.

immediately required. Indeed the Mississaugas agreed to sell an enormous tract between Lake Erie and Lake Ontario, containing about three million acres. The boundaries of this tract, as described in the deed of surrender, were subsequently located through proper surveys, and in modern terms can be said to have included parts of the counties of Lincoln, Wentworth, Brant, Oxford, Middlesex, and Welland.⁶⁰ For this, Colonel Butler paid \$1180.7.4.⁶¹ In the middle of this enormous purchase were the Grand River lands of the Six Nations,⁶² containing about 550,000 acres. The remainder were to be retained by government in order "to settle Loyalists, or for any future purpose".⁶³

Through a grant from Governor Haldimand in 1784, Brant's band was to receive a tract of land extending six miles on each side of the Grand River from its mouth to its source which, in 1784, was thought to be the Thames River. A survey of 1790, however, showed that the Grand River did not reach the Thames River, so a second land surrender agreement was made with the Mississaugas in 1792.⁶⁴ From this, the Grand River lands of the Six Nations were secured to them, in 1793, by special patent, like that for Tyendinaga, from Lieutenant Governor Simcoe. Simcoe's deed to the Six Nations Indians contained a provision that those lands could not be sold by the Indians except to the Crown. Simcoe was simply applying the conditions of the Royal Proclamation to the Grand River tract. To him it was a logical condition. To Joseph Brant it was a

60 See Figure 5.

61 Johnston, ed., The Valley of the Six Nations, p. 48.

62 See Figure 7.

63 Johnston, ed., The Valley of the Six Nations, pp. 44-45.

64 R.J. Surtees, The Original People (Toronto, 1971), p. 47.

hateful restriction. And this difference of opinion led to the controversy known as the Grand River lands crisis in the 1790's.⁶⁵

That crisis lay in the future, however. The lands were occupied early in 1785 by 1843 Indian loyalists.⁶⁶ These included some representatives from all of the six tribes of the Confederacy, as well as small numbers from nine other tribes who had associated themselves with the Brant contingent. Haldimand was well pleased with these arrangements. He could not foresee the anguish which would visit his successors concerning the lands of the Grand River.

While the Mohawks and other Iroquois were being thus accommodated on the north shores of Lake Erie and Ontario, the loyalists required accommodation in the upper St. Lawrence above Pointe au Baudet. For social and military purposes, both the loyalist leaders and the British officials wished to have an uninterrupted line of settlement along the north shore of the river. With one minor exception,⁶⁷ that was accomplished with the establishment of a string of nine townships beginning with Lancaster township at the end of the westernmost seigniory at Point Baudet. To acquire the north shore, the land claims of two Iroquois groups had to be dealt with: the Mohawks of St. Regis and the Onondagas

65 See Johnston, ed., The Valley of the Six Nations, pp. xlii-liv and 70-119; also C.M. Johnson, "Joseph Brant, The Grand River Lands and the Northwest Crisis", Ontario History, LV, No. 4 (December, 1963), 267-82.

66 Johnston, ed., The Valley of the Six Nations, p. 52.

67 The exception was the Nutfield Tract, accorded to the St. Regis Mohawks. See below, p.74.

of Oswegatchie. Both of these groups had established their claims in the last years of the French regime.

St. Regis was actually an offshoot of the Caughnawaga settlement. Just before the Seven Years' War, a missionary at Caughnawaga, Father Gordon, led a group of Caughnawagas westward to the St. Regis River. Although this new settlement was called St. Regis, the Indians referred to it as Akwasasne. The French civil and military authorities favoured this move because they were pleased to have a more or less loyal Indian outpost as a small buffer against the English colonies. Father Gordon therefore, had Governor Vaudreuil's consent to make the move, and also received a promise "of a Grant of any Spot or Tract of Land he might pitch upon that were unceded Lands on the St. Lawrence River above Sault St. Louis".⁶⁸

Following the war, Father Gordon appealed to Colonel Daniel Claus, the British Indian agent, for a grant from the British. Specifically he requested that the Jesuit Order be given a grant for the lands on both sides of the St. Lawrence from the River Raisin to the Long Sault, to a depth of six leagues. Claus managed "to put him off"⁶⁹ as well as he could, and thus no grant was ever made by either Crown. When it became evident that the lands of the St. Lawrence might be required for the loyalists, Haldimand concerned himself with the St. Regis claims. He learned that no grant had been received from Claus' office. And a

68 P.A.C., B114, pp. 307-8. "Memorandum of what I can recollect relative to the Settlement of St. Regis by the Indians that emigrated from Sault Ste. Louis", by D. Claus, March 11, 1784.

69 Ibid.

thorough search of the records of Quebec failed to turn up any deed or grant of land to the St. Regis Indians.⁷⁰ From these he concluded that the St. Regis band had no title to their lands. He was not concerned about the land on the south shore where their village was located, but he did wish to free the land on the north shore in order to provide an unbroken line of settlement above Baudet.

But from Sir John Johnson he learned that the St. Regis Mohawks did feel they had a very strong claim to the land. They had told Daniel Claus that a grant had been made to them, and that Father Gordon had simply refused to show it to them.⁷¹ On another occasion they claimed that the records of the grant had been destroyed in a fire.⁷² When they learned that it was intended to use the north shore to settle loyalists, they complained to Johnson who happened to be visiting the surveyor's camp opposite their village on Sunday, March 6, 1783.⁷³ A large number of chiefs and warriors, representing the 700 persons of the village, were present at the meeting. They told Sir John that they sympathized with the loyalists who had suffered for their loyalty, and that they approved of the efforts being made to help them. But it was unjust, they said, to help the loyalists by using the lands of the St. Regis Indians without consulting them or making their intentions know. They too had served in

70 P.A.O., Record Group 1, (Crown Lands), A-1-7, Box 8. Haldimand to Campbell, April 15, 1784.

71 P.A.C., B114, pp. 308. "Memorandum.... by D. Claus", March 11, 1784.

72 P.A.C., B115, p. 235. Sir John Johnson to Haldimand, March 11, 1784.

73 Ibid., pp. 234-236.

the war, they said, and they had long looked upon those lands as theirs. They added that the land had been promised to them by Sir William Johnson, that Colonel Claus knew of their claims, and that the Canadians, assuming that it was Indian land, had paid them money for the right to cut timber there. Johnson replied that he was certain that the Governor would not have sent the surveyors into the region had he not been sure that it was Crown land; but he asked them, if the Governor was inclined to think they did in fact have a right to the land, if they would be willing to sell it for a "reasonable compensation". They said that "was a measure of Weight, and merited serious consideration and that they would assemble the whole of their People and send me an Answer as soon as possible..."⁷⁴

Early the next month, Lieutenant Colonel Campbell of the Indian Department was sent to convene the St. Regis Iroquois at Côteau du Lac.⁷⁵ He advised them in general council that Sir John had carried their message to General Haldimand, that no record of their title had been found, but that the Governor was, prepared as an indulgence, to give them a reasonable monetary compensation for surrendering their claim. The Indians were not swayed, however. They reasserted their claims, and even produced the wampum belt which they said had been given them by Sir William Johnson. And they refused compensation because no other land would be as good for their purposes.⁷⁶

74 P.A.C., B115, p. 236. Sir John Johnson to Haldimand, March 11, 1784.

75 P.A.C., R.G.10, pp. 1412-1414. Haldimand to Campbell, March 22, 1784.

76 The council was held on April 1, 1784. Ministry of Natural Resources, Toronto (M.N.R.), Office of Indian Resource Policy, St. Regis Indian Claim file. Minutes of the Proceedings with the Indians of the Village of St. Regis respecting their claim to the Tract of Lands from a Creek a little above the Long Sault, to River Raisin, Six Leagues in depth.

It seems clear from the proceedings of this council that the St. Regis Indians had accepted the fact that the loyalists would be settled on the north bank, but they were also determined to get compensation. The process of proposal and counter-proposal went on for two days, until the chiefs of St. Regis finally agreed to renounce their claim to the north shore from Pont au Baudet to the Long Sault in return for a reservation duly accorded them along the strip. In the course of the negotiations they received assurance that they would remain in possession of the land on the south shore, where their village was located, as well as of the islands in the river.⁷⁷

There remained the task of defining the bounds of those three separate holdings: the village lands, the islands, and the reservation on the north shore. The latter two were not determined at this time, but on April 15, 1784 Haldimand declared the village lands to be theirs. He added that it was to be made clear that the land was being accorded them "as an indulgence, during the King's pleasure".⁷⁸

Haldimand was still loathe to agree to the St. Regis band receiving any land on the north shore. Their claims ran from the Raisin River to the Long Sault, and these lay within the territory which the Royal Proclamation had exempted from the regulations regarding Indian lands. As a result, the absence of a written deed was significant and Haldimand was within the rules when he argued that the St. Regis Mohawks did not

77 The council was held on April 1, 1784. Toronto (Hereafter, M.N.R.), Office of Indian Resource Policy, St. Regis Indian Claim file. Minutes of the Proceedings with the Indians of the Village of St. Regis respecting their claim to the Tract of Lands from a Creek a little above the Long Sault, to River Raisin, Six Leagues in depth. The cession by the St. Regis band is shown in Figure 5.

78 P.A.O., R.G.1, A-1-7, Box 8. Haldimand to Campbell, April 15, 1784.

have a legal claim to any of their lands. But he was also too realistic to be uncompromising. While the Indian crisis was not as severe as it had been a year earlier, there was still some tension moreover, at the time, American commissioners were visiting the Caughnawagas, and the St. Regis Indians were also preparing to meet them with respect to their lands within the state of New York. Haldimand therefore did not wish to "do anything in the Matter that might be interpreted as injurious to the Indians".⁷⁹ Thus he agreed to set aside a reserve on the north shore which, like the village lands, was to be construed as an indulgence, not as a right.⁸⁰ The extent of the reserve was determined after another three weeks of juggling by Haldimand, Johnson and Campbell.

In the end it would seem that the matter was settled through the auspices of Joseph Brant. Brant visited the St. Regis village in April of 1784, and subsequently wrote to Sir John with his thoughts and suggestions. He reported that the St. Regis were prepared to be reasonable, but that they resented Campbell's threats at the Côteau du Lac meeting. This was the wrong approach, he said, for it created animosity and because "it gives the dam rebels larger mouths for many things against us".⁸¹ He urged that the St. Regis Indians be given deeds for their land, and said further that they would be satisfied, he thought, with about 2½ - 3 miles of frontage. Haldimand had already indicated a willingness to grant that much frontage.⁸² Thus the St. Regis

79 P.A.C., R.G.10, vol. 3, p. 1411. Haldimand to Sir John Johnson, April 15, 1784.

80 Ibid.

81 P.A.C., B115, pp. 254-5. Brant to Sir John Johnson, May 4, 1784.

82 P.A.C., R.G. 10, vol. 3, p. 1411. Haldimand to Sir John Johnson, April 15, 1784.

Mohawks were granted a tract of land between the townships of Charlottenburgh and Cornwall, about 2½ miles long. This area, which became known as the Nutfield grant, was surveyed and confirmed in writing. It remained the possession of the St. Regis band until 1847,⁸³ when it was sold to the Crown.

Written titles were not, however, given for the islands or for the south shore land. This was deliberate, even though both had been spoken of in council as belonging to the Indians. Regarding the islands, Sir John Johnson reported, in 1824, that in 1784 he had been "particularly instructed" by Haldimand "not to grant any of the Islands, as they might be required for the future disposition of Government".⁸⁴ Consequently the St. Regis Iroquois' possession of those regions was based only on occupancy and usage. By 1837 the village tract was considered by a Government report to have only 21,000 acres,⁸⁵ being a triangular tract bounded by twelve miles of the St. Lawrence, the western boundary of Godmanchester township, and the boundary with the state of New York.

83 Treaties and Surrenders, vol. 1, no. 57, pp. 136-38. The location of the Nutfield Tract is shown in Figure 33. One secondary source states that in addition to agreeing to grant this strangely shaped reserve, Haldimand also paid \$1500 in goods to the St. Regis band for their land claim on the north shore of the St. Lawrence River. See J.N. McIlwraith, Sir Frederick Haldimand, vol. 6 of The Makers of Canada (Toronto, 1906), pp. 258-59. McIlwraith notes also that in doing so he bound the band to secrecy regarding the payment to prevent other Indians from putting forth similar claims. Unfortunately the form of that early series prevented McIlwraith from citing her source.

84 M.N.R., Office of Indian Resource Policy. St. Regis Indian Land Claim File. Sir John Johnson to Darling, March 26, 1824.

85 Irish University Press, British Parliamentary Papers, vol. 12, Correspondence Returns and other Papers relating to Canada and to the Indian Problem Therein, 1839, (Shannon, 1969), p. 239. Report of the Committee of the Executive Council, June 13, 1837.

The Indians who occupied the St. Lawrence shoreline west of St. Regis were the Oswegatchies. Their territory from the Long Sault to the Toniato River was clearly within the Indian Territory as described by the Royal Proclamation. Like the Iroquois enclaves in Canada at Oka, Caughnawaga and St. Regis, they were Iroquois who had been enticed to re-locate by French missionaries. The mission of La Présentation, at the mouth of the Oswegatchie River on the south shore of the St. Lawrence, had been founded in 1748. By 1751 there were 396 families⁸⁶ living in several villages on the north shore across the river from the mission and fort.

These were largely Onondagas, but some other Iroquois tribes, notably the Oneidas and Cayugas, also moved there. There were no Mohawks, however, and that may account for the division of territory on the river at the Long Sault between this settlement (usually called Oswegatchie) and that at St. Regis which was predominately Mohawk. The Oswegatchie settlement grew rapidly, attracting perhaps half of the full Onondaga tribe before the Seven Years' War began.⁸⁷ By moving to Oswegatchie the Onondagas had placed themselves in the French camp, and thus fought on the French side in the Seven Years' War. During that conflict the numbers declined, for only 86 warriors were reported to have been there in 1763 and 100 in 1768. The total population, therefore, would have been about 500, which still ranks significantly when compared to the 1800 that were reported to have been living in the

86 H. Blau, J. Campisi and E. Tooker, "Onondaga", in Bruce G. Trigger, ed., Northeast, vol. 15 of Handbook of North American Indians (Washington, 1978), p. 495.

87 Ibid., p. 495.

Onondaga homeland in 1771.⁸⁸ When the American Revolution began, the Oswegatchies supported the British.

Following the war, the Oswegatchies continued to occupy their villages near the site of present-day Johnstown. To acquire their lands for loyalist settlement, Colonel Campbell met the Oswegatchies at the Cedars in 1784. After lengthy consideration, the Onondagas agreed to let the British have "the Front of the Water" to "give lands to the troops".⁸⁹ Because the British still retained the fort at Oswegatchie, they were able to convince the Onondagas to move their principal settlements to the south shore of the town of Lisbon. The Indians later pointed out that they had not "received one copper" for the land they had left on the north shore.⁹⁰

This agreement opened up the river-front for the royal townships, but the Indians of Oswegatchie apparently did not feel that they had agreed to surrender the back country. When the surveyor de Pencier was sent to survey Marlborough township on the fork of the Rideau, he encountered Indians from Oswegatchie who objected to his work, and advised him that he was trespassing on Indian land.⁹¹ De Pencier did complete the survey of Marlborough, but the work stopped at that point.

88 Blau, Campisi and Tooker, "Onondaga", in Bruce G. Trigger, ed., Northeast, vol. 15 of Handbook of North American Indians, p. 495.

89 P.A.O., Simcoe Papers, MU 2790, Envelope #39. Council of the Indians of Oswegatchie to Simcoe, February 2, 1795.

90 Ibid.

91 See Figure 5. DePencier's adventures with these Indians included a death threat if he continued his work. His account is given in "Surveyor's Journal for the Township of Marlborough...by Theodor de Pencier, Provincial Deputy Surveyor in the year 1791". Manuscript currently being prepared for publication by Professor C. Bickerton, Carleton University.

It seems likely that the survey was stopped at Marlborough township because of that resistance. When the Jay Treaty gave up the western posts to the United States, the Oswegatchies were thrown to the mercy of the Americans. Although the Indian village at Lisbon by that time was clearly a permanent settlement,⁹² the Americans forced them to disperse. About 1806, some were simply removed by order of New York State; others went to Onondaga or elsewhere; and some moved to St. Regis.⁹³ Their dispersal permitted the British to disregard the Oswegatchie claims to any of the interior lands between the St. Lawrence River and the Ottawa River.

When Haldimand turned over the reins of government in Canada in 1784 to Lord Dorchester, he could feel a degree of justifiable contentment in knowing that he had defused Indian anger and concurrently had provided for the dislocated loyalists. A good deal of this success in these matters stemmed directly from the land cession agreements of 1783-84 arranged with the Indian bands on the upper St. Lawrence River, the eastern end of Lake Ontario and the huge area between Lake Erie and Lake Ontario. The procedures followed, and the terms agreed to, in these first cessions do seem to have been sufficiently just to have satisfied all parties concerned.

The single most important error in these agreements, however, was the inadequate records that were kept. In this respect these first agreements were somewhat sloppy. This may have been caused simply because of the sense of urgency that prevailed. It should be noted

⁹² The village consisted of 23 well built long houses which were equipped with double fireplaces and glass windows. Blau et.al., "Onondaga", p. 495.

⁹³ Ibid.

that the affairs of British North America had been thrust into the hands of a very small number of men. These men had to deal with the problems of settling the loyalists, dealing with the angry Indians, establishing systems of government, justice and land tenure, and at the same time tend to their own affairs which were also in a state of some confusion. Sir John Johnson and Colonel John Butler, for example, were responsible for the affairs and good treatment not only of the new loyalist arrivals, but also of those rangers and loyalists who had lined up with them during the war. And as loyalists themselves they were also caught in the web of having lost their own considerable estates during the revolution, of worrying about the safety and future of their own families, and of securing what succor they could in the new circumstances. Duty and self interest sometimes conflicted.

In such circumstances, careful attention to detail, and close adherence to procedures and principles can often be neglected. There was a tendency to be pragmatic, to adopt whatever solution appeared to solve a problem. Approval for arrangements was granted more readily, and verbal or informal reports sufficed when the pressures of time and circumstances made it difficult to expect fuller written accounts of events. That this situation prevailed in 1783-84 is indicated by the correspondence surrounding the agreements negotiated by Crawford at Carleton Island and by the two cessions by the Oswegatchie and the St. Regis Mohawks. Apparently Sir John Johnson was content to take reports of Crawford's work at face value, for he never did see the actual written agreement and permitted Crawford to keep it with his own papers. These appear to have been lost. Likewise the St. Lawrence River cessions appear not to have been formally recorded. It was, in retrospect, very sloppy and far too informal. But, in its own time, and in its own object, it worked.

Chapter 3. Deficiencies Revealed, 1787-1806: Lake Ontario, Lake Simcoe, and St. Joseph Island.

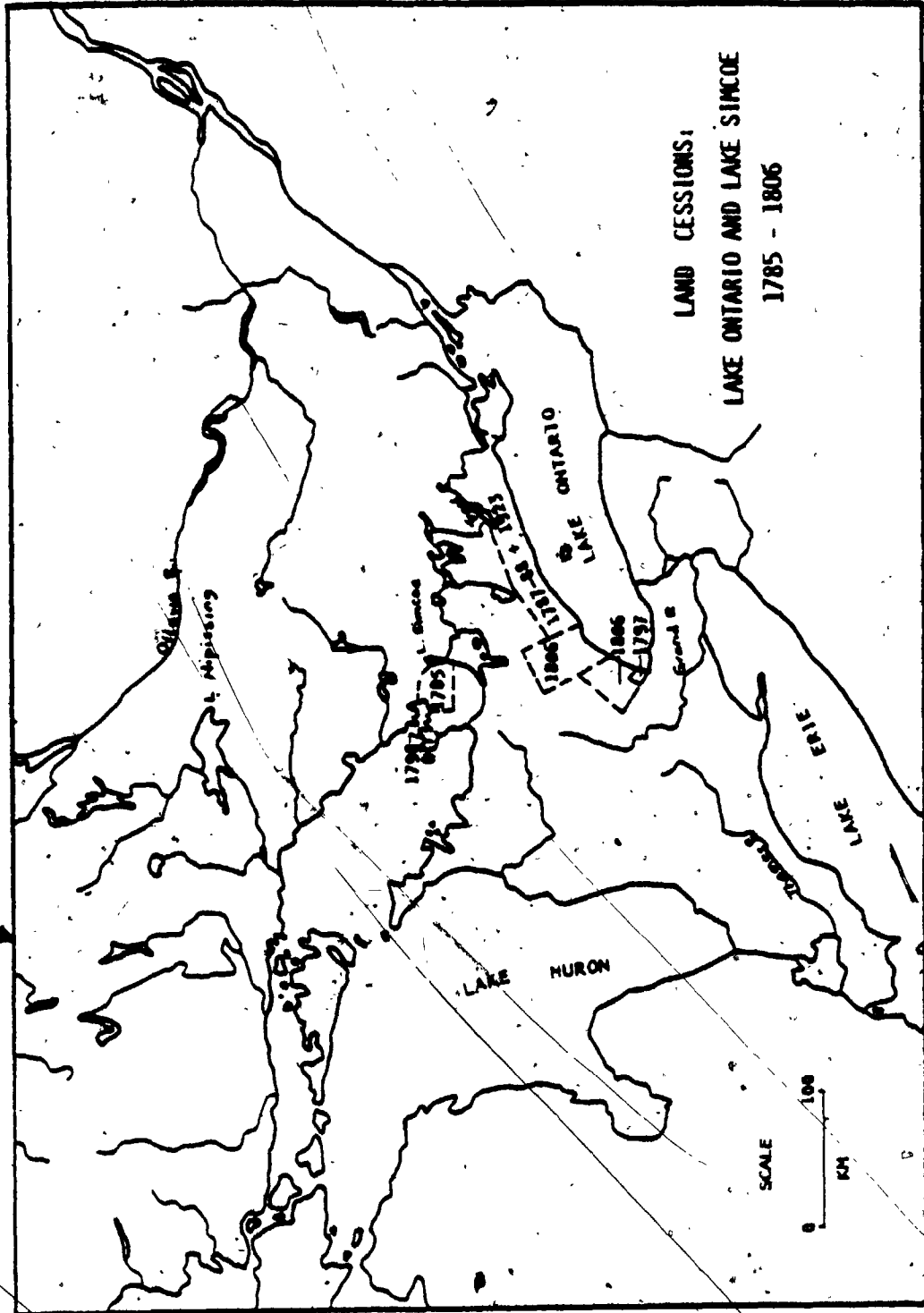
The informality, the inadequate recording and the inattention to detail that characterized the 1781-84 Indian land surrenders was, regrettably, permitted to continue in the next set of land sale agreements. Ultimately those of 1787 and 1788¹ regarding the shore of Lake Ontario as far west as the head of the lake were over-ruled. The persons who were formally in charge at the time should have known better. The principal officials involved included the new Governor, Lord Dorchester, who replaced Haldimand in 1784; the Superintendent General of Indian Affairs, Sir John Johnson, who remained in the colony until 1792;² and Colonel John Butler, a veteran of the war, the founder of Butler's Rangers, and a highly regarded Indian Department official.

These men were very much aware of the formal requirements for concluding land cessions; they were experienced; and they were also in tune with the continuing tense circumstances that surrounded Indian affairs in the late 1780s. The existing evidence, although scant, suggests that these men rested too heavily on their personal prestige among the Indians and by adopting a lax attitude actually set a poor example for their subordinates in the branch. Indeed, a later letter

1. See Figures 9 and 12.

2 Sir John Johnson left Upper Canada in 1792 and returned in 1796, when his rival, Lieutenant Governor Simcoe, completed his tour of duty.

Figure 9: Land Cessions, Lake Ontario and Lake Simcoe, 1785-1806



LAND CESSIONS:
LAKE ONTARIO AND LAKE SIMCOE
1785 - 1806

of explanation by Sir John Johnson stated that it was actually a part of policy not to write down the terms of an agreement in a formal manner, but rather to make certain that parties concerned were aware of the terms.³ Moreover, when the more meticulous John Graves Simcoe condemned the procedures used in 1787-88, after he became Lieutenant Governor of Upper Canada in 1791, no steps were taken to correct the situation by formal cessions. Rather, the issue was smoothed over by means of ad hoc understandings which served to avoid an immediate crisis, but which caused confusion for a century for those who were involved in Indian affairs, and for those who lived in the supposedly ceded region. Ultimately, the modus vivendi of the 1790s was formalized legally through the Williams surrenders of 1923.

In addition to the 1787-88 agreements, the Crown did act more properly in the case of land purchases at Toronto, the head of the Lake (Ontario), at Penetanguishene and St. Joseph Island and for lands for Joseph Brant near Burlington Bay.⁴ These, however, followed the formal chastisement in the form of Additional Instructions to the Indian Department. These instructions, issued by Lord Dorchester

³ The letter of Johnson to James Green, March 26, 1798, is quoted in full in P.J. Robinson, "The Chevalier De Rocheblave and the Toronto Purchase", Royal Society of Canada, Transactions, XXI, 3rd Series (1937) Section II, 131-152.

⁴ See Figures 9, 13, 14, 15, 16, and 17.

in 1794,⁵ came in the midst of the fury surrounding the Wayne campaign in the Ohio Valley, and give the impression that Dorchester was attempting to rectify his past lax behaviour. It was in this fashion that the Crown secured control over the remainder of the Lake Ontario shoreline. These acquisitions, however, were not made without incident or without considerable anxiety on the part of Indian officers and government officials. In this case, Joseph Brant, a constant enigma to most officials, pressed the cause of the Mississaugas whose land was being sought. His intervention combined with the uneasiness of officialdom to delay the alienation of the Mississauga lands for a decade.

The territory involved in the 1787-88 land sales controversy included two distinct sections. One was the land surrounding the water route, known as the Toronto Carrying Place, between the mouth of the Humber River and Matchedash Bay, located on Georgian Bay to the north-east of Lake Simcoe. The second was the shoreline of Lake Ontario from the Etobicoke River eastwards to the Bay of Quinté, and extending inland about ten to fifteen miles.

Interest in the former tract was first expressed by the British in 1783. As shown already, Governor Haldimand was most anxious about the security of the western posts, and about their lines of supply. With that concern in mind he dispatched a party of regular soldiers and Indian

5 E.A. Cruickshank, ed., The Correspondence of Lieut. Governor John Graves Simcoe, with Allied Documents relating to his Administration of the Government of Upper Canada. 5 vols. (Toronto, 1923-30), vol. III, pp. 241-242. Additional Instructions, Indian Department, December 26, 1794.

scouts to explore the route of the Carrying Place in order to open communications "with Michilimackinac from Niagara by way of Toronto".⁶

In carrying out its instructions, this party traversed and reported on the entire route, including a descent of the Severn River to Georgian Bay.

Haldimand made no purchase, but the alternate route to Georgian Bay via Toronto remained important in the military mind. Thus Henry Hamilton, Lieutenant Governor of Quebec, in 1785, sent John Collins, the Deputy Surveyor General, to survey the Carrying Place and determine what land it might be necessary to purchase from the Indians who controlled it.⁷ The result of that expedition, it would appear, was a land cession agreement for a stretch of territory between Lake Couchiching and Matchedash Bay.⁸ It is difficult, however, to be precise concerning the chronology or the terms of that agreement. Like the Crawford purchases at Carleton Island, the actual treaty agreement has either been lost, or was never taken.

Although the written evidence surrounding this cession is indeed scant, what does exist would suggest the following sequence and terms. The interpreter who accompanied Collins in 1785 was J.B. Rousseau. A memorandum from Collins himself indicates that Captain Crawford⁹ was

6 P.A.C., B104, p. 125. Mathews to Bolton, May 19, 1780.

7 F.B. Murray, ed., Muskoka and Haliburton, 1615-1875, (Toronto, 1963), p. 97. John Collins' Memorandum on Indian Purchase, August 9, 1785.

8 L. Johnson, History of the County of Ontario (Corporation of the County of Ontario, 1973), p. 23.

9 P.A.C., B104, p. 125. Mathews to Bolton, May 19, 1780.

also present at a meeting with the Indians of Lac La Clie (Lake Simcoe) in August of 1785. According to Rousseau's recollection in a later account, that meeting resulted in the purchase of August 1785. This included the land "one mile on each side of the foot path from the Narrows at Lake Simcoe to Matchedash Bay with three miles and a half square at each end of said Road or foot path" as well as one mile on each side of the Severn River.¹⁰ Furthermore two sides of the Matchedash parallelogram are described in Treaty No. 16 of 1815 which abuts it. That description states further that the purchase was "said to have been made in the year one thousand seven hundred and eighty-five".¹¹ The agreement also permitted the Crown to make roads "through the Missisaga Country" and no payment was made at this time, nor was an amount fixed. Rather the chiefs simply indicated that their people were very poor, that they desired to have clothing, and that they would let "their good Father" determine the amount to be granted.¹²

These two pieces of evidence suggest that a land cession was made in 1785 by Collins, and at least two subsequent works accept it as an accomplished fact.¹³ The two documents are contradictory, however, for

10 Murray, ed., Muskoka and Haliburton, p. 99. Severn River Purchase Certified by J.B. Rousseau, May 21, 1795.

11 Treaties and Surrenders, vol. 1, no. 16, p. 43.

12 Murray, ed., Muskoka and Haliburton, p. 97. John Collins' Memorandum on Indian Purchase, August 9, 1785.

13 Johnson, History of the County of Ontario, p. 23; Morris, Indians of Ontario, p. 16. One scholar, however, has rejected the idea of a 1785 purchase. Robinson, "The Chevalier De Rocheblave and the Toronto Purchase" argued categorically that it never took place, and that the reference to it in Treaty No. 16 was simply a mistake. He does argue that a purchase was made, but that it occurred in 1787 as part of Sir John Johnson's 1787 treaty at the Carrying Place. See Figure 10.

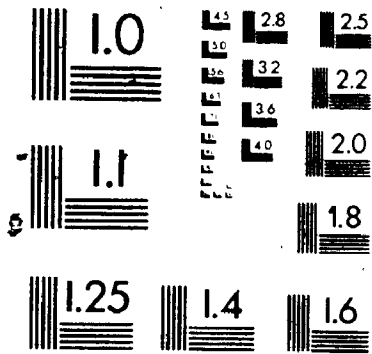
the boundary described in 1815 indicates a larger - and differently shaped - parcel of land than that described by Rousseau's recollection. Subsequent events, as will be described shortly, suggest that the Collins expedition at best negotiated a preliminary agreement; and the fact that no payment was made in 1785 would negate it being a formal purchase. Yet the claim of the Crown to the area has never been questioned, and officials of government since the eighteenth century have treated the area as having been given up. The subsequent, although informal, understanding arranged by Lieutenant Governor Simcoe in 1795¹⁴ was apparently sufficient to satisfy the bands of the Lake Simcoe area regarding the Matchedash lands.

These particular Indians are usually referred to as Chippewas. They were closely connected with the Mississaugas of the Humber by way of the Toronto Carrying Place. They did maintain contact, however, via the chain of lakes and rivers along the Trent-Severn system with the Mississaugas of Rice Lake and the Bay of Quinté regions. As a result of these connections, the Lake Simcoe Chippewas were often found at councils involving these Mississauga groups, and at such meetings were referred to as Mississaugas also.¹⁵ It is likely, then, that some of

14 For Simcoe's "understandings", see below, p. 115-116.

15 For example, see Cruickshank, ed., The Simcoe Papers, vol. II, pp. 137-38. Dorchester to Simcoe, January 27, 1794; P.A.C., R.G. 10, vol. 15, p. 205, Return of Indian Stores to be given to the Missisagey Nation of Indians for lands ceded by them ... this tract beginning at Toronto and running on each side of the communication to Lake Huron; Murray, ed., Muskoka and Haliburton, p. 47. John Collins' Memorandum on Indian Purchase, August 9, 1785.

2



the Lake Simcoe chiefs were present when Sir John Johnson made a hurried visit to the Bay of Quinté Carrying Place in 1787.

Sir John's trip to the Quinté Carrying Place was prompted by orders from Lord Dorchester. Dorchester was moved to consider the matter of Indian lands on Lake Ontario by a request from the Chevalier de Rocheblave for a grant of 1000 acres at the site of present-day Toronto, including Toronto Island, and for preference in the use of the Toronto Portage. De Rocheblave had in mind the exploitation of the fur trade which had centred around the Humber River during the French regime.¹⁶ Having had his interest in the area of Lake Ontario picqued by this request, Dorchester concluded, in a letter to the Deputy Surveyor General, John Collins, that it was "thought expedient to join the settlements of the Loyalists near Niagara to those west of Cataragui". Collins was expected to make himself available to Sir John Johnson whom Haldimand had directed to:

take such steps with the Indians concerned, as may be necessary to establish a free and amicable right for Government to the interjacent Lands, not yet purchased, on the North of Lake Ontario, for that purpose as well as to such part of the Country, as may be necessary on both sides of the proposed communication from Toronto to Lake Huron. 17

16 Robinson, Royal Society of Canada, Transactions, XXI, 3rd Series (1937) Section II, 131-32.

17 Ontario, Third Report of the Bureau of Archives ... 1905, p. 453. Dorchester to Collins, July 19, 1787. Dorchester directed Collins to assist Sir John because he (Collins) had already "been employed in the former purchase made of the Indians in that Country". This phrase adds credence to the view that Collins had purchased land at Matchedash in 1785.

It was this direction that brought Sir John to meet an arranged gathering of the Mississaugas at the head of the Bay of Quinté in September, 1787. About 626 persons were present; another 391¹⁸ gathered at Toronto at the same time. The latter gathering was represented at Quinté by selected chiefs, and the two groups between them were recipients of \$2000¹⁹ worth of goods dispensed by Johnson. There remains some confusion, however, regarding Sir John's arrangements and intentions at the September council in 1787. An account of that meeting by the Indian trader, John Long,²⁰ noted that Sir John showed the Indians a map by which he desired to have the land "from Toronto to Lake Huron". A more recent reconstruction of the affair, by Percy Robinson, contends that Johnson took a surrender of the right of transport from Toronto to Matchedash Bay as well as blocks of land (10 miles square) at each end.²¹ Robinson's principal source is a letter written by Johnson in 1798²² to explain the events of a decade before.

18 P.A.C., R.G. 10, vol. 15, p. 197. Return of Missisague Nation of Indians assembled at Head of Bay of Quinté the 23rd September, 1787 ... together with those of the same Nation collected at Toronto who received their Dividends of Presents by their chiefs who attended at the Bay de Quinté....

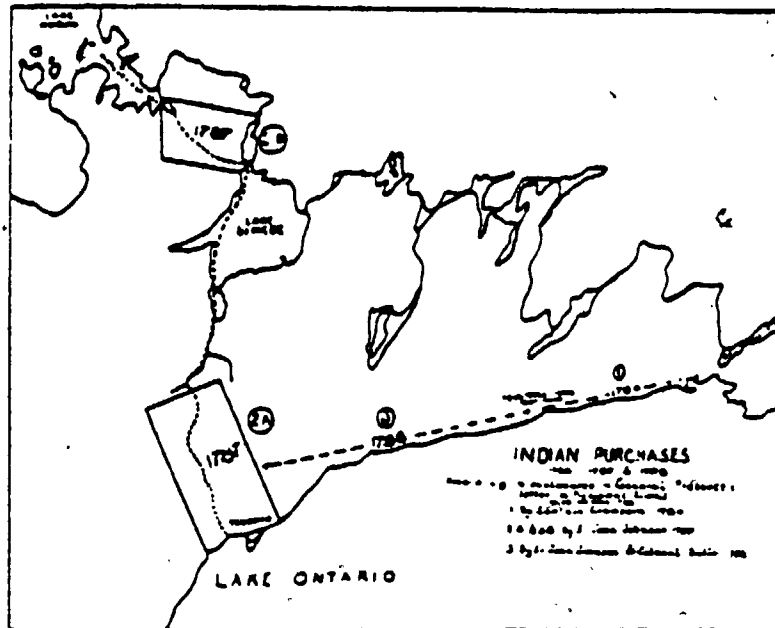
19 P.A.C., Manuscript Group 19 (Claus Papers), vol. 4, p. 168. Johnson to Claus, October 19, 1787.

20 John Long, Voyage and Travels of an Indian Interpreter and Trader (London, 1791), pp. 177-178.

21 Robinson, Royal Society of Canada, Transactions, XXI, 3rd. Series (1937) Section II, 131-52. See especially p. 139.

22 Ibid., pp. 144-146.

Figure 10: Indian Purchases, 1784, 1787 and 1788



(From Robinson, "The Chevalier De Rocheblave and the Toronto Purchase", p. 139)

In that letter of explanation, Sir John does not mention land other than the Toronto-Matchedash area, but it would seem that he did speak to the assembled Indians about the land on the north shore of Lake Ontario between Quinté and Toronto. Long's account says he did; his instructions said he was supposed to; and according to the invoice of the goods given out at the time, the Mississaugas who had gathered at Quinté on September 23, 1784, "Made a formal Cession of Lands on the North side of Lake Ontario to the Crown".²³ Also, this land cession was described more specifically by the Land Board for Nassau in 1790, when it issued instructions to survey the "Land lately purchased by Sir John Johnson from the Missesaga Nation on the North Side of Lake Ontario in the District of Nassau from the head of the Bay of Quinté to Toronto."²⁴

Sir John's distribution of presents at this council was, later interpreted as payment for lands.²⁵ These gifts of ammunition, arms and tobacco, however, were rather designated as a present to the Mississaguas as a reward for their fidelity to Britain and for "services during the

23 P.A.C., R.G. 10, vol. 15, p. 195. Distribution of Arms, Ammunition and tobacco, made by Sir John Johnson at the Head of the Bay de Quinté the 23rd September 1787, at which time they made a formal Cession of Lands on the North side of Lake Ontario to the Crown.

24 Ontario, Third Report of the Bureau of Archives ... 1905, p. 476.

25 Cruickshank, d., The Simcoe Papers, vol. II, p. 61. Simcoe to Dundas, September 20, 1793.
See below, p. 101.

late American War".²⁶ Specific payment for the land was to come later. It would seem however, that a deal was provisionally arranged at Quinté.

Notwithstanding Sir John's denial of having put anything on paper at the time, a deed of sorts has been found and identified as having been drawn up at the Quinté Carrying Place in 1787.²⁷ It was witnessed by three chiefs - Wabikane,²⁸ Neace, and Pakquan - and by John Collins, Louis Kotte and Nathaniel Lines. It does not contain a description of the lands to be sold, but simply leaves blank spaces which evidently were to be filled in later after proper surveys could determine an accurate description. According to the interpreter, Nathaniel Lines,²⁹ who recounted the event some eight years later, the land in question was the north shore of Lake Ontario. Others suggest³⁰ that the land descriptions to have been inserted were to include also the region of the Toronto-Matchedash purchase.

26 Public Record Office, London, (P.R.O.), Treasury Papers, Bundle 647 Return of Merchandize intended as a present for the Missisagy Indians as a reward for their fidelity to His Majesty's Government and Services during the late American War, May 17, 1787.

27 Treaties and Surrenders, vol. 1, no. 13, pp. 32-34.

28 In the blank deed, this name is spelled Wabukanyne.

29 P.A.C., R.G. 10, vol. 9, p. 8946. McKee to [?], June 10, 1795.

30 Cruickshank, ed., The Simcoe Papers, vol. II, pp. 137-38. Dorchester to Simcoe, January 27, 1794; Ibid., vol. III, pp. 45-46. Simcoe to Dorchester, September 6, 1794; Robinson, Robinson Royal Society of Canada, Transactions, XXXI, 3rd. Series, (1937) Section II, 144. Prescott to Russell, No. 26. October 21, 1797.

It is also likely that Sir John's hurried visit to Quinté in 1787 did not admit of sufficient time to ascertain the precise bounds, particularly in terms of depth, that the government wanted or that the Mississaugas were prepared to offer. In any event those details could be delayed until the following year when payment could be made. The requisitions for supplies to make that payment clearly indicate that two separate purchases were intended, these being the north shore of Lake Ontario and the Toronto-Matchedash lands.³¹ That little trouble was anticipated was reflected in the concurrent despatching of Alexander Aitken, a surveyor, to conduct a survey of the Toronto site.

Aitken and the provisions arrived at Toronto on the Seneca on August 1, 1788. He was joined a few days later by Lord Dorchester, Sir John Johnson and Colonel John Butler.³² Dorchester and Johnson remained at Toronto only until the goods had been distributed to the Mississaugas who had gathered for that purpose. However, not all the expected bands arrived on time. Thus Butler remained behind to meet those who were expected from Lake Simcoe and Pawastink (Port Hope), and also to reach some agreement regarding the depth of the cession on the Lake Ontario shoreline. Again from fragmentary evidence, we can observe that Butler was successful in coming to an agreement about the depth of the tract. He later reported from Niagara that while at

31 See n. 15, this chapter, and Robinson, Toronto During the French Regime, p. 249.

32 Ibid., pp. 249-52.

Toronto, after the Lake Simcoe and Port Hope Indians arrived, he called all the chiefs into a council and proposed that they surrender the land between Toronto and the Bay of Quinté "as far back as Lake la Clay (Simcoe) and the Rice Lake".³³ Having secured their agreement, "after 2 or 3 meetings", he then proposed that the depth be a straight line beginning 15 or 16 miles back from Toronto. Running the depth in a straight line cost an extra twenty five guineas to two chiefs, Wabikane and Porqua.³⁴ The actual depth was in fact determined by the surveys completed in 1791, when the surveyor, Augustus Jones, reported having done surveys to eleven townships, beginning with the eastern boundary of the District of Nassau and extending two miles west of Toronto.³⁵

The issue of the north shore and the Toronto-Matchedash section appeared to have been settled at this point. The Indians, at least according to Butler's reports and Johnson's understanding, were satisfied; and the government was content also with having secured a solid line of settlement between Cataraqui and Toronto, as well as the communications link between Toronto and Matchedash Bay. But there were some clouds on the horizon. First, Aitken had been prevented by Wabikane from completing a full survey of the Toronto site. It was only through the intervention of Nathaniel Lines that Aitken was permitted to begin at the Etobicoke River rather than the Humber River. And, being left alone after the departure of Butler and Lines, he feared to run

33 Nathaniel Lines also recounted that the purchase area extended back as far as Rice Lake. P.A.C., R.G. 10, vol. 9, p. 8946. McKee to [P], June 10, 1795.

34 P.A.C., Record Group 8, Military Records (C Series), vol. 250-51, p. 290. Butler to Johnson, August 26, 1788.

35 Ontario, Third Report of the Bureau of Archives . . . 1905, pp. 426-27.

his survey more than 2 3/4 miles inland, for Chief Wabikane cautioned him against crossing the stream located at that point.³⁶ Moreover, he did not survey the eastern boundary of the Toronto block, partly because he was wary of the Indians and partly because the Crown had purchased the land to the east of Toronto.³⁷ Second, one group of the Indians, apparently those from Matchedash, claimed that they had not received payment for their lands. According to Butler, this resulted because Sir John had given the goods to the wrong people.³⁸ More serious than any of these, however, was the absence of a territorial description in the deed of surrender prepared at Quinté in 1787. As a result, the problem did not come so much from anger on the part of the Indians, but rather from anxieties expressed by white administrators and by settlers who were concerned about the security of their tenure in lands covered by the 1787-88 agreements.

Among the first to make adverse criticisms of these arrangements was John Graves Simcoe, the first Lieutenant Governor of Upper Canada. His first concern, apparently, was the general laxity which he perceived in the entire department. In this he may have been somewhat more than normally interested, for such observations could serve to damage the image of his rival, Sir John Johnson. Beyond such personal considerations,

36 Robinson, Toronto During the French Regime, pp. 166-67.

37 Ibid., p. 168.

38 Cruickshank, ed., The Simcoe Papers, vol. II, p. 61. Simcoe to Dundas, September 20, 1793. Surveyors in the Matchedash Bay region also encountered opposition and hostility from Indians who denied that a land sale had been made. This occurred several years later and no doubt was the factor that induced Simcoe to try to clear up the matter in 1795. Ibid., vol. III, Chewett to Littlehales, August 31, 1794.

however, Simcoe, it should be observed, assumed his role in Upper Canada with the enthusiasm so typical of the man.³⁹ And given the very delicate and critical nature of Indian affairs in the early 1790s, it was hardly surprising that Simcoe would direct much of his energy towards their concerns, especially land, and towards the military defenses of the colony.⁴⁰

These two coincided regarding Matchedash Bay. Simcoe wished, very early in his tenure, to acquire the site of Penetanguishene for military purposes.⁴¹ In the process of coming to that decision he had acquainted himself with the status of land surrenders taken to that point. According to a map which he sent to Henry Dundas in March of 1792, these appeared to be quite clear.⁴² It was later that he discovered that there were, in the minds of some Indian bands, complaints and concerns about their land arrangements, causing him to meet with them in council.⁴³ It also caused him to inquire into the nature of the cessions, and to seek copies of the agreements.

It was following this type of inquiry from a man he did not particularly care for, that Lord Dorchester on January 27, 1794 rendered his judgment regarding the legality of the deed taken by Johnson at the Quinté Carrying Place in 1787:

39 See S.R. Mealing, "The Enthusiasms of John Graves Simcoe", Canadian Historical Association, Report (1958), pp. 50-62.

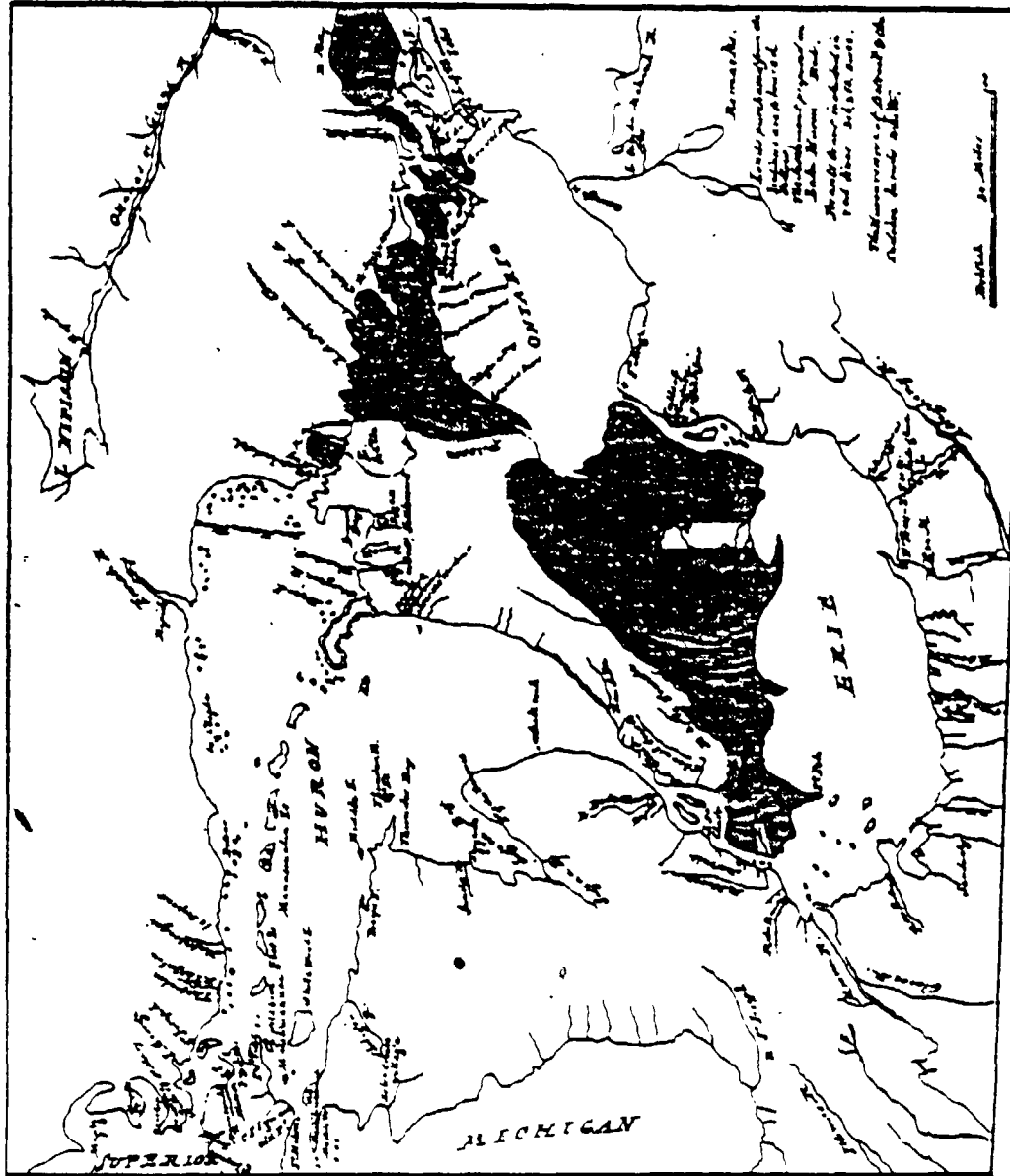
40 Cruickshank, ed. The Simcoe Papers, vol. 1, p. 139. Simcoe to Dundas, April 28, 1792.

41 Ibid., p. 118-119. Simcoe to Dundas, No. 5, March 10, 1792.

42 Ibid., following p. 118. See Figure 11.

43 See n. 40 and below, p. 101.

Figure 11: Purchases from the Indians of Upper Canada



(From P.A.C., Q278, p. 94a)

Enquiry has been made relative to the purchase at Matchedash Bay, a Plan ... has been found in the Surveyor General's Office, to which is attached a blank deed, with the names or devices of three chiefs of the Mississauga Nation, or separate pieces of paper annexed thereto, and witnessed by Mr. Collins, Mr. Kotte, a Surveyor, since dead, and Mr. Lines, Indian Interpreter, but not being filled up, is of no validity, or may be applied to all the land they possess; no Fraud has been committed or seems to have been intended. It has, however an omission which will set aside the whole transaction, and throw us entirely on the good faith of the Indians for just so much land as they are willing to allow, and what may be further necessary must be purchased anew, but it will be best not to press that matter or shew any anxiety about it. 44

At this point the administrative anguish began.

It lasted for ten years. Somehow, administrative silence was maintained on the issue right through the administrations of Simcoe, Peter Russell and Peter Hunter in Upper Canada, and the governorships of Dorchester and Prescott, all of whom were involved. Also, witnesses to the transaction, like Lines⁴⁵ and others were questioned, and, of course, several Indian department officials⁴⁶ were involved in the correspondence. Yet, this concern was never transmitted to the Indians. Had it been, Joseph Brant most certainly would have used it to advantage in his private and public dealings with the government regarding the Grand River lands and the remainder of the Mississauga territory on Lake Ontario.⁴⁷

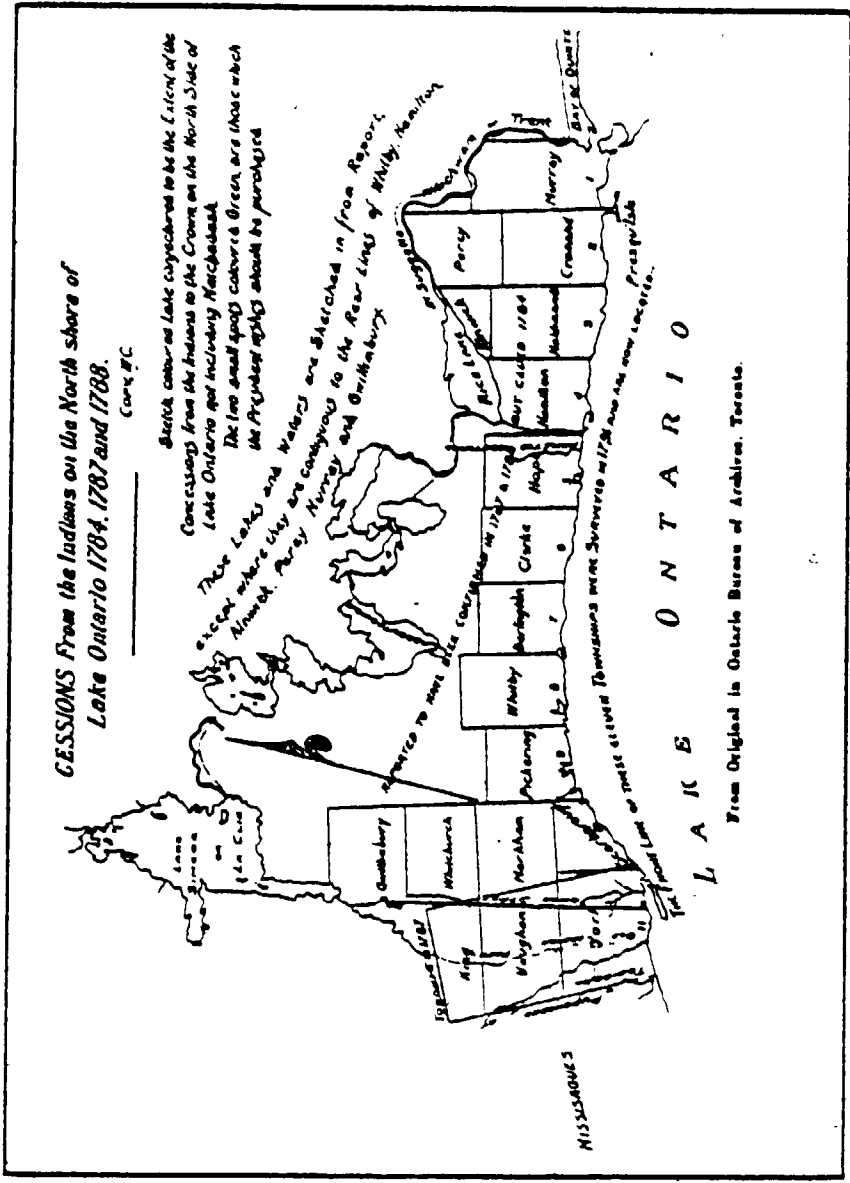
44 Cruickshank, ed., The Simcoe Papers, vol. II, p. 138. Dorchester to Simcoe, January 27, 1794. One gets the impression that Dorchester, in issuing this judgement, and in setting forth the Additional Instructions of December 26, 1794 (See n.3., this chapter), was making an effort to cover over the fact that he himself may have been considered to have been remiss in not checking on the 1787-88 surrenders. He had himself been present for part of the arrangements in 1788, and his silence could have been seen in a bad light. Dorchester would have found it appalling to have been brought to task by Simcoe.

45 P.A.C., R.G. 10, vol. 9, p. 8946. McKee to [?], June 10, 1795.

46 Cruickshank, ed., The Simcoe Papers, vol. III, p. 254. Chew to Coffin, January 5, 1795.

47 See below, pp. 156ss.

Figure 12: Cessions from the Indians on the North Shore of Lake Ontario, 1784, 1787 and 1788



(From P.A.O. Report 1905, p.cxviii)

At that point - 1794 - the public stance of the government of Upper Canada held that the lands in question had been properly taken. Surveys therefore proceeded on the shore of Lake Ontario and land grants were made to newcomers. The capital of the province had been moved from Newark to York and Simcoe had plans to move it again to London on the Thames River. That, of course, required another land cession agreement,⁴⁸ as did other plans of the lieutenant governor. In particular, the government began to covet the harbour at Penetanguishene and the remaining Mississauga lands at the head of Lake Ontario separating the Niagara settlement and York. Simcoe was successful in acquiring the former and a small parcel of the latter.

Simcoe first broached the question of Penetanguishene harbour in 1792.⁴⁹ He visited it himself in 1793, during which trip he got on very well with the Indians of the area, who were apparently much pleased and much impressed by his visit.⁵⁰ He grew more enthusiastic about the potential of the site following the report of A. Aitken, the surveyor he sent to investigate the area more completely, and expressed the view that it would be particularly wise to create an establishment there for the sake of a naval presence on Lake Huron.⁵¹

48 See below, Chapter 4.

49 Cruickshank, ed., The Simcoe Papers, vol. I, p. 118. Simcoe to Dundas, March 10, 1792.

50 Ibid., vol. II, pp. 70-49. Diary of Lieut. Governor Simcoe's Journey from Humber Bay to Matchedash Bay in 1793.

51 Ibid., vol. III, pp. 178-79. Simcoe to Portland, No. 10, November 10, 1794.

It would permit the British to precede the Americans onto the lake, and also prepare for the day that it might be necessary to evacuate the post at Michilimackinac. Clearly, Simcoe was thinking in terms of maintaining an influence over the Indian tribes of the Lake Huron frontier.⁵²

It was in anticipation of the eventual creation of the military and civil establishment at Penetanguishene that Simcoe proceeded to open negotiations with the Chippewas of the Lake Simcoe - Matchedash Bay region for the surrender of Penetanguishene harbour.

It was originally intended that a formal council would occur in the fall of 1794 at Lake Simcoe, for that purpose, with Simcoe in attendance. This was postponed, however, and Simcoe arranged instead for the meeting to be held at York in the spring of 1795. In the interim, Lord Dorchester altered the rules in December by issuing instructions that future purchases would have to be approved by the Commander in Chief; and further that an application for land would have to contain a sketch of the land in question; and these documents would be examined in order to determine the price that would be paid. Finally, arrangements would have to be made for acquiring the goods required and for transporting them from England.⁵³

52 Ibid., vol. IV, p. 271. Simcoe to Dorchester, May 20, 1796.

53 Ibid., vol. III, pp. 241-42. Additional Instructions, Indian Department, December 26, 1794.

Clearly Simcoe could not comply with these regulations before the Indians from Lake Huron arrived at York. He advised Dorchester of the situation and asked that he be permitted to proceed, because, he said, the matter was urgent.⁵⁴ Through McKee,⁵⁵ he further advised Dorchester that he planned to proceed to enter into an agreement with the Indians for Penetanguishene, and leave the fiscal arrangements to be made by the Commander in Chief - Dorchester - at a later date. McKee's report to Dorchester was sent on July 3, 1795.⁵⁶ By then the deal had been made.

On May 19, 1795 Simcoe duly met the Indians concerned at York. They agreed to relinquish the northern tip of the peninsula at Penetanguishene,⁵⁷ ~~including the islands in Penetanguishene Harbour,~~ in return for goods to the value of £101.⁵⁸ It was provisional upon the goods to that value being paid, at which time the Indians would ratify a formal deed of surrender. Simcoe also tried, at the same time, to shore up the legality of the 1785-87 Matchedash purchase. According to his understanding of the 1795 agreement at York, these Indians were well satisfied with the terms, and were also "disposed to confirm such purchases as were formerly made of them". He added that he apprehended "they will consider the goods to which by this

54 Crickshank, ed., The Simcoe Papers, Simcoe to Dorchester, No. 49, March 15, 1795.

55 P.A.C., R.G.10, vol. 9, p. 8929. Simcoe to McKee, May 10, 1795.

56 Ibid., pp. 8961-8974. Report of Alexander McKee, July 13, 1795.

57 See Figure 17.

58 Treaties and Surrenders, vol. 1, no. 5, pp. 15-17.

treaty they are to be entitled, as recompense sufficient for what has been supposed to have been purchased on "former occasions".⁵⁹

No mention of this idea was made in the final, and formal, deed which was concluded at York on May 22, 1798. By then both Simcoe and Dorchester had departed Canada. It was left to Robert Prescott, as Commander in Chief, to approve the payment⁶⁰ which was duly made, and the deed duly executed in the presence of William Claus, the Superintendent of Indian Affairs.⁶¹

By the fall of 1794 it had become clear that the British occupation of the western posts would soon end. Dorchester was advised in November⁶² that he should begin to prepare for the erection of new posts in British territory which could serve to facilitate the fur trade with the Indians and which would lessen the impact of evacuation when it came. It was this consideration that had urged Simcoe to proceed quickly towards completing the Penetanguishene purchase. Dorchester, however, had different views than did Simcoe respecting the defence of Canada in general and in particular respecting the importance of a post on Lake Huron. He felt that maintaining garrisons in the west was an unnecessary drain on resources and manpower that should be kept closer to Montreal and

59 Cruickshank, ed., The Simcoe Papers, vol. IV, p. 17. Simcoe to Dorchester, May 26, 1795.

60 P.A.C., R.G.10, vol. 1, p. 96. Prescott to Russell, No. 25, October 9, 1797.

61 Treaties and Surrenders, vol. 1, no. 5, pp. 15-17.

62 E. Vincent, Fort St. Joseph: A History (Ottawa, 1978), p. 64.

Quebec, which were the vital centres in Canada.⁶³ That consideration undoubtedly explains Simcoe's stressing the fact that a garrison at Penetanguishene could be moved easily and quickly to York and then to Lower Canada. Simcoe's enthusiasm on behalf of Upper Canada called for the maintenance of a force in Upper Canada, for he felt it would not be just to encourage settlement there and not provide some form of protection. His arguments on behalf of a post at Penetanguishene, which could serve to influence the Indians of Lake Huron towards the British interest, were designed to emphasize the need for protection and at the same time to accommodate his plans to those of Lord Dorchester. But it was not to be. The Penetanguishene site would not be developed until after the War of 1812.

Dorchester resisted authorizing a post on Lake Huron for almost eighteen months. When he finally did send orders in April of 1796⁶⁴ to Major Doyle at Michilimackinac, they called for him to send a garrison, not to Penetanguishene, but to St. Joseph Island at the opposite end of the lake. Dorchester declared that the intention of placing a 12 man garrison on St. Joseph Island was to form a rendezvous⁶⁵ within British territory for the Indians who had hitherto resorted to Michilimackinac which had to be evacuated, according to the Jay Treaty, in July of 1796. His decision surprised most people, for the island was no one else's first

63 E. Vincent, Fort St. Joseph: A History, p. 65.

64 Ibid., p. 66.

65 Ibid., p. 67.

choice, and it angered Simcoe for it negated establishing a post at Penetanguishene. But the decision was made, and in early June, Lieutenant Andrew Foster led his small party to the island.

Apparently, the island was not occupied, but it was considered to be part of the territory of the Chippewas who dominated the north shore of Lake Huron. Shortly after the garrison had been established and after the Indian department had also moved to the island, the Indians began to visit the post. And they began also to raise the matter of payment for the island.⁶⁶ The command at the St. Joseph Island garrison passed to Ensign Brown, and in the summer of 1796 he proposed making a formal purchase⁶⁷ of the island that fall. It was a matter of some urgency and concern for Brown who must have felt very lonely and very vulnerable. His command was tiny; the fort had yet to be built; and the Indians were annoyed. They were displeased with the evacuation of Michilimackinac, and with the Jay Treaty which they considered to be another example of British abandonment. And they demonstrated that displeasure by avoiding the new post. Brown was undoubtedly looking for some way of placating that anger, and a formal council to take a land surrender, with the attendant ceremony and a distribution of goods in payment for the island, would have served his purpose admirably.

He must have been severely disappointed to learn, therefore, that

66 E. Vincent. Fort St. Joseph: A History, pp. 76-77.

67 Ibid., p. 109.

Dorchester's regulations of December 26, 1794, required a series of procedures that were quite lengthy and certainly prevented him from concluding an agreement that fall. By the summer of 1797 the position was considerably improved. The Chippewas and other western Indians, although wooed assiduously by the Americans, did set aside their annoyance with the British, and began to visit St. Joseph Island⁶⁸ as they had formerly visited Michilimackinac. Also, Colonel Alexander McKee arrived to negotiate the terms of an agreement with the Indians for the sale of the island. These apparently proceeded well. The following year, McKee returned with the required trade goods and at a formal council on June 30th he completed the sale. In return for \$1200 worth of goods, the Chippewas relinquished their claim to St. Joseph Island.⁶⁹

Penetanguishene harbour and St. Joseph Island passed easily into the hands of the Crown. The relative isolation of both the territories and the bands involved no doubt contributed towards that easy passage. Less isolated, but equally easily acquired by the Crown, was a small block of land near the head of Lake Ontario consisting of about 3450 acres.⁷⁰ Before the Province of Quebec was divided into Upper Canada and Lower Canada, the land board of Quebec had recommended that Joseph Brant be awarded a grant of land⁷¹ on the basis of his military claims and those of his family. Brant had, however avoided selecting a location until 1705, when he was pressured by Simcoe into making a choice. In the end

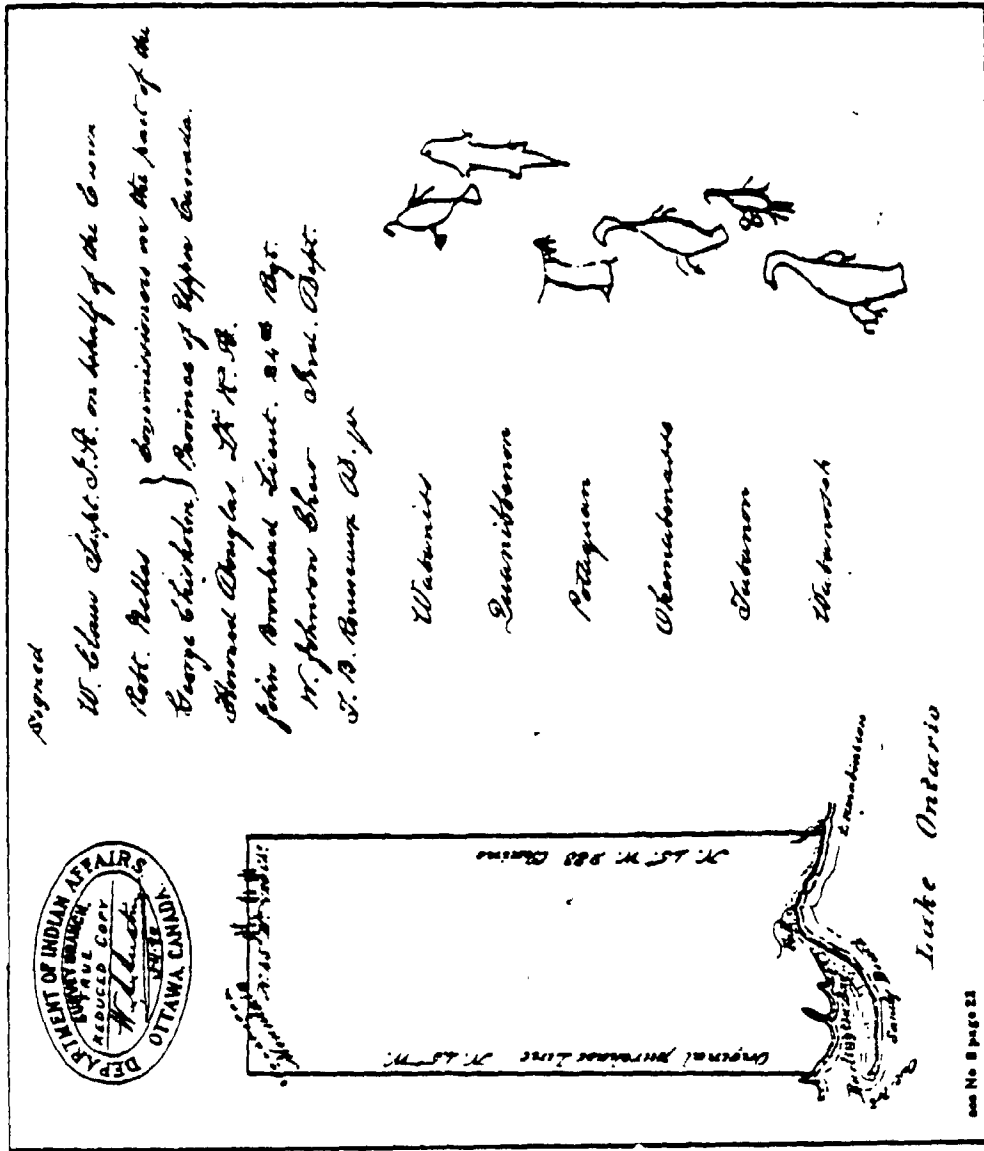
68 Vincent, Fort St. Joseph A History, p. 109.

69 Ibid., pp. 109-110; Treaties and Surrenders, vol. 1, no. 11, pp. 27-29.

70 See Figure 13.

71 P.A.C., R.G.10, vol. 9, p. 8929. Simcoe to McKee, May 10, 1795.

Figure 13: Land Granted to Joseph Brant



he chose the site of the present town of Burlington. Accordingly, Simcoe then directed that that land be purchased from the Mississaugas for that purpose. For £100 the Mississaugas sold the required land to the Crown on October 24, 1795.⁷² It was then granted to Brant.⁷³ Like the Penetanguishene Purchase, however, the regulations of December, 1794, prevented the actual transfer of the land to the Crown until the required goods had been obtained in England. As a result the final agreement was delayed until August 21, 1797.⁷⁴

Simcoe probably found it grating to see Brant receive this grant, for the two men had been embroiled for three years in a quarrel regarding the terms of the Haldimand grant⁷⁵ to the Six Nations in 1794. The quarrel continued beyond Simcoe's tenure in Upper Canada. As it grew more heated, there developed a second front, namely a variance of opinion regarding the fate of the remaining lands of the Mississaugas on the shore of Lake Ontario between York and the head of Lake Ontario.⁷⁶ And concurrent with these two was revived apprehension by officials regarding the validity of the 1787 and 1788 land purchase arrangements.

Events outside Upper Canada in the years 1794-1797 added significance to these issues. Already at war with France, Britain was also at odds with the United States regarding maritime rights and the Old Northwest.

72 Treaties and Surrenders, vol. 1, no. 3 3/4, pp. 8-9.

73 E.P. Weaver, The Counties of Ontario (Toronto, 1913), p. 69.

74 Treaties and Surrenders, vol. 1, no. 8, pp. 322-323.

75 See below, Chapter 4.

76 See Figure 14.

Rumours circulated through the isolated and sparsely populated colony of invasions by the Americans, the Spanish or the French.⁷⁷ In such circumstances the Indians appeared as a significant military force which had to be treated gently; and yet the land issue had to be settled and the integrity of the Crown preserved. It was a delicate time once again, perhaps even more delicate than the situation that had confronted Haldimand a decade earlier.

The 1787-88 agreements posed problems because no written agreements had been taken, and because Dorchester's invalidation of the blank deed cast doubts not only on the Matchedash-Toronto purchase but also on the arrangements made by Butler in 1788 concerning the lake front between York and Quinte. This in turn was a source of consternation and insecurity not only to the persons who had received grants of land,⁷⁸ but also to government officials who feared that the Indians might make demands⁷⁹ which either could not be met, or would be outrageously expensive.

Because he had been in charge at the time of the surrenders, Sir John Johnson was asked to straighten matters out. The situation was complicated further, in this regard, because Sir John was absent from Canada during most of Simcoe's term. His self-imposed exile had been

77 Johnston, Ontario History, LV, No. 4 (December, 1963), 267-82.

78 Cruickshank and Hunter, eds., The Russell Papers, vol. II, pp. 117-118. Green to Johnson, March 12, 1798.

79 Ibid., vol. III, pp. 68-70. Russell to Prescott, No. 39, January 21, 1798.

caused largely because he had not received the appointment as Lieutenant Governor, and apparently he refused to remain in Canada while his rival was in control. He returned when Simcoe left; and upon being apprized of the land issue, he expressed surprise and indignation that anyone perceived there to be a problem. In a letter dated 21 March 1798, he said that the transactions had been made, that the Indians had been satisfied and that the Crown had definite possession of the land in question. Should there be any doubts, he said Captain Claus or Lieutenant Givins, of the Indian Department, should be charged with the task of acquainting the chiefs connected to that land that a formal, written agreement was required.⁸⁰ Apparently he felt that there would be little difficulty involved in getting the Indians to sign an agreement, even after a decade had passed. He was wrong.

Johnson's solution was not followed. The previous year the Mississaugas had refused to sell their lands at the head of the lake,⁸¹ a decision which was certainly inspired by Joseph Brant.⁸² Furthermore, the Mississaugas were rather unsettled and annoyed at that point because of the recent murder of their principal chief, Wabikane.⁸³ Those tense conditions suggested to some that the land question must be cleared up by means that were far less public.

80 Royal Society of Canada, Transactions, XXI, 3rd Series (Section II), 140-146.

81 Ibid., p. 19, Memoir by William Dummer Powell, November 1, 1797.

82 P.A.C., R.G. 10, vol. 1, p. 209. Brant to [?], April 5, 1798.

83 See below, pp. 115-116.

This desire to maintain a very quiet stance prompted a rather ingenious solution put forth by Peter Russell. In a letter to Robert Prescott in January of 1798 he suggested that the whole matter might be solved by arranging a further purchase of two pieces of land adjacent to the land in question. In the deed that would emanate from that arrangement, there could be included a full description not only of the new purchase but also of the lands involved in the 1787-88 arrangements. Such a recapitulation of past purchases, he said, "if properly drawn up may be perhaps as binding a record"⁸⁴ as if an original deed had been taken. Prescott refused to sanction this recapitulation scheme. It would mislead the Indians, he said, and could seriously injure "the King's Interest, as soon as they should discover, that they had not been openly dealt with". "Management of that kind should never be attempted with Indians" he said, and added "the present juncture besides, is, of all others, the most inauspicious for such purposes." He did, however, approve of Russell's suggestions that new purchases be made.⁸⁵ It was this desire to deal openly that prompted Prescott, through his military secretary James Green, to direct Johnson to proceed with the plan he outlined in his letter of March 26, and also to purchase some new land as Russell had advised. But he made it clear that in making these purchases he was to deal openly, and to secure proper deeds for both the old cessions and the new ones, "without any reference whatever being introduced therein of the former purchases of 84, 87 and 88..."⁸⁶

84 Cruickshank and Hunter, eds., The Russell Papers, vol. II, pp. 68-70. Russell to Prescott, No. 39, January 21, 1798.

85 Ibid., pp. 137-39. Prescott to Russell, No. 34, April 9, 1798.

86 Ibid., pp. 139-40. Green to Johnson, April 9, 1798.

Such a decision by Prescott clearly indicated that the circumstances had forced the government into a situation where it was prepared to pay whatever was necessary to get the land question settled.⁸⁷ Peter Russell's desire to use subterfuge was apparently negated by this decision, and the prospect of what might result caused him considerable dread.⁸⁸ As events turned out, his fears proved groundless.

When the Chippewas from Lake Simcoe visited York in May of 1798 in order to receive the last of the goods due them for the Penetanguishene purchase, Russell decided to try one more ploy to solve the issue before resorting to Prescott's plan of renegotiation. He invited these Indians on May 22 to a special gathering at his house where he asked them what they understood to be the bounds of the 1787-88 agreement. His exact words are worth quoting, for they help us picture this rather anxious administrator posing the question with what must have been considerable false nonchalance, and an attempt at minor deception.

Brothers,

I have required this conference that I may lay before you the sketch of a small Tract between the East and West branches of the Holland river communicating with Lake Simcoe, which your Great Father the King wishes to possess for the convenience of his people.

87 H. Chalmers and B.C. Monture. Joseph Brant: Mohawk (Toronto, 1956), pp. 334-35.

88 Russell's fear of the Indians was considerable, and based largely on the location of York which he said was so isolated and so defenceless that if any area were attacked by Indians, people at York would hear the news first from the Indians themselves.

Brothers,

I am informed that you have long since ceded the whole of the Country to the Southward and Eastward of the Waters of the Lake to your great father thro' his Servants Sir John Johnson and Col. Butler; and having given 3 or 4 Miles on each side of the Path leading thro' this Tract to Lake Simcoe, there cannot be but a small portion of the Land which I ask which is not already the King's. But as the expression of Miles makes no Boundary which may not be ignorantly trespassed upon, It is my desire that you would give the West and the East Branches of the Holland River as the Boundaries, lest the King's subjects should by mistake at any time encroach upon the Indian Territory and give offence - For the West branch of that river then becoming the limit of the English possessions on that side, we should take care not to trespass beyond it.⁸⁹

Russell's performance did not deceive the Indians however, and Chief Yellowhead must have been smiling, at least inwardly, when he replied:

Father,

If you white people forget your transactions with us, we do not. The Lands you have just now shewn to us belongs to you; We have nothing to do with it; We have sold it to Our Great Father the King, and was well paid for it. Therefore make your mind at easy. There may be some of our young people who do not think so; They may tell your people that the Land is ours, but you must not open your ears to them, but take them by the arm and put them out of your houses...⁹⁰

Russell wrote to Prescott the next day.⁹¹ He and his Executive Council felt that since the Indians were of the same opinion as Sir

89 Cruickshank and Hunter, eds., The Russell Papers, vol. II, p. 161. Mr. President Russell's Speech to Yellow Head and several other Chiefs of the Chippewa Nation from Lake Simcoe, delivered at the President's House at York on the 22nd of May 1798.

90 Ibid. Yellow Head's Answer to the President's request, 22 May, 1798.

91 Ibid., p. 159. Russell to Prescott, No. 50, May 23, 1798.

John Johnson, and appeared satisfied that they had indeed surrendered all of the land that Butler claimed to have purchased in 1788,⁹² there was no need either to obtain new deeds or purchase even a small new tract. And that was the way matters were left, rather gratefully one suspects, by the government officials in 1798. They were certainly not at all anxious to add to the troubles which had even then developed concerning the Mississauga lands at the head of Lake Ontario.

The land in question was the space of thirty or forty miles at the head of the lake⁹⁸ and in 1794 Simcoe stated that it was his intention to let it remain in Indian hands "both for their comfort and as an ample Magazine for Ship Timber".⁹⁴ Shortly afterwards he did arrange for the purchase of a small portion of it in order to provide land for Joseph Brant;⁹⁵ and soon the desire to complete the purchase of the lake front outweighed the wish to keep the area as Indian land. Just as it had been deemed desirable to link York with Cataraqui settlements in 1787, it was considered wise, by Russell and his Council,⁹⁶ to ease the isolated location of the capital by securing an unbroken

92 This meant that the government could claim to have purchased all of the land south of the Trent-Severn water system. In actual fact, the land surveyed, and granted to settlers, extended back from Lake Ontario to a depth of only one township. Beyond that, the land was still used and claimed by the Mississaugas of Rice Lake (not from Lake Simcoe), and thus subsequent purchases of the Rideau Tract and the Rice Lake Tract were required in 1819. See below, Chapter 5.

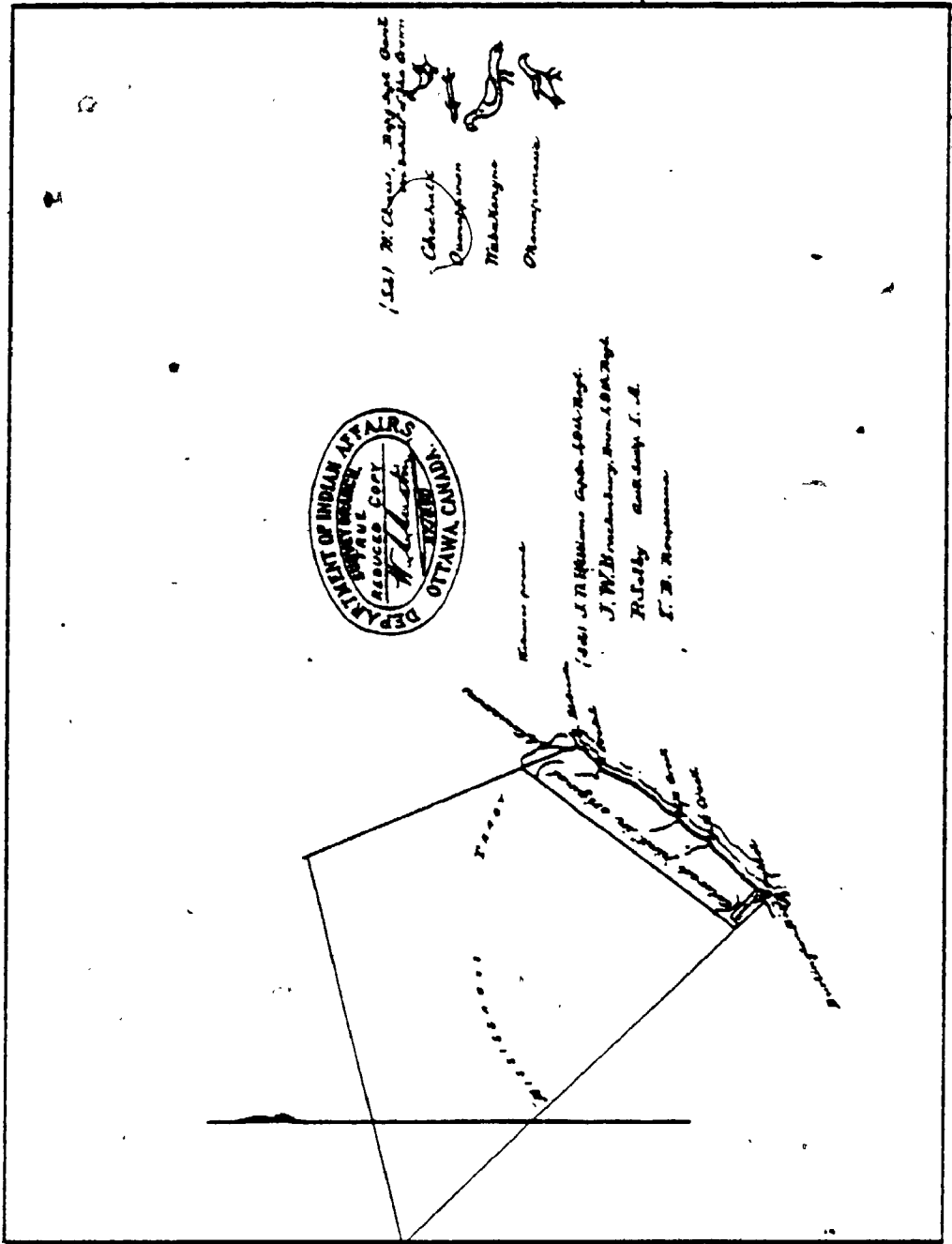
93 See Figure 14.

94 Cruickshank, ed., The Simcoe Papers, vol. III, p. 59. Simcoe to the Privy Council, September 1, 1794.

95 See Figure 13.

96 Cruickshank and Hunter, eds., The Russell Papers, vol. 1, p. 144. Elmsley to Russell, February 22, 1797.

Figure 14: Mississauga Tract and Head of the Lake Surrenders



(From Treaties and Surrenders, vol. 1, p. 26)

line of shore front with the Niagara settlements.⁹⁷ To this point, government had had little difficulty in securing Indian agreement to part with their land. It was something of a shock, therefore, when the Mississaugas refused to sell the land at the head of the lake.⁹⁸

This refusal had several causes. Foremost was the gradual realization by the Indians that the surrender of their lands had meanings they had not previously anticipated. The advent of settlers, although still not at all numerous, had had ill effects on the chase, and moreover, had revealed that these settlers tended to treat the Indians more with scorn than friendship.⁹⁹ Already some rather ugly incidents had occurred between Indians and whites. These included encroachment on fishing sites which the Indians had considered their own, a tendency which occasioned Russell's proclamation forbidding such action.¹⁰⁰ There were also some serious disputes between settlers and Mississaugas from Rice Lake which led to rumours of an Indian attack being planned against white settlements.¹⁰¹

Most serious of these incidents was the murder of Chief Wabikane and his wife by Charles McEwan, of the Queen's Rangers in August of 1796.

97 Cruickshank and Hunter, eds., The Russell Papers, vol. II, p. 123. Russell to Portland, No. 28, March 21, 1798.

98 Ibid., p. 19. Memoir by William Dummer Powell.

99 Ibid., p. 19; Smith, Ontario History, LXXIII, No. 2 (June, 1982), 75.

100 Cruickshank and Hunter, eds., The Russell Papers, vol. II.

101 Smith, Ontario History, LXXIII, No. 2 (June, 1982), 76.

The crime went unpunished for want of evidence, since Indian witnesses, either through fear or simply anger, refused to testify in the English court. The loss of Chief Wabikane, whose considerable influence had assisted the British in previous land cessions, served as the incident which bound all other grievances together and strengthened the Mississauga resolve to retain the lands they still held.¹⁰² Also, the Mississaguas sought to fill the vacuum created by Wabikane's murder by approaching Joseph Brant for guidance respecting their land. They stated they would take no action regarding land without his approval.¹⁰³ Brant's entrance caused even further consternation¹⁰⁴ on the part of Russell and other British administrators.

Part of that concern stemmed directly from the concurrent quarrel regarding the title to lands of the Grand River valley,¹⁰⁵ which Russell inherited from Simcoe and which had forced Russell into a defensive position. Equally disrupting was the possibility that, with this tenuous link respecting land, Brant might be able to forge a strong alliance of Indians in Canada.¹⁰⁶ It was a hope that Brant apparently cherished

102 Smith, Ontario History, LXXIII, No. 2 (June, 1982), 76-77.

103 Cruickshank and Hunter, eds., The Russell Papers, vol. II, pp. 186-87. Speech of Chief Wabenip of the Mississague Nation to Joseph Brant, April 13, 1798.

104 Ibid., pp. 185-86. Russell to Prescott, Secret and Confidential, June 15, 1798.

105 See below, Chapter 4.

106 Cruickshank and Hunter, eds., The Russell Papers, vol. II, pp. 260-61. Russell to Prescott, No. 64, September 20, 1798.

and one that the authorities dreaded, for the British had always pursued a policy of keeping the Indians friendly towards them, but divided among themselves.¹⁰⁷

Brant's position with respect to the Mississauga land was outlined in a letter to William Claus in April, 1798.¹⁰⁸ He felt that government did not need the lands, but if it persisted the price should be high, "at least 2 shillings per acre",¹⁰⁹ and the Indians should be permitted "to reserve where they please". He specifically suggested that the fisheries at Twelve Mile Creek and the Credit River be retained by them. These ideas were re-iterated again on June 4th,¹¹⁰ when he added that in seeking this land the British were acting like Americans, since it appeared that the intent was to purchase the land cheaply in order to sell it to others at a profit.¹¹¹

Brant's involvement, and his accusations of planned land-jobbing on the part of government, as well as fears that he might be able to cement the alliance between his own people and the Mississaugas, all combined to cause the government to back-track quickly. Orders were given

107 Cruickshank and Hunter, eds., The Russell Papers, vol. II, pp. 262-65. Speech of the Five Nations delivered in Council by Capt. Brant, Fort George, August 26, 1798; Ibid., pp. 310-311. Russell to Portland, November 8, 1798; Ibid., vol. III, pp. 22-23; Portland to Prescott, December 6, 1798.

108 P.A.C., R.G.10, vol. 1, pp. 209. Brant to Claus, April 5, 1798.

109 This was a very high price. Previous sales had cost about 3 pence per acre. See Gates, Land Policies of Upper Canada, p. 49.

110 P.A.C., R.G.10, vol. 1, pp. 210-214. Brant, to Claus, June 4, 1798.

111 Ibid., p. 226. Prescott to Russell, No. 40, September 6, 1798.

to cease any efforts to buy the head of the Lake land from the Mississaugas.¹¹² Likewise Brant was to be informed that the government had no intention of engaging in land-jobbing,¹¹³ although the evidence clearly indicates that that was indeed the policy adopted by the Executive Council in 1798.¹¹⁴ In addition, agents for the Indian branch were expected to promote with new vigour, all efforts to "foment jealousy" and create divisions between the Six Nations and the Mississaugas.¹¹⁵ Indeed, the Duke of Portland argued that the officers of the department, having the full resources of the government - e.g. presents, interpreters etc. - behind them, should have no difficulty in gaining an ascendancy over Brant in all Indian matters.¹¹⁶

Portland was too sanguine. Brant was a worthy opponent, and while government ultimately did have its way, it did not come quickly or easily. In order to retain his prominence among the Mississaugas, Brant had to demonstrate that some advantage would accrue to them. By withdrawing from the pursuit of the Mississauga lands, government had removed the possibility of Brant's securing the increased price suggested in his letter to William Claus. Without some other means of demonstrating his value to the Mississaugas, the current attachment of the two tribes would be tested severely. The Mississaugas and the Six Nations

112 P.A.C., R.G. 10, vol. 1, p. 222. Prescott to Russell, No. 39, August 23, 1798..

113 Ibid., p. 226. Prescott to Russell, No. 40, September 6, 1798.

114 Gates, Land Policies of Upper Canada, pp. 48, 152.

115 P.A.C., Q 286-1, p. 30. Russell to Portland, No. 44, November 8, 1798.

116 Cruickshank and Hunter, eds., The Russell Papers, vol. III, pp. 22-23. Portland to Prescott, December 6, 1798.

were longstanding and traditional enemies, between whom friendships and alliances were tenuous at best. Certainly government hoped that, with the assistance of department officials, the ancient rivalry would soon prevail.

In this situation Brant was quick to seize the opportunity presented to him by the appearance of the Count de Puisaye and his French royalists. These emigrés had been sent to Canada by the Duke of Portland. Portland may have intended to plant this group of Frenchmen in Upper Canada to act as a foil to any French in Lower Canada¹¹⁷ who were still loyal to France. Perhaps he simply did not know where else to send them. In any case he directed Russell to grant them a settlement at as little cost to the government as possible.¹¹⁸ However, lands were not available, unless further purchases were made from the Indians,¹¹⁹ and that he had been ordered to stop. Yet the subject was raised by Puisaye himself,¹²⁰ who had learned of the Mississauga tract while still in England, and who proposed buying it for his use. He was advised that he could not enter into a purchase agreement on his own for regulations forbade it. But the Executive Council did suggest that should the Mississaugas be inclined to sell it, as Puisaye felt they would, then government should make the purchase.¹²¹ The council still desired the land; but their advice at this point ran contrary to explicit orders from both the Colonial

117 Chalmers and Monture, Joseph Brant: Mohawk, pp. 338-39.

118 Ibid., p. 339; Cruickshank and Hunter, eds., The Russell Papers, vol. III, pp. 47-48. Prescott to Russell, January 8, 1799.

119 Chalmers and Monture, Joseph Brant: Mohawk, p. 339.

120 Cruickshank and Hunter, eds., The Russell Papers, vol. III, pp. 121-23. Minutes of the Executive Council, February 27, 28, 1799.

121 Ibid.

Secretary, the Duke of Portland, and the Governor General, Robert Prescott. It was potentially very embarrassing, and Brant immediately seized that potential.

Brant evidently felt that government was firmly committed to assisting the French royalists. After some preliminary bargaining, including a meeting with Puisaye,¹²² Brant made a firm and detailed offer on behalf of the Mississaugas.

Finding that the Mississaugas and myself cannot accomplish our wishes in getting that tract of land which we have lately presented to the Count de Puisaye and his followers confirmed to him without its being first purchased by Government and wishing to bring the matter to a final settlement we have agreed to dispose of it to Government on condition that it is afterwards given to the Count, that is to say ... so far as to contain 69,120 Acres, for which we must be paid 1/3 per acre.... this is the lowest price that can possibly be fixed.¹²³

Had the offer been accepted it would certainly have increased his stature among the Mississaugas.

Government officials, however, found the terms unacceptable for they too recognized that the conditions of sale would serve Brant's ends. The price was considered excessive. Although less than the 2 shillings per acre that Brant had suggested earlier, it was still "several times greater than His Majesty has yet given for Indian land".¹²⁴ This was especially objectionable, for it would mean that

122 Cruickshank and Hunter, eds., The Russell Papers, vol. III, pp.209-210. Russell to Prescott, May 26, 1799.

123 Ibid., p. 195. Brant to Johnson, May 10, 1799.

124 Ibid., p. 227. Minutes of the Executive Council, June 11, 1799.

future sales would have to start at the newly established rate. Moreover, the Indians had never before been allowed to dictate conditions such as the persons to whom the land would subsequently be sold, and to permit it here would establish a potentially serious precedent. Not only would it lend greater legitimacy to the arrangements made regarding the Grand River lands, and concurrently enhance the status of Brant, it would also provide a means to tie government hands in the event that they wished to sell acquisitions at a profit. In the end, Count de Puisaye did not get his land, for all British officials were unanimous in rejecting the offer.¹²⁵

The affair was permitted to lapse for five years. By then in Upper Canada the ancient animosities between Iroquois and Mississauga re-asserted themselves, and Brant fell from his position of ascendancy in Mississauga affairs. In addition the ineffectual Russell was replaced by Peter Hunter as the chief executive for Upper Canada. Finally, the Mississaugas in general had suffered from a number of factors which weakened their resolve to resist, including the absence of their Chief Wabikane, a declining population and an increase in consumption of alcohol.¹²⁶ Thus when they were approached in 1805 to sell their lands, they were much more willing to deal than they had been in 1796-99. The result was the conclusion of two land cession agreements. One concerned the tract at the head of the lake; the other was a confirmation of part of the old 1787 Toronto Purchase.

125 Cruickshank and Hunter, eds., The Russell Papers, vol. III, pp.210-211. Russell to Puisaye, May 26, 1799; Ibid. p. 215. Minutes of the Executive Council, May 28, 1799; Ibid., p.278. Prescott to Russell, July 18, 1799.

126 Smith, Ontario History, LXXIII, No. 2 (June, 1982), 80-82.

Concern had again been expressed about the legality of the tenure by which the Crown held the land which included the town of York. Since it was the seat of government, Peter Hunter had directed that a new deed be acquired from the Mississaugas. Essentially this was the same plan as that suggested by Sir John Johnson in 1798; but circumstances were far more propitious for government in 1805. William Claus had very little difficulty when he met the Mississaugas in formal council at the Credit River on July 31, 1805.¹²⁷ At that time they readily agreed that Sir John Johnson had purchased the land in 1787 and that the only condition had been that the fishery in the mouth of the Etobicoke River be reserved for their use. They also expressed the hope that, although they had already been paid, some gifts would be given to them. The formal deed¹²⁸ which was drawn up and signed the next day described the area in question as consisting of 250,800¹²⁹ acres and containing the town of York. It also called for the payment of £1000 in goods. Apparently no chances were to be taken. The agreement also stated that the fishery in the Etobicoke River was to be reserved for the sole use of the Mississaugas. This was clearly a greater portion of land than the 10 miles square that Sir John Johnson remembered having taken when he had recalled the event in 1798. The deed, it is worthy of note, did not make any mention of the land at Matchedash, nor of a strip 3 miles wide on the water route to Lake Simcoe. It would seem that the assurances given by the Lake Simcoe Chippewas to Simcoe in 1795 and to Russell in 1798 were taken to be sufficient.

127 P.A.C., R.G.10, vol. 1, pp. 290-91. Proceedings of a meeting with the Mississaugas at the River Credit, July 31, 1805.

128 Treaties and Surrenders, vol. 1, No. 13, pp. 32-35.

129 See Figure 16.

William Claus had more trouble regarding the head of the lake tract when the Mississaugas met him again in council on August 1st.¹³⁰ They agreed to sell the majority of the tract, but wished to retain small pockets at the mouths of the Credit River, Sixteen Mile Creek and Twelve Mile Creek, as well as a tract they had sold to the Tuscaroras, and a sugar bush they had given to Mrs. Brant. The latter two would have to go to their new owners. It is also worthy of note that they wished to retain the shoreline, to a depth of "two or three chains" for the "whole length of the Beach". In his preliminary remarks, Chief Quinipeno had observed that, contrary to assurances made to them by Colonel Butler in 1788, they had been harrassed by whites and driven off the shoreline of the lands sold in 1787-88. To prevent that, they wanted to keep sole control over the beach in the new agreement. In return for this deal they were content to let Claus determine the amount of compensation. When William Claus refused to accept the conditions, the chiefs told him they would think over the offer and meet the next day.

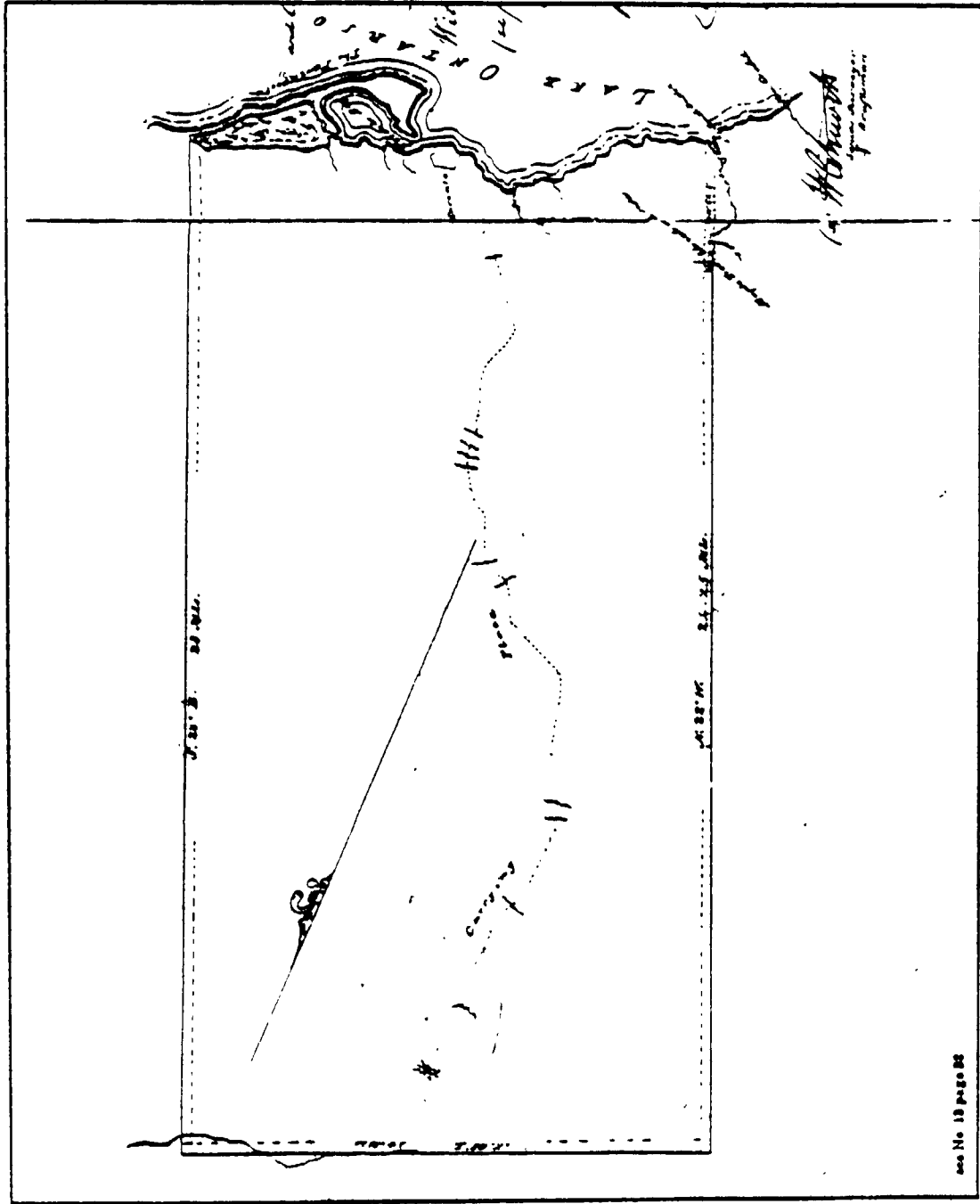
In the end, they left it to the Crown to repay the Tuscaroras the ox that had been paid for their section of land; they asked that the Crown confirm the sugar bush to Mrs. Brant and they indicated that they would trust the King to protect them in their use of the beach.¹³¹ But they remained firm in their wish to retain the land and fisheries at the mouths of the Credit River, Sixteen Mile Creek, and Twelve Mile Creek.¹³² This was agreeable to Claus. The final agreement was concluded a year later on

130 P.A.C., R.G. 10, vol. 1, pp. 294-296. Meeting with the Mississaugas at the River Credit, August 1st, 1805.

131 Ibid., p. 298. Meeting with the Mississagues at the River Credit, August 2, 1805.

132 See Figure 15.

Figure 16: The Toronto Purchase



(From Treaties and Surrenders, vol. 1, p. 58)

September 5, 1806, when goods valued at £1000 were delivered to the Mississaugas in return for the 85,000 acres in the tract.¹³³ The final price, therefore, was less than three pence per acre.¹³⁴

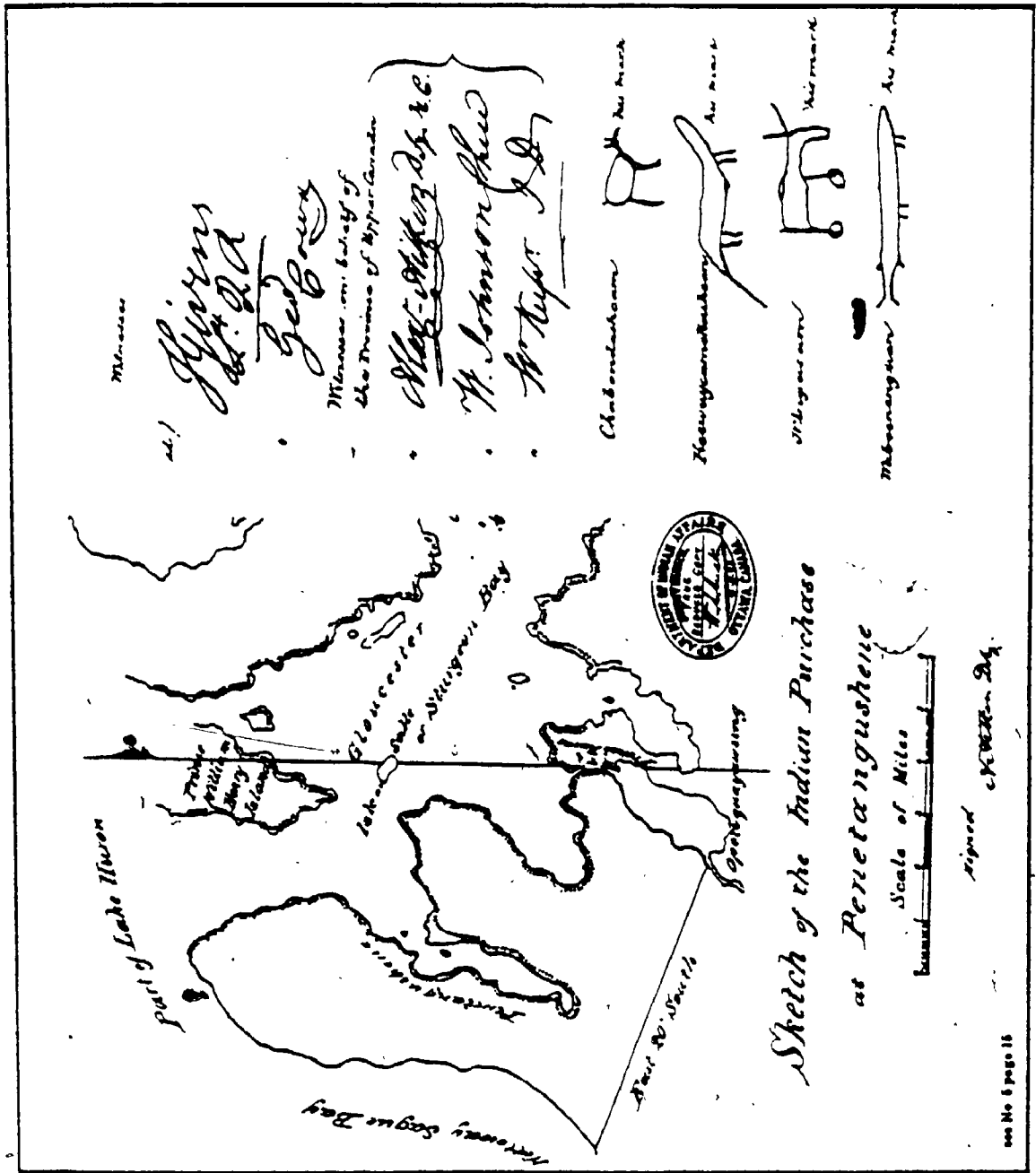
In spite of the somewhat haphazard approach towards the mechanics of land sales agreements, the government of Upper Canada managed to secure the full shoreline of Lake Ontario for white settlement. In the process, government had also acquired the sites of Penetanguishene and St. Joseph Island for military purposes. All this was done without encountering united or organized dangerous Indian resistance. Patience and a careful programme of dividing the several bands would appear to have been major methods in achieving that goal. Also important was the careful attention to detail after the errors of 1787-88 had been noted. These would require repairs at points for some time into the future,¹³⁵ but the lessons learned resulted in the creation of a system for land sales records and procedures. Documents of surrender were duly taken and carefully stored after 1788. Likewise a set of rules regarding payment was also established. These regulations were set forth in Dorchester's Additional Instructions of 1794, which were clearly an attempt to impose order upon both the method and the recording of Indian land cessions. The agreements of 1798 and 1805-6, therefore, were much more orderly in both form and substance than their predecessors.

133 Treaties and Surrenders, vol. 1, no. 14, pp. 36-40.

134 Pace, Gates, Land Policies of Upper Canada, p. 50, which states the rate was 5d per acre.

135 See below, Chapter 8.

Figure 17: Penetanguishene Purchase, 1798



Not all of the early agreements had been careless, however, for the Niagara and Michilimackinac purchases had been very precise. Dorchester's instructions, therefore, can also be viewed as an attempt to restore a system that had been in place formerly. More meticulous than Johnson, Butler, Collins, Crawford and Campbell in his land sale arrangements was Alexander McKee, a Lieutenant Colonel in the Indian Department. His arrangements in land in the western end of the province in 1790 compared very favourably with those of his colleagues along Lake Ontario and the upper St. Lawrence River. The clarity of the 1790 McKee Purchase of the lower Thames valley belied the true nature of what were rather questionable tactics by Indian branch officers in the 1780s along the Detroit River frontier.

Chapter 4. The System Reinforced, 1784-1796: The Thames Valley and the Detroit River.

In the western end of the province the pressure exerted by post-revolutionary immigration into British North America was less severe, and slower in its arrival than on the upper St. Lawrence River and Lake Ontario. In part, this difference can be explained by the relatively small numbers of loyalists who sought asylum in British territory. There were simply fewer men on the extreme western fringe of settlement in the American colonies, and consequently there was a correspondingly smaller number of them who felt the need to leave their homes. And those who did travel towards British protection at the western end of Lake Erie found that they could secure that protection without crossing the Detroit River. The fort at Detroit, like that at Niagara, remained in British hands until 1796, thirteen years after the treaty of Paris granted dependence to the American colonies. Unlike the Niagara situation, however, there was no special effort made to promote military or loyalist settlement on the Canadian shore of the Detroit River. Nor was there a formal cession of Indian land made in the Detroit region either during or immediately after the war ended. Indeed the first transfer of land by the Indians to the British did not take place until May of 1790, seven years after the revolutionary war ended, and twenty years after the British had taken possession of Detroit from the French. Detroit remained essentially a fur-trading centre, and because it was situated so distantly from the main settlements

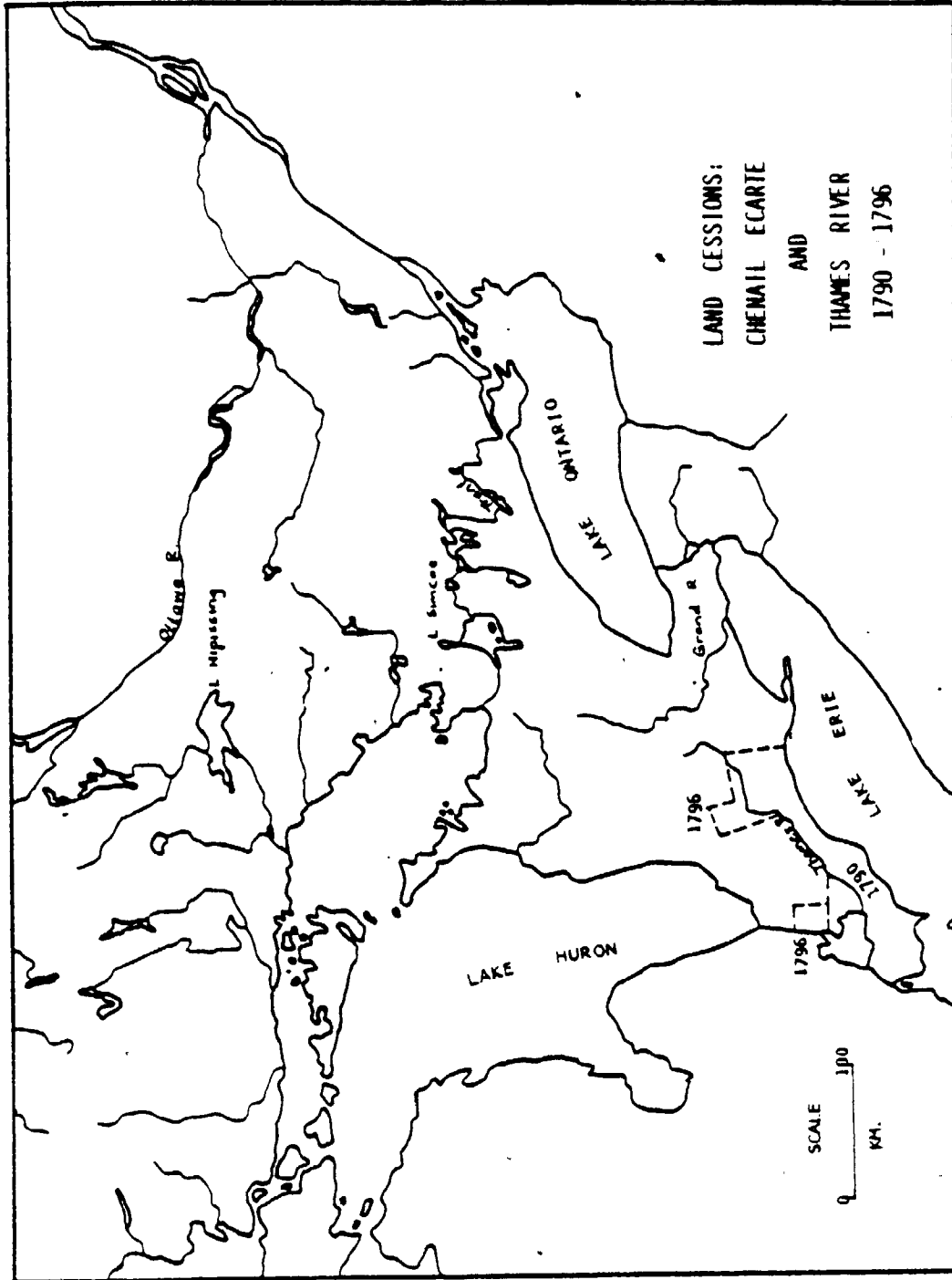
in either Canada or the American colonies, the demands placed on lands remained small in the years after the British conquest of Canada and were only slightly increased immediately after the revolution. Such demands as did exist were satisfied by ad hoc arrangements with the Indians, who were evidently willing to permit the slow growth of settlement in the region.

This willingness to tolerate some expansions of settlement lands was of long standing. The Ottawas in particular, and most tribes in general, had been friendly towards the French at Detroit. Over the decades, the French settlements there grew in size, and as this growth occurred fresh lands were occupied, including some on the south shore. This expansion was approved by the Indians, who made grants of land as they were required to their French friends. Indian grants of land to French settlers continued after the British conquest of Canada. Pontiac, in 1765, gave out deeds for land to several Detroit residents.¹ The land involved was the former site of the Ottawa village, which Pontiac's people had abandoned in favour of a location on the Maumee River; and the grants were made in the presence of the British Indian agent, George Croghan. Likewise Charles Réaume, in 1776, received a grant of three arpents frontage on the south shore of the Detroit River. This gift also came from the Ottawas. And in 1781, Pierre Meny,² according to the intention of the Ottawa Indians, received a farm of three arpents frontage at Little River.

1 Lajeunesse, ed. The Windsor Border Region, pp. lxii, 62.

2 Ibid., p. 66.

Figure 18: Land Cessions Chenail Ecarte and Thames River, 1790-1796



Such grants however ran contrary to the British policy regarding the alienation of Indian lands as set forth in the 1763 Royal Proclamation. General Gage in 1771 rebuked the commander at Detroit regarding such grants, and stated categorically that such transactions were invalid, and that those that had been allowed by previous commanders were likewise void. Further grants were to be voided immediately and any buildings erected in Indian country were to be torn down.³ The same applied to squatters who simply moved onto vacant land and began to improve it. For years, however, these warnings were ignored. As late as 1791, Matthew Elliott and Alexander McKee of the British Indian Department advised the Christian Delawares - the Moravians - that if they wanted land in British territory they should simply find a suitable spot and occupy it. Nobody would drive them from it.⁴

Elliott's advice was probably sound, although it was getting a little late in the day for such tactics. In 1788 the land boards were created for the region of the Province of Quebec west of Montreal. The land Board of Hesse, which was given jurisdiction over the region of the Thames valley, the Detroit River and Lake St. Clair, met for the first time in 1788, and shortly afterwards began to apply the Crown's rules regarding individual grants. It did so rather selectively for a time, however, and some individual grants were permitted to stand while others were not. Among these that did stand up was one in which Matthew Elliott was involved, along with several other members of the British Indian department. Their success in retaining land granted to them in 1784

3 P.A.C., B27, pp. 184-8. General Gage to Commander at Detroit, April 3, 1771.

4 R. Horsman, Matthew Elliott, British Indian Agent (Detroit, 1964), p.65.

by the Huron Indians and "other neighbouring chiefs"⁵ owed much to the special influence they exerted over certain tribes. Because of the importance of Indian affairs at the time in that region of North America Indian Department officers were likely to receive a sympathetic hearing from the British officials who had the power to make judgements - and exceptions - regarding land ownership. As will be shown, the officers made the most of that opportunity.

The general laxity that pertained regarding the Indian grants to individual settlers, and regarding the Indian indulgence towards squatters, encouraged a degree of land speculation in Indian lands during the 1780s. Since the British commanders at Detroit had previously been permitting, if not actually condoning the practices, many residents of Detroit saw little harm in their attempting to secure Indian lands for themselves. . . . Indeed the later years of the American Revolution, especially after Yorktown (In 1781 and still more after British troops in the Old Northwest were ordered to remain on the defensive in 1782,⁶ saw a number of Detroit residents negotiate private deals with the Indians for lands on both sides of the Detroit River. Many people doubtless anticipated that the British would require some lands upon which to settle loyalist refugees, and thus would be required to buy land from the Indians. It made sense to get there first and then turn a profit through resale to the government. Individual agreements were made with the Indians in all directions

5 Lajeunesse, ed., The Windsor Border Region, p. ciii.

6 Horsman, Matthew Elliott, p. 41

from the fort at Detroit. Some concerned land on the south shore of the Detroit River, especially in the lower Thames valley.⁷

Such practices really could not be prevented by the British commanders. Apart from issuing the warning that transactions between the Indians and private citizens were considered invalid by the Crown, they could not stop individuals from making private arrangements. A major reason for the lack of action by post commanders was the uncertainty surrounding both Indian affairs generally and also the fate of the fort at Detroit. The peace treaty did not ease that uncertainty. Haldimand's decision to retain the posts regardless of the treaty locked Britain into a position which she appeared to become increasingly determined to maintain. And the young republic, initially thwarted from occupying the full territory accorded her by the peace treaty, made it clear that she was determined to recover the posts. In 1783, the American leaders had more immediate problems that had to be tackled first. But even while the leaders struggled over the question of the constitution, states' rights and federal jurisdictions, frontiersmen and settlers, by pushing persistently westward, demonstrated the national desire to occupy the full possessions of the nation.

The first to feel the brunt of that push were the Indian tribes who occupied the territory between the western frontiers of New York and Pennsylvania and the Michigan territory. American policy in the 1780s was directed towards the acquisition of Indian lands for white

7 F.C. Hamil, The Valley of the Lower Thames, 1640 to 1850 (Toronto, 1951), p. 11.

settlement. In the area of the Old Northwest the push of settlement followed a line from western New York and western Pennsylvania across the region south of the lower Great Lakes through the future state of Ohio. In the immediate post-war era the method adopted by the Continental Congress to achieve this purpose was that of simply dictating land surrender treaties to the Indians, and then forcing them to move westward. Treaties were imposed upon the somewhat disorganized tribes south of Lake Ontario and Lake Erie at Fort Stanwix in 1784 and Fort McIntosh in 1785.⁸ The first concerned the Six Nations whose Confederacy had been shattered by the revolutionary war; the second forced representatives of the Wyandots, Delawares, Ottawas and Chippewas to give up all their lands except those in northwestern Ohio. A third treaty, concluded at the mouth of the Great Miami in 1785, forced the delegates of the Shawnee to cede the land east of the Great Miami River. And at Fort Harmar, in 1789,⁹ a further treaty forced the Six Nations, Wyandots, Delawares, Ottawas and Chippewas to confirm the previous agreements at Fort Stanwix and Fort McIntosh.

These treaties had a triple effect on Indian affairs in the American Old Northwest. First, they forced a westward movement of the Indians, thereby collecting increasingly larger numbers into the Ohio country to the south of Detroit. The area was already in something of a state of flux. From the time of the Pontiac war through the revolutionary war, the tribes of the Detroit frontier had been shifting their village sites and their spheres of influence. The Ottawas, for example,

⁸ Horsman, Matthew Elliott, p. 52.

⁹ Ibid., p. 58.

had moved from the Detroit River to the Maumee and the Auglaise Rivers, while the Wyandots had succeeded them on the Detroit. Likewise the Potowatomies had extended themselves eastward somewhat from their lands surrounding Lake Michigan and had village sites on the Huron River and Saline Creek at the head of Lake Erie. This general movement was increased further, and the region became more crowded as the Indians retreated before the advancing American frontier.

The treaties, the manner in which they were concluded, the advancing settlers and the more frequent contact among tribes in the reduced space left to them, all combined to encourage Indian resistance to further cessions. Within a few years the several tribes tended to pull together into a Western Confederacy of Indians in order to resist the advancing Americans. The Ohio River became the line beyond which they would not retreat. By adopting this stance, the western tribes were simply rejecting the treaties that had been imposed in the 1780s. Thus the animosity grew between the western tribes and the Americans.

This second development was complicated by a third. Both the Indians and the Americans, by moving across the Ohio, drew the British into the fray. For their part, the British were having some trouble trying to develop a policy concerning the Indians and the region. They wanted to avoid conflict with the United States; they wanted to retain their ascendancy among the western Indians whose friendship was essential if the western fur trade was to be at all profitable. These three desires were not compatible, but the commanders at Detroit were expected to work within that framework. The standard methods for securing Indian attachment -

the distribution of annual presents, the issuing of rations, the presiding over or attendance at Indian councils by British officials - were therefore continued and indeed pursued with even greater vigour. This served to keep the several tribes friendly. But the issuing of rations, especially arms and ammunition, and the activity of British Indian agents among the Shawnee and Miamis in particular encouraged the Indians to hope for more active British assistance. It also led the Americans to conclude that the British were actively fomenting an Indian war against the United States.

War came when Indian resistance to American advances took the form of border raids and massacres. Congress responded by sending armies to suppress such Indian activity. The first two, despatched into the west after the Articles of Confederation had been replaced by the new constitution, ended in disaster. General Harmar's embarrassing and costly defeat at the hands of the confederated tribes in October 1790 was followed by an even more costly defeat in November 1791 when General St. Clair's army, after a laborious trek into the Indian country, suffered some 650 casualties at the hands of the western tribes.¹⁰ With those American defeats the British Indian policy began to take some shape.

The idea of playing a mediator's role had been simmering in British minds for over a year when Lord Grenville, the British Foreign Secretary, revealed to George Hammond, the British representative in Philadelphia,

¹⁰ Horsman, Matthew Elliott, pp. 68-69.

a plan for the joint creation by Britain and the United States of a permanent Indian state in the Ohio country.¹¹ Such a buffer state would keep the British and the Americans apart, thereby avoiding an Anglo-American war in the region; and it would also serve to end the Indian war with the United States by providing the Indians with a secure tenure of their lands. In retrospect the idea of an Indian buffer state appears both simplistic and something of a fantasy. But the British pursued the idea with some energy for a couple of years,¹² and apparently felt that the scheme actually had some hope of being realized.

For their part the Americans never wanted British mediation, and never seriously considered the buffer state idea. George Hammond quickly understood that the United States was not prepared to surrender any of the lands over which it held sovereignty, but as a rather junior official he judiciously avoided spelling that attitude out clearly to his superiors.¹³ Thus British officials in Britain and in Canada continued to pursue the scheme, while the Americans prepared for a much simpler and more direct solution. They intended to have the Ohio country, and if negotiations and treaties would not acquire it, then military forces would be used again.

The principal peace effort was made in 1793 when an American commission met an enormous gathering of the confederated tribes at the

11 Horsman, Matthew Elliott, pp. 68-69.

12 S.F. Wise, "The Indian Diplomacy of John Graves Simcoe", Canadian Historical Association, Report (1953), pp. 36-44.

13 Ibid.

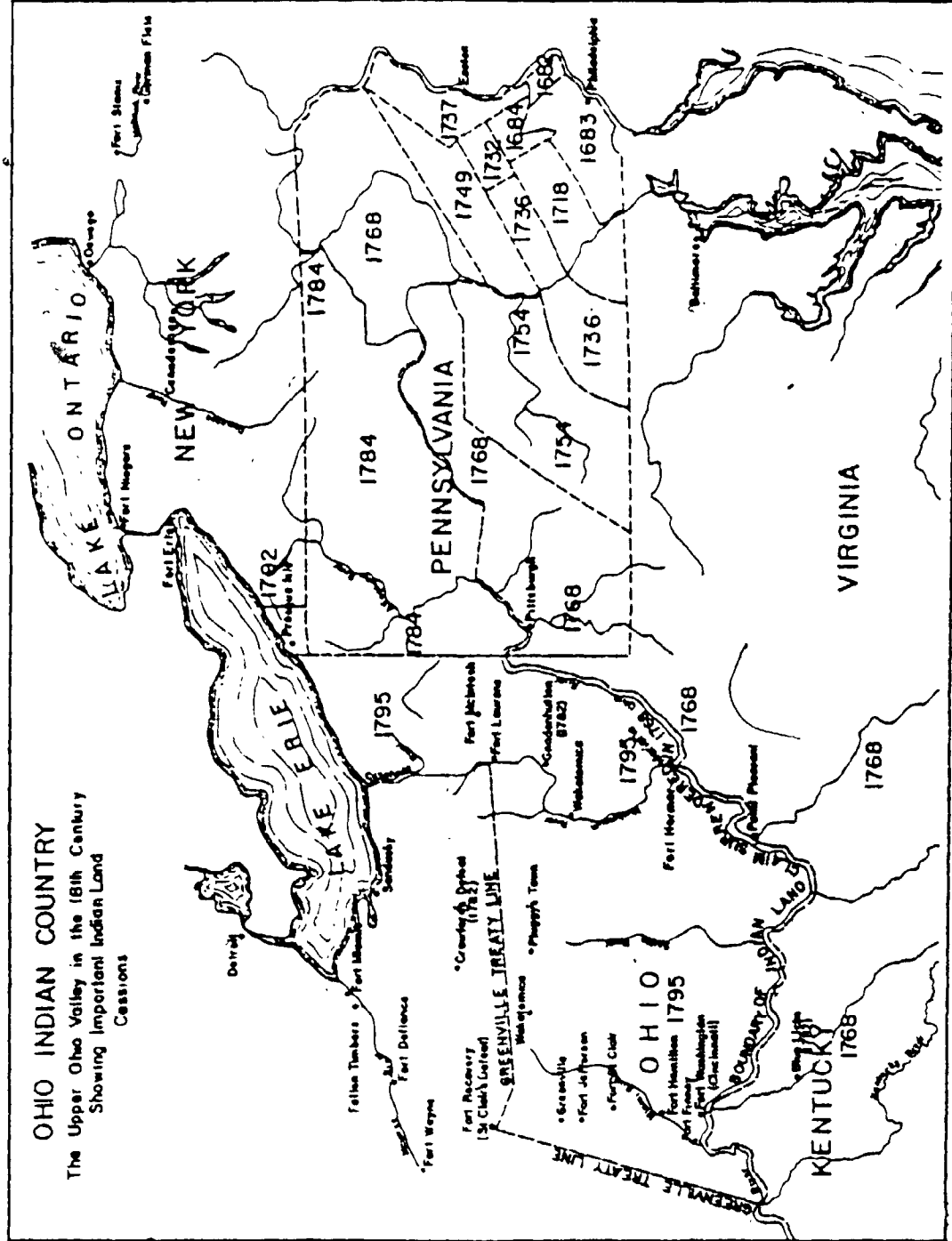
Glaize. In addition to the tribes of the Northwest, representatives of the Six Nations (notably Joseph Brant), the Seven Nations of Canada and some Canadian Chippewas and Mississaugas were in attendance. Also present were British Indian agents: Alexander McKee, William Caldwell, and Matthew Elliott. In order to preserve their ascendancy, the British supplied the provisions for the gathering. Obviously the three American commissioners were facing a hostile audience. Each group brought particular wishes into the treaty negotiations. In the end, however, the vital issue was the location of a western boundary for American settlement. In order to secure recognition of the prior treaties the American commissioners had to insist that the Indians recognize American sovereignty as far as the Muskingum River.¹⁴ The Indians were not prepared to agree to the Muskingum line. Buoyed up by the impressive show of strength at the council, by the apparent support of the British, and certainly by the heady successes of 1790 and 1791, they remained adamant that the Americans should not cross the Ohio River. It was a condition that the American commissioners could not meet. The council dissolved. The issue would be settled by arms.

The American response came the following year, when General Anthony Wayne led an army of 2000 men into the Ohio country. In the meantime the issue was complicated by Lord Dorchester, the Governor of Canada. On February 10, 1794, he stated in open council to the Seven Nations of Canada that he expected Britain would soon be at war with the United States and the Seven Nations should be prepared.¹⁵ His speech was widely

14 See Figure 19.

15 Cruickshank, ed., The Simcoe Papers, vol. II, p. 149. Lord Dorchester to the Seven Nations of Lower Canada.

Figure 19: Land Cessions in the Upper Ohio Valley in the 18th Century



(From Robert S. Allen, "Red and White: Indian Tribes of the Ohio Valley and Anglo-American Relations, 1783-1796." M.A. Thesis, Dalhousie.)

circulated and reported in Canada and the United States. In addition, he sent orders on to Simcoe to send British troops a dozen miles inside the American territory to re-occupy Fort Miamis, which had been abandoned since the war. The words and the actions further complicated an already tense situation in the Indian country of the Old Northwest, for there was clear evidence to the Americans that Britain - at least through her officials in Canada - was involving herself in the affairs of the Old Northwest. And there was also some reason for the Indians of the region to hope for British assistance. In the eyes of many observers, a war between Britain and America appeared imminent.

War did not result, but it was close. General Wayne's campaign in 1794 led to the Battle of Fallen Timbers on August 20th. This three-hour engagement saw the routing of the Indian forces by a clever general and disciplined fighters. Because it occurred close by Fort Miamis, Wayne demanded that the British withdraw from the fort and from American territory. Major William Campbell refused to comply, and at one point it appeared that shots would be exchanged. In the end both men contented themselves with a sharp exchange of notes. Wayne then withdrew; and Campbell provided no assistance to the Indians either before or after the engagement.

While Campbell was applauded for his conduct in the face of Wayne's demands, the affairs at Fallen Timbers can be said to have ended any remaining British hopes for a mediation role or for an Indian buffer state.¹⁶ It led directly to the Treaty of Greenville in 1795, which

16 Horsman, Matthew Elliott, p. 105.

saw the Indians forced to accept the boundaries set forth in the Fort Harmar treaty and in addition to cede further land in southeastern Indiana. There were other concessions as well, such as the right of the United States to establish sixteen posts within the Indian territory.¹⁷ The Greenville Treaty was supported by the Jay Treaty. While Jay was not successful in securing all he was asked to do on his mission to England, he was able to secure the release of the western posts by Britain.

Thus the British agents in the Indian country had a doubly difficult task. Somehow they had to justify to the western tribes the British failure to help them against General Wayne; and they also had to explain to an angry and dispirited group of allies that Britain was again abandoning them in the face of an advancing American frontier. The general approach adopted to ease the situation was similar to that taken in 1783-84. The posts were surrendered to the United States in July of 1796; but the British, in an attempt to retain a presence and influence among the western tribes, simply moved their military establishments just across the international boundary to St. Joseph Island (from Michilimackinac), to Malden (from Detroit), to St. George (from Niagara) and to Prescott (from Ogdensburg). So far as supplies would permit, and in the face of increasing admonitions for economy, the agents continued to provide rations and supplies to the Indians of the Detroit region. This was difficult, for Wayne's success had greatly increased the number of Indians requiring assistance.

¹⁷ Horsman, Matthew Elliott, p. 113.

Finally, as in 1783-84, it was decided that Indians dispossessed of tribal land by the American victory should be offered the alternative of settling in Canada. This offer was inspired by the hope that it would reduce Indian anger towards the British and restore some degree of stature for the British presence in the region. It was also an attempt to counteract American policies. To secure the Old Northwest more firmly, the American agents were urging the several Indian tribes to move to new hunting areas towards the west and the south. Were that to occur, they would be removed beyond the range of British influence. Perhaps the exodus could be prevented, and a substantial number of potential warriors drawn into British territory, by an offer of lands in Canada. The region proposed for such an asylum included lands on the lower Thames and on the St. Clair River near the Chenail Ecarté River. To honour this offer, Britain had to purchase new lands from Indians within Canada.

The land already purchased was not available for that purpose. In the decade after the peace of Paris, white settlement began, slowly to penetrate the western peninsula of Upper Canada. The thrust slowly came from Detroit, but it was unofficial in that the persons who moved into the Thames River valley did so on their own initiative and without the sanction of government. It seemed likely that the area would ultimately be settled, and there were venturesome people at Detroit who determined to stake claims to portions of the rich lands in the valley. This meant striking deals with the Indians.

Among those who were prepared to deal with the Thames River bands was an Indian woman, Sally Ainse, who purchased land on the north shore of the river from its mouth to the forks at present Chatham. It cost her \$500 in 1780 and a further \$150 in 1786. In turn the Chippewas gave her a deed to the area in 1783. Others from Detroit were also active in Indian deeds for land on the Thames. Charles Govin and David Lynd bought the south shore land in 1780 from the Chippewas and in 1787 Jonathan Schlieffen bought 20 leagues west of Sally's land on the north shore. These and several other similar transactions caused both confusion and ill-will. There were instances of Indians selling the same land twice, or selling land to which they had no claim. And further confusion resulted when the purchasers, having acquired Indian deeds, subsequently re-sold the land. Sally Ainse for example, in 1789 sold a farm of 12 acres frontage from her tract for \$200.¹⁹ The potential for profit was obviously very great.

But there was also risk, for although the practice had been continued for twenty years after 1760, there had also been warnings, such as that of General Gage, that private sales would not be recognized as valid. For various reasons, however, there were persons who were prepared to take a chance. Sally Ainse was one: Perhaps she was counting upon her status as an Indian to secure her lands more solidly for her. Certainly she used that line of argument when her ownership of the Thames River tract was challenged in the 1790s. Through a variety of

18 F.C. Hamil, Sally Ainse, Fur Trader (Detroit, 1939), p. 6.

19 Ibid., p. 7.

circumstances she was not able to make her claims good. Her holdings, as well as those of several others, were largely stripped from her by the Land Board of Hesse after the Crown made a formal purchase of the region in 1790. The board was acting within its instructions by doing so, but the application of those instructions was not uniform.

One group of individuals in particular was able to take the same risk as Sally Ainese, but with more success. The group included Alexander McKee, Matthew Elliott, William Caldwell and Henry Bird, all captains in the British Indian Department. The land they coveted, usually referred to as "the Indian Officers' land", consisted of approximately seven miles square fronting on the south shore of the Detroit River directly opposite Bois Blanc Island. In 1783, relying on the influence they had acquired among the Indians of the region, they convinced the Huron and other chiefs at Detroit to make them a gift of the block in return for past services.²⁰ That these men were ultimately successful in securing the tract on the south shore to themselves rested clearly upon the importance of their services in the touchy decade of Indian relations that followed the American Revolution. Even so, they had to make full use of the importance of their services and their resulting contacts with leading officials in order to protect their land from the designs of one of their subordinates, Jacob Schlieffen.

Schlieffen was serving as secretary in the Indian Department at Detroit and apparently overheard the captains and their colleagues making

20 P.A.C., B64, pp. 158-60. Haldimand to Hay, August 14, 1784; Lajuenesse, ed., The Windsor Border Region, p. 159.

plans to acquire the tract from the Indians. Others had been speculating in Indian deeds, and the Indian officers were obviously planning to follow suit; Jacob Schlieffen could see no reason why he should abstain. Before Caldwell and his fellow officers could move on their plans, Schlieffen collected seven Ottawa chiefs and five witnesses and arranged the purchase, on October 13, 1783, of the same land.²¹ He subsequently registered the sale at Detroit and then proceeded to attempt to have the sale confirmed by Lieutenant Governor Hamilton.²² When Schlieffen's actions came to the attention of the Indian officers, their complaints went in several directions. Alexander McKee wrote to Sir John Johnson; Henry Bird wrote to Captain Mathews; and Sir John Johnson wrote to Governor Haldimand. It was a tricky situation. Similar sales had been permitted to stand, and in 1784 Governor Hay advised Haldimand that most of the land "between the Lakes Erie and Huron, on both sides the straight" was claimed and "a great part settled upon and improved".²³ Yet there was obviously a desire to accommodate the officers who wanted the land and who had secured a gift of it from the Indians.

In the end, by interpreting the regulations strictly in the case of Schlieffen and loosely in the case of the officers, Haldimand ruled in favour of the latter. By emphasizing certain extenuating circumstances, the senior officials were apparently able to convince themselves that their decision was a valid one. It was stressed that Schlieffen had used

21 Lajeunesse, ed., The Windsor Border Region, pp. 154-55.

22 P.A.C., B105, pp. 374-5. Bird to Mathews, October 15, 1783.

23 P.A.C., B123, pp. 466. Hay to Haldimand, July 22, 1784.

liquor to convince the Ottawas to sell him the land,²⁴ that Schlieffen made the purchase from Indians who actually did not possess the land involved,²⁵ and that he planned to sell the land for profit. The officers, on the other hand, were considered men of substance, who planned to settle the land themselves. Their actions were conducted openly with the Hurons and Ottawas, unlike the clandestine actions of Schlieffen. It was also considered that the settlement which the officers planned would "prove of infinite utility to Strength and Interest" of the province.²⁶ In rendering this last judgement, Haldimand was undoubtedly thinking that a settlement sponsored and inhabited by the Department's officers would serve both as a focal point for the protection of the western end of the province and as a base for continuing British influence among the western tribes.

Accordingly, he ruled that Schlieffen had violated the Crown's regulations against individuals acquiring Indian land and that in doing so his action was doubly reprehensible. As the secretary to the Indian department he was aware of the rules and had witnessed "Lt. Governor Hamilton's displeasure on a similar occasion and his positive commands against any practice of the kind"²⁷ Schlieffen's claim was declared invalid; he was dismissed from his post; and the officers were advised that they should regularize their claim to the land.

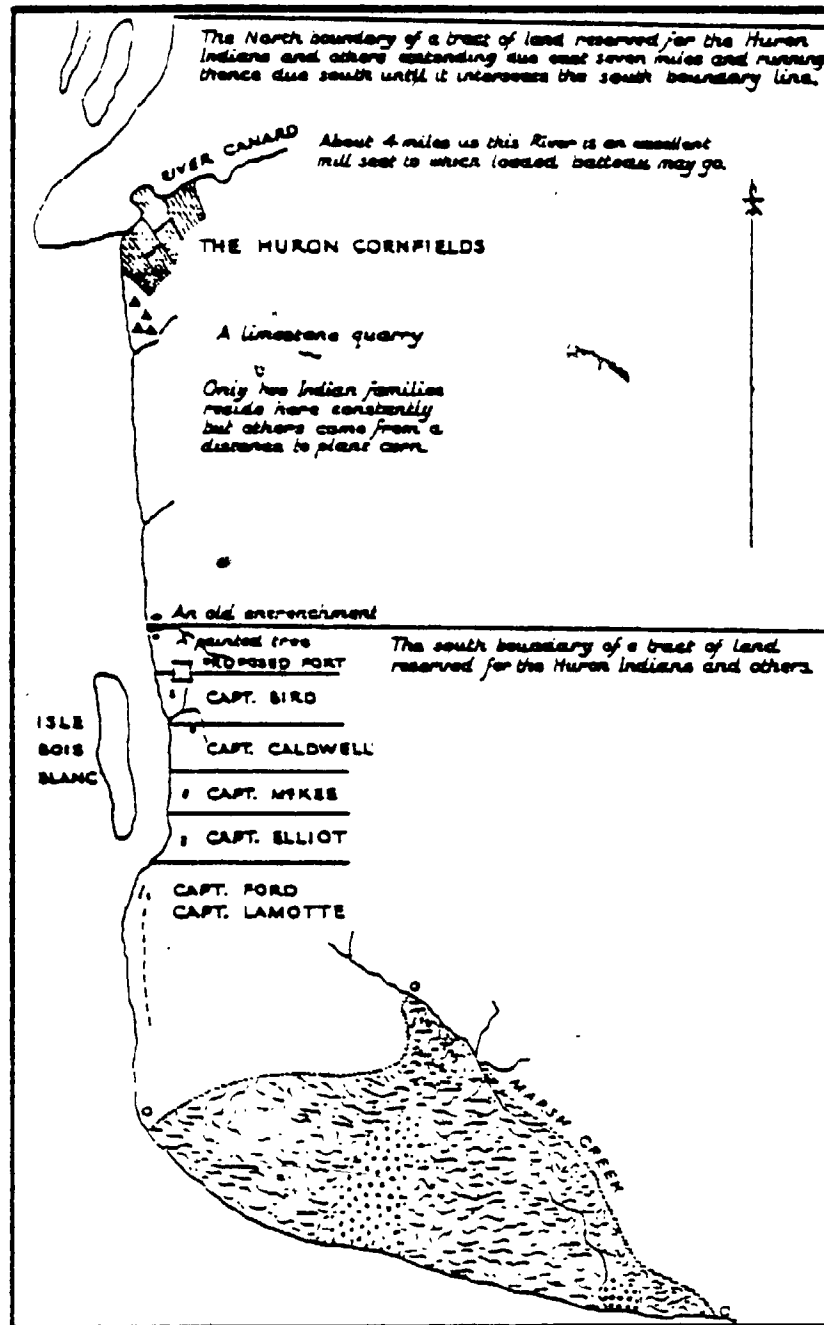
24 Lajeunesse, ed., The Windsor Border Region, p. 156. Bird to Mathews, October 15, 1783.

25 Ibid., pp. 155-56. McKee to Johnson, October 11, 1783.

26 Ibid., pp. 159-60. Haldimand to Hay, August 14, 1784.

27 Ibid., p. 157. Haldimand to Johnson, November 15, 1783.

Figure 20: Huron Reserve and Officer's Lands, Detroit River



(From Lajeunesse, ed. The Windsor Border Region, p.cvi)

Having thwarted Schlieffen's plan, Caldwell, McKee et.al. proceeded to accept the gift of land from the Hurons and Ottawas. They occupied the shoreline, divided the tract among them, and had the area surveyed. Official sanction of a sort was obtained in 1785 when Governor Hay ordered the Deputy Surveyor, Philip Fry, to mark off the lots for the men involved.²⁸ The acquisition was again confirmed in 1788 by Major Mathews, who actually accompanied McKee and the Surveyor, Mr. Hughes, when the lots were marked out.²⁹ Apprehension continued to plague the officers, however, for although it was clear that the particular officials in Canada at the time were prepared to condone the transaction, the regulations had nonetheless been breached. A change of personnel might bring to authority in Canada men who would insist on the same strict interpretation of the rules that had been applied to Schlieffen. Their concern grew when the land boards were created in 1788. The inclusion of Alexander McKee on the Land Board of Hesse in 1789 provided them with an ally on the board; but the board also observed that it did not have any land to administer since no cessions had been officially taken from the Indians. Moreover the most desirable portions of territory on the British side of the Detroit River - the Thames valley and the south shore of the Detroit River - had already been entered and occupied. Settlement, therefore, had moved in advance of land cessions, unlike the situation on the St. Lawrence and Lake Ontario.

28 Lajeunesse, ed. The Windsor Border Region, p. 160. Hay to Fry, March 25, 1785.

29 Ontario, Third Report of the Bureau of Archives ... 1905, p. 3. Minutes of Land Board of Hesse, Friday, August 14, 1789.

It was to regularize this situation, and also to secure land which could be placed at the disposal of the Land Board³⁰ that Alexander McKee convened an Indian council in May of 1790 at Detroit. It was an impressive gathering. In attendance were officers of the 60th Regiment at Detroit, some fur traders and officials of the Indian Department. The Indians were represented by 27 chiefs of the "Ottawa, Chippewa, Potowatomies and Huron Indian Nations of Detroit".³¹ McKee had been instructed to purchase from these chiefs all of the shoreline between Long Point on Lake Erie to the Chenail Ecarté River on the St. Clair River.³² The chiefs were surprisingly cooperative. They agreed to sell the territory³³ for a payment of \$1200 Quebec currency worth of goods which McKee had ready for the council. There were some conditions, however. The written agreement contained the stipulation that two tracts of land, known as the Huron Reserve and the Huron Church Reserve, be retained for the use of the tribes who were a party to the treaty. The first lay directly north of the land claimed by the Indian officers.³⁴ It stretched from there to the French settlement on the Detroit River, and extended inland a distance of seven miles. The second was smaller, stretching along the shore from Knagg's Creek to the Huron Church, to a depth of 120 arpents.³⁵ In the proceedings the Chiefs also stated that they

30 Ontario, Third Report of the Bureau of Archives ... 1905, pp. 4,5,6. Minutes of Land Board of Hesse, Friday, August 14, 1789.

31 Treaties and Surrenders, vol. 1, no. 2, p. 1.

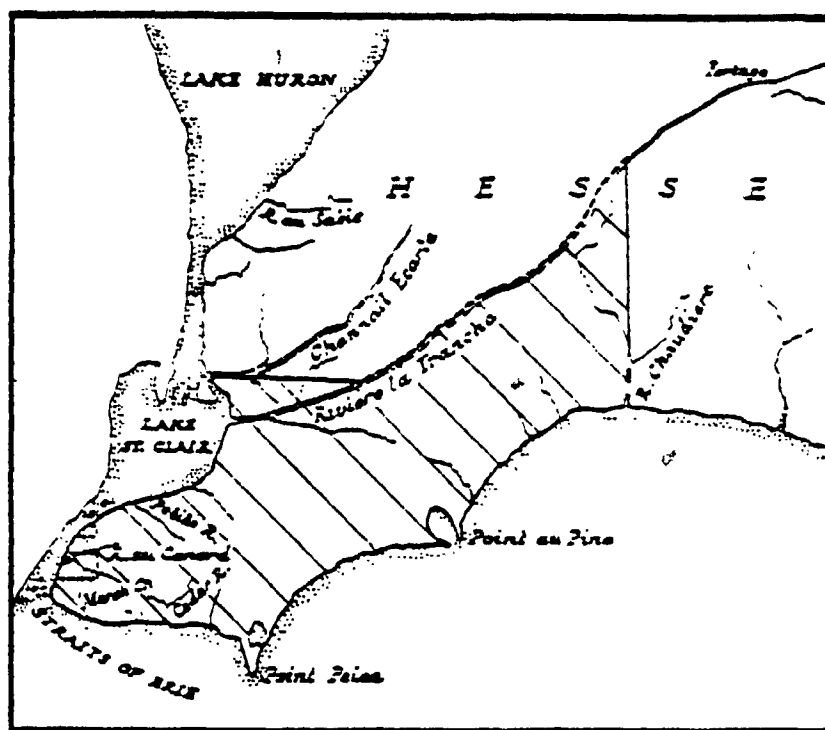
32 Ontario, Third Report of the Bureau of Archives ... 1905, p. 6.

33 See Figure 21.

34 See Figure 20.

35 Treaties and Surrenders, vol. 1, no. 2, pp. 1-5.

Figure 21: McKee's Purchase, 1790. The Lower Thames



(From Lajeunesse, The Windsor Border Region, p.cx)

wished to secure to Sally Ainse the land which had been purchased by her. McKee omitted this provision, however, either by error or design, an omission that was ultimately to cost Sally her claim.³⁶ When questioned by the Land Board about this agreement, McKee advised them that he had to permit the two reserve areas because it was the only way that he could secure the rest of the tract.³⁷ He was supported in that contention by Major Murray, commanding at Detroit, who witnessed the proceedings and who expressed the view that the best possible arrangements had been made for the Crown.³⁸

It is more difficult to explain why the several chiefs were agreeable. Part of the reason probably stems from the fact that most of the Indians involved, although they could claim the area, did not actually occupy it. Rather these bands, the Potowatomies and Hurons in particular, lived on the opposite side of the Detroit River and thus would not be seriously affected by the sale. It also seems likely that they were seeking to consolidate their position with the British in the face of an expected American invasion of their territory. There followed the Indian successes over Generals Harmar and St. Clair and then their disastrous defeat by General Wayne in 1794. And at that point the British extended the offer of lands in Canada. Because much of the region of the McKee Purchase had been effectively occupied, either before the agreement was concluded or shortly afterwards, it would not provide a sufficient tract to satisfy

36 Hamil, Sally Ainse, Fur Trader, pp. 14-19

37 P.A.C., Claus Papers, vol. 4, p. 223. Memo to Land Board of Hesse, May 23, 1790.

38 Ibid. p. 227. Major Murray on the necessity of making a reserve at the Huron Church and the River Canard.

the expected newcomers. It was suggested, then, that the Chenail Ecarté³⁹ area be offered to the American Indians.

Accordingly, Dorchester dispatched McKee to make the necessary arrangements with the Chippewas of the Chenail Ecarté, and to report on the possible success of such a venture. McKee's prognostications were highly optimistic. He estimated that two or three thousand⁴⁰ might take advantage of such an offer, including the Ottawas of the Raisin River, the Potowatomies of Swan Creek and the Shawnees and Ottawas of the Miami River.⁴¹ Were this to happen, the British would not only raise their stock among the western Indians generally, but would also secure, inside British territory, a substantial body of warriors who would be totally committed to the British colours. When McKee reported that he had concluded a provisional agreement with the Chippewas for the surrender of a tract 12 miles⁴² square on the St. Clair River, his report was greeted with approval⁴³ and plans were immediately made to complete the arrangements formally.⁴⁴

The appropriate council was held at Chenail Ecarté on 30 August, 1790. McKee explained that all the King wanted was four square leagues

39 Cruickshank, ed., The Simcoe Papers, vol. IV, p. 42. Green to McKee, July 11, 1795.

40 Ibid., p. 111. McKee to Chew, October 24, 1795.

41 Ibid.; also Ibid., p. 91. McKee to England, September 4, 1795.

42 See Figure 22; Cruickshank, ed., The Simcoe Papers, vol. IV, p. 95. Purchase of Indian Lands at Channail Ecarté, September 29, 1795.

43 Ibid., p. 104. Selby to Chew, October 13, 1795.

44 Ibid.; R.G.10, vol. 9, p. 9073. Littlehales to McKee, April 10, 1796.

not for his own use, "but for the use of his Indian children and you yourselves (the Chippewas) will be as welcome as any others to come and live thereon".⁴⁵ The Chippewas agreed readily to the surrender, for which they received \$800 Quebec currency worth of goods.⁴⁶ For a variety of reasons, the anticipated influx of Indians from the United States never took place. Thus this newly acquired area, known at the time as Shawnee Township and later renamed Sombra Township, was later simply opened to white settlement.⁴⁷

Concurrently with his efforts to acquire Sombra, McKee engaged in negotiations with the Chippewas of the Thames River for a second township at the forks of the river.⁴⁸ It is well known that Lieutenant Governor Simcoe wished to establish the capital of Upper Canada in the western end of the province. It was to provide the required land that McKee was ordered to purchase the area which would be called London Township. As with the Sombra lands, he had no difficulty in securing agreement from the Indian proprietors. A provisional agreement secured on the 29th of September,⁴⁹ 1795 was confirmed on September 7, 1796. It brought to the Crown a tract 12 miles square at the forks of the

45 Cruickshank and Hunter, eds., The Russell Papers, vol. I, pp. 34-35. Minutes of a Council with the Chippewas and Ottawas, Chenail Ecarté, August 30, 1796.

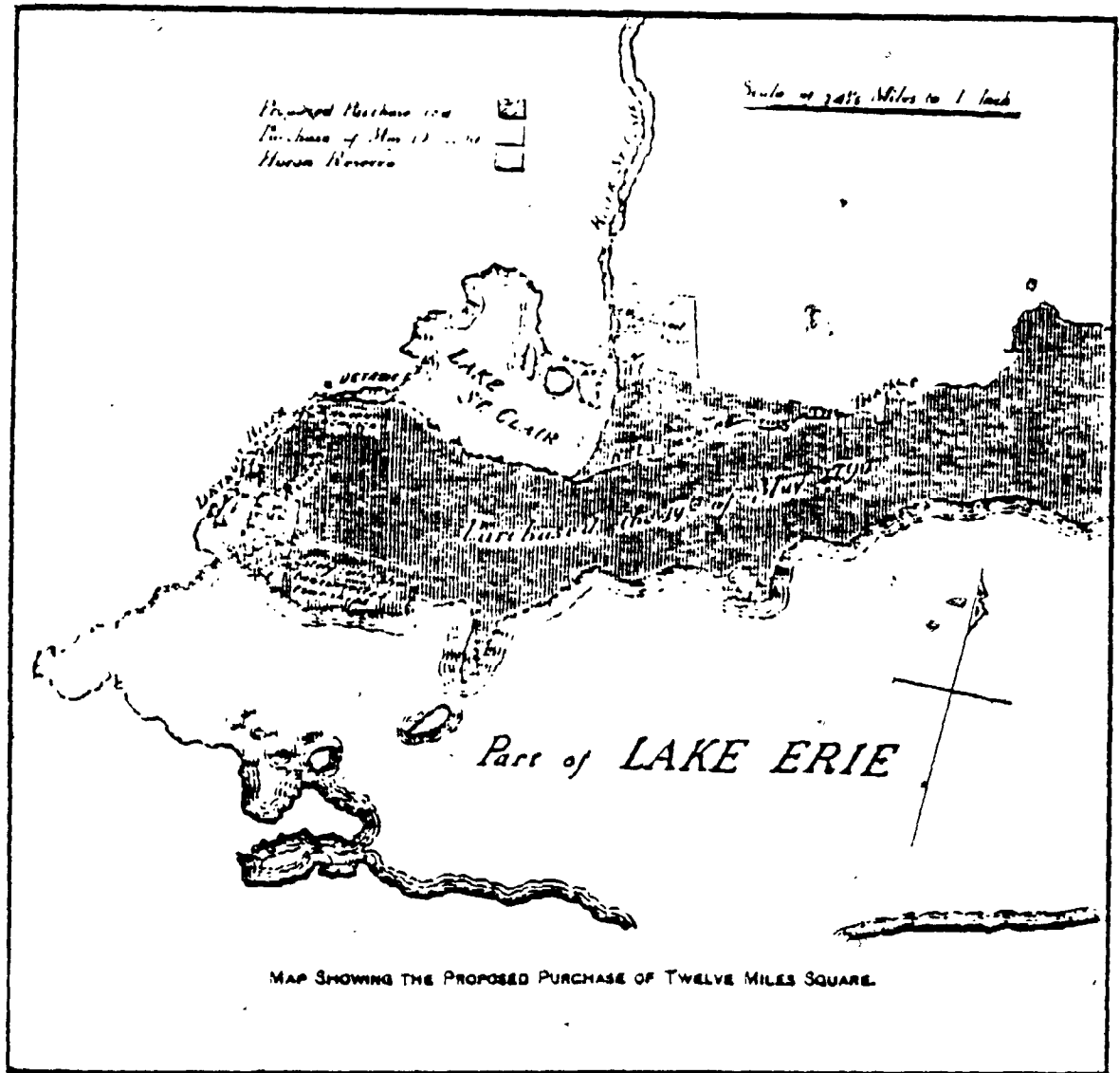
46 Treaties and Surrenders, vol. 1, no. 17, p. 19. The deed of surrender is dated September 7, 1796.

47 Horsman, Matthew Elliott, pp. 110-118.

48 Cruickshank, ed., The Simcoe Papers, vol. IV, p. 241. Littlehales to McKee, April 10, 1796.

49 Ibid., following p. 96. See Figure 22.

Figure 22: Proposed Purchase of the Chenail Ecarte (Sombra Twp.)



(From Cruickshank ed., The Simcoe Papers, vol. iv, p. 96)

Thames, in exchange for £1200 Quebec currency worth of goods.⁵⁰ London, of course, never became the capital, but the lands were nonetheless lost to the Chippewas.

The events in the Old Northwest which led to the 1796 land surrenders in Sombra township also involved the Six Nations Indians of the Grand River. And it was during the early years of those events that the opening salvos were fired regarding the meaning of the Haldimand grant. When it became necessary in 1792 to re-negotiate the 1784 agreement with the Mississaugas because of an improper description in the original, it became necessary also to re-issue the award made to the Six Nations. This was done by Lieutenant Governor Simcoe in 1793. The patent issued by Simcoe however, included two alterations which raised the ire of Joseph Brant.

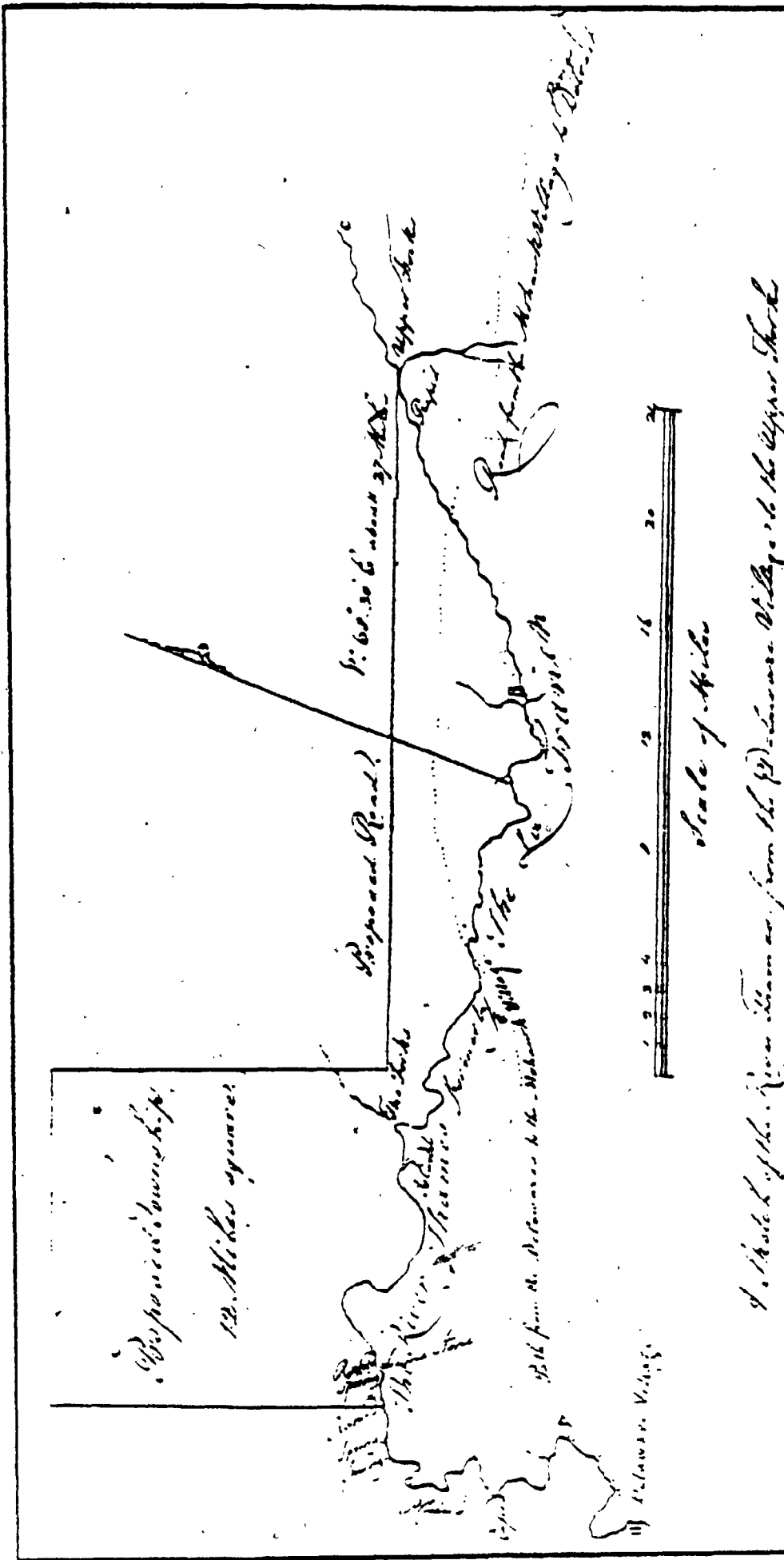
The new provisions did not include the headwaters of the Grand River, and with this the Iroquois registered disapproval. This complaint persisted; some members of the band still continue to argue that they were cheated.⁵¹ Simcoe, however, had the boundaries of the Grand River tract drawn to conform to the new knowledge about the terrain.⁵² Even more controversial was the provision inserted in the Simcoe deed which stated that the land of the Grand River, like all Indian lands, could

50 Treaties and Surrenders, vol. 1, no. 6, pp. 17-18.

51 C.M. Johnston, "An Outline of Early Settlement in the Grand River Valley", Ontario History, LIV, No. 1, (March, 1962), 48.

52 See Figure 35.

Figure 23: Proposed Purchase of London Twp.



(From Cruickshank, ed., The Simcoe Papers, vol. iv, p. 96)

not be sold except to the Crown. Brant contested that interpretation. He maintained that Governor Haldimand had in fact granted the lands in fee simple, in effect, to allies of the Crown.⁵³ That being the case, he argued that the Grand River Iroquois, could dispose of the lands as they wished. Since he was determined to bring white settlers onto the Grand River tract, and to sell or lease lands to them, the question of the nature of the original grant was far more than an academic or legal argument.

The circumstances made it actually a very serious crisis. The 1900 Iroquois on the Grand River formed a significant power bloc in late eighteenth century Upper Canada. The government, and the Indian Department in particular, was noticeably anxious about their loyalty, for they were led by an energetic and astute chief who involved himself in several areas of action, any one of which might have augmented his power base on the Grand River or have proven costly, even dangerous, to the British in Canada. Officials in Canada, therefore, were nervous about overtures to Brant from the United States government. They were concerned, as well, with his continued association with the Iroquois in New York State. And it was with considerable anxiety that they observed that Brant and the Six Nations were involved in the several Indian councils of 1792 and 1793 which preceded the Wayne campaign. As events turned out, the associations with the New York Iroquois and the American government proved harmless, and virtually ended when the land

53 S.M. Weaver, "Six Nations of the Grand River, Ontario", in B. G. Trigger, ed., Northeast, vol. 15 of Handbook of North American Indians (Washington, 1978), p. 525.

claims there were settled. Brant also lost his prestige in the west by arguing in 1793 that the western tribes should accept the boundary suggested by Pickering and the other American Commissioners. When his position was rejected by the Western Confederacy, Brant was angry; and officials in Canada were somewhat relieved with his loss of stature. But the times continued to be troubled; there were fears of attacks by the Spanish and the French.⁵⁴ When Brant was adopted as a chief by the Mississaugas after the death of Wabikane, and made their land agent in 1797,⁵⁵ he restored himself to a prominent position in Indian affairs in Canada.

Despite Simcoe's objections Brant proceeded to sell or lease some 350,000 acres of Grand River lands to non-Indians.⁵⁶ His motives have been examined extensively.⁵⁷ It has been argued that he sought white neighbours through sale or lease of Indian lands in order to provide a source of income for his tribesmen beyond the traditional occupations of the chase and rudimentary agriculture. Such neighbours were also expected, by example, to encourage the Six Nations to cultivate their own lands more effectively. Some have also suggested that Brant expected to gain personally from the policy. Whatever his motives, Brant's sales and leases were made in defiance of the Crown.

54 Peter Russell feared that Brant would "seize upon any 'feasible excuse' to collaborate with an invading French army". See John The Valley of the Six Nations, p. liii.

55 See above, Chapter 3.

56 Johnston, The Valley of the Six Nations, p. lv.

57 Ibid., pp. xlv-liv.

Simcoe refused to admit that an Indian chief, regardless of past services or current conditions, might dictate or change policy. And he adamantly rejected Brant's contention that the Six Nations were allies and not subjects of the Crown. He even threatened to reduce by half the size of the grant if Brant persisted in granting leases to non-Indians.⁵⁸ On his part, Brant also struck a belligerent pose, and pointed to the past loyalty of the Mohawks as well as their current strength in the colony. These had no effect on Simcoe, who was both steadfast and confident in his position; but Brant's threats did have an effect on Peter Russell who, as President of the Executive Council, became the Administrator of the colony when Simcoe left in 1796.

In order to strengthen his arguments regarding the Haldimand grant, Brant, accompanied by 300 armed warriors, waited on President Russell at York, in June 1797. Russell had neither Simcoe's confidence nor his personality. Already concerned about the possibility of an Indian attack, and feeling both isolated and vulnerable at York, he was obviously cowed by this delegation. Brant's action obtained - one observer said "extorted"⁵⁹

58 Johnston, Ontario History, LV, No. 4 (December, 1963), 268

59 Johnston, ed., The Valley of the Six Nations, p. 89. Memoir by William Dummer Powell, 1797. Brant was probably running a bluff, and Russell succumbed in the face of it. Brant was well aware of the powers of Great Britain, which he had visited, and of European society generally. It was this knowledge that had inclined him to promote a moderate stance in the Old Northwest in 1793 (i.e. the Ohio River boundary, not the Muskingum). Moreover, he had not tried to push Simcoe too far. It seems unlikely that he would actually have used arms in 1797 at York; and it would also appear that a strong, determined stance would have served Russell better than his unseemly compromise. This issue is discussed at length in Johnston, The Valley of the Six Nations, pp. 1-liv.

a compromise solution. The 350,000 acres in contention were sold to the Crown and then confirmed to their white owners according to their arrangements made with Brant: the alienated land was parcelled out in six large but unequal blocks⁶⁰ in 1798. The remaining 220,000 acres were retained by the Six Nations, who spread themselves out over the entire remaining tract. The issue of the Grand River lands was thus settled for over two decades.

The remainder of the Grand River tract would come under some heavy pressure from white settlers in the decades to follow. From the late 1820s, the government of Upper Canada would not only accept but actually encourage subsequent sales. In the last years before the close of the century, however, that tract presented a unique situation. It was the government that acted to preserve the area for the Indians by resisting Brant's leases, and it was the band, particularly Brant, who sought to sell it to non-Indians. Government officials, of course, were not acting from motives of philanthropy or beneficence; they were attempting to preserve the authority of the Crown and they were successful. After his intimidation of Russell in 1797, Brant could not accomplish much more.

Shortly afterwards the Indian position - and Indian unity - weakened, and Brant, for a variety of reasons including personal tragedy,⁶¹ did not prevent even token resistance when the next surrenders of Indian land

60 Johnston, ed., The Valley of the Six Nations, p. lx.

61 In 1795 there occurred the terrible incident in which Brant, to save himself, was required to kill his own son. Naturally enough, it served to destroy much of Brant's spirit.

were taken in 1805-06.

These surrenders were the head of the Lake purchase and the Toronto Purchase. With them the government of Upper Canada completed the acquisition of the complete shoreline of the province from Point au Baudet to the Chenail Ecarté River.⁶² By doing so, it had provided itself with sufficient territory to satisfy, more or less, the white population that would move into the province over the next decade. Even the methods of land granting, which invited speculation, were not wasteful enough to require that more land be purchased from the Indians. It would not be until after the War of 1812, when plans were laid to bring in more people, that overtures would be made again to the Algonkian bands to sell significant portions of their territory.⁶³

The land, furthermore, had been acquired fairly easily. The land purchase system - commonly called the treaty system - had served government well. Consultation, through public councils, followed by the payment, in goods, and a granting of a deed was a process that appeared to satisfy all parties. The sophisticated Iroquois of the Confederacy and the St. Lawrence River were adequately accommodated by the arrangements made at the Grand River, Tyendinaga and the Upper St. Lawrence. The more scattered Mississauga bands of Lake Ontario

62 There were some small exceptions, in that areas like Nutfield, Tyendinaga, Credit River Reserve, Huron Reserve, Walpole Island etc. were still held by Indians.

63 Agreements were reached in 1811 for the sale of 438 acres in Thurlow and for 250,000 acres between Lake Simcoe and Notawasaga Bay. Neither was concluded until 1815. These two exceptions are treated in Chapter 5.

and the Chippewas of the Lake Simcoe region also appeared to have been satisfied, and the mixed tribal groupings of the western end of the province were agreeable to the land arrangements as well. The system was sufficiently strong to withstand such irregularities as the occasional lack of records and the self-interested behaviour of the Indian branch officers in the Detroit area. And the system was also sufficiently flexible to permit the British to retain the friendship of Indians at a time when they could have been trouble, and indeed when their presence was perhaps more important than the land granting process.

Because the system had served the British so well in trying times, there was no reason to abandon it in the post-war years when lands were again required. Rather the process was continued, and refined, when the Indians of Upper Canada, weakened by the War of 1812, were called upon to sell lands in the interior of the province to provide for a second line of settlement.

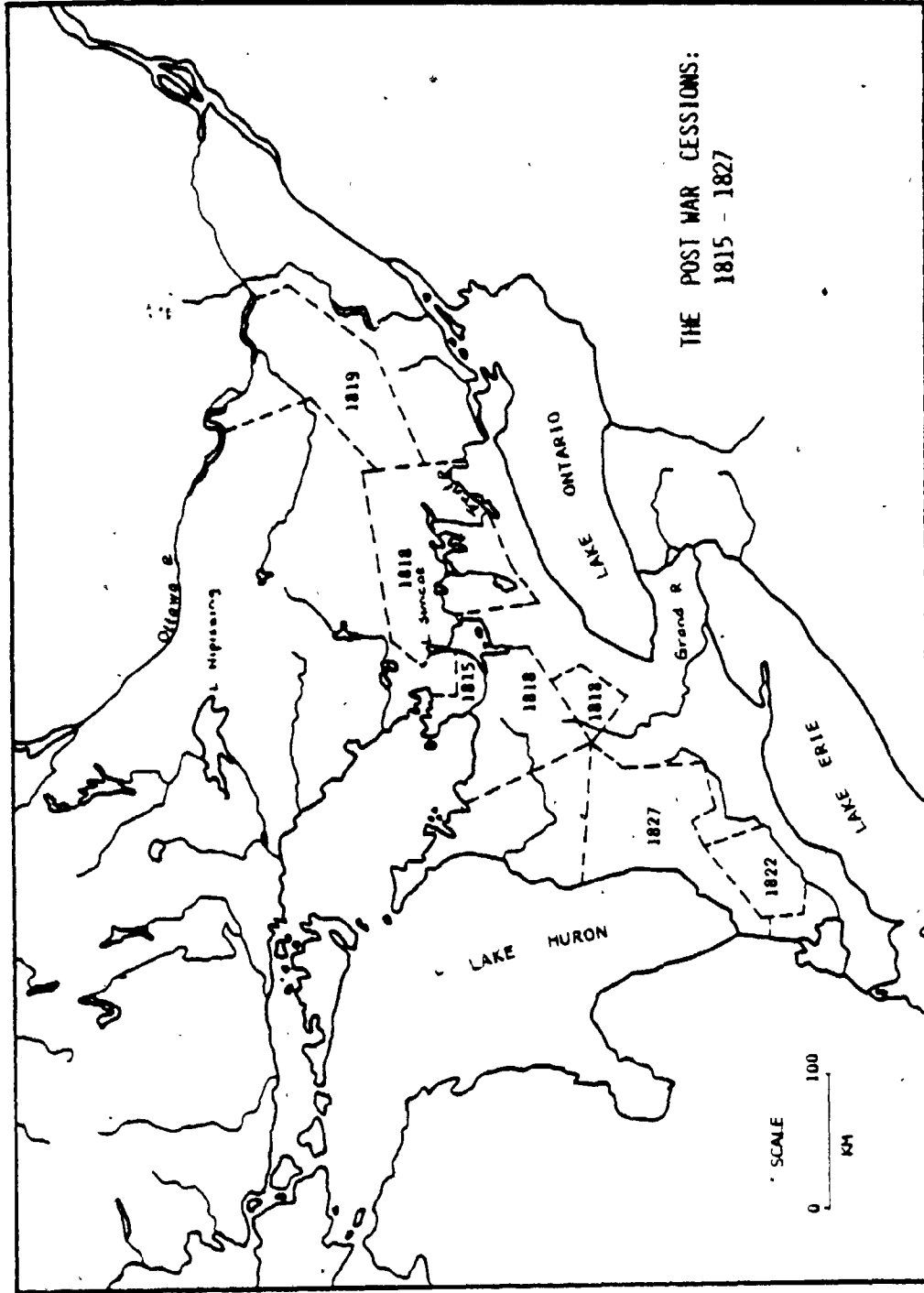
Chapter 5. Confirmation and Expansion, 1815-1827:
The Interior Line of Settlement.

In the decade after the War of 1812 the Indians of Upper Canada experienced greatly increased pressure to give up further large sections of their land to the Crown. To open up a new line of settlement, the British arranged three sets of major land cessions by 1827: in the Rice Lake - Rideau River area, in the region of Lake Simcoe, and in the western end of the province. Unfortunately for the Indians, these came at a time when they were more vulnerable than ever before. The combination of increased demand and Indian vulnerability was caused by two sets of decisions taken in Britain and the United States. The full consequences of the developments that proceeded from these decisions were seen in the seven major land cession agreements of that decade,¹ which saw about eleven million acres of Indian land pass to government control.

The British decisions were made first. The inadequacies of the Upper Canadian defence system were obvious. Among the most glaring was the presence in Canada of American settlers who had entered the colony during and shortly after the Simcoe years and whose record of loyalty was extremely weak. Their location on the long Canadian-American frontier made their presence all the more serious. During the war many had openly joined the invading American forces, and others had

¹ See Figure 24.

Figure 24: The Post War Cessions, 1815-1827



remained either passively neutral or had tended towards sympathizing with their former countrymen. There were those who not only extended their loyalty to Britain, but also fought with the British and the Canadians. These men, however, did not impress as much as those who were openly or quietly treasonous. The Americans living in Canada, therefore, were suspect. It was by no means certain that the War of 1812 would be the last conflict between Britain and the United States, and the Colonial Secretary, Lord Bathurst, wished to prevent the aliens in Canada from placing the country in jeopardy simply by their presence. Accordingly he issued orders that Americans were not to receive grants of land² in Upper Canada and they were, as far as possible, to be prevented even from entering the province.³ It had the desired effect, for the advent of Americans came to a halt.⁴

But stopping American immigration was accomplishing only half the job. Bathurst also wanted to bring loyal subjects from the U.K. to the strategic areas of the province. And his most pressing reason for doing so was to shore up the Upper Canada defences.⁵ One group, of course, was already in Canada. It was felt that soldiers who were serving in Canada during the war might be induced to settle if they were granted

2 H.J.M. Johnston, British Emigration Policy 1815-1830 (Oxford, 1972), p. 16; Gates, Land Policies of Upper Canada, p. 85.

3 G.C. Patterson, Land Settlement in Upper Canada 1783-1840 (Toronto, 1921), p. 112.

4 Johnston, British Emigration Policy, p. 16, suggests that American emigration to Canada would have been slowed in any case, because of the lands that were opened up in the Old Northwest.

5 Gates, Land Policies of Upper Canada, p. 86.

land for their use. Accordingly the offer was made to the troops in Canada, and upon demobilization some of the British regulars were placed on land in Glengarry County, on the Rideau River and at the head of the Bay of Quinté.⁶ This region was one of prime concern, for all observers noted that if the link between the two provinces along the St. Lawrence were ever broken by Americans, Upper Canada would be defenseless.⁷

To bring newcomers from the United Kingdom to Canada required some planning. And a variety of schemes were broached. Among them was the plan, conceived as early as November of 1813 and set into operation in 1815,⁸ which called for the transporting of 4000 emigrants, mainly from Scotland and Ireland, to Canada when peace was secured. In the end, only 699 made the trip.⁹ Other plans called for the creation of military settlements in the eastern end of the province. The town of Perth grew from the desire to plant settlers along the route of the proposed Rideau Canal. Other proposals saw the beginnings of the Lanark and Peterborough settlements; and farther west, in the township of London, a second Talbot settlement was begun by Richard Talbot, a relative of Colonel Thomas Talbot.

6 Johnston, British Emigration Policy, p. 19.

7 Ibid., p. 16; G.S. Graham, "Views of General Murray on the Defence of Upper Canada", Canadian Historical Review, XXXIV, No. 2 (June, 1953), 158-65; Craig, Upper Canada, p. 76.

8 H.I. Cowan, British Emigration to British North America (Toronto, 1967), p. 41.

9 Johnston, British Emigration Policy, p. 21.

The population growth was not very rapid in the beginning. In 1816, 1250 immigrants came to Canada; in 1817, 6800 arrived; in 1818, 8400; and in 1819 there were 12,800.¹⁰ These figures, while small, did constitute a substantial increase in the Upper Canadian population; but more significant is the fact that large numbers were expected. Apart from the arrangements that had to be made with respect to transportation and the various types of assistance that might be offered to prospective emigrants, there was the more important matter of lands upon which to locate them.

Thomas Ridout, the Surveyor General of Upper Canada, reported to Sir Gordon Drummond, the Administrator of Canada, that apart from the Crown Reserves, the lands of the Eastern, Johnstown, and Midland Districts were nearly all located, and those in the London District had been placed under the exclusive supervision of Colonel Talbot.¹¹ His suggestion that lands be acquired by buying more land from the Indians on the St. Clair River or in the Lake Simcoe region was not at first welcome.¹² Such purchases would not provide lands where they were most wanted, on the exposed American frontier. In the end, however, the government was

10 A.C. Casselman, "Pioneer Settlements", in A. Shortt and A.G. Doughty, eds., Canada and Its Provinces, vol. 17 (Toronto, 1914), pp. 72-84; A.R.M. Lower, "Immigration and Settlement in Canada, 1812-1820", Canadian Historical Review, 3, No. 1 (March, 1922), 37-47; Craig, Upper Canada, pp. 85-89; Johnston, British Emigration Policy, pp. 10-31; Cowan, British Emigration to British North America, pp. 40-64.

11 Gates, Land Policies of Upper Canada, p. 87.

12 Ibid., p. 87.

unable to find suitable locations in the desired regions. Also, conflicts between the Lieutenant Governor of Upper Canada, Francis Gore, and Sir Gordon Drummond prevented the two principal executives from cooperating to solve the problem. Thus government looked to the Indians and their lands for a way to provide for the military settlements and for the expected immigration.

The Indians of Upper Canada had emerged from the War of 1812 much weakened. This was not the result of heavy losses in manpower because of the fighting, although they had certainly suffered both casualties and the destruction of property, especially in the western end of the province.¹³ Rather their general position, in terms of numbers and geographic location, had been altered to their detriment. By 1812, their total numbers amounted only to about 10% of the population of the province. While still a substantial minority, they were, at that point, a greatly reduced proportion when compared to 1784 or even 1800. More significant, however, was the situation of the Indians in the United States.

Britain had, since 1783, cultivated her ties with the Western Confederacy in the American Old Northwest. This policy had paid rich dividends during the War of 1812. Indian resistance had been largely responsible for British successes at Detroit and elsewhere on the western frontier in 1812; and it had kept the American left flank occupied through most of 1813. Even after Tecumseh's defeat and death

13 P.A.C., R.G.8, vol. 260, p. 481. Norton to Addison, December 9, 1818:

at the Battle of the Thames in October of 1813, the American armies in the west did not advance en masse beyond Amherstburg during 1814 because they were wary of the Indian threat in the west. Much of the deference paid to the Indians in Upper Canada by the British and by settlers was due to the connections that pertained between them and the Western Confederacy centred in the Ohio country.

The War of 1812 shattered the Confederacy. Throughout 1815, the Americans imposed a series of peace treaties on the several tribes of the Ohio country, and also secured from the western Indians a number of substantial land cessions.¹⁴ These cessions brought the border lands into the hand of the American government, thereby opening the Canadian-American frontier to American settlement. The effect was not lost on the Indians of western Upper Canada. In 1818 John Norton, a half-breed¹⁵ chief of the Six Nations on the Grand River, who also held a captain's rank in the Indian department, observed that the American policy of Indian removal in the Old Northwest would mean that "they (the American Indians) will in a few years be completely separated from us by an extensive population which it (the American Government) will not fail to introduce into that quarter, now that it has entirely extinguished the native right to that country".¹⁶

The American government pushed its advantage even further by objecting to Britain's continued efforts to retain friends among the American

14 See Figure 19.

15 There is some controversy surrounding Norton's heritage. His biographers, however, state that he was half-Cherokee. C. Klinck and J.J. Talman, eds., The Journal of Captain John Norton (Toronto, 1973).

16 P.A.C., R.G. 8, vol. 262, p. 2. Norton to Addison, January 9, 1818.

Indians. The principal method was that of distributing annual presents to "visiting" Indians who would attend British posts for the annual bounty. Protests from American authorities regarding this practice were of long standing, but after the War of 1812 they became more insistent. Because the Indians had for the most part been forced out of the border lands, the British, by continuing to issue the gifts, were affecting Indians well within the American border. The most serious complaints came from Michilimackinac concerning the Indians on the Mississippi who travelled to visit the British post at Drummond Island. Although the practice was not halted, the British did compromise by sending orders to the Commander at Drummond Island to discourage such visits. It marked a difference in style, for previously the act of dispensing gifts had been pursued vigorously and aggressively. The same change occurred at Amherstburg. By 1820 this custom had become merely one of form.¹⁷ Moreover, events had conspired to divide the Indians of Upper Canada within the province itself, for the several tribes, and groups within tribes, had grown farther apart since the days when Joseph Brant had attempted to force an alliance, or at least a close association, between his followers on the Grand River and the Mississaugas.¹⁸ In part this division was promoted by the British officials who always tried to keep the Indians divided in order to make each group dependent upon the King. Administrative methods such as

1. J.A. Clifton, "Visiting Indians in Canada". Manuscript on file in Canadian Ethnology Service, National Museum of Man, Ottawa, 1979, p. 35.

18 See above, Chapter 3. This interesting episode is recounted in Johnston, The Valley of the Six Nations, pp. xlii-liv.

a careful use of interpreters, or the location of the distribution of gifts, or the assignments of Indian agents, were the usual methods adopted to promote that division.

The events of the war had also contributed to the divisions. Rivalries within the Indian department during the conflict caused specific bands to attach themselves to individual agents. Thus a quarrel between John Norton and William Claus¹⁹ resulted in the Chippewas and Munseys²⁰ of the Thames, who had followed Norton during the war, being separated from the other tribes - Ottawas, Wyandots, and Chippewas - of the St. Clair River region attached to Claus. This particular rivalry extended beyond the war years and was accompanied by charges of discrimination in the distribution of gifts in 1816-1818. Similarly the Thames River Chippewas apparently resented other bands who had not suffered as many casualties or damages and yet who were being treated as well or better than they in terms of annual presents. Some of these hard feelings can be attributed to the presence of Norton, who appears to have revelled in such quarrels; but the discord cannot be denied.²¹ Even among close neighbours some ruptures were evident. The Wyandots of Amherstburg felt it necessary on one occasion to suggest that they be granted a patent for the Huron Reserve because they feared that the Potowatomies and Chippewas who shared

19 William Claus was the son of Daniel Claus. He was appointed Deputy Superintendent General of Indian Affairs for Upper Canada in 1800, after the death of Alexander McKee.

20 The Munseys were a band of Delewares who entered Upper Canada about 1800. They co-existed with the Chippewas of the Thames River, at the invitation of the former.

21 P.A.C., R.G. 8, vol. 260, pp. 481-83. Norton to Addison, December 6, 1816; Ibid., vol. 262, pp. 1-2, Norton to Addison, January 9, 1818.

the tract might sell it without their assent.²² The animosity between the Iroquois of the Grand River and the Bay of Quinté had grown stronger in the years since 1784;²³ and generally the Mississaugas of the eastern end of the province acted independently of their cousins in the western regions. Also, since the Toronto Purchase of 1806, the Chippewas of the Lake Simcoe region tended to direct their attention to their own areas, thereby separating themselves from their traditional relations with the Rice Lake Mississaugas. No doubt this tendency towards semi-independent enclaves was prompted by the gradual growth of white settlement which had deleterious effects on the hunting areas, and which tended to encroach on Indian reserved lands and fishing locations in the more settled areas along the lake frontage. This had the effect of encouraging the separate Indian groups to transfer their activities towards the interior unsettled regions. Such re-direction tended to draw them away from the traditional meeting points along the shores of Lake Ontario or within the river valleys, and to diffuse them over a wider area. This diffusion enhanced the division.

These considerations serve to explain much of the ease with which the land surrenders of the 1815-1825 decade were made. Another factor was the decision by the British to change the method of paying for the land when it was purchased. Always mindful of costs, the Lords of the Treasury expected that from 1818 on the expenses connected with land purchases from the Indians would be covered by the province of Upper Canada. To provide this revenue, Lt. Governor Maitland suggested a

22 P.A.C., Claus Papers, vol. 11, pp. 144-45. Askin to Claus, March 3, 1819.

23 Herrington, Queen's Quarterly, XXIX, No. 2 (October, 1921), 165-80.

public auction of part of any lands bought from the Indians. Purchasers would be required to pay ten per cent as a down payment and carry a mortgage for the balance, but so long as they paid the annual interest the principal would not be required. The income from interest could then be used to make an annual payment,²⁴ in perpetuity, to the Indians who sold their land. It was in an effort to save money, therefore, that the British adopted a system of annuities rather than the former method of making a single, one time payment. The Treasury approved the plan²⁵ and although it did not work out as neatly as Maitland had envisaged, the system was retained and Canada's Indians soon grew accustomed to receiving their annual payment in addition to the presents which were also given annually. The scheme had an added advantage in that persons who negotiated future land surrenders could advise the Indians involved that by selling their lands they would receive a continuous annual income. It was an enticement that was used extensively in the negotiations of 1817, 1818 and 1819. The first land surrenders of the post-war era, however, were handled under the old rules calling for a single payment, and in fact were agreements that had been tentatively reached before the war had broken out.

These involved a major tract of land, some 250,000 acres, between Lake Simcoe and Notawasaga Bay on Lake Huron, and a much smaller piece of land, some 428 acres, in Thurlow township in the Bay of Quinté.²⁶

24 P.A.C., R.G. 8, vol. 262, p. 306. Maitland to Richmond, April 9, 1819; Gates, Land Policies of Upper Canada, p. 159.

25 P.R.O., Treasury Papers, T-29, vol. 192, p. 711-12. Treasury Minute 13902, December 28, 1820; Ibid., vol. 176, p. 486. Treasury Minute 15967, August 20, 1819.

26 See Figure 33.

Both had been arranged in 1811, on Lieutenant Governor Gore's orders, but had been delayed because the war intervened.

Gore's initial interest in the Lake Simcoe region apparently was the fur trade.²⁷ Leading partners in the North West Company represented to the Governor and the Executive Council of Upper Canada that they suffered considerable hardships in conducting their trade along the Great Lakes frontier because of interference by American customs officials. The interference began when relations between Britain and the United States began to deteriorate after 1805.²⁸ Gore cited in particular the seizure in 1808 by an American Revenue Officer of "several boats richly laden with goods for the Indian Country".²⁹ As a result of such "vexatious interference" members of the firm of McTavish, McGillivray and Company memorialized the Lieutenant Governor that the government open a route to the western Indian Country which would avoid proximity to the American border.³⁰ A route via the Toronto Carrying Place, Lake Simcoe and Penetanguishene Bay, it was felt, would provide security from the American customs and also shorten the route considerably. It would, however, also require a road between Lake Simcoe and Penetanguishene, a distance of 28 miles;³¹ and that would require purchasing the territory from the Indians of the region. Gore added that the Lake Huron terminus of the proposed

27 P.A.C., Q316, pp. 38-41. Gore to Peel, March 10, 1812.

28 B. Perkins, The First Rapprochement: England and the United States 1795-1805 (Berkeley, 1967), p. 3.

29 P.A.C., Q316, p. 39-Gore to Peel, March 10, 1812.

30 P.A.C., Q314, pp. 142-46. Memorial of William McGillivray, et.al., November 5, 1810.

31 P.A.C., Q316, p. 40. Gore to Peel, March 10, 1812.

road also afforded an excellent harbour, and one which would be safer and more convenient than Amherstburg should a war break out with the United States.³² Finally, the land itself was very suitable for settlement, and would, he predicted, show a profit of \$2500³³ over what would have to be paid to the Indians.

Gore sent William Claus, the Deputy Superintendent of Indian Affairs, to meet the Chippewas of Lake Simcoe and Matchedash Bay. The council was held on June 8-9, 1811 at Gwillembury.³⁴ Claus advised the Chippewa chiefs that the government wished to purchase the land in question in order to provide for the rapidly growing numbers of settlers, and also to build a road through the tract which would serve to provide a safer passage to "his Western children". Also, he said, the King wished to build a town in Penetanguishene Bay, and requested that the Indians refrain from removing the surveyors' stakes which would mark out each lot.

In response, Chief Yellowhead stated that the chiefs agreed to sell that land in return for the four thousand pounds offered, but he added several requests. He asked that he be permitted to occupy his garden grounds at Penetanguishene Bay until the settlers arrived; he asked that provisions be sent to them in the summer to help them while the corn ripened; and he also requested that their annual presents be

32 P.A.C., Q316, p. 41. Gore to Peel, March 10, 1812.

33 Ibid., p. 41.

34 P.A.C., Q314, pp. 157-163. Proceedings of a Meeting with the Indians of Matchedash and Lake Simcoe at Gwillembury on the 8th and 9th June 1811.

sent out earlier in order to facilitate their moving to winter hunting grounds while the weather was not too cold. One further request was novel; he asked that the King send him a blacksmith to make spears and hoes. Claus agreed to the occupation of the garden at Penetanguishene; he promised to give orders that the presents be sent out "in good season"; but he made no reference to a blacksmith.

Although Gore left the colony in October 1811, the provisional agreement of June 8-9, 1811 was fully supported by his successor, Sir Isaac Brock, who strongly recommended its approval and sent in the appropriate requisitions for payment in goods.³⁵ The requisition was approved by the Lords of the Treasury and the goods shipped.³⁶ The same shipment contained provisions, also approved by the Treasury, to pay for 428 acres of Mississauga land in Thurlow township.³⁷

That parcel was desired by government in order to build grist mills to serve "a populous neighbourhood" near the mouth of the Moira River.³⁸ The appropriate council was convened by James Givins, Indian agent for York, on July 24-25 at Smith's Creek (Port Hope).³⁹ Givins gave no reason

35 P.A.C., Q314, pp. 155-56. Provisional Agreement regarding the Lake Simcoe Land, June 8, 1811; *Ibid.*, pp. 140-41. Brock to Liverpool, November 23, 1811; *Ibid.*, pp. 150-51. Requisition for ... Articles ... as Payment for the Tract of Land ... Purchased of the Chippewa Indians.

36 P.R.O., T-28, vol. 45: Harrison to Peel, April 24, 1812; P.A.C., R.G. 10, vol. 27, pp. 1255, 1260-66. Barker to Harrison, August 8, 1812.

37 P.R.O., T-28, vol. 45. Harrison to Peel, April 24, 1812.

38 P.A.C., Q314, p. 141. Brock to Liverpool, November 23, 1811.

39 P.A.C., Q314, pp. 166-170. Proceedings of a meeting with the Mississauga Indians of the River Moira, at Smith's Creek, July 24, 1811.

for buying the land other than to say that the King wanted it; but he expected that the Mississaugas, who had often spoken of their love for the King, would cheerfully "comply with his request". As Claus had done at Gwillembury, Givins distributed rations, termed "your Great Father's Bread and milk", and some ammunition, to the Mississaugas while they deliberated upon the request. Through their spokesman, Indun-way-way, the Mississaugas agreed to sell the land for \$107 worth of goods and apparently signed the provisional agreement calling for the surrender of "lots number four in the first and second concession in the Township of Thurlow".⁴⁰

Indun-way-way also took the opportunity provided by the council to register formally certain concerns that the Mississaugas felt regarding the white settlers who were pressing increasingly against Indian land. He complained of white people moving onto the islands around the Moira River in the Bay of Quinté. They were doing so, he said, without permission from the chiefs, but claiming that they did so "by order of the Governor at York". He declared that the Mississaugas wished to reserve those islands for their corn fields, and asked for "a writing to show these people that they may be sent off".⁴¹ He also complained of white men who were cutting timber, without consent, "on the borders of the Rice Lakes, and on each side of the Road leading from Smith's Creek to the Rice Lake" and floating it into the Bay of Quinté. One man in particular, Mr. William Williams, had actually settled on the "Carrying Place from Smith's Creek to the Rice Lake" and was also cutting

40 P.A.C., Q314, p. 164. Provisional Agreement with the Mississaugas for 428 acres in Thurlow, July 24, 1811.

41 P.A.C., Q314, p. 168. Proceedings of a Meeting with the Mississauga Indians ... July 24, 1811.

timber without permission from the Indians. The Chief concluded his remarks by asking that the goods which would serve as payment for the land should include axes, hoes and spears; and, like Chief Yellowhead at Lake Simcoe, he also requested a blacksmith to make and to repair these items for them.⁴² Givins could make no specific guarantees. He limited himself to saying that he would relay the message to the Governor, through the Lieutenant Governor, and added that he had no doubt that they would "receive a favourable answer as it is their particular care to do every justice to all their Indian Children".⁴³

When the goods intended to complete these two purchases arrived in Canada in the summer of 1812, the war had begun; and because of a scarcity of supplies in the general store at Lachine, they were applied to the general purposes of the Indian Department.⁴⁴ The lands were no less coveted, however, for the war underlined the importance of establishing a naval station at Penetanguishene⁴⁵ and building a road⁴⁶ through the lands of the projected purchase. Both projects were in fact begun during the conflict.⁴⁷ To soothe the Chippewas of the region, Claus advised that the goods would be coming to complete the payment,

42 P.A.C., Q314, pp.168 -69. Proceedings of a Meeting with the Mississauga Indians ... July 24, 1811.

43 Ibid., pp. 169-70.

44 P.A.C., R.G. 10, vol. 3, p. 1626. Claus to MacMajor, December 29, 1814.

45 P.A.C., Q128, p. 332. Prevost to Bathurst, No. 204, November 5, 1814; Ibid., pp. 425-26. Prevost to Bathurst, No. 211, November 8, 1814.

46 P.A.C., Q128, p. 336. Prevost to Drummond, October 29, 1814.

47 P.A.C., R.G. 10, vol. 3, p. 1626. Claus to MacMajor, December 29, 1814.

and that although the road was being built, the Indians should continue to consider the land as theirs. He asked them to permit the road to be completed on the promise that the full payment would be received.

Claus transmitted both the appropriate requisitions in February of 1815⁴⁸ and Francis Gore, who returned to Canada in September, issued instructions that the necessary steps be taken to complete the purchases he had arranged four years earlier.⁴⁹ On November 18, 1815, Claus, and others appointed by Gore, met the Chippewas of Lake Simcoe near Kempenfeld Bay on Lake Simcoe. The goods were delivered, the final deed signed and the land officially transferred.⁵⁰ The Thurlow land purchase was completed in August, 1816 when James Givins led a delegation to meet the Mississaugas led by Indun-way-way and other chiefs from the Rice Lake region.⁵¹ In both cases the goods included hoes and spears, but no mention was made of a blacksmith, nor of whites cutting timber on Indian land.

Completing these agreements was relatively simple since they had been negotiated in 1811. The next set of cessions were also obtained rather easily and quite quickly. Their object was to secure lands in the eastern region of the province, the area of most pressing concern

48 P.A.C., R.G.10, vol. 4, p. 1651. Claus to Loring, February 22, 1815.

49 P.A.C., R.G.10, vol. 4, p. 1791. Halton to Boulton, October 23, 1815; P.A.C., R.G.10, vol. 4, p. 1802. Gore to Beaman and Proctor, November 14, 1815.

50 Treaties and Surrenders, vol. 1, no. 16, pp. 42-43.

51 Ibid., no. 17, pp. 45-46.

for government. There was no longer any available land close to the international border, so new immigrants into the area were being directed into the adjacent lands which may be termed the back line of settlement; and besides it was considered important to have alternate lines of communication through the Rideau waterway system between the St. Lawrence and the Ottawa Rivers and through the Trent River - Kawartha Lakes system between the Bay of Quinté and Lake Simcoe.⁵² The Toronto Carrying Place route between York and Georgian Bay was likewise stressed as an alternative route into the western country.

At first it was intended only to use four or five townships to the rear of the townships of Crosby, Burgess, Elmsley, Montague and Marlborough.⁵³ William Claus sent John Ferguson, the Resident Agent at Kingston, to advise the Mississaugas that the government intended to survey the area and to build establishments there. He was to ask the Indians to let surveyors and work crews enter before payment for the land was made. That had been done at Lake Simcoe, but this time the delay was not caused by war, but by the delay involved in following the instructions regarding payment. The indulgence of the Indians was requested because of the anxiety of getting land for settlers quickly. In his report on this mission into the Rideau country Ferguson noted several significant points.

The Mississaugas of the Bay of Quinté and Kingston region claimed the Rideau lands. Their chiefs agreed fairly easily to permit the surveying

52 P.A.C., Q320, pp. 34ss. Gore to Bathurst, No. 9, February 23, 1816.

53 P.A.C., Q320, p. 45. Claus to Ferguson, February 7, 1816.

work to proceed unmolested, but in doing so, they introduced two questions regarding ownership of the land now under consideration. First, they declared that they were the sole Indian proprietors of the soil, for "the claims of the Nipissings and Algonquins do not cross the Ottawa River".⁵⁴ By making this statement they rejected the position of the Oka bands who claimed territorial rights to both the Ottawa and Madawaska River valleys. By accepting this statement, the government also rejected the Oka claims.⁵⁵ The Mississaugas also admitted that their own claim to the area was not total in that they expressed some doubt as to whether or not this land had been included in Crawford's purchase of 1783-84. In the event that it had not been previously sold, and the chiefs were of the opinion that it had not, they were prepared to sell it now. Ferguson's own recollections of the Crawford purchase and of Sir John Johnson's 1787 arrangements were that all the land had been purchased between the St. Lawrence River and the Ottawa River. He too, however, expressed some uncertainty.⁵⁶

Gore did attempt to exploit the uncertainty by investigating the possibility that the lands had, in fact, been purchased.⁵⁷ The question

54 P.A.C., Q320, pp. 48-50. Ferguson to Claus, June 20, 1816.

55 The evidence regarding the claims to the Ottawa and Madawaska valleys is scanty, but tends to support the Oka claim. The government's purchase of the region, however, was from the Mississaugas and it has continued to stand. See Department of Indian Affairs, Treaties and Historical Research Centre, "Memorandum: Ancient History Hunting Grounds of the Algonquin and Nipissing Indians, Comprising the Watersheds of the Ottawa and Madawaska Rivers, by A.E. St. Louis, December 27, 1951".

56 P.A.C., Q320, pp. 50. Ferguson to Claus, June 20, 1816.

57 P.A.C., Q322, pp. 87-88. Gore to Sherbrooke, January 14, 1817.

was not pursued, however, because the decision was made to purchase a much larger area. That area, including the lands behind Rice Lake where Peterborough was founded, brought the Rice Lake Mississaugas into the negotiations, and this group was less uncertain than their Mississauga brethren living in the area of the Rideau River. The land, they said, had not been sold. The enlarged purchase was considered necessary by government to provide for military settlements and for new immigrants.⁵⁸ The Rice Lake region was considered valuable also in order to open an inland water communication to Lake Simcoe. As a result, rather than press the issue, the government of Upper Canada decided to pay for the desired lands, no doubt as the easiest administrative avenue around the problem. In any event, the plan received approval from the Lords of the Treasury. Two large land surrenders, the Rideau Purchase and the Rice Lake Purchase resulted from this decision,⁶⁰ and both took place almost three years after establishments had begun in the areas concerned.

On November 5, 1818, William Claus convened a council at Smith's Creek (Port Hope) with the Mississaugas of the Rice Lake region.⁶¹ That these three chiefs had insisted that no previous surrender existed was clear from Claus' opening remarks.

Children ... My errand is, to put at rest the doubts with respect to the lands in the back parts of this Country which you seem to think were never disposed of to the King, and hope that hereafter none of your young men will be so idle as to remove the Posts or marks which will be put up by the King's Surveyors....

58 Gates, Land Policies of Upper Canada, p.88.

59 P.R.O., T-29, vol.180. Treasury Minute 23894, December 10, 1819.

60 See Figures 24 and 25.

61 Judgement in the Supreme Court of Ontario, Court of Appeal, The Queen v. Taylor and Williams, October 16, 1981, pp. 4-6. Minutes of a Council held at Smith's Creek, ... the 5th of November, 1819....

Claus told the chiefs that the King was buying lands in order to provide for the settlement of "his children". He then produced a sketch of the area and asked the chiefs to show him the bounds of the previous surrender and also to note the area desired by government at this point. Claus then introduced, for the first time, the annuity method of payment, and stressed its advantage by saying the King "... does not mean to do as formerly to pay you at once, but as long as any of you remain on the Earth to give you Cloathing in payment every year, besides the presents he now gives you...".

Buckquaquet, the principal chief, replied to Claus' offer. His response revealed clearly the vulnerable position of the Rice Lake Mississaugas.

Father: You see me here, I am to be pitied, I have no old men to instruct me. I am the Head Chief, but a young man. You must pity me, all the old people have gone to the other world. My hands are naked, I cannot speak as our Ancestors were used to.

Father: If I was to refuse what our Father has requested, our Women and Children would be more to be pitied. From our lands we receive scarcely anything and if your words are true we will get more by parting with them, than by keeping them - our hunting is destroyed and we must throw ourselves on the compassion of our Great Father the King.

Father: Our Young People & Chief have always thought of not refusing our Father any request he makes to us, and therefore do what he wishes.

Father: If it was not for our Brethren the farmers about the Country we should near starve for our hunting is destroyed.⁶²

⁶² Judgement in the Supreme Court of Ontario, Court of Appeal, The Queen v. Taylor and Williams, October 16, 1981, pp. 4-6. Minutes of a Council held at Smith's Creek, ... the 5th of November, 1819....

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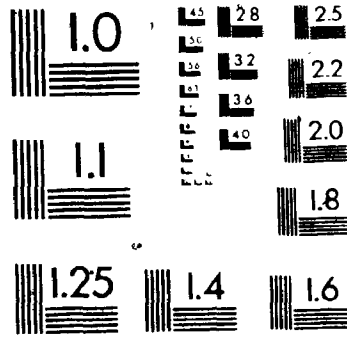
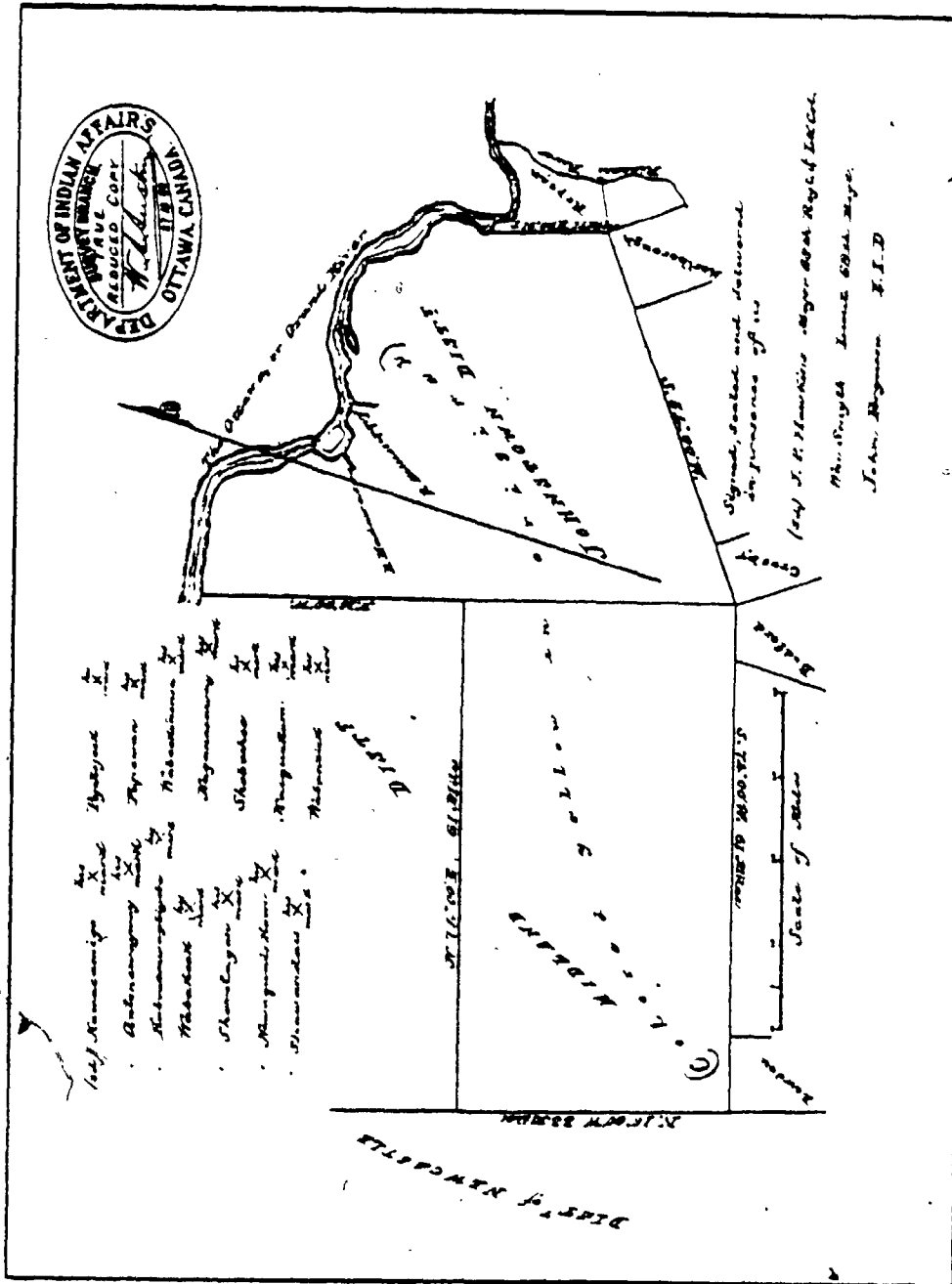


Figure 25: The Rideau Purchase



(From Treaties and Surrenders, vol.1, p:58)

Claus told the chiefs that the King was buying lands in order to provide for the settlement of "his children". He then produced a sketch of the area and asked the chiefs to show him the bounds of the previous surrender and also to note the area desired by government at this point. Claus then introduced, for the first time, the annuity method of payment, and stressed its advantage by saying the King "... does not mean to do as formerly to pay you at once, but as long as any of you remain on the Earth to give you Cloathing in payment every year, besides the presents he now gives you...".

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62 Judgement in the Supreme Court of Ontario, Court of Appeal, The Queen v. Taylor and Williams, October 16, 1981, pp. 4-6. Minutes of a Council held at Smith's Creek, ... the 5th of November, 1819....

Buckquaquet also expressed the hope that his people would be allowed to continue hunting and fishing where they could still find fish and game and that the settlers, when they came, would not mistreat the Indians. Finally, he asked that the islands be reserved to the Indians for purposes of farming.

Claus declared that the rivers and forests were open to all and that the Mississaugas had an equal right to them. He made no promise regarding the islands, but he did say that he was sure the Governor would accede to that wish. The written agreement did not mention either the islands or the right to continue hunting and fishing.⁶³ It was restricted to naming the annuity of £740 per year, and to describing the tract north of Rice Lake, estimated to contain 1,951,000 acres of land.⁶⁴ The method of paying the annuity was clarified to say that each man, woman and child would receive ten dollars yearly.⁶⁵

Late in the following spring the agent John Ferguson was delegated to treat for the tract of land behind Tweed and Perth. At a council held on May 13, 1819,⁶⁶ Ferguson met the 257 Mississaugas, of the Bay of Quinté region (159) and the Kingston area (98), who claimed the area of the intended purchase. The enormous tract involved, known as the Rideau

63 Treaties and Surrenders, vol. 1, no. 20, pp. 48-49.

64 Ibid., p. 48; also P.A.C., Claus Papers, vol. 11, p. 113. Description of Land of Adjutant Purchase, Description no. 7508.

65 Treaties and Surrenders, vol. 1, no. 20, p. 49.

66 Ibid., no. 27, pp. 62-63.

Purchase,⁶⁷ contained 2,748,000 acres, which the Mississaugas agreed to sell for an annuity of £642.10.⁶⁸ It was stipulated that this sum would be distributed at the rate of 50s per person. This provisional agreement was approved by the Treasury, but because of delays in making some of the annuity payments, a confirmatory surrender did not follow until April 26, 1825.⁶⁹ At that time the per capita annuity was raised to £2.10. Apparently the changes inherent in designating a per capita payment rather than a lump sum had been noted, for this final agreement carried the provision that the number of persons receiving the payment must not be greater than 257, that being the number claiming the land at the time of the original agreement.

Purchases in 1785, 1798 and 1815 and already provided government with the bulk of the lands lying between Lake Simcoe and Georgian Bay.⁷⁰ In 1816-1817 it was considered necessary only to acquire the portion of the portage route between Kempenfelt Bay and Nottawasaga Bay, which still remained in Indian country. The problem with restricting a new purchase to the small area, according to William Claus who received word of it on March 15, 1817,⁷¹ was that the Nottawasaga River would still remain largely in possession of the Chippewas. The Nottawasaga River was an important line of communication. To secure it, Claus suggested buying

67 P.A.C., R.G. 8, vol. 263, p. 194. Return showing the present scale of Annual Presents ... on account of the Surrender of Lands ... commonly called the Rideau Purchase.

68 Treaties and Surrenders, vol. 1, no. 27, p. 62.

69 Ibid., no. 27 1/4, pp. 63-65.

70 See Figure 24.

71 P.A.C., R.G. 8, vol. 261, p. 130. Claus to Addison, March 30, 1817.

either all of the land from two miles west of that river or a piece of territory enclosed by a line running from the western corner of King township to the deepest point of Nottawasaga Bay.⁷² He also expressed the opinion that the Chippewas would readily accede to the surrender of their territory.

Perhaps it was this last consideration which determined the government's decision to follow neither of Claus' suggestions, but to request an even greater tract. Accordingly, when William Claus met the assembled Chippewas in council on October 17, 1818 at the house of Nathaniel Gamble near the Holland River,⁷³ he asked them to sell 1,592,000⁷⁴ acres of their land to the westward and southward of Lake Simcoe. It was an enormous tract, which included the shoreline of Lake Huron between Wasaga and Vail Point and contained more than three times the acreage of Claus' second option to Gore. In setting forth the proposition to the Indians, Claus observed that while the ultimate intention was to settle the region, it would be "many years after both of us and most of your people will have left the world before any settlement" would "come near to your villages".⁷⁵ At present the land lay idle, he said, and the Chippewas received no benefit from it. But by selling it to the King, they could continue to use it as they always had and still receive yearly clothing in addition to the normal presents which the King distributed each year.

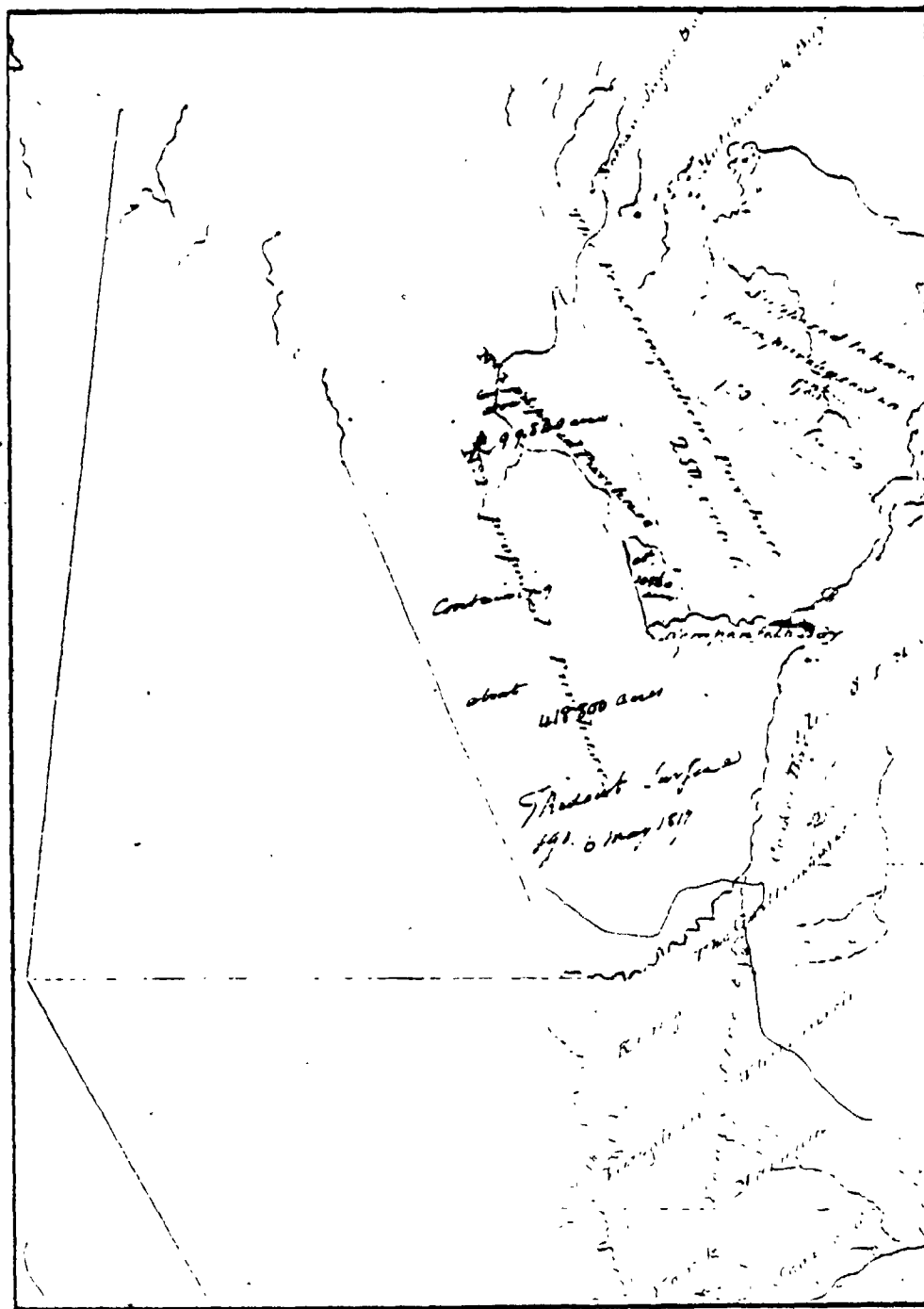
72 P.A.C.; R.G.8, vol. 261, p. 130. Claus to Addison. March 30, 1817. See Figure 26.

73 P.A.C., Claus Papers, vol. 11, pp. 101-104. Minutes of an Indian Council held ... the 17th October, 1818, with ... the Chippewa Nation.

74 Treaties and Surrenders, vol. 1, no. 18, p. 47.

75 P.A.C., Claus Papers, vol. 11, p. 102. Minutes of an Indian Council... 17th October, 1818.

Figure 26: Lake Simcoe Purchases, Showing Alternate Proposals



(From Claus Papers, vol. 11, p. 33)

"Consider", he said, "whether it is not better to get some covering for yourselves, your wives and children than letting it lay idle."

Chief Yellowhead, who had led the delegation of Chippewa chiefs at the 1815 surrender, replied that they could "not withhold a compliance with the subject of your request".⁷⁶ For that compliance the government agreed to pay an annuity of \$1200 in goods.⁷⁷ No mention was included of a method distributing the annual payments. Presumably that task would be the responsibility of the chiefs. The refinement of a per capita designation would come in the Rideau agreement of 1819. Yellowhead did not, apparently, mention hunting or fishing. He did, however, ask that a doctor might be encouraged to live in the area to tend to the medical needs of his people.⁷⁸ Claus replied that his words would "be faithfully communicated" to the Governor, "who I have no doubt will attend your wishes".⁷⁹ This consideration also escaped mention in the formal agreement for the land surrender. Inasmuch as doctors were subsequently stationed at the Penetanguishene naval base and later were attached to the Indian establishment at Coldwater, this provision may be said to have been honoured.

After Claus had arranged the sale of October 17, 1818, he turned his attention towards acquiring the lands which lay directly to the southward. This consisted of 648,000⁸⁰ acres extending to the purchase

76 P.A.C., Claus Papers, vol.11, pp.102-103. Minutes of an Indian Council ... 17th October, 1818.

77 Treaties and Surrenders, vol. 1, no. 18, p. 47.

78 P.A.C., Claus Papers, vol. 11, p. 103. Minutes of an Indian Council ... 17th October, 1818.

79 Ibid., p. 104.

80 P.A.C., R.G.8, vol. 263, p.158. Land Purchased from the Indians.

line of September 5, 1806. The region was recognized as the domain of the Credit River Mississaugas who had, in the 1806 agreement, retained three small pieces of land for their exclusive use at the mouths of the Credit River;⁸¹ Sixteen Mile Creek⁸² and Twelve Mile Creek.⁸³ This band had found itself under steady pressure from white settlers because of its location between the provincial capital of York and the Niagara River frontier. Despite proclamations to the contrary, and despite efforts by the Indian Department officials, the Credit River band suffered encroachments on its lands and fisheries; and it also found itself the victim of such evils as liquor and disease. In addition, advancing settlement had, as usual, served to drive the game from the Mississauga hunting areas.⁸⁴ The beleaguered band, therefore, declined drastically in both numbers and self-confidence.⁸⁵

This weakened state was evident when William Claus met them at a council at the Credit River on October 27, 28 and 29, 1818.⁸⁶ After the

81 The Credit River reserve contained 8940 acres. P.A.C., Claus Papers, vol. 12, p. 98. A Statement of Indian Reserve in Upper Canada; Released to the Crown. Office Copy.

82 This reserve held 968 acres. P.A.C., Claus Papers, vol. 11, pp. 27-29. Description of the Indian Reservation on the Sixteen Mile Creek, Description No. 7486.

83 It contained 1352 acres. P.A.C., Claus Papers, vol. 11, pp. 29-30. Description of the Indian Reservation on Twelve Mile Creek, Description No. 7487.

84 P.A.C., R.G.10, vol. 27. Proceedings of a Meeting with the Mississauga Indians at the River Credit, October 3, 1810.

85 The Credit River band is the subject of an extensive study by D. B. Smith, "The Mississaugas, Peter Jones, and the White Man", Ph. D. Thesis, Toronto, 1975. See particularly chapter 5, pp. 113-137.

86 P.A.C., Claus Papers, vol. 11, pp. 110-112. Minutes of the Proceedings of a Council at the River au Credit on the 27th, 28th and 29th October, 1818.

customary greetings, Claus remarked that the band appeared to him to be "thin and miserable", deriving no benefit from their land, which was "lying dead". To help them, the King proposed buying that useless land from them and giving them "Goods yearly to cover [their...] Women and Children"⁸⁷ in addition to the regular annual presents. The response to this proposal was delivered the following day by Ajetance, who had been elected chief of the Credit River band in 1810.⁸⁸ Ajetance agreed to surrender the land as Claus requested, and asked only that his band be allowed to retain its land at the mouth of the Credit River, adding that "it is but small and we will not have it long; it is all we have to live upon".⁸⁹ By this agreement, the Mississaugas of the Credit were to receive goods to the value of £522.10 annually.⁹⁰ They also kept their three reserves.

One scholar has interpreted Ajetance's sad words as an indication that the Mississaugas believed "that they would soon disappear".⁹¹ The proceedings of the council could well have had that meaning. It could also have meant, however, that they expected yet another assault on their remaining land. If so, his words were prophetic. The three reserves occupied strategic locations for roads, mill-sites and harbours.⁹²

87 P.A.C., Claus Papers, vol. 11, p. 110. Minutes of the Proceedings of a Council at the River au Credit on the 27th, 28th and 29th October, 1818.

88 Smith, "The Mississaugas, Peter Jones and the White Man", p. 135.

89 P.A.C., Claus Papers, vol. 11, p. 111. Minutes of ... a Council at the River au Credit on the 27th, 28th and 29th October, 1818.

90 Treaties and Surrenders, vol. 1, no. 19, pp. 47-48.

91 Smith, "The Mississaugas, Peter Jones and the White Man", p. 135.

92 Ibid., p. 136.

Accordingly, Claus held councils with the Mississaugas in June of 1819 to prepare for further cessions, and on February 18, 1829 concluded an agreement which claimed all of the Mississauga reserve lands, except for 200 acres on the Credit River.⁹³ Upon this small parcel was to be built a village for the use of the Indians; and presumably it would be at that village that the money from the proceeds of the sale of the reserves would be used to "make provision for the maintenance and religious instruction of the people of the Mississauga Nation of Indians and their posterity ...".⁹⁴ These agreements with the Mississaugas of the Credit River secured virtually all of the lands of the Home District for the government of Upper Canada.

Another Indian reserve area came under attack at this same time. In the Bay of Quinté region the small purchase of 428 acres of Mississauga land in Thurlow township was only a portion of the Indian lands coveted by both private settlers and government. There the principal prize was the Tyendinaga reserve of the Six Nations who had settled in 1784 under leadership of John Deseronto. Known also as the Mohawk Tract, or Mohawk township,⁹⁵ this parcel was sparsely populated, but contained what most observers considered to be rich and valuable land. It lay, furthermore, "on the high road to York from Kingston",⁹⁶ and thereby marked a break in the continuous settlement line along the north shore of Lake Ontario.

93 Treaties and Surrenders, vol. 1, no. 22, pp. 50-53.

94 Ibid., p. 53.

95 P.A.C., Claus Papers, vol. 11, p. 147. Description of the Mohawk Tract.

96 P.A.C., Q326, p. 100. Green to Bathurst, (Memorial), February 6, 1819.

One individual, John Cleveland Green, indicated his intentions of buying the entire tract from the Tyendinaga Mohawks. When he learned that that procedure was inappropriate, Green memorialized the Colonial Secretary, Lord Bathurst, urging that the government purchase the Mohawk Tract, and then grant it to him. Green offered, in return for a grant in fee simple, to supply 500 barrells of flour annually to the British forces in Upper Canada.⁹⁷ This offer was made in 1819, but the land had been coveted for several years by that time. Lieutenant Governor Gore had indicated in 1816 that he felt the land would be useful to government for both settlement and military purposes; and the fact that he also expressed the opinion that no individual should receive a grant of more than 200 acres suggested that there were already many non-Indians who desired to obtain land in the Mohawk Tract.⁹⁸

Gore was encouraged to seek that land by a report from William Claus, the Deputy Superintendent General of Indian Affairs, who preferred the opinion that the Tyendinaga Mohawks could be induced to sell the tract and "join their friends on the Grand River".⁹⁹ Gore might be excused, but Claus should have known better. Since 1784 the Deseronto band had deliberately kept itself separate from the Brant contingent of the Six Nations at the Grand River. They did not wish to join the larger group; nor did they want to part with any of the

97 P.A.C., Q326, p. 100-102. Green to Bathurst, (Memorial), February 6, 1819; Ibid., pp. 104-109. Green to Bathurst, March 8, 1819.

98 P.A.C., Q320, p. 224. Gore to Bathurst, No. 31, May 25, 1816. See also D. Doxtator, "Tyendinaga Land Surrenders: 1820-1840", M.A. Research Essay, Institute of Canadian Studies, Carleton University, 1982.

99 P.A.C., Q320, p. 227-28. Claus to Gore, May 22, 1816.

lands they held on the Bay of Quinté. But they were not able to retain their full allotment because the pressure from private settlers and from government was too great.

The area was one of the first to be settled in Upper Canada, and as the regional population grew, more people began to covet land which the Mohawks held but were not developing. Rather than wait for a formal purchase, followed by re-distribution and grants, some encroached on the reserve by squatting or by cutting timber. One such person was a man named John Deans who set up a permanent camp and proceeded to harvest timber along the Shannon River and Sucker Creek.¹⁰⁰ Such encroachments were seldom challenged by the Indian Department, although they were objected to by the Indians.

Perhaps this lack of opposition from the branch resulted simply because its manpower resources - one resident agent at Kingston - were inadequate to police a large area. Certainly that explanation was offered. But government also wished to have the land for its own use, to permit settlement, build roads and add to the naval establishment. This consideration suggests that the half-hearted opposition to encroachers was partly designed. The memorial of John Cleveland Green, already mentioned, seemed to have summarized the general attitude of government and settlers when it declared that the purchase of the tract would benefit the province in several ways.

100 P.A.C., R.G. 8, vol. 263, p. 117. Ferguson to Claus, September 11, 1820.

... first, inasmuch as it was it would be the means of bringing an accession of faithful subjects into Upper Canada, and by their industry, additional wealth; and next, as affording a facility to the communication between the towns of Kingston and York, which an uninhabited district does not now present; the Indians, not contributing to the repair of the roads either in their own persons or otherwise...

At present, this portion of waste land is not occupied ... by more than seven or eight Indian Families, who draw a scanty and precarious subsistence from the soil,...¹⁰¹

The idea that loyal subjects would settle the region was certainly consistent with the government's post-war policies. It was not surprising, then that Lieutenant Governor Maitland recommended that "the Mohawk Tract in the Bay of Quinté be purchased, and a Naval settlement founded there".¹⁰² The naval establishment was not created, but the first of several parcels were taken from the Mohawk Tract in 1819-1820.

For the first purchase, the road between Napanee Mills and Myers Mills¹⁰³ was obviously a matter of principal concern, for the land taken cut a swath across the entire tract between Thurlow and Richmond townships, and left unceded lands to the north and the south. The full purchase area contained 37,000 acres (52 square miles) and for it the Mohawks received an annuity of £450, divided on a per capita basis, evaluated at the time at 2.10.¹⁰⁴ William Claus reached a provisional agreement to that effect on May 21, 1819, and had it confirmed by a

101 P.A.C., Q326, pp. 100-101. Green to Bathurst, (Memorial), February 6, 1819.

102 P.A.C., Q325-2, p. 486. Memorandum by Maitland.

103 P.A.C., R.G. 8, vol.263, p. 69. Claus to [?], May 12, 1820.

104 P.A.C., Claus Papers, vol. 12, p. 97. A Statement of Lands Purchased for the Crown from Indians in Upper Canada. (Office Copy); Treaties and Surrenders, vol. 1, no. 24, pp. 54-57.

formal indenture, secured in open council, on July 20, 1820. Later surrenders, beginning in 1835,¹⁰⁵ persistently reduced the size of the tract to its present 17,448 acres.¹⁰⁶ Because the reductions were piece-meal and gradual, the Tyendinaga band, by accumulating itself as circumstances required,¹⁰⁷ was able to retain some lands at the original site and to avoid amalgamation with the Grand River Iroquois or assimilation into the surrounding European community.

In the western portion of the province, the need for land was not quite as urgent. There was, however, a desire to settle loyal subjects in an area where loyalty had been tested during the war, and often found wanting. This was especially the case north of the Thames River between London and Chatham, an area which was being developed, but which had not yet been purchased from the Indians.

The first approach to the Indians was made by John Askin, the Superintendent of Indian Affairs at Amherstburg. Acting on instructions from Lieutenant Governor Maitland, through William Claus, on October 16, 1818, Askin met the chiefs of the Chippewa bands of the Chenail Ecarte, the St. Clair River, Bear Creek, the Sable River and the Thames River.¹⁰⁸ He advised them that the King wished to purchase all

105 These cessions included seven before Confederation (1835, 1836, 1843, 1847, 1850 and 1856) and three after 1867 (1883, 1885 and 1889). For these agreements consult Treaties and Surrenders, vol. 1, nos. 41, 41 1/2, 51, 56, 58 1/2a, 68 and 81; vol. 2, nos. 208, 224.

106 Canada. Indian and Northern Affairs. Atlas of Indian Reserves and Settlements 1971 (Ottawa, 1971), Sheet 3A.

107 C.H. Torok, "The Acculturation of the Mohawks on the Bay of Quinté", Ph. D. Thesis, Toronto, 1966.

108 P.A.C., Claus Papers, vol. 11, pp. 95-96. Minutes of a Council at Amherstburg, the 16th October, 1818.

of their lands on the Thames River and on Lake Huron just north of the Sable River and extending inland as far as the Grand River tract,¹⁰⁹ and asked the chiefs "to state on what terms they would dispose of the said Tract".¹¹⁰

After deliberating on the question, Chief Chawne replied for the assembled chiefs. They agreed to sell the land and left it to the King's representative (Maitland) to assess its value. Payment, however, was to be made annually for fifty years. This payment, they said, was to be above and beyond the annual presents; furthermore, part of the annuity was to be used to furnish them with a blacksmith and a husbandman who were to be stationed near their reserves. The blacksmith they expected to service their axes, traps and guns; the husbandman would be expected to instruct them "in the art of Husbandry". These reserves, they stipulated, should be located:

- 1st. Four miles square at some instance below the Rapids of the river St. Clair.
- 2nd. One mile in front by four deep bordering on the said river and adjoining to the Shawanoe Reserve (Sombra Township).
- 3rd. Six miles at Kettle Point, Lake Huron.
- 4th. Two miles square at the River au Sable.
- 5th. Two miles square at Bear's Creek, also a reserve for Tomico and his band up the Thames which he will point out when he arrives....¹¹¹

Chawne added that they expected that these reserves would be enlarged

109 P.A.C., Claus Papers, vol. 11, p. 137. Sketch of Land to be purchased.

110 P.A.C., Claus Papers, vol. 11, p. 95. Minutes of a Council at Amherstburg, the 16th October, 1818.

111 Ibid.

at the time the final agreement would be made if the King's representative felt that they were too small.

As a result of Askin's exploratory mission, it was decided to seek these Chippewa lands by two separate agreements.¹¹² Of greater interest to government was the section known as the Long Woods, extending on the north bank of the Thames River between the Delaware village in London Township and the Moravian village in Oxford Township. The Chippewa owners were invited, independently of their brethren of the Chenail, St. Clair and Ausable Rivers, to meet Askin in February of 1819.¹¹³ It was unusual to convene a council at that time of year, for most bands dispersed to small camps during the winter. It was with some difficulty, therefore, that Askin managed to gather them for a council held on March 9 in Malden Township.

In the provisional agreement that grew out of that council, the chiefs of the Chippewas agreed to sell the prescribed tract of land, estimated at 552,190 acres for an annuity of £600, half of which was to be paid in specie and the other half in goods.¹¹⁴ The agreement also called for two areas of reserved land for the Chippewas. About 15,360 acres were reserved on "the northerly shore of the Thames River, nearly opposite the Township of Southwold". This, it would seem, was the reserve

112 P.A.C., Claus Papers, vol. 11, p. 95. Askin to Claus, Private, February 19, 1819.

113 Ibid.; P.A.C., Claus Papers, vol. 11, p. 143. Askin to Claus, March 3, 1819.

114 Treaties and Surrenders, vol. 1, no. 21, p. 49.

intended for Chief Tomico. A second reserve was described as "two miles square distant about four miles above the rapids near the source of Big Bear Creek where the Indians have their improvements."¹¹⁵ Both reserves were shown on the sketch of the proposed purchase sent to Askin before the agreement was made.¹¹⁶

At the end of March, the Chippewas of the Chenail Ecarté, Ausable River and the St. Clair River, having been sent for some weeks earlier, met Askin at Amherstburg to discuss the sale of the remainder of the lands desired by government. Known as the Huron Tract, and containing some 2,756,960 acres of land, this area was sold by its owners for an annuity of £1375, half to be paid in specie and half in goods.¹¹⁷ The reserved areas called for in October were duly made by this agreement of March 30, 1819, and shown on the sketch of the proposed surrender.

Neither of these two agreements would stand up, however, for objections were raised regarding the proposal to making any portion of the payment in cash.¹¹⁸ As a result, new agreements had to be made and the Indians had to agree to the proposed alterations. This was done, but it was accomplished with some difficulty, and it required several years to complete the purchase agreements.¹¹⁹ Some interesting alterations occurred in the process. The Long Woods annuity was altered to

115 Treaties and Surrenders, vol. 1, no. 21, p. 50.

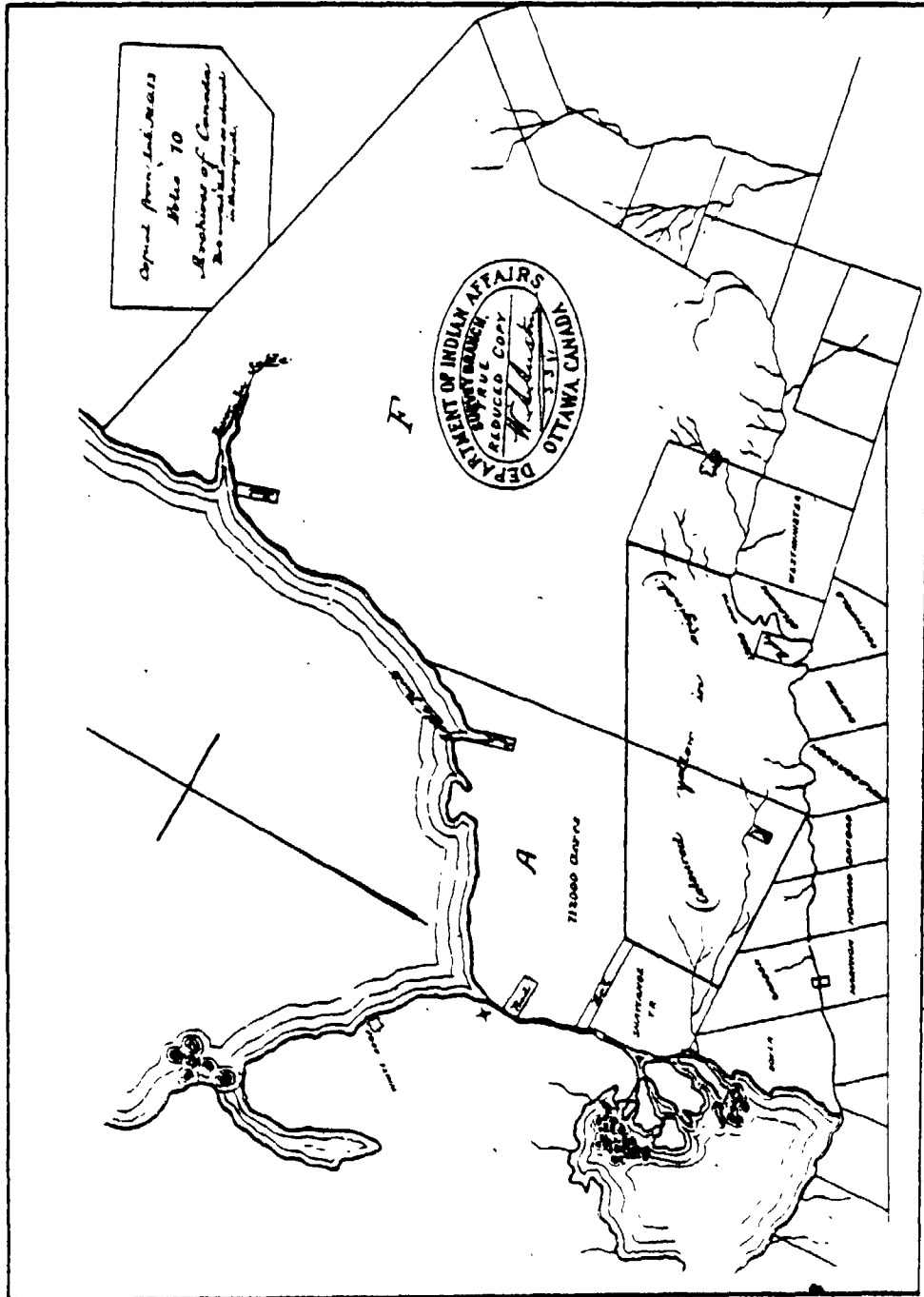
116 P.A.C., Claus Papers, vol. 11, p. 137. Sketch of Proposed Purchase.

117 P.A.C., Claus Papers, vol. 11, pp. 187-190. Articles of a Provisional Agreement entered into on the 30th day of March, 1819.

118 P.A.C., R.G. 8, vol. 263, pp. 104-105. Claus to Hillier, August 7, 1820.

119 P.A.C., R.G.8, vol. 263, pp. 76-77. Ironside to Hawkins, May 4, 1820; P.A.C., R.G. 8, vol. 263, pp. 78-79. Hawkins to Bowles, May 10, 1820.

Figure 27: The Long Woods Purchase



(From Treaties and Surrenders, vol.1, p.58)

limit the per capita payments of \$2.10 to 240 persons, that being the number of persons who claimed and inhabited the area at the time of the original surrender.¹²⁰ This alteration is easy to understand in view of the arrangements which had been made for the Rideau Tract and the Rice Lake (or Adjutant) Surrenders. More difficult to comprehend, however, is the omission of any mention of the two areas reserved in the original agreement.¹²¹ And even more difficult still, is the fact that the reserve set aside for the Chippewas in Carodoc township continued to be recognized as Indian land (indeed a portion of it remains today) while the reserve on Bear Creek seems never to have been established.

It took longer to complete the purchase of the Huron Tract. At first the delay was occasioned because Maitland saw no urgency for pushing its conclusion since so much other land had become available to the government.¹²² After John Galt's scheme to form the Canada Company began to take shape, however, the question of the Huron Tract became more urgent, for the 1,000,000 acres¹²³ to be given to the Company were to come from the Indian territory. Finally, on April 25, 1825 a second provisional agreement was made with the Chippewas of the Chenail Ecarté, the St. Clair River and the Ausable River. It provided for the four reserves called for in 1818 and 1819 below

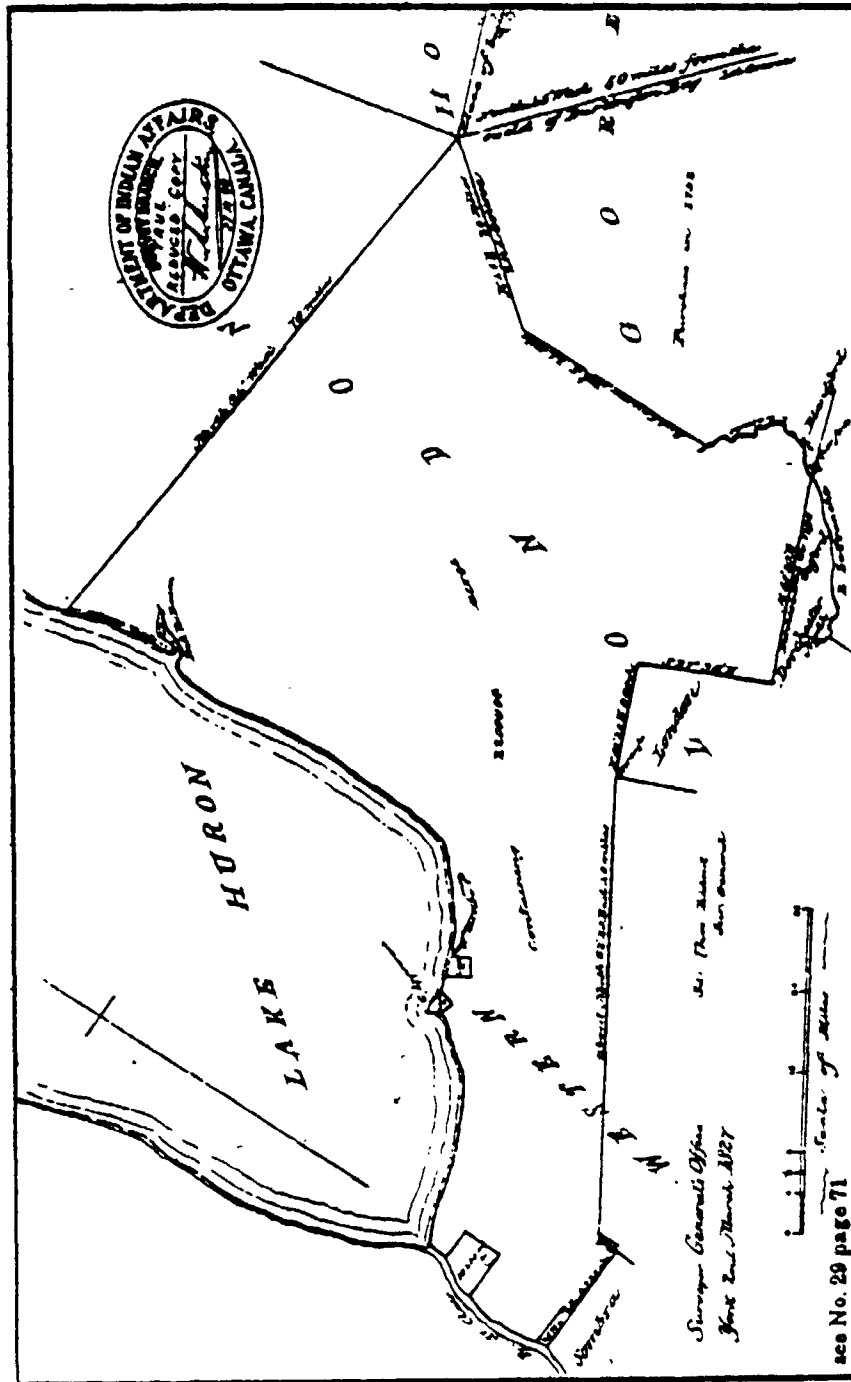
120 Treaties and Surrenders, vol. 1, no. 25, p. 59.

121 Ibid., pp. 58-60.

122 P.R.O., T-29, vol. 191. Treasury Minute 17042.

123 Gates, Land Policies of Upper Canada, p. 205.

Figure 28: The Huron Tract Purchase



(From Treaties and Surrenders, vol.1, p.90)

the St. Clair River rapids, at Sombra Township, at Kettle Point and at the Ausable River.¹²⁴ These totalled 23,054 acres, which was no more (or less) than called for at the 1818 council. The several bands were to receive an annuity of \$1100 to be divided equally among the 460 persons said to inhabit the tract in 1825.¹²⁵ It could be noted that this sum was \$275 less than the 1819 provisional agreement. The 1825 agreement also provided that should the total population decline by half, the annuity would be reduced by the same amount. And it would continue to be reduced in like amounts if the population decline continued. There was no mention of a schedule to increase the annuity in the event of an increase in the population.¹²⁶

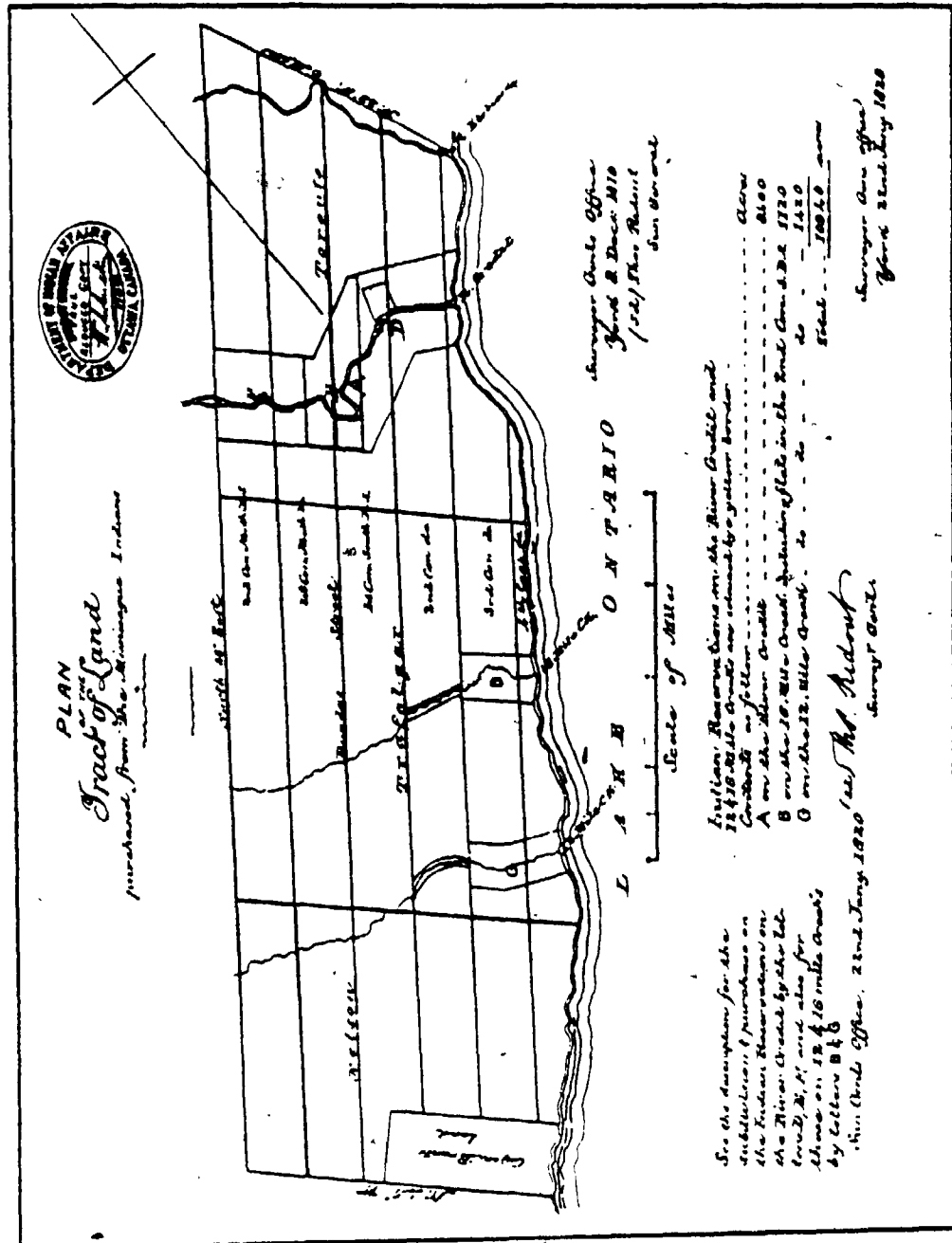
The Huron Tract arrangements concluded the acquisition by government of more than seven million acres of land in the interior of Upper Canada. That it was acquired easily owed much to the weakened position of the Indians after the War of 1812. The negotiations surrounding these several purchases, however, despite this weakened state, indicates a growing comprehension by Indians of what the land sale agreements meant. One indication was the insistence, by western Chippewas, on substantial reserve locations for specific bands and specific purposes. Reserves had previously been set apart for the Credit River Mississaugas, but they had been intended to provide only

124 Treaties and Surrenders, vol. 1, no. 27 1/2, pp. 65-67.

125 Ibid., p. 66.

126 The final agreement actually came two years later, on July 10, 1827 at which time the 1825 arrangement was confirmed. Ibid., vol. 1, no. 29, pp. 71-75. A final point bears noting regarding land in the Western and London Districts. The tract known as Walpole Island was not included in any of the land cessions of 1790, 1796, 1819, 1822 or 1825. It remained, and remains, Indian land. D.J. McNab, "Research Report on the Location of the Boundaries of Walpole Island Indian Reserve #46" (M.N.R., Toronto, 1980).

Figure 29: Mississauga Reserves



(From Treaties and Surrenders, vol. 1, p. 58)

the salmon fisheries at the Credit River and Sixteen Mile and Twelve Mile Creeks. Those called for at the Ausable River and Bear Creek were expected to provide for hunting areas as well.

Hunting and fishing rights also entered negotiations in a direct way for the first time. These too had been alluded to in previous agreements, but in the 1818 council with the Rice Lake Mississaugas, Chief Buckquaquet asked for specific guarantees that his people would be permitted to hunt and fish as they always had. Specific requests for blacksmiths or a doctor were also indications that the Indians had grown to understand that their lands were valuable and that they could bargain for conditions beyond the initial offer of trade goods. Most revealing, however, was the request for "a writing" by the Wyandots of Amherstburg and the Mississaugas of Rice Lake. The power and meaning of written documents had obviously begun to take hold. Thus, although the Indians' position was worsening, their understanding of what was happening was getting better.

The Indian Department officials, who were charged with the task of arranging the surrenders, were not yet pressed very hard by that growing comprehension on the part of the Indians. That would come in later sales. In the post-war decade they were able to secure agreements quite easily. Verbal assurances or promises to forward requests were sufficient to satisfy the Indians. Thus, agents seemed to ignore - or omit - many of the Indian requests when their final documents of surrender were prepared. Despite this tendency, some progress was made. Agents were much more careful to prepare and keep minutes of Indian councils than had previously been the case. Also, care was taken to record the

arrangements properly and legally, and to make certain that the Indian Department's central office had copies. It marked a small beginning in the road towards providing the documentation by which the branch could gradually build a "corporate"¹²⁷ or administrative memory regarding lands sales. The confusion that had plagued Simcoe and Russell, and which touched Gore briefly, would not arise again.

Apart from these administrative refinements, department officials were not required to make any other adjustments in their approach to negotiating for Indian lands. Even the altered system of payment was introduced for the benefit of government, not the Indians. The sole source of concerns for the condition of native peoples in Upper Canada came from individuals or missionary groups who expressed the view that in order to improve their situation, the Indians should be encouraged to learn the European skills of farming and husbandry.

The Indians of the southern regions had surrendered their lands so easily that they seemed to have lost confidence in their own survival. In such circumstances, the presentation of an alternative life style, it was felt, would be gratefully, even eagerly, embraced. It was this situation which would encourage philanthropists to suggest a programme that would lead to a settled and civilized life style. This was the policy of creating Indian reserves upon which the new life style could be taught. It came to be viewed, in 1830, as a panacea to the Indian question. The land cessions of the post-war decade, therefore, can be seen as encouraging the advent of a new programme, suggested in the 1820s, that would be adopted in 1830.

127 The term is borrowed from S. Weaver, Making Canadian Indian Policy: The Hidden Agenda, 1968-1970 (Toronto, 1981).

Chapter 6. The Role of Reserves, 1830-1854: The
Manitoulin Island and the Saugeen Peninsula.

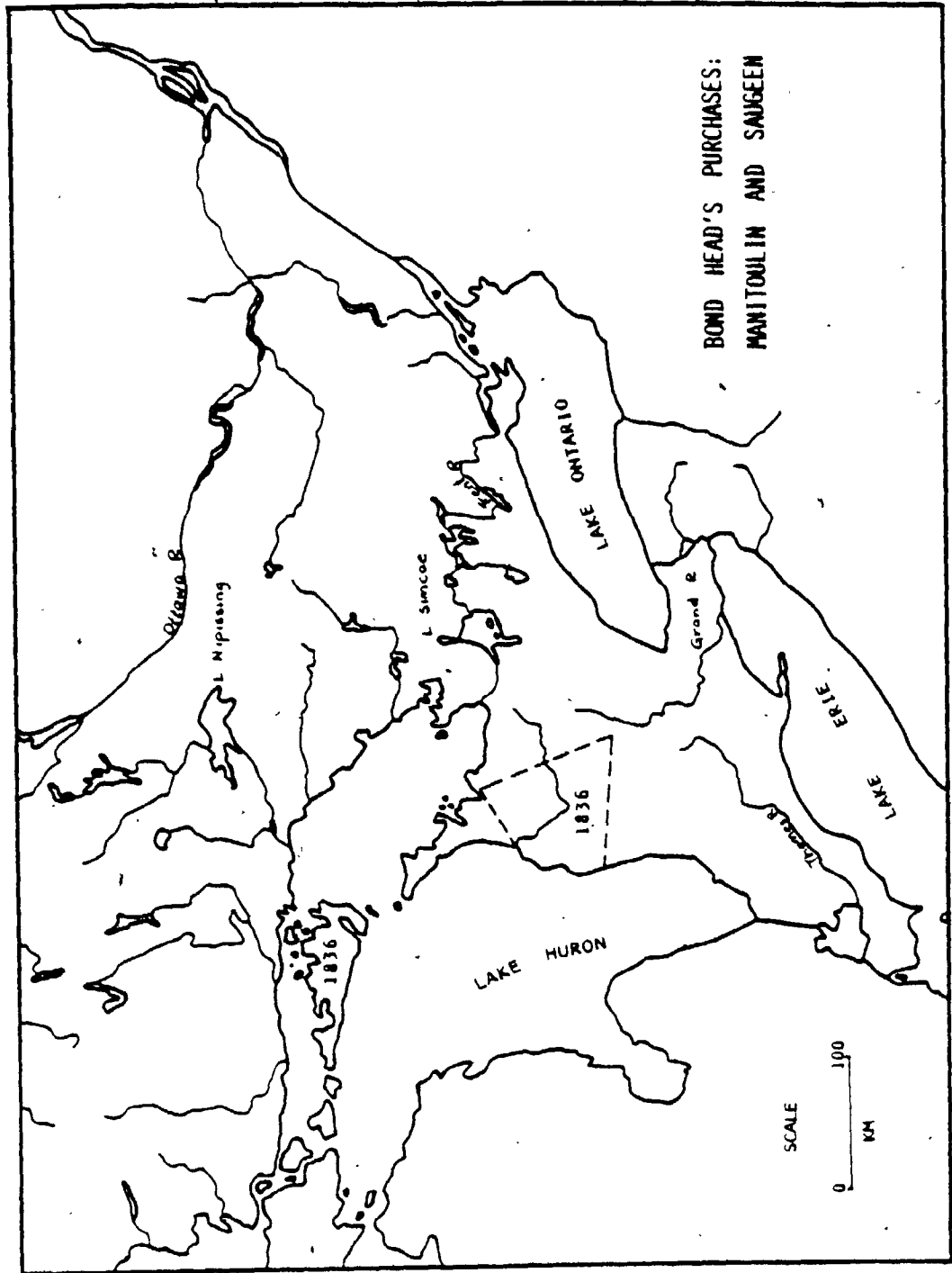
When the programme of civilization was introduced in Upper Canada in 1830, it had many local supporters, particularly from the several missionary societies and groups who were concerned about the conditions prevailing among the Indians. The Methodists were the most numerous, but Roman Catholics and Anglicans were also active. More significant than this local support, however, was that extended to the reserve system through the Colonial Secretary's office. Sir George Murray (1828-November 22, 1830) was largely responsible for having the plan implemented, and indeed considered the amelioration of aboriginal peoples throughout the empire to be the most significant trait of his stewardship. Viscount Goderich (1830-1833) and Lord Glenelg (1835-1839) were also firmly committed to the programme of improving the conditions of aborigines. These men did not stand alone, for the evangelical movement was a strong force in British politics in the 1830s. The most dramatic and highly publicized accomplishment of the movement was the successful abolition of the slave trade, but the fervor that surrounded that enterprise spilled over into other spheres. An example was the formation of the Aborigines Protection Society in 1836, and in general there was a connection - or at most a short step - between slavery and the native question.¹ In Canada, the native question was to be answered with the reserve system.

1 D.J. McNab, "Herman Merivale and the British Empire, 1806-1874, with Special Reference to British North America, Southern Africa and India". Ph. D. Thesis, University of Lancaster, 1978, Chapter 5, pp. 183-215.

The reserve programme of Upper Canada, designed as it was to facilitate the protection and improvement of Indians in Upper Canada, had, through its evangelical contacts, some powerful friends in high places. This fact naturally filtered through the bureaucratic and official ranks so that the enthusiasm for the programme, if one judges from the departmental correspondence, was universal. There were some gathering dark clouds on the horizon, however, for the scheme depended heavily upon the continued presence of influential friends in England. Should they be removed, or shift their priorities, through the vagaries of British politics, the policy would lose its patrons. At that point, the local agents, upon whom the success of the programme ultimately rested, would lose the need to follow the policy and be directed by whatever new sentiments tended to prevail. Without specific goals being directed from the centre, they would be inclined to follow local sentiments and conditions. Apart from missionary opinions, these were far less concerned with improving Indian conditions than with helping local settlers.

The personnel of the Indian branch did not experience significant changes after 1830. For the most part, the same men continued to occupy the same posts and to deal with the same bands. The nature of the job had changed, but the men did not. It is true that Sir John Johnson was finally removed as head of the department in 1828, after 45 years in that position. But Sir John had not been very active for many years and the man who became Chief Superintendent in 1830, James Givins, was an old man who had served for 43 years under the old system. Others, like Captain T.G. Anderson, had also developed long

Figure 30: Bond Head's Purchases: Manitoulin and Saugeneen



BOND HEAD'S PURCHASES:
MANITOULIN AND SAUGENEEN

careers in the branch when the chief concern had been the cultivation of warriors for potential military service. Their concern had been to secure the use of Indians, not to assist them and guide them in agriculture and Christianity. Such men would require constant encouragement, even pressure, to alter an outlook and approach that had been shaped over many years.

In the 1830s, while the evangelical spirit remained strong in British politics, these dark clouds remained on the distant horizon. The official position was one of protecting the Indians of Upper Canada from white encroachments and assisting them to progress towards a civilized and sedentary life. It was within this general milieu of protection and assistance that Sir Francis Bond Head operated when he concluded two large - and controversial - land cessions in 1836. These involved the Manitoulin Island and the Saugeen Peninsula,² and were arranged when the popularity of the civilization policy was at its height.

Bond Head's arrangements were unique also in that the chief executive of the colony actually conducted the land treaty negotiations himself, and on the spot. It was as characteristic of Head to do so, as it had been to take an active and personal role in provincial affairs. During June he had openly and strenuously participated in the provincial elections for the legislative assembly, an event which he termed "my elections".³ Clearly he intended to be an active and mobile administrator. His decision to travel to the far reaches of the colony in

2 See Figure 30.

3 G. Martin, "Sir Francis Bond Head: The Private Side of a Lieutenant Governor", Ontario History, LXXIII, No. 3 (September, 1981), 153.

the late summer of 1836 to observe the annual distribution of presents to the visiting and resident Indians at the Manitoulin was an indication that his foray into politics was not an aberration. He had been asked a variety of questions by Lord Glenelg concerning Indian Affairs,⁴ his long excursion to the Manitoulin Island would equip him to respond. As he travelled, Head carefully observed the conditions under which the Indians of the province lived; and based on these observations Sir Francis came to embrace a new plan for the Indians.⁵ They should remove themselves as far as possible from the influences of white settlement in order to avoid the ills which seemed constantly to accompany contact with white communities. In particular he meant avoiding contact with Europeans who distributed liquor or who stripped Indians of their presents or other goods. Such contact would always operate to the disadvantage of the Indians. During his trip Head apparently decided to seek land surrenders that would encourage the Indians to place some wilderness between themselves and the Europeans. While on the Manitoulin Island in August he put his ideas into effect.

They included an altogether novel proposal. From the Indians of the Bruce Peninsula he secured an arrangement for them to give the government the area known as the Saugeen Tract and to move north on the peninsula beyond a line drawn from the mouth of the Saugeen River to the mouth of the Sydenham River.⁶ Once there, the Saugeen Indians (Ojibwa) would

4 P.R.O., Colonial Office Papers, Series 43, Original Correspondence to Governors of Upper Canada, vol. 45. Glenelg to Head, January 14, 1836.

5 P.R.O., Colonial Office Papers, Series 42, Original Correspondence to the Secretary of State ..., vol. 431. Head to Glenelg, No. 70, August 20, 1836.

6 See Figure 32.

be given protection by government from the expanding line of white settlement.⁷ At the same meeting Bond Head also secured the agreement of the Ottawas and the Chippewas, who were living on the Manitoulin Island, to give the islands to government. It was, however, to be an Indian territory, not only for its present occupants, but one to which all the Indians of the colony would have the right to move.⁸ Both areas were remote wilderness regions, well isolated from settled areas, where the native tribes could continue to survive by following their traditional pursuits. This was significant to Head, for he felt that all efforts to turn the Indians into farmers had failed and would continue to fail. It would be better by far if they could be left alone to conduct their lives as they had always done.⁹

Recent scholarship¹⁰ argues that Sir Francis had more in view when he arranged the Saugeen and Manitoulin surrenders than a simple solution to the Indian problem. He saw these cessions as being important not merely as directing Indian policy, but more importantly as a solution to some of the colony's more serious political problems as well. The lands thus made available could be used to remove many of the grievances of potential supporters of the Reform Party. When he reported the cessions to Lord Glenelg for approval, however, Sir Francis stressed the former. His general argument - and the tone

7 Treaties and Surrenders, vol. 1, no. 45 1/2, p. 113. Bond Head to the Saukings, August 9, 1836.

8 Ibid., vol. 1, no. 45, pp. 112-113. Bond Head's Address, Manitowaning, August 9, 1836.

9 P.R.O., C.O. 42, vol. 431. Head to Glenelg, November 10, 1836.

10 Milloy, "The Era of Civilization", chapter IV, pp. 165-230.

and tempo of his correspondence - conformed to the theory of the reserve policy that had been in place since 1830. It was this apparent concern of Head for the Indians that inclined the Colonial Secretary to approve the 1836 land agreements.

In his first account of the transaction Head was very brief. Indeed it would appear that he was far more intrigued by the games and competitions which were held by the Indians during his visit than by the seriousness of the land transfers.¹¹ Although the meeting had not been called for the purpose of effecting a land sale, Bond Head broached the subject to the assembly. To the Ottawas and Chippewas who claimed the Manitoulin Islands he observed that the advancing white settlements were threatening Indian lands, and that if they wished to secure a stronger claim to their lands they should seek to find ways to cultivate the land. The Manitoulin Islands, he said, were admirably suited for them to acquire civilized traits as well as being a location "totally separated from the Whites"¹² But the islands were currently claimed by the Chippewas, the Ottawas and by the British. He declared that their Great Father would renounce his claim if they would agree to relinquish their claims to the islands, and "make them the Property (under your Great Father's Control) of all Indians whom he shall allow to reside on them".¹³

11 Sir Francis Bond Head, The Emigrant (London, 1846), pp. 121-153.

12 Irish University Press, British Parliamentary Papers, vol. 12, Correspondence Returns and other Papers relating to Canada and to the Indian Problem Therein, 1839 (Shannon, 1969), p. 351. Head to Glenelg, no. 70, August 20, 1836.

13 Ibid., pp. 351-52.

Sixteen chiefs indicated their approval of this scheme by attaching their marks to the memorandum which Head prepared on the spot. In a "calm deliberate manner", claimed Head, the two tribes "consented to give up the Twenty-three thousand Islands" which constituted the Manitoulin chain. It was an apparently very simple transaction for it involved no payment, and no responsibilities: it implied, however, that the islands would be protected as Indian territory by the Crown, and that assistance would be accorded to those Indians who might wish to pursue a settled existence. Both of these implied conditions were stated explicitly when Sir Francis spoke to the Saugeen bands who had also assembled on the island for the annual distribution of gifts. They were present when Head made his proposals to the Chippewas and Ottawas. His remarks concerning the advancing white settlement, therefore, can be considered as having been spoken for their consideration as well. In that light, the Lieutenant Governor made a direct proposition to them also.

I now propose that you should surrender to your Great Father the Sauking Territory you at present occupy. And that you should repair either to this Island or to that Part of your Territory which lies in the North of Owen's Sound, upon which proper houses shall be built for you, and proper assistance given to enable you to become civilized and to cultivate land, which your Great Father engages for ever to protect for you from the Encroachments of the Whites.¹⁴

According to Head the Chippewas of the Saugeen territory then willingly acceded to his proposal,¹⁵ and by signing or making their marks on the memorandum he prepared they gave up the right to the Crown of the

¹⁴ Treaties and Surrenders, vol. 1, no. 45 1/2, p. 113.

¹⁵ I.U.P., vol. 12, p. 352. Head to Glenelg, No. 70, August 20, 1836.

whole of the Saugeen Tract, amounting to some 1,500,000 acres, south of Owen Sound. In Head's view the greatest benefit would come if all Indians could be persuaded to move to the Manitoulin Island; but it would seem that he was prepared to have the Saugeens simply move beyond the Owen Sound line on the peninsula. Either location would serve to remove them beyond the white settlements which were considered to be corrupting and harmful to the Indians. And once there, they would also receive the benefits promised to them of assistance in advancing towards a civilized state. Removal and racial separation were the first steps; civilization would follow in the isolated reserved areas.

It has been observed that Head's policy was a contradiction, for it was difficult to envisage the Indians making progress in civilization if they were kept isolated and denied contact with the civilization which they were being prepared to enter.¹⁶ It was not a new paradox. It was as old as the same arguments advanced by the seventeenth century Jesuits regarding their own isolated missions. The Jesuit missionaries had persevered in their logic, however, and had concentrated on winning converts, leaving the civilizing process as a secondary consideration. Upon closer inspection, it would appear that it was also a secondary consideration for Head, whose prime concern was the good of the province. And of most immediate concern was the maintenance in the colony of the system of government which would ensure the proper balance among King, Lords, and Commons, and prevent the advent of republicanism and excessive democracy. This meant that the reformers, crushed in the recent election,

¹⁶ P.S. Schmalz, The History of the Saugeen Indians, (Ottawa, 1977); p. 63.

could not be permitted to rise again. And, in turn, this required that the principal source of grievance which fed support to the reformers - the land question - had to be removed. By acquiring new land in substantial amounts, and by distributing it effectively, the government could cut away the principal weapon of the reformers.¹⁷ It was this reasoning that led Sir Francis to seek the removal of the Indians from the settled regions of the colony. This end was served not only by his Manitoulin agreements in August of 1836 but also by subsequent surrenders: two-thirds of the Huron Reserve in September,¹⁸ part of the Moravian Reserve in October¹⁹ and the Coldwater Reserve in November.²⁰ Head's plan ran into heavy opposition from those who rejected his conclusion that the Indians were a doomed race. Especially vocal were the Methodist missionaries, who also tried to undo the Saugeen agreement. Indeed there were a number of irregularities surrounding that deal. It is likely that Sir Francis had intended for some months to effect some type of land acquisition. He was aware that the Legislative Assembly had expressed serious interest in the Saugeen Tract during Colbourne's administration²¹ and the value of a million or more acres fit for cultivation was quite evident. In May, therefore, when he announced his intention to attend the annual distribution of gifts at the Manitoulin Island,²² he may well have

17 This powerful thesis is developed more fully in Milloy, "The Era of Civilization". pp. 165-230.

18 I.U.P., vol. 12, p. 354. Head to Glenelg, November 20, 1836; Treaties and Surrenders, vol. 1, no. 46, pp. 113-115.

19 Ibid., vol. 1, no. 47, pp. 115-117.

20 Ibid., vol. 1, no. 48, p. 117.

21 P.R.O., C.O. 42, vol. 423. Colbourne to Rice, August 5, 1834.

22 P.A.C., Q390, pt. 3, p. 4. Head to Glenelg, May 5, 1836.

been thinking of buying the land. And he had a reason for attending the meeting, since Lord Glenelg had asked questions regarding Indian affairs in January of 1836,²³ and Head intended to inspect Indian settlements in order to answer these queries. The distribution was the first planned for the island, and since some 7000 Indians were expected to attend it was a logical spot for Head to visit on his inspectional tour. The attendance of the Lieutenant Governor, however, was unusual.

If Head had developed this intention before the Manitoulin meeting, he had not divulged this intelligence to the Indians. They had come to receive gifts, nothing more. Since the meeting had not been called to effect a land sale, Head, by taking one, was violating both the Royal Proclamation of 1763 and the Additional Instructions of 1794, both of which called for a prior indication of intent. Moreover the Indians with whom he dealt may not have been the real owners of the Saugeen Tract.²⁴ At any rate, at a subsequent council meeting the Saugeens declared that no one could surrender the land without the sanction of the General Council and the "concurrence of the hereditary and acknowledged chief". Since the surrender had not received either that sanction or that concurrence, the Indians considered it to be void, and the land still the property of the "chief of the said Territory".²⁵ Three of the four principal chiefs - Newash, Wahbahdick,

23 I.U.P., vol. 12, pp. 229-32. Glenelg to Head, January 4, 1836.

24 P.A.C., Q397, pt. 2, pp. 483-84. Head to Glenelg, August 15, 1837. The memorial is at p. 484A.

25 Ibid.

and Wahwahnosh - did not sign the agreement. The latter two resisted its implementation for some time, and as long as 13 years later Chief Wahbahdick interfered with surveyors who were working to build a road from Southampton to Owen Sound. The fourth chief, Madwayosh, said that he signed because he feared "offending his Excellency".²⁶ Against Head's claim that the Saugeens gave up their lands cheerfully,²⁷ therefore, can be set the claim that they were "disgusted with the transaction".²⁸ Other accounts declared that the Saugeens had been compelled to make the surrender by Head's warnings that whites would take it by force and that he would be powerless to stop them.²⁹

The fullest statement of objections to Head's proceedings came in a memorial from the Methodists, sent almost a year after the surrender. In addition to relaying the Indians' objections and to detailing Head's breaches of protocol, it pointed out that no payment had been offered to the Indians. Head's response was effective.³⁰ The terms, he said, had been explained clearly, several times, in public and in private, interpreters had been used, and the terms had been written down. Not a single chief or warrior of any tribe, he said, had objected. He had concluded the council by smoking the Pipe of peace with the Indians, and wampum had been "affixed" to the surrender. And in addition, the Methodists, who were present had

26 Schmalz, The History of the Saugeen Indians, p. 62.

27 Ibid., p. 61; Head, The Emigrant, p. 140.

28 Schmalz, The History of the Saugeen Indians, p. 68.

29 P.A.C., R.G.10, vol. 266, p. 16344. Memorial of Thomas Hurlburt; United Church Archives, Victoria University, Toronto. The Christian Guardian, April 11, 1838.

30 P.R.O., C.O. 42, vol. 438, pp. 396-411. Head to Glenelg, August 15, 1837.

signed the document as "Witnesses of the Solemnity of the transaction".³¹

Lord Glenelg decided to uphold the agreement. It would appear that his decision was based not so much on the correctness of the treaty as upon his own commitment to the civilization programme. He applauded Head for his stated concern for native people in Canada, but he refused to accept the judgement that the Indians were a doomed race, or that they were incapable of becoming civilized. He was much more in agreement with the Methodists and other missionaries, who argued not only that the programme would work but that it was Britain's moral obligation to the aborigines to implement it. Bond Head's emphasis upon the isolated areas as being fertile locations for a civilization programme was, therefore, the aspect of the controversy upon which Glenelg fastened his attention. And because the two Head transactions provided for the establishment of such isolated reserved locations he declared that the treaties would stand.³²

Once it became apparent that the land would not be returned, the Saugeen bands began a two-point programme of their own. This involved retaining the remaining 450,000 acres that lay north of the Saugeen River and concurrently securing some compensation for the Saugeen Tract. Both concerns were expressed in an 1845 petition to the Secretary of State, and although the local agent, T.G. Anderson, objected to their by-passing him in submitting their request,³³ the reply must

31 P.R.O., C.O. 42, vol. 438, pp. 396-411. Head to Glenelg, August 15, 1837.

32 P.R.O., C.O. 42, vol. 431. Glenelg to Head, January 20, 1837; Milloy, "Era of Civilization", chapter IV, pp. 165-230.

33 Schmalz, The History of the Saugeen Indians, p. 72.

have been encouraging. It agreed that the upper peninsula be "so reserved as to prevent it being disposed except by mutual consent of the Government and the Indians".³⁴ Also, by an order in council, the Saugeen bands were granted an annuity of £2.10³⁵ per capita (totalling £1250).³⁶ The annuity has continued; but the remaining Saugeen lands became the object of a renewed assault in the 1850s. And it was the more difficult to resist because at this point government Indian policy coincided with the demands of settlers for more Indian land. There would appear to have been some degree of deliberate and co-operative action,³⁷ which pulled these two forces even closer together. The concerns of the settlers are easy to understand. The government position requires some explanation.

As observed already, Bond Head had hoped that the Saugeens would move to the Manitoulin Island. To encourage that removal, and concurrently to promote the growth of civilization among the Indians who did so, an agency of the Indian Department was begun in 1838 at

34 P.A.C., R.G. 10, vol. 410. Civil Secretary to Anderson, February 4, 1846.

35 D.C. Scott, "Indian Affairs, 1840-1867", in A. Shortt and A.G. Doughty, eds., Canada and Its Provinces, vol. 5. (Toronto, 1914), p. 337.

36 Canada, Report on the Affairs of the Indians in Canada, 1842, Journals, Legislative Assembly (1844-45) Appendix E.E.E., Section I. Sections I and II of this report were printed in 1844-45; Section III was printed as Appendix T, Journals, Legislative Assembly (1847); Schmalz, The History of the Saugeen Indians, pp. 67-68, observes that special favours to certain chiefs, such as the award of £25 to Wahwahnoh in 1837 and the financing of Madwayosh's son at Upper Canada College in 1847-48, were made by government in order to get them to cease objecting to the Saugeen surrender.

37 Schmalz, The History of the Saugeen Indians, pp. 80-81.

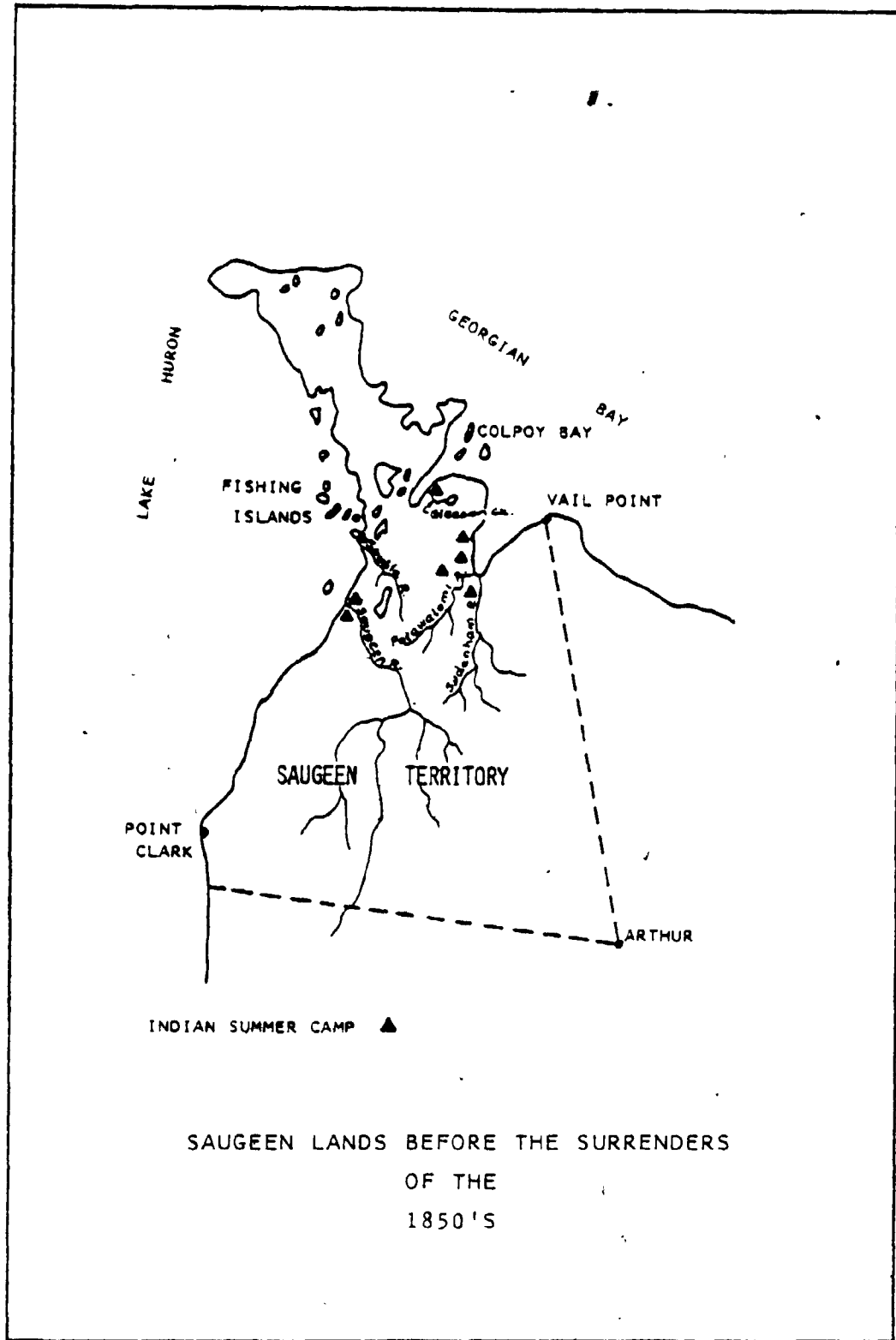
Manitowaning. Captain T.G. Anderson led a party which included an Anglican missionary, a schoolmaster and several workmen. This was intended to be the beginning of a long-standing enterprise that would prove the value and the usefulness of the civilization programme,³⁸ but Indians proved reluctant to move to the island. The Saugeens, who were already so close and who had no significant contacts beyond their own lands either with other Indian groups or with officialdom, were the objects of considerable pressure to move. They did not move, but they did lose most of their remaining land on the peninsula.

At the time of the 1836 cession, the native population of the Saugeen Tract had been largely homogenous. It was almost exclusively Chippewa, descendants of the Ojibwa bands that had wrested control of the region from the Iroquois during the late seventeenth and the eighteenth centuries. Although they made use of the full territory, their permanent villages lay in the northern peninsula. The valleys of the Saugeen and Sydenham Rivers which had been the most heavily occupied areas³⁹ were lost by the 1836 transfer, but villages were retained at the mouths of those two rivers. New villages were later begun along the coasts of the peninsula at Chief's Point, Cape Croker, and Colpoy Bay. The population of these villages became mixed in the 1840s and 1850s, as newcomers from the United States and other parts of Canada moved into the Saugeen lands.

38 Surtees, "Indian Reserve Policy in Upper Canada", pp. 133-37.

39 See Figure 31.

Figure 31: Saugeen Lands before the Surrenders of the 1850's



(From Schmalz, History of the Saugeen Indians, p.232)

Of the American Indians who took advantage of the British offer of asylum - an offer that remained in place until at least 1842 - were the Potowatomies. While a majority of them stayed close to Walpole Island⁴⁰ a number of them responded to missionary and government encouragement to settle in the Saugeen region.

Other outsiders came from other parts of Canada. Sixty-three Chippewas came from Coldwater after that reserve ceased to exist in 1837. Other Ojibwa from Lake Huron and Lake Simcoe arrived in 1846 and some Mississaugas from the Credit River also moved to the Saugeen upon the urging of their Methodist missionaries. Even a group of 44 Caughnawagas moved to the Saugeen for a brief stay beginning in 1852. By 1855, only about one-sixth of the Indian population of the Saugeen was native to the region.⁴¹

The first demand on the Saugeen lands was for a strip of land to provide a road across the neck of the peninsula from the mouth of the Sydenham River to the mouth of the Saugeen River. It appears likely that the Indians agreed to sell this narrow parcel, called the "Indian Strip"⁴² and containing about 4800 acres, because they could hope to benefit from a road between the two Indian communities. They were also

40 J.A. Clifton, A Place of Refuge for All Time: Migration of the American Potawatomi into Upper Canada 1380-1850 (Ottawa, 1975), pp. 65-99.

41 Schmalz, The History of the Saugeen Indians, p. 14. Chapters I-III, pp. 1-55, of this study provide a good summary of the Indian migrations and the impact they had on the demography of the Saugeen Peninsula.

42 See Figure 32.

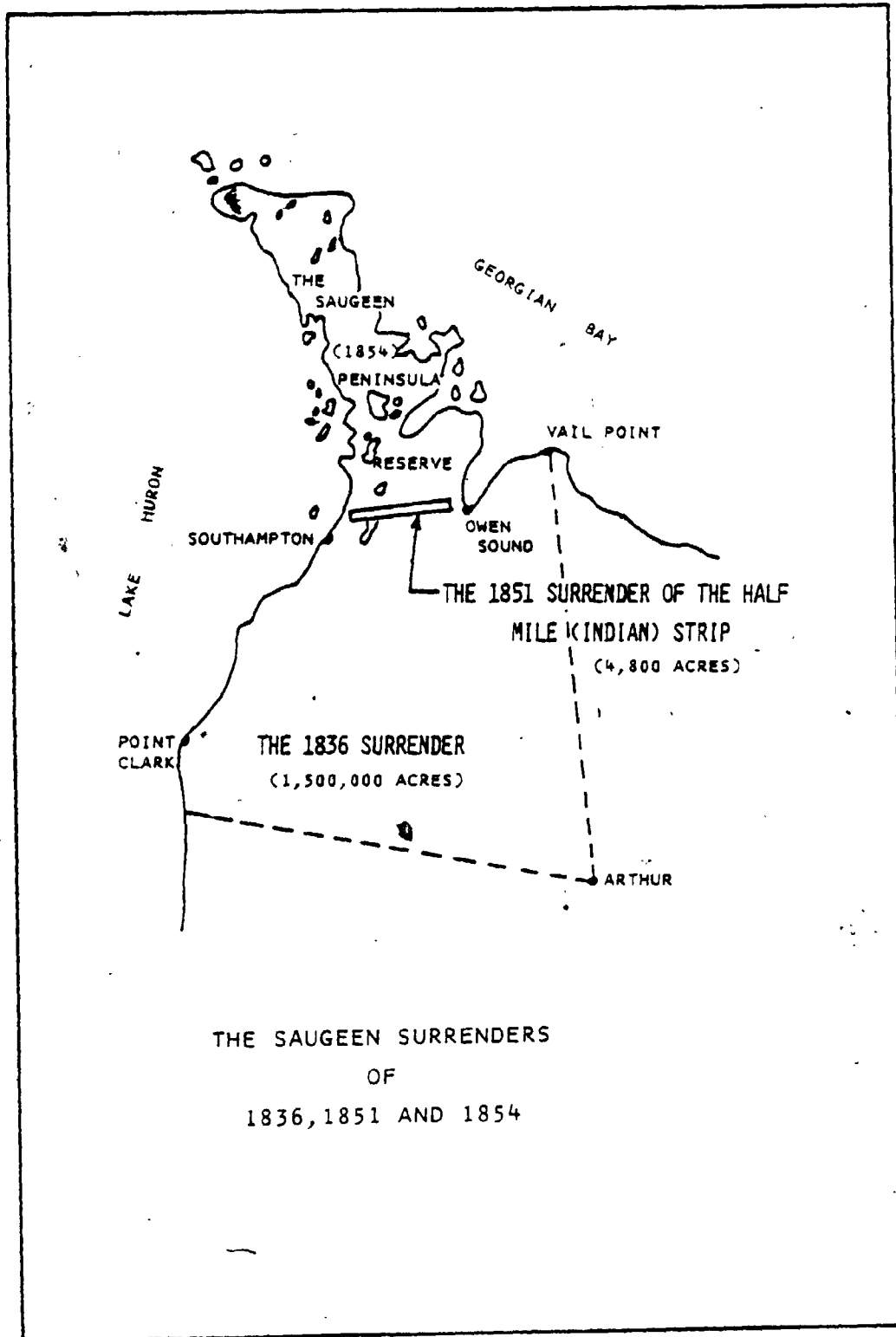
to receive the proceeds from the sale of that strip.⁴³

The acquisition of the Indian Strip in 1851 was simply the first step in the renewed assault on the Indian lands of the Saugeen. The principal impetus came from the pioneers who had begun to cut timber on Indian land and in some instances to settle on it. The Indian Department, although its official policy was to encourage concentration of Indian population and removal to the Manitoulin Island, had not worked energetically to promote it. Although the Saugeen Indians who occupied the entire tip of the peninsula were not moving to the Island, they were effectively removed from the line of settlement on the Bruce Peninsula. Bond Head had been willing to settle for that situation in 1836, and agents of the Indian branch also accepted it during the 1840s. By 1850, however, the line of white settlement had progressed northward, and the Saugeen peninsula was no longer an isolated region. Without considerable support from either the imperial or the colonial government, the Indian Department officials were quite powerless to stop the encroaching and apparently angry white settlers.

That support was no longer available. The strong philanthropy of the 1830s had dissipated greatly by the end of the 1840s. Other

43 Treaties and Surrenders, vol. 1, no. 67, p. 169. It appears, however, that they may never have received the proceeds for in 1858 the Newash Band Council Minutes recorded that the band knew "nothing of where the money went to". Nor was the road built, because the land of the strip was re-sold by government to land speculators. Schmalz, The History of the Saugeen Indians, pp. 75, 76-77.

Figure 32: Saugeen Surrenders, 1836, 1851 and 1854



(From Schmalz, History of the Saugeen Indians, p.233)

matters occupied British policy makers at the mid-century point; and colonial authorities were likewise kept busy by such grand issues as responsible government and economic development. In fact the policy of the Canadian government in the 1840s had been to fill up the area of the original Saugeen Tract. The Americans had opened up their territory on the other side of Lake Huron, and it was considered undesirable that Canada's lakefront remain empty.⁴⁴ Special immigration schemes and new roads in the region contributed to the advance of settlement on the peninsula. It was unlikely that this progression would willingly stop at the Owen Sound line. In the face of concerted demands by this growing white population - which had long since lost its fear of Indian reprisals - departmental officials, therefore, were inclined to bend in favour of the pioneers.

According to the Chief Superintendent of Indian Affairs, L. Oliphant, the settlers "threatened, in my presence, to settle upon the Indians' reserve in defiance of the Government". So serious were they, and so angry, he said, that the only way to preserve some land for the Saugeen Indians was to arrange for the surrender and then the resale of the bulk of it. "It therefore became", he concluded, "an obligation upon the Indian Department to spare no pains in endeavouring to wring from those whom it protects, some assent, however reluctant, to the adoption of the only means by which this object could be achieved".⁴⁵ Lord Elgin, the Governor General, to whom this letter was addressed, may have been amused by the paradox and irony

44 Gates, Land Policies of Upper Canada, p. 259.

45 Schmalz, The History of the Saugeen Indians, p. 80.

in Oliphant's reasoning. But the decision to seek a surrender of land from the Saugeens was nonetheless made.

The details were left to the local Indian Agent, T.G. Anderson. When he took up the task at a council on August 2, 1854, Anderson discovered that the Indians would assent only with extreme reluctance. Resistance was especially strong from the original Ojibwa inhabitants, led by Chief Wahbahdick of the Saugeen village and supported by other Ojibwa of the Newash settlement. Despite the urgings and then the threats of Anderson that the land would be settled by whites regardless of their wishes, the Ojibwa remained firm, even when the agent added that it was unlikely that their protector, the government, would offer any help. Anderson apparently lost patience after two days of trying to convince the Indians to surrender their land, and declared categorically that the Government, as the guardian of the Indians, could do as it wished with the land.⁴⁶ Later that month, it was clear that Anderson was still angry, for he observed to his Chief Superintendent that "they should be compelled by their Guardians to secure civilization that would result from their removal and subsequent concentration. To achieve this end he suggested authorizing the annuities as a weapon, and he advised the use of force if necessary."⁴⁷

Rather than accept Anderson's advice of dictating a settlement, Oliphant arranged a council on the matter for October, 1854. It met

46 Schmalz, The History of the Saugeen Indians, p. 82.

47 P.A.O., Copies or Extracts of Recent Correspondence Respecting alterations in the Organization of the Indian Department in Canada, Colonial Office, May 1856. p. 12.

at the Saugeen village. Oliphant met some stern resistance, especially from Chief Madwayosh who had signed the 1836 agreement, and was determined not to repeat that error even if it meant "offending His Excellency" Oliphant managed to overcome this resistance. He was careful to prevent the chiefs of the several villages from meeting with each other, he may have exerted pressure on Madwayosh by threatening him with debtor's prison,⁴⁸ and he addressed the council using both threats and promises. The threats were familiar, for the Saugeens had been warned often about the advancing settlers. Therefore Oliphant went beyond these, by emphasizing the benefits that would flow from the annuities, and in the process made some extravagant predictions including, according to one observer, the promises that "they would soon have a large income, that they would all be able to ride in carriages, roll in wealth, and fare sumptuously every day".⁴⁹

Oliphant was assisted by the approval of the surrender expressed by missionaries like Rev. A. Crib from the Colpoy band and by Rev. Peter Jones, who led the Potowatomies. Missionary support was undoubtedly prompted by the belief that civilization would make greater progress when population was more concentrated; and the agreement, which promised some reserve areas, would result in such a concentration. Inter-band factionalism may also have contributed to the successful accomplishment of the treaty. It can be observed that the greatest opposition

48 Madwayosh was heavily in debt at the time, and had no apparent prospects of extricating himself; and the threats from his creditors did stop after the land treaty was completed. Schmalz, The History of the Saugeen Indians, p. 86.

49 Enemikeese (C. 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 (London, 1867), p. 51.

to a surrender came from the Ojibwas who held the original claim, while newcomers were more inclined to give up the tract.

Even after Oliphant managed to obtain an agreement, there were those who felt it was not legal.⁵⁰ But it was permitted to stand. It called for the surrender of the bulk of the Saugeen Peninsula to government, in exchange for "the interest on the principal sum arising out of the sale of the land".⁵¹ The goal of preserving some regions to the Indians was achieved by setting apart five separate plots of land at the Saugeen village (9000 acres), at Chief's Point (1280 acres), at Newash (10,000 acres), at Colpoy Bay (6,000 acres) and at Cape Croker (18,686 acres).⁵² These reserves were to be retained "to ourselves and our children in perpetuity".⁵³ Nonetheless, subsequent treaties were negotiated - or imposed - and saw the Newash Reserve disappear in 1857,⁵⁴ and the Colpoy Bay Reserve reduced in 1861.⁵⁵ Other parcels, including the fishing islands, were taken after Confederation.⁵⁶

50 Schmalz, The History of the Saugeen Indians, pp. 87-88.

51 Treaties and Surrenders, vol. 1, no. 72, pp. 195-97.

52 Ibid., p. 196; and Schmalz, The History of the Saugeen Indians, p. 88.

53 Treaties and Surrenders, vol. 1, no. 72, pp. 195-97.

54 Ibid., vol. 1, no. 80, pp. 209-210.

55 Ibid., vol. 1, no. 93, pp. 233-234.

56 Ibid., vol. II, no. 213, pp. 150-52; no. 214, pp. 152-53; no. 222, pp. 165-67; no. 226, pp. 171-73.

Reserves had been created elsewhere and in a variety of ways. Special arrangements had resulted in the Nutfield Tract in 1784 and the Moravian Reserve in 1793; treaty terms had preserved such locations as the Huron Reserve, the Credit River Reserve and Kettle Point; and starting in 1830 new reserves were created by consolidating or using unsold Indian land, by Indians purchasing land, or by grants from the Crown to Indian bands or trustees.⁵⁷ Among the best known Indian locations were those first granted to the Six Nations in 1784. The example of Tyendinaga has already been noted. Despite extreme pressures from the surrounding white communities in the Bay of Quinté, the Mohawks managed to preserve some of their land and most of their culture.⁵⁸ The Grand River Mohawks also formed a consolidated Indian community, but their success actually owed much to the interference by government on their land. Ironically, government interference was inspired by the concern that white squatters might ultimately claim all of the land of the Grand River valley.

Following the crisis over Grand River lands in 1798, white settlers very quickly filled up the six large blocks of land that Brant had succeeded in alienating from Indian control.⁵⁹ The pioneers, however, did not confine themselves to the six surrendered blocks,⁶⁰

57 A sampling of the reserve locations is given in Figure 34.

58 See above, Chapter 5.

59 See above, Chapter 4.

60 See Figure 35. The lands sold through the Brant arrangements are those marked Blocks 1-6.

and despite government disapproval, white squatters moved into the centre of the Grand River valley. The Indian branch was simply too weak, and the general provincial government too preoccupied to prevent this movement.⁶¹ This circumstance led to two further land cessions in the valley, in 1830 and 1835, to accommodate the growing town of Brantford.⁶² The invasion of the tract by squatters also divided the Indian population.

Although there were consolidated Indian communities located at the Tuscarora village (near Onondaga) and at the Mohawk village (near Brantford),⁶³ most of the Six Nations Indians were spread out along the long trail between Brantford and the lower river. Families were generally working small farms averaging about twenty acres. The squatters were mixed among them. Fearing that the white encroachments might combine with the scattering of Indian farmers to create a situation where the Indians would not control any sizeable contiguous block, the Indian branch suggested that the Iroquois sell their remaining portion - about 220,000 acres - to the Crown. In return they would receive the money arising from the sale of that land, as well as a reserve, near the Mohawk village, of 20,000 acres in a single block. They would also be allowed to retain the plots that they were concurrently cultivating. The intent was to preserve an Indian community where the recently established civilization programme could be promoted.⁶⁴

61 Weaver, "Six Nations of the Grand River, Ontario", p. 526.

62 Treaties and Surrenders, vol. I, no. 30, pp. 76-78, and no. 40, pp. 96-99.

63 Canada, Legislative Assembly. Report on the Affairs of the Indians of Canada, 1842, Section I.

64 Weaver, "Six Nations of the Grand River, Ontario", p. 525-26.

The bargain was struck in 1841,⁶⁵ but its completion was costly and protracted. Squatters had to be removed in order to create the 20,000 acre reserve, as well as an additional 35,000 acres which the Indians claimed they required to subsist. The squatters did not go easily; and the Indians had to be convinced to accept the reserve policy concept. By 1853, however, most of the task had been completed, and the Iroquois population of the Grand River was settled on the consolidated reserve.⁶⁶ Some small land surrenders reduced the main reserve from 55,000 to 44,914 acres, located on the southwest bank of the Grand River just downstream from Brantford.⁶⁷

The adoption of the reserve system in 1830 was also responsible for the creation of several new reserve areas where Indian ownership had been extinguished. The most widely publicized was the Coldwater-Narrows Reserve, which was formed in 1830 as the flagship for the civilization programme. It existed for only six years. In 1836 the government establishment was removed from the reserve; and the three chiefs whose

65 Johnston, The Valley of the Six Nations, p. lxix.

66 Weaver, "Six Nations of the Grand River, Ontario", p. 525.

67 One of these was actually a gift of 6,000 acres which the Grand River Iroquois made in 1848 to the Credit River Mississaugas. That band had, the previous year, turned over to the government the last small portion of its reserve on the Credit River, and was desperate for a new location. They considered several options, including a move to the Saugeen; the gift of 6000 acres, located in the southeast corner of the main Six Nations reserve permitted them to remain in southern Ontario. This location became known as the New Credit Reserve. Atlas of Indian Reserves in Canada, 1971, Sheet no. 3A.

bands had formed the Indian population agreed to sell the land when requested to do so by Sir Francis Bond Head in November.⁶⁸

With the proceeds of the sale, Chief Yellowhead's band purchased new land at Rama, while Chief Snake and Chief John Aisence moved their bands to tribal lands at Snake Island and Beausoleil Island respectively.⁶⁹ Later, in 1856, the Aisence band sold its island and moved to new locations on the Christian Islands.⁷⁰

Other reserves created in the 1830s had much greater longevity than the Coldwater experiment. The Rice Lake Reserve was formed for the Rice Lake Mississaugas in 1834 through a grant to Trustees for "the benefit of the Indian Tribes in the province",⁷¹ and the Mud Lake Reserve in Smith township was created through the New England Company in 1837, in trust, for the Mississaugas of that area.⁷² In these two cases, as with the Moravian Reserve on the Thames River, ownership has since passed from the trustees to the Indian bands. Two further reserves came into existence in the eastern part of the province. The Lake Scugog Mississaugas purchased land themselves, from their annuity money, to establish the Scugog Reserve in Cartwright township,⁷³

68 Treaties and Surrenders, vol. 1, no. 48, p.117.

69 Canada, Report of the Special Commissioners...1856, pp. 80-85.

70 Treaties and Surrenders, vol. 1, no. 76, pp. 203-205.

71 The band added to that plot of 1120 acres by purchasing another 450 acres with band funds. Canada, Report of the Special Commissioners ... 1856, p. 86.

72 Ibid., The Mud Lake Reserve contained 1600 acres.

73 Ibid., p. 87.

and in 1830 Lieutenant Governor Colbourne granted the Alnwick Reserve, upon which were collected remnants of the Mississaugas of the Bay of Quinté.⁷⁴ The Rice Lake, Mud Lake and Lake Scugog reserves were peopled by the Rice Lake Mississaugas. Without these small reserves, the eastern Mississaugas would have been hard pressed to remain in that portion of the province, for previous and subsequent sales of lands and islands eliminated the full region from their ownership. The purpose for forming these reserves had been, of course, to promote civilization. And certainly that task was embraced with considerable fervor in the 1830s. In the end, however, the reserves tended to serve the survival of an Indian presence.

It was fortunate for the Indians that this was done, for the era of active philanthropy was short-lived. By the time of the second major Saugeen land surrender, a significant change had taken place in the general government attitude towards Indians, Indian affairs and Indian lands. The spirit of philanthropy that had dominated in the 1830s had been supplanted. The official policy of civilization remained; and the progress towards that goal was still expected to occur on the reserves. But the reserves themselves had also taken on some new characteristics. For the missionaries these reserve locations were small islands where Indian populations could be concentrated, and with concentration would come civilization. While the Indians had the option of roaming a large uninhabited area, they would be little inclined

74 Canada, Legislative Assembly, Report on the Affairs of the Indians of Canada, 1842, Section I.

to follow the urgings of the missionaries or Indian agents to practise husbandry and agriculture. Thus the protection of large Indian domains, such as the Saugeen Tract, was not important in 1854 as it had been in 1836. To settlers and to government the reserves were also a convenient place to congregate Indian populations. But the advantage, to them, was the removal of Indians from large hunting areas. Because Canadian politics was gradually becoming more democratic, and because imperial policy had lost the intense interest in protection that had pertained twenty years earlier, the Canadian government, increasingly, adopted positions and attitudes, regarding Indian affairs, which reflected the interests of white expansion. By continuing to observe the goal of civilization through the reserve system, the government provided itself with a moral rationale for seeking - and taking - more Indian land. It could be argued that by providing reserve lands, and by requiring Indians to live on them, the government was assisting the Indians and working for their benefit. There was, however, the happy coincidence that this argument also provided new territory by getting the Indians out of the way in order to permit the white settlements and the white economy to expand.

For the Indians, too, the reserves became important; but their reasons were quite different, and were directly at variance with the interests of missionaries and of official Indian policy. For them the reserves became instruments for preserving what they could of Indian society and tribal customs. The reserves became, in effect, a type of ghetto, but not a ghetto from which the Indians wished particularly to

escape. The effect of the civilization programme was the deliberate isolation of Indians to locations which became places of refuge and retrenchment. In the 1830s and 1840s the government unwittingly assisted this effect by promoting the physical establishment of islands of Indian culture in the midst of a growing European community.

Chapter 7. The System Tested, 1850-1862: The Robinson Treaties and the Manitoulin Island.

The drastic changes in government motivation and the growing importance of reserves were illustrated clearly and forcefully in the major land cessions arranged by special commissioner William Benjamin Robinson in 1850 and by Superintendent-General William McDougall in 1862. The first involved the 2600 Ojibwas who occupied the shores of Lake Huron and Lake Superior and called for the retention of twenty-four reserve locations;¹ the second arranged the purchase of most of the Manitoulin Island from 1200 Ottawas and Chippewas and provided for seven significant Indian settlements.² For the first time the impetus to acquire these Indian lands came from forces and goals emanating from the colony rather than from concerns of the imperial government. And these came, furthermore, from politicians and individuals who were not familiar with the history of land sale agreements with the Indians.

In particular the desire to assist and promote mineral extraction in the Canadian Shield urged an accommodation with the northern Ojibwa whose lands on the northern shores of Lake Huron and Lake Superior had begun to reveal promise of considerable riches. Fur traders had been active in that region for decades, of course, and the upper lakes had seen some significant fighting during the War of 1812 and before.

1 See Figure 4.

2 See Figure 33.

But after 1821, the fur trade was prosecuted from its northern base on Hudson's Bay, and there was very little military concern after St. Joseph Island and Drummond Island were abandoned in 1814 and 1828. It was, therefore, a new frontier, a mining frontier, and it brought the Indian Department into contact with a substantial native population which, although not completely new, was largely unknown to the agents³ who had been concerned since the War of 1812 only with the Indians of the southern reaches of the province. The first whites to establish contact with these bands - apart from a small number of missionaries⁴ - were prospectors and employees of mining concerns who began to comb the area seeking to duplicate the mineral discoveries on the American side of the lakes.⁵ Such activity created a dilemma for the Crown Lands Department of Upper Canada since no policy regarding mining had been thus far developed.⁶ Nor had any arrangements been made with the Indians of the upper Lakes with respect to land.

3 An indication of the lack of knowledge - or interest - in the tribes of the northwest is the very cursory treatment they received in the 1839 "Report on the Indians of Upper Canada", prepared by J.B. Macaulay. P.A.C., R.G. 10, vol. 718. The extensive Report on the Affairs of the Indians in Canada, 1842, printed in 1844-5 and 1847, neglects any mention of the Lake Huron or Lake Superior bands.

4 E. Arthur, ed., Thunder Bay District 1821-1892 (Toronto, 1973), p. xxix.

5 D.M. Watson, "Frontier Movement and Economic Development in North-eastern Ontario, 1850-1914", M.A. Thesis, University of British Columbia, 1971, pp. 118-119.

6 H.V. Nelles, The Politics of Development: Forests, Mines and Hydro-Electric Power in Ontario, 1849-1914 (Toronto, 1974), p. 20.

Other vital political issues occupied the Canadian legislature in the late 1840s, however, and little thought was given to the wilderness lands of the northwest.

In the absence of established policy, the Crown Lands Department in 1845 issued several orders-in-council regulations regarding licensing of prospectors, fixing the boundaries of claims, and establishing prices for the sale of lands possessing base metals.⁷ Thirty-four licenses to explore for minerals were issued by May, 1846.⁸ One firm, the Montreal Mining Company, purchased mining locations totalling 180 square miles in 1846, and in 1848 purchased the Bruce Mines location which had been developed earlier by another company.⁹ The mining activities were observed with some alarm by the Indians of the region. Treaties in 1836 and 1842 had secured for the government of the United States the lands of Upper Michigan and also the lands of Minnesota and Wisconsin on the south shore of Lake Superior.

The Chippewas and Ottawas involved there had, in the minds of the Indians and other observers,¹⁰ been treated rather badly in the process of implementing these agreements, and this caused alarm on the Canadian side of the lakes. Fears regarding the general situation were expressed in

⁷ A.G. Doughty, ed., The Elgin-Grey Papers 1846-1852, 4 vols. (Ottawa, 1937), p. 61. Elgin to Grey, Confidential, July 27, 1847.

⁸ E.M. Ellwood, "The Robinson Treaties of 1850" B.A. Thesis, Wilfrid Laurier University, 1977, p. 19.

⁹ Watson, "Frontier Movement ... in Northeastern Ontario", p. 119.

¹⁰ For the location of these American cessions see W. Washburn, The Indian in America (New York, 1975), pp. 186-87. For a fuller discussion of the Indians of the area and the treaties involved see H.H. Tanner, Report for United States of America v State of Michigan. No. M26-73 C.A., U.S.D.C., Western District of Michigan, Northern Division, 1974. Supplementary Report, August 1976.

a letter sent by Shinguakouse,¹¹ the chief at Garden River, to George Ironside on June 10, 1846.¹² Shinguakouse noted that miners were working the area, that no notice was taken of the Indian claims, that other tribes were receiving annuities for sold land, and that he wished to know what the intentions of the government were for he did not want to move from Garden River. He also added that his people required "a share of what was found on his lands".¹³ Shinguakouse's claims and those of other western Indians were a source of political embarrassment for the government.¹⁴ They set up a road-block which promoters and politicians, anxious to exploit the area, had not anticipated. Such men were not familiar with Indian rights or with the history of land sale agreements with the Indians. When faced with Indian claims, the Commissioner of Crown Lands, Denis-Benjamin Papineau, in 1847 denied that the natives had any claim to the land or to compensation. They were not the original occupants of the region, he said, but rather had moved there from the Mississippi River area only after 1763. He also argued that because they had insufficient population to constitute a nation, they could not legitimately make claims to possess any territory.¹⁵ Papineau's arguments were sufficient for

11 Also spelled Chinguak, Chingqwaakkonce, and Shinguakonce. Ellwood, "The Robinson Treaties of 1850", p. 22.

12 P.A.C., R.G.10, vol. 612. Chinguak to Ironside.

13 Ibid.; Ellwood, "The Robinson Treaties of 1850", p. 23.

14 Doughty, ed., Elgin-Grey Papers, vol. 4, p. 1485. Elgin to Grey, November 23, 1849.

15 Ellwood, "The Robinson Treaties of 1850", p. 24.

MEMORY TYPEWRITER

1. "no zone" button depressed
2. type letter - date or inside address - want a space-type code 9["]
 - Dear (space) then code "9"
 - : - type letter
3. After letter in typed press "store"

TO RECALL LETTER:

1. type code 6 and recall, page start, auto
2. envelope: page start; paragraph advance (2 times)
line (2 times)

TO ERASE MATERIAL:

1. page start, code clear, space bar (2 times), store, recall, auto

to check [✓] to see if material
erased.

politicians to delay action by the government of the day, but they did not satisfy Lord Elgin,¹⁶ the recently appointed Governor General, who was disturbed that no action was being taken to treat with the Indians before mining operations were approved.¹⁷

With the agreement of his Executive Council, Elgin sent the experienced T.G. Anderson to examine the Indian claims.¹⁸ Anderson's report was favourable to the Indians, and subsequently Elgin sent him once more into the Indian country, this time in the company of Alexander Vidal, a provincial land surveyor from Sarnia.¹⁹ This two-man commission, appointed by an Executive Council order of August 17, 1849, was directed to investigate the situation in the northwest with respect to Indian claims, expectations, and attitudes towards a possible land surrender. It was an exploratory trip only;²⁰ Vidal and Anderson were not equipped with treaty-making powers, but were simply to apprise the government of the circumstances that pertained in the new frontier regions. A similar method had been adopted when James Givins and John Askin had done some exploratory work in preparation for the Rideau Purchase, the Long Woods surrender and the Huron Tract purchase. In

16 Doughty, ed., Elgin-Grey Papers, vol. 4, p. 1485. Elgin to Grey, November 23, 1849.

17 Ibid., vol. II, p. 549. Elgin to Grey, November 21, 1849.

18 Ibid., vol. I, p. 1485. Elgin to Grey, November 23, 1849.

19 For a sketch of Vidal's career, see W.S. Wallace, ed., The Macmillan Dictionary of Canadian Biography, 3rd. ed. (Toronto, 1963), p. 771.

20 The report of this trip was submitted on December 5, 1849. P.A.O., Irving Papers, MU1464, 26/31/04. Report of Commissioners, A. Vidal, and T.G. Anderson, 1849.

those instances, however, the procedures had flowed within the Indian Department, and the reports had come back very quickly, for both men were already familiar with the lands and with the Indians involved in those agreements. The Vidal-Anderson commission was much more involved.

The area in question was enormous; it was largely unknown to the commissioners, and while they obviously knew something about the Indians of the region, they lacked the intimacy of the daily contact which was the experience of the resident agents in the southern parts of the province.²¹ More detailed and complete information was required before the government could move to treat with Indians. To acquire this data, the two men met in Sault Ste. Marie in early September, and travelled to Fort William, the westernmost settlement in the province. In making his way to the Sault Ste. Marie rendezvous, Anderson had travelled via Penetanguishene, Owen Sound, Manitoulin Island and St. Joseph Island. He had advised those Indians he could find on the route that he would be returning to meet them and asked the bands to collect for that purpose at specific points.²² After meeting the Chippewas of the Fort William area on September 25-26, 1849, the party began their trip eastward. It was an incredible journey. Mainly by open canoes, and late in the season, Anderson and Vidal

21 T.G. Anderson did have some knowledge of the Lake Huron shore for he had served as Indian agent at Drummond Island, Coldwater, and Manitoulin Island. He had also journeyed and reported on the north shore Indians in 1829-30. The Lake Superior shore was new territory even for him.

22 Toronto Public Library (T.P.L.), Baldwin Room (B.R.), T.G. Anderson Papers, Box One. Diary of Thomas Gummerson Anderson, a visiting Supt. of Indian Affairs at this time, 1849, at Cobourg. pp. 2-3.

coursed the north shore of Lake Superior to Sault Ste. Marie, and from there along the North Channel of Lake Huron to Manitowaning and Penetanguishene.²³ They sought the Indian inhabitants of the region where they could, including Fort Pic and Michipicotin on Lake Superior, and Sault Ste. Marie, Bruce Mines, Mississagi, Serpent River and La Cloche on Lake Huron. The lateness of the season, however, meant that many bands had already moved to their winter camps.

The commissioners' report, dated December 5, 1849, did, however, present a general portrait which, on the whole, was pleasing to government, and gave sufficient information to permit further and immediate action.²⁴ Their coming had been well publicized, for the Indians they encountered were aware of both their coming and their purpose. Some had even expected a formal treaty to be consummated. Their mood was generally friendly, and, with two exceptions, they were prepared to treat in a forthright manner. They indicated that they did not know the value of their lands but trusted government to deal fairly with them by paying them what the lands were worth.²⁵ The commissioners did experience some anxious moments, however, at Fort William and Sault Ste. Marie.

Chief Peau de Chat of the former place had met Anderson the previous year and upon learning that the two visitors had not come to

23 The party travelled by schooner after returning as far as Manitoulin Island.

24 See note 20, this chapter.

25 P.A.O., Irving Papers, Vidal-Anderson Report, pp. 9-11.

formalize a treaty he suspected them of some kind of deceit. He threatened to carry his case personally to the governor in Montreal, and for a time, refused to answer the queries of the commissioners regarding his band's claims to the lands or the value he placed upon them. It took two days of meetings to placate him, but finally he agreed that the commissioners were acting honourably. His suspicions had been roused because of bad reports about Anderson's character. These had originated from Sault Ste. Marie where Anderson and Vidal encountered even greater hostility.

At that place, the Indians of Garden River stated, through Chief Shinguakouse, that they would negotiate only through a Mr. Allan Macdonell, whom they said was more attentive to their interests than was government. Macdonell was a lawyer and a mining promoter who had already begun to develop sites on the Lake Superior shore, and who had obviously acquired a high degree of influence among the Garden River Indians. It was he who had spoken of Anderson in derogatory terms to Chief Peau de Chat and the commissioners refused to deal with him.²⁶ On October 16, when Macdonell, upon urgings from Chief Shinguakouse, began to speak, they adjourned the council. Two days later Chief Augustin, the eldest son of Shingakouse, repudiated his father's support of Macdonell and undertook to the commissioners to "regard the Government as their friend and deal only with its authorized Agents".²⁷ Having observed this division in the band, the commissioners could be more optimistic about arranging an agreement at Sault Ste. Marie.

26 P.A.O., Irving Papers, Vidal-Anderson Report, Appendix A, p. 2.

27 Ibid.

Their final report defended the Indians' claim to compensation. The commissioners noted that the other natives of Upper Canada had received payment for surrendering their lands; and notwithstanding the variety of opinions disputing that right, they recommended that the established policy should be extended to the tribes of Lake Huron and Lake Superior.²⁸ And since the various bands appeared prepared to agree to such a sale, expediency and justice joined to suggest a formal treaty surrender, as the most sensible manner in solving the issue of Indian lands in the northwest.

The Vidal-Anderson report also set forth the terms which might be considered by government. These included suggestions regarding the size of annuity payments, the preservation of hunting and fishing rights and the establishment of reserve lands (including locations and size). The report also provided information regarding the location, population, and principal men of the several bands who claimed rights to specific locations, and who numbered, in all, about 2600 people. Finally Vidal and Anderson observed a few unique issues regarding the lands in the northwest. Throughout the region, but at the Sault in particular, there was a substantial number of half breeds who had close connections with the Indian bands, in some instances residing with them constantly, and these persons could be expected to demand inclusion in any treaty arrangements that might be made. There were also problems concerning Indian deeds and leases. The Northwest Company had secured land as early as 1798;²⁹ missionaries had been

28 P.A.O., Irving Papers, Vidal-Anderson Report, Appendix A, pp. 4-6.

29 Ibid., Appendix E.

granted land at Garden River;³⁰ and several mining leases, including a 999-year lease to Macdonell for the Michipicotin Island, had also been made.³¹ With respect to reserves, the bands requested locations which were traditional fishing or rendezvous spots. This was an understandable request, but it was observed that in some cases these choices involved either mining locations or lands that lay within the Hudson's Bay Company territory.

Action on the report became imperative when news reached Toronto of an armed clash on Lake Superior in November of 1849. An expedition of between 30 and 100 Indians and Métis, led by Allan Macdonell, travelled from Sault Ste. Marie to Mica Bay on Lake Superior, where the Quebec Mining Company had established a mining operation.³² Macdonell's motives can only be conjectured, but the Indians in the group felt they were making the 200-mile trip in order to reclaim their land from the company. They forced the surrender of the mining agent, John Bonner. The capture of the company's operation by a show of arms caused an immediate response by government, which dispatched a force of 100 rifles to the troubled area.³³ The three white leaders, two Indian chiefs, one of whom was Shinguakouse, and two Métis were arrested in December and sent to Toronto to face trial.³⁴

30 P.A.O, Irving Papers, Vidal-Anderson Report, Appendix B.

31 Ibid., p. 8 and Appendix B.

32 Ellwood, "The Robinson Treaties of 1850". p. 31.

33 Ibid., p. 31, note 75, and p. 32.

34 Ibid.; Doughty, ed., Elgin-Grey Papers, vol. II, pp. 553-54. Elgin to Grey, Private, December 10, 1849.

The Mica Bay incident was not seriously alarming,³⁵ but it angered the Governor General. Had government taken the steps necessary to extinguish Indian title, the affair would not have occurred. By issuing the mining licenses, and by thus permitting the avaricious jobbers to operate unregulated in a dubious and suspicious manner,³⁶ the government had, he felt, contributed to an unhealthy situation in which the Indians had grown fearful of losing their lands without recompense. The role of Macdonell and John Bonner he found to be particularly suspicious, for the latter had meekly surrendered his company's establishment at Mica Bay despite having a far stronger force than the raiding party. Elgin also indicated that he had been advised, by a missionary stationed in U.S. territory, that there were some Canadians who were anxious to stir up troubles on the Canadian-American frontier "in connection with the annexation movement".³⁷ The situation, he concluded, required a fast land settlement.

The man chosen to accomplish this task was William Benjamin Robinson. His appointment and his mission were recommended by the

35 It was sufficiently alarming to the settled regions of the province, however, for the Toronto Globe to report that a general Indian uprising was unlikely since their numbers were too small. Rumours that Indians were preparing for a major war, said the Globe, were "without any foundation". Ellwood, "The Robinson Treaties of 1850", p. 33.

36 Doughty, ed., Elgin-Grey Papers, vol. II, p. 549. Elgin to Grey, Private, November 21, 1849.

37 Ibid., vol. II, p. 564. Elgin to Grey, Private, December 24, 1849.

Executive Council on January 8, 1850, and approved by Lord Elgin, in council, on January 11th. It was a happy appointment, for Robinson was a competent individual who had served as a government commissioner of public works from 1846 to 1848.³⁸ He also had experience in the Indian trade, with the attendant knowledge of Indian language and custom that that endeavour provided; and seven years earlier he had negotiated for a small piece of land in Rama township from the Chippewas.³⁹ He was also closely connected to the Tory party. His brother, John Beverly Robinson, had been a pillar of the Family Compact and was currently serving as Chief Justice; and his brother-in-law was Samuel P. Jarvis, a recent Chief Superintendent of Indian Affairs. This association created anger among the reformers who charged patronage at the appointment.⁴⁰ Robinson's position was delicate, therefore, for he was expected to save the government from further embarrassment in the northwest, and he had to do so under close scrutiny from the reformers. He was also the first person, outside the Indian Department, appointed to take a major Indian land surrender.

His instructions, issued by order-in-council on April 16, 1850, provided him with some problems too, for they were vague in some ways

38 Leighton, "The Historical Significance of the Robinson Treaties", p. 9. For a summary of Robinson's career, see J. Jarvis, "William Benjamin Robinson", Dictionary of Canadian Biography (D.C.B.), vol. X, (Toronto, 1972), pp. 622-624.

39 Treaties and Surrenders, vol. 1, no. 87, pp. 222-3.

40 Leighton, "The Historical Significance of the Robinson Treaties", p. 9.

and specific in others. He was to buy as much land as possible, but not settle for less than "the north shore of Lake Huron and the mining sites along the eastern shore of Lake Superior". To acquire this he was given a budget of about \$7500 to cover the cost of the negotiations and any annuity payments that would grow out of them.⁴¹ He was also admonished against discussing the entire matter of annual presents, a practice which it was hoped could be eliminated,⁴² and against using gifts during negotiations. This last condition was awkward, for it could easily - as it had before - cause a breach of wilderness protocol and thus retard negotiations.

Armed with the approval of the Governor, his own experience, the Vidal-Anderson report and his instructions from the Executive Council, Robinson set out for the Indian country in April of 1850. His trip in April and May took him as far as Michipicotin and was, like that of Anderson and Vidal, simply an exploratory exercise to meet some of the bands, to acquaint himself with the country, and to announce his intention of returning for formal negotiations during the summer.

The actual negotiations began at Sault Ste. Marie in August. Before the formal council was held, Robinson visited the bands of the area, and greeted the chiefs from Lake Superior as they arrived for the council. He was assisted in his task by friendly fur traders,

41 Leighton, "The Historical Significance of the Robinson Treaties", p. 10.

42 The practice was in fact ended in 1858.

and also by the visit of the Governor General on August 31st.⁴³ Lord Elgin had also pardoned Chiefs Shinguakouse and Nibina-goo-ging and the two Métis leaders for their parts in the Mica Bay affair. Apparently these efforts had dissipated the bitterness of the previous fall for Robinson noted that "all seem well disposed to treat on fair terms".⁴⁴

Agreement regarding terms, however, still did not come easily. Shinguakouse may have mellowed, but he was still determined to serve the interests of his band and his people. Likewise Chief Peau de Chat, the accepted spokesman of the Lake Superior bands, was not prepared to give away all Indian lands without due compensation. And by the time that formal and final negotiations began on September 5th, Robinson had in fact determined to seek all the lands on both Lake Huron and Lake Superior. When he made his offer of \$4000 in cash and a perpetual annuity of \$1000⁴⁵ for the entire region, both principal chiefs proved reticent, and requested time to consider the terms. In formal sessions on the 6th, Robinson stressed that the bands would continue to enjoy their hunting and fishing rights, and since extensive settlement was unlikely in the barren regions of the Canadian Shield, those pursuits would not be hampered as they had been in the eastern regions of Upper Canada.⁴⁶

43 Ellwood, "The Robinson Treaties of 1850", pp. 36-37.

44 Leighton, "The Historical Significance of the Robinson Treaties", p. 12.

45 A. Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories (Toronto, 1880), pp. 17-21. Report of W.B. Robinson to Hon. Col. Bruce, Superintendent-General, I.A., September 24, 1850.

46 Ibid., p. 17.

These arguments placated Chief Peau de Chat, and the Lake Superior bands signed the prepared treaty on September 7th. Shinguakouse remained unconvinced, however, and the other Lake Huron bands followed him in refusing to sign. It would appear that Shinguakouse felt more money could be gained, for he had demanded an annuity of \$10 per head,⁴⁷ which would have translated into a total of \$20,000. He also attempted to secure reserve land for the half breeds at the rate of 100 acres per head.⁴⁸ Robinson stood firm. He would do nothing for the half breeds, because his instructions ordered him to treat with Indians, not whites. He did suggest that they could be given land on the Indian reserves if the band agreed.⁴⁹ He was equally firm with respect to the money, and stated candidly that without a treaty he would simply take the money back to Toronto. Perhaps it was this threat that convinced Shinguakouse. More likely, he was convinced by other chiefs over the weekend of September 8th. It has already been observed that some, including his son Augustin, did not share his strong feelings. His reasons remain with him, but on Monday, September 9th⁵⁰ Shinguakouse and the other Lake Huron chiefs present signed the agreement that Robinson had had prepared for the surrender of the Lake Huron shore.

47 Morris, The Treaties of Canada with the Indians...., p. 18.

48 Ellwood, "The Robinson Treaties of 1850", p. 37.

49 Morris, The Treaties of Canada with the Indians...., p. 20.

50 Ibid., p. 18.

Through the two agreements signed in September of 1850 at Sault Ste. Marie, W.B. Robinson secured virtually the whole of the Upper Canadian northwest for government use. Generally referred to as the Robinson-Huron treaty, the agreement of September 9th called for the cession of the Lake Huron shoreline, including the islands, from Matchedash Bay to Batchewana Bay, and inland as far as the height of land. The agreement of September 7th, known as the Robinson-Superior treaty, gave the Crown the shoreline of Lake Superior, including islands, from Batchewana Bay to the Pigeon River, inland as far as the height of land. The first contained 35,700⁵¹ square miles of land, sold by a total Indian population of 1240;⁵² the latter was occupied by 1422⁵³ people and contained 16,700⁵⁴ square miles of territory. The terms and conditions by which these enormous land transfers - the largest by far in the pre-Confederation era - were based on previous sales, but they also contained a number of important interesting innovations.

Both Robinson treaties provided a schedule of reserves. Three were specified on Lake Superior and twenty-one under the Robinson-Huron treaty.⁵⁵ The individual chiefs were, in most cases, permitted to choose the specific locations, which usually meant an area that they had long been accustomed to use, either as a fishing station or

51 Surtees, The Original People, p. 49.

52 Morris, The Treaties of Canada with the Indians..., p. 16.

53 Ibid.

54 Surtees, The Original People, p. 49.

55 Treaties and Surrenders, vol. 1, no. 60, pp. 147-149, and no. 61, pp. 149-152.

a summer encampment.⁵⁶ The nomination of reserves to specified chiefs and bands had been partially done in the Long Woods and Huron Tract negotiations. In the Robinson treaties the principle was formalized and extended. Previous reserves - as at the Credit River or Kettle Point - appear to have been set apart simply to provide a parcel of land sufficiently large to accommodate a traditional Indian summer encampment - normally about 200 persons - or to secure access to a particular fishery (as at Twelve Mile Creek). Robinson accepted the same principles. There were discussions concerning an allotment formula of a certain number of acres per capita, but no such formula was written into the Robinson treaties. Nor was it included in the Saugeen surrender of 1854.⁵⁷ It would appear for the first time in the 1862 Manitoulin Island treaty which called for a ratio of 100 acres per family.⁵⁸ The ratio was increased to 160 acres per family of five in Treaty No. 1, in 1871.⁵⁹ Both Robinson treaties contained a clause stating that their reserves could not be sold or leased by the Indians without the consent of the Chief Superintendent of Indian Affairs. This was simply an assertion of a principle that dated back to the Royal Proclamation, and had been tacitly understood by all

56 Morris, The Treaties of Canada with the Indians ..., p. 19.

57 See above, Chapter 6.

58 See below, p. 261.

59 Morris, The Treaties of Canada with the Indians ..., p. 31.

parties in the intervening years. The 1850 agreements were the first to have the provision actually included in writing.⁶⁰

It seems likely that this reflected the purpose of pursuing those sales - i.e. the promotion of mining - and it is consistent with other provisions in the treaties concerning that activity. By signing the treaties, the Indians agreed not to interfere with prospecting activities anywhere in the ceded area. If valuable minerals were found on any of the Indian reserves, and should the band involved wish to dispose of it, the sale would be conducted by the Chief Superintendent of the Indian Department "for their sole use and benefit and to the best advantage". Likewise the proceeds of mineral rights on reserved lands which had been leased before the treaty, were to be directed to the band to which the reserve was granted.⁶¹

Hunting and fishing rights for Indians in the ceded area had been implied in the very early treaties, and had formed part of the negotiations in the Rice Lake Purchase of 1819. It was clearly stated in the Robinson agreements that the chiefs and their bands would have

60 There was a reason for including it here, for the question of half breeds getting land was raised during the negotiations. This in turn caused a problem for if the bands were forbidden to sell or lease the land, could they give it to half breeds (i.e. permit persons of mixed blood to join the reserve or share in the annuity money) as Robinson had suggested. The issue was solved by requiring that half breeds declare themselves as either Indian or white. As Indians they could live on reserves and share in the treaty payments. It has been observed that no half breed communities of consequence developed in Ontario as in the U.S. It seems likely that by requiring the half breeds to select their society, the government effectively prevented that development.

61 Treaties and Surrenders, vol. 1, no. 60, pp. 147-194, and no. 61, pp. 149-52.

"the full and free privilege to hunt over the territory now ceded by them and to fish in the waters thereof as they have heretofore been in the habit of doing"⁶² except in areas that would become private property.

The actual remuneration for the lands, although it included the use of annuities which by 1830 had been in place for over three decades, was unique in several ways. Each group of Indians received what, in effect, was a signing bonus of \$2000, which was paid immediately. An annuity of \$500 was to follow each year. And for the first time, these sums were to be paid in cash.⁶³ As in some previous arrangements, the annuities would decrease with a decline in population. In this case the crucial figure was two-thirds of the population, which point the annuity would be reduced proportionately. But if the sales of lands surrendered produced greater than expected return, the annuities might be increased at the Crown's pleasure.⁶⁴

A post script should be added regarding the boundaries of the Robinson-Huron treaty. Robinson himself, and the Indians of the north shore of Lake Huron were satisfied that the lands described in the treaty had been duly sold. The Lake Simcoe bands, however, were not. On his return from Sault Ste. Marie, Robinson stopped at Manitoulin Island. There, on September 16, 1850, he was met by the three Chippewa chiefs, Yellowhead, Aisence and Snake, who registered their claims to

62 Treaties and Surrenders, vol. 1, no. 60, pp. 147-149, and no. 61, pp. 149-52.

63 Ibid.

64 Ibid.; Leighton, "The Historical Significance of the Robinson Treaties", p. 13.

the land near the Severn River. The recently concluded treaty included that territory, and at this meeting Robinson responded to the Chippewa's claim by promising to make inquiries "at the Land and Indian Offices in Toronto".⁶⁵ After the success of his mission the commissioner likely considered this claim to be a minor irritant which could be resolved as easily as his providing the chiefs with expense money. But it was not. The claim would be re-issued over the decades until the investigations and negotiations surrounding the Williams Treaty of 1923 established the rights of the Lake Simcoe Chippewa bands to the lands lying north and east of their village. To clarify this situation, the shoreline between Matchedash Bay and the French River, inland to the height of land, was included in the 1923 arrangements.⁶⁶

It has been said that the Robinson treaties "provided important models for later developments",⁶⁷ notably the "numbered treaties" of northwestern Ontario and the Canadian West. This is undoubtedly true. And there was much about these agreements that rendered them unique and innovative. But they should be viewed also as a logical and natural result of a treaty-making process that had been followed in Canada for almost a century. Indeed, if the process can be said to have begun in

65 P.A.O., J.C. Robinson Papers - 1850. Diary of W.B. Robinson, April 19, 1850 to September 24, 1850, p. 7.

66 Johnson, History of the County of Ontario, pp. 27-37; P.A.C., Williams Treaty File.

67 Leighton, "The Historical Significance of the Robinson Treaties", p. 16.

1764 with the first Niagara River cession, it was exactly ninety-eight years later that the Crown concluded the last significant land purchase agreement before Confederation. This was the second Manitoulin Island treaty, the first major cession after Indian affairs had been transferred to colonial control in 1860.⁶⁸ Two developments directed the government of Upper Canada towards seeking the Manitoulin lands.

The first was the apparent lack of progress shown by the Indian settlements there. Lord Glenelg had approved of Bond Head's receiving the island for the Crown in 1836, but he had, on the advice of others, rejected Head's gloomy prognostications of the Indians' future. The system of establishing Indian settlements and promoting the growth of civilization was not considered to be an impossible goal, as Head had suggested. By building those establishments in more remote locations native people could be guided more slowly but more steadily towards the stage at which they could cope with the white society that was inexorably overtaking them. The island was such a remote location, and yet it possessed sufficient resources to promote agricultural activity.⁶⁹ Thus, notwithstanding the failure of the government-sponsored establishment at Coldwater,⁷⁰ it was determined that a new

68 D. Leighton, "The Manitoulin Incident of 1863: An Indian-white Confrontation in the Province of Canada", Ontario History, LXIX, No. 2 (June, 1977), 123.

69 Several reports by agents or missionaries had praised the resources of the Island. These were, however, overly optimistic, for the soil on the Manitoulin is not suitable for intensive agriculture.

70 Leighton, Ontario History, LXIX, No. 2 (June, 1977), 114.

experiment should begin on the Manitoulin Island.

The government settlement was begun at Manitowaning in 1838. In addition to the agent, T.G. Anderson, it included a clergyman, a school-master and several artisans, who were to build the establishment and instruct the Indians in religion, husbandry, agriculture and elementary education. It was hoped that substantial numbers of Indians from the rest of the province, but particularly from Saugeen and the north shore of Lake Huron, would settle near Manitowaning in order to receive the assistance of the Department personnel. As they made progress, they would offer a concrete example to other bands who, it was felt, would want to emulate their success.⁷¹

The initial optimism soon began to dissipate, and although the Manitowaning establishment was kept in place for over two decades, it could not report to have made any substantial progress. There were many reasons for this. Certainly the soil was not all as fertile as had been supposed, and the very remoteness of the Island inclined Indians to resort to their more traditional — and more successful — methods of survival, especially fishing. The supplements of the government in the form of annual presents and the minimal success in agriculture contributed towards this natural inclination. Equally serious was the religious rivalry that existed from the beginning. Manitowaning, as a government establishment, was expected to promote the Anglican faith; but the officials there soon found that they faced competition. In 1836, the Jesuits had begun to visit the Island and

71 Surtees, "Indian Reserve Policy in Upper Canada", p. 133ss.

in the fall of 1838 Father J.B. Proulx took up a permanent residence at Wikwemikong. The following year he reported having conferred 78 Baptisms, 49 to adults.⁷² In terms of conversions and the growth of Indian settlement, the Wikwemikong village outstripped its rival across the bay. By 1850 it had a population of more than 500, which was about five times the size of Manitowaning. The religious division accentuated the inherent tribal rivalries that already pertained among the Ottawas, Potowatomies and Ojibwas who gathered on the Manitoulin.⁷³

In addition to these two establishments, several smaller villages were begun at various locations across the Island, most of them on the more sheltered north shore. By 1860, there were twelve permanent villages⁷⁴ to which various bands would resort for at least part of the year. In all, the population of the Island had grown to about 1200,⁷⁵ a five fold increase since 1836, but nevertheless a great disappointment to those who had hoped it would be much greater. The anticipated migrations from Saugeen and Garden Village had not taken place. The Indians

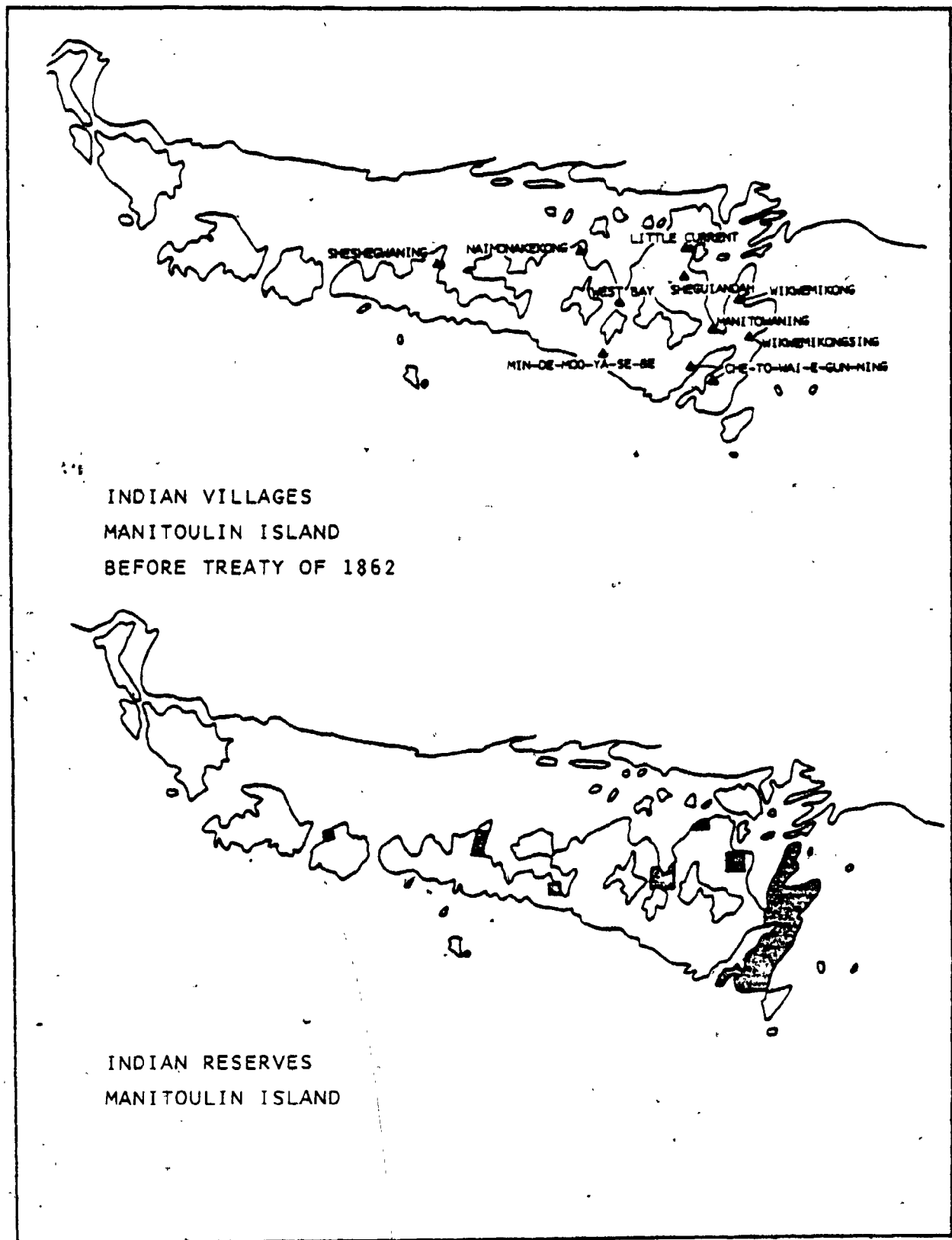
72 P.A.O., Report by Mr. Bernard Prince re Jesuit Mission Records at Wikwemikong, Manitoulin Island, Miscellaneous, 1961. Wikwemikong Diary 1836-1917, Summary by Fr. J. Paquin S.J., p. 1.

73 R. Bleasdale, "Manitowaning: An Experiment in Indian Settlement", Ontario History, LXVI, No. 3 (September, 1974), 153-54.

74 See Figure 33.

75 Canada, Report of the Special Commissioners ... 1856, p. 62.

Figure 33: Indian Villages and Reserves, Manitoulin Island



simply would not move to the Island.

By 1860, however, there were others who were prepared - even anxious - to do so. There was a shortage of good arable land in the province, and while the island was inferior to other areas, there were farmers who were prepared to move there. Business interests encouraged such expansion, for a developing line of settlement would provide another market for the growing industries of Toronto and Montreal.⁷⁶ The first whites to penetrate the Manitoulin frontier, however, came to exploit the fisheries of the Manitoulin chain. These men provided the most immediate problem as the new decade opened, for the government, having apparently not learned from its experience with mining licenses in the 1840's, had issued a number of fishing leases to commercial firms in the Manitoulin area.⁷⁷ Such leases were an infringement of Indian rights within their own territory, and the natives registered their dissatisfaction by harassing those who exercised their licences. The Wikwemikong band was especially annoyed when the provincial Commissioner of Fisheries, Mr. Gibbard, visited their village in July of 1859. He told the Indians that they would be required to purchase "by auction whatever fishing grounds they would wish to keep".⁷⁸ The Chiefs at Wikwemikong protested against this

76 Leighton, Ontario History, LXIX, No. 2 (June, 1977), 116.

77 Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890", p. 195.

78 P.A.O., Wikwemikong Diary, p. 12. Gibbard was murdered three years later while travelling by schooner near the Island. It was never determined whether his death was motivated by robbery or revenge. See Leighton, Ontario History, LXIX, No. 2 (June, 1977), 121-124.

treatment, and, not surprisingly, when the purchase of the Island was proposed, they organized resistance to it.

A general meeting of the Wikwemikong Indians of February 4, 1861 resolved "to oppose any attempt on the part of Government to open the Manitoulin Island to the whites".⁷⁹ A subsequent meeting at West Bay on June 10 reinforced this attitude, and dismissed two chiefs who were opposed. This sentiment was carried into the meeting convened at Manitowaning, on October 5, 1861 by two commissioners sent to negotiate a preliminary treaty. In that session they were asked to cede the land, with reserves totalling 25 acres per family to be retained. They were advised that as a result of the 1836 treaty, it had been expected that 9,000 Indians would move to the Island. Because that had not happened, the Indians had "not fulfilled their part of the contract"⁸⁰ and therefore had invalidated the agreement. It was an unusual interpretation and no doubt designed to frighten. It did not have that affect, for the Indians refused to agree to a cession, and two days later at another meeting they refused to allow a survey of the Island. They were told, however, that the survey would be taken in any case, under the protection of guards.⁸¹

It was this survey, conducted by John Stoughton Dennis, in November which provided government with data regarding the resources and potential of the Manitoulin chain. If those resources were to be exploited and if white settlement were to be permitted, an official land cession

79 P.A.O., Wikwemikong Diary, p. 13.

80 Ibid.

81 Ibid., p. 14.

was mandatory.⁸² William McDougall, the Superintendent General of Indian Affairs, was appointed as commissioner to negotiate a land sale. He was to be accompanied and assisted by the newly appointed Deputy-Superintendent, William Prosperous Spragge.⁸³ In the fall of 1862, the two commissioners called a treaty council at Manitowaning.

In the interim, on orders from Spragge, the local agent, George Ironside, had continued to talk to the several bands on the island. The extent of his success is questionable. Accordingly to the "Wikwemikong Diary", a council on June 25 at West Bay had strengthened the Indian resolve to resist;⁸⁴ and in August his efforts to win the chiefs over, one by one, by promising a money bonus and reserves based on a ratio of 100 acres per family, were also termed a failure.⁸⁵ The recalcitrant chiefs had the sympathy, and likely the support, of the Jesuit priests at Wikwemikong. Certainly the stimulus to resist came from the Wikwemikong settlements. On the other hand, Ironside, in arguing his case with individual chiefs, felt he was making some progress by emphasizing that the new reserve allotment would create Indian pockets sufficiently large to preclude danger to them from white settlers.⁸⁶ He also had the support of Chief Assiginack who was considered by the Department to hold considerable influence among the Indians on the Island. Apparently Ironside's reports to Spragge were

82 Leighton, "The Development of Federal Indian Policy", p. 195.

83 Ibid., p. 188.

84 P.A.O., Wikwemikong Diary, p. 14.

85 Ibid.

86 Leighton, "The Development of Federal Indian Policy", p. 196.

sufficiently optimistic to have the commissioners journey to Manitowaning. Perhaps Ironside had observed weak links in the Indian unity, for divisions appeared after the proceedings began on October 5th.

The first response of the Indians was not encouraging to McDougall. After explaining that government wanted the Island to provide settlement lands, and after outlining the terms proposed by government including an annuity and reserved lands, McDougall was somewhat shocked to receive an immediate refusal from the principal Indian spokesman. Without hesitation, "and without taking time to consider" the government proposal, "he proceeded to announce the determination of the Indians to reject them unconditionally".⁸⁸ Although taken aback, McDougall recovered, explained the terms further, and then recessed the proceedings. It was during this recess that Indian divisions became evident. A minority appeared willing to treat, but were kept from speaking freely by "intimidation and threats of violence".⁸⁹ McDougall observed that the obstinacy came primarily from the Wikwemikong band, which had, of course, been generally hostile to government from the earliest days of the Manitoulin Establishment. It was they who had organized the resistance at West Bay and Manitowaning,⁹⁰ the previous year, and they were obviously controlling the Indian role in the council. Even the

87 D. Leighton, "Assiginack", Dictionary of Canadian Biography, vol. 9 (Toronto, 1976), pp. 9-10.

88 Morris, The Treaties of Canada with the Indians..., p. 23. Report of W. McDougall, S.G.I.A., November 3, 1862.

89 Ibid.

90 P.A.O., Wikwemikong Diary, p. 14.

urgings of the old war chief Assiginack could not penetrate the solid front imposed at this first meeting. No treaty could result while their dominance lasted.

McDougall adjourned the council and offered to meet separately with any bands who were inclined to accept the government's offer of reserves and annuities in exchange for their land. This time honoured tactic succeeded: the Wikwemikong bands remained adamant, but when the council reconvened on October 6th, the several bands living to the west of Manitowaning Bay did agree to sell their portion of the Island.⁹¹ Rather than combat further intransigence, McDougall agreed to settle for the bulk of the Island.⁹²

The Wikwemikong bands were therefore excluded from the resulting treaty. The government did promise to protect the Wikwemikong bands in their continued ownership of the eastern peninsula of the Island, and two of their chiefs signed the treaty as an indication of their general approval of the terms.⁹³ The other bands agreed to sell their lands, and the adjacent islands, to the government. They would retain reserves based on a ratio of 100 acres to each head of a family, 50 acres to each single adult, 100 acres to a family of orphans, and 50 acres to a single orphan. The Indians were to be permitted to select their acreage - friends or relatives were to make the selections for orphans - provided the areas chosen were contiguous so that the Indian settlements on the Island were as compact and manageable as possible.⁹⁴ It was expected

⁹¹ Leighton, "The Development of Federal Indian Policy", p. 198.

⁹² See Figure 33.

⁹³ Treaties and Surrenders, vol. 1, no. 94, p. 237.

⁹⁴ Ibid., pp. 235-36.

that the bands would choose areas that had already been developed as village sites, and for the most part that was done. It also permitted the government to claim, from any reserve, any sites which might in its opinion, be better used for the public good in terms of building wharfs, harbours or mills. In such a case the Indians who would be displaced would be allowed to select another location, and they would also be reimbursed for any improvements they had made. Six reserve sites, in addition to the unceded Wikwemikong peninsula were ultimately set apart.

At the time of signing the treaty, the consenting bands received a payment of \$700,⁹⁵ but this was just an advance against future income. The lands not reserved were to be surveyed and sold by government to incoming settlers. The income would create an investment fund, and the interest from the fund would be distributed annually on a per capita basis, with the chiefs receiving a double share. The treaty also provided that after 100,000 acres had been sold, the government could charge a portion of the resident superintendent's salary against the investment fund. Article six accorded to the Indians the same right to fish in the waters of the Island or adjacent shores as was granted to whites. No mention was made of hunting rights. The provision calling for the surrender of adjacent islands was obviously intended not only to acquire these lands but also to secure the various fishing stations that surrounded the main Island. It was a sensible precaution, but the exclusion of the Wikwemikong peninsula from the agreement also left open to question the disposition of the islands and fishing stations surrounding it. It was a loose end that McDougall

95 Leighton, Ontario History, LXIX, No. 2 (June, 1977), 117.

may or may not have anticipated, but it did cause very serious incidents in the future.⁹⁶

McDougall could not have foreseen the unfortunate and ugly incident of a year later, which included the murder of the fisheries commissioner, Gibbard. He may well have thought that the Wikwemikong bands would fall into line with the other bands of the island and agree to sell their territory on the peninsula. The way had been left open, for article eight of the treaty had included the option for them to join in the operation of the treaty had included the option for them to join in the operation of the treaty whenever a majority of their chiefs decided to do so,⁹⁷ McDougall was mistaken: the option has never been exercised, and the Wikwemikong peninsula remains one of the two unceded portions of land in the province.⁹⁸ In their successful resistance to government demands, the Wikwemikong Indians were undoubtedly assisted by their missionaries, and still more by their own ability not only to organize but to maintain a reasonably united opposition to the government's commissioner and grants. Their own will to resist, however, would have counted for little if they had not been faced with a system of land cessions that they had learned to exploit - one which both recognized their legal claim to land and provided a formal bargaining process by which they could defend it.

96 Leighton, Ontario History, LXIX, No: 2 (June 2, 1977), 117.

97 Treaties and Surrenders, vol. 1, no. 94, pp. 235-37.

98 The other is Walpole Island.

Chapter 8. The Results of Indian Land Cessions

The most significant feature of the first hundred years of Indian land cessions was that it confirmed in practice the legal recognition of aboriginal rights to land ownership that had been given by the Royal Proclamation of October, 1763. West of the Lake Nipissing line, that recognition was so firmly established that it survived the loss of real Indian powers, of imperial philanthropic impulses and trusteeship, and of white settlers' fear, sympathy or respect for their Indian neighbours. The creation of the institutionalized process of treaty-making rested as much on this recognition of aboriginal rights to land as it did upon the desire by the Crown to have that land.

Moreover, the terms of the proclamation required that Indian lands could be alienated only to the Crown. From the very beginning, therefore, the acquisition of those lands had to be arranged by government officials in consultation with Indian proprietors. Thus, Captain Crawford met with the Mississaugas at Carleton Island in 1783-84; Colonel Campbell met the Oswegatchies near Prescott and the St. Regis Mohawks at Coteau de Lac in 1784; and Sir John Johnson consulted the assembled Mississaugas at the Quinté Carrying Place in 1787 and at Toronto in 1788. There was nothing startling in this for Sir William Johnson had held specially summoned land surrender councils at Niagara in 1764 and at Fort Stanwix in 1768. Likewise at Niagara and Michilimackinac, in 1781, public councils had preceded the land sales

in those places. They are noted here to emphasize that the principle was established very early, and at a time when Indians were a considerable force in the power politics of North America. They would lose that position but the principle of consultation would be retained. Because of that early position of strength, it should also be observed, the consultations were sessions where negotiations truly took place. It was by no means a circumstance where the British could impose a settlement. They were too weak to dictate terms. That they were more skillful and more aware of the power of a written agreement cannot be denied, and that skill undoubtedly gave them an advantage when conducting the public councils. But it should be remembered that they did have to bargain for terms, rather than dictate them. Bargaining, too, became a permanent feature of the system. Ironically the Indians learned to use this feature of the process only after their strength had waned. That decline in military importance might have removed their bargaining position completely, but the contractual nature of the evolving system restored some strength to the Indians' position. Then it often became a nuisance to the Indian agents who were acting for the Crown. T.G. Anderson, for example, became very frustrated when he tried to treat for the Saugeen land in 1854 and at one point simply threw up his hands and advised that government use force to get what it wanted. Indian intransigence which had been at best sporadic when the tribes were strong, in fact, became more apparent after their general position had been weakened. That it was permitted, even expected, to some extent, was due to the fact that the system had from the start been constructed in a fashion that allowed for it.

In the beginning the system undoubtedly served the interests of the whites; by mid-century, at Saugeen, Lakes Huron and Superior, and Manitoulin Island, it would appear to have helped the interests of the Indians

An obvious, but important, characteristic of the treaty system was the payment involved. Its importance is two-fold. First, by offering to pay for the lands they wanted, the British were actually providing a concrete recognition of Indian ownership. In turn, of course, the acceptance of payment made the transaction binding. Second, as is to be expected, the benefit to be gained from receiving payment was a reason for the Indians agreeing to the sale of land. This might appear so obvious that it does not require mentioning. However, it should be seen in the context of the period of land cession involved. In the very early years, it appears likely that the Indians who agreed to sales felt that to receive trade goods for their land was an especially good arrangement. That is, it was good if the sale meant in fact that they were simply selling the use of the land which they could continue to use in the traditional fashion. Had they understood the full and total meaning of the agreement, the Mississaugas, for example, might well have been disinclined to sell in 1783-84. One suspects, however, that the meaning was not fully understood, and therefore, the receipt of payment would have been much more of an enticement to accept what the British offered.

This bears greater consideration when the size of the payment is analyzed. The remuneration of annual clothing for Mynass and his family

in 1783 was very small; the 300 suits of clothing to the Mississaugas for their land in 1783 was also a very minor expense to the British; and the 1785 stipulation by the Lake Simcoe Chippewas that they be given what the King thought was fair was hardly an example of hard bargaining. Had these bands been aware that they were giving up their right of occupancy and their freedom to use the tracts involved, it is likely that they would have refused to sell - and at that time they had a choice - or have demanded a much larger payment. Throughout the first period of land sales, to 1815, the sums were very small. But they did reach an approximate value of 3d per acre in the 1790s. It was in the late 1790s that the true meaning of the agreements appears to have been driven home, and through the intervention of Joseph Brant the Indians generally placed a higher value on their tribal land possessions. The government, however, was unprepared to pay the higher price of 3s (later 1.5s) demanded by Brant for the Mississauga land at the head of Lake Ontario. The government would prevail later, in 1805-06, and acquire that block of land for the going rate of about 3d.

No precise value was ever really established, but it would seem that the size of the payment was reached on the basis of the value of land to government. The price of land generally rose, thereby reflecting the fact that the value of land in the colony rose as the population grew. The sum paid to the Indians, of course, was always less than the government expected to gain from re-distribution to settlers, regardless of its denials of land-jobbing in 1798, but Mississaugas who

sold the head of the lake tract in 1805-06 certainly received greater value than they had for the Carleton Island agreement of 1783-84. The price rise reflected the Indians' knowledge regarding land values and also the meaning of the treaties. Both of these increased as the years passed. Thus the payment tended to reflect this as well as the general values of land. The Indians of Lakes Huron and Superior demanded, at first, prices that were quite high. When Robinson refused to pay the \$30 per person requested by Chief Peau de Chat and insisted on a \$10 sum there were protests. The Indians noted that annuities granted to Indians in other areas were greater. Robinson won his point by arguing that the land of the northwest was less valuable than that in southern Ontario. It could not be farmed intensively and was unlikely to be filled up. Its proprietors could not, he said, expect to receive payments as large as those granted elsewhere.

The nature of the payment also changed, in two ways. First, the decision to pay for land on an annuity basis, beginning in 1818, meant that Indians began to receive a regular income from their land. This meant that over time the total sum paid for land was immensely greater. Second, payment in the form of trade goods was replaced in 1850 by payments in cash. This too became part of the institution, and the distribution of "treaty money" became an annual, and anticipated, event. The change certainly benefitted government, which had been seeking this alteration since the 1819 Long Woods surrender, for it was much easier to deliver a pouch of money than it was to arrange for the transportation and delivery of the

bulky trade goods which included items like blankets, kettles, hatchets and trinkets. After 1830 these grew even more bulky as the impetus to promote civilization decreed that these goods sometimes include harness, hoes, ploughs and, occasionally, livestock or teams of oxen. The fear had always been that the commutation of trade goods to money would be detrimental to the Indians for it was felt that they would simply use the money to buy liquor or other valueless items. This undoubtedly happened, but the bands accommodated themselves to the change. Because of the power that was gradually granted to Indian agents, however, these monies were often ultimately controlled by the agents, through the management of band funds. The changes in payment, therefore, would, in the longer term, serve to restrict the freedoms of the bands.

The system of land surrender treaties grew gradually more sophisticated in two other respects: a) records and b) the terms of the agreements. The actual written records were inadequate in some of the early land cessions. This was particularly true in the case of the Crawford purchases of 1783-84 and the Johnson-Butler arrangements of 1787-88. In the Crawford case, written agreements were apparently taken, but aside from Captain Crawford himself and perhaps a few witnesses who were present when the agreements were made, no one else ever saw them. Sir John Johnson in 1795 stated that he had not seen them and indicated that they must still be in the possession of Crawford. And judging from the available evidence, Crawford neglected ever to deposit these records with any public record keeping body. The Johnson-Butler

agreements were written down, but only in an incomplete fashion, and the deed which was to have been used to complete that purchase was declared to be invalid.

These two sets of agreements were ultimately corrected, but both required a fairly complicated set of subsequent agreements, preceded by a long period when a practical working understanding of the surrenders was more or less accepted by the Indians involved and by the white settlers who came to occupy the lands.

In the area of the Johnson-Butler cessions, the region encompassing the city of Toronto was formally purchased in 1805-06. The area beyond the second township line, as far north as the Tr ~~o~~ River - Rice Lake line, was secured by the Rideau Purchase and the Rice Lake Purchase in 1818 and 1819. The waterfront of Lake Ontario and a small piece of land along the Toronto Carrying Place were not, however, fully secured until the Williams Treaty finally extinguished Indian title in a formal sense in 1823. For the late eighteenth century therefore, the government could base its claim to that region - and to the region of the 1785 Collins purchase - only on the assurance given to Peter Russell in 1797. The Collins purchase was not included in the Williams Treaty, and apparently still rests on the reinforcement given to Russell by Chief Yellowhead.

The Crawford Purchase area had its final question marks removed in 1856. The Mississaugas of the Bay of Quinté apparently had an understanding of the extent of territory sold to Captain Crawford, and

that understanding was also accepted by the white settlers. It was recognized by everyone, it seems, that certain areas had been sold, and that other lands had been retained for Indian usage. In the scant correspondence that deals with Crawford's arrangements, there is a reference, by one of the witnesses, that the Mississaugas had sold the waterfront as far west as the Trent River "except for one small parcel that they wished to retain for their own use." He did not indicate the location of that parcel; nor does any of the surrounding correspondence. It seems likely, however, that this parcel was the 428 acre plot in Thurlow township which was negotiated for in 1811 and purchased in 1815. The evidence for this statement is, admittedly, circumstantial, but the fact that all authorities in 1811 accepted the designation of the Thurlow land as an Indian possession supports that view. It also supports the contention that inhabitants of the region - red and white - had a clear idea of the areas that were still Indian land; and those areas were respected as such for several decades. Towards the middle of the nineteenth century, however, the unwritten understandings that had held since the days of the Crawford purchase began to break down. When that happened, it became necessary to regularize the land holdings of each race.

Based on title deeds taken at subsequent cessions, it seems likely that Captain Crawford did not include mention of the islands in the waterways that surrounded the areas of his purchase. Nor did Colonel Campbell when he treated with the Oswegatchies in 1784. Because both men were instructed to purchase the shorelines, and because its

acquisition was sufficient to meet the immediate demands of settlement, it appears likely that the islands of the St. Lawrence River and the base of Lake Ontario were simply intended to remain in the possession of the Indians. One can easily imagine negotiations in which such an arrangement would be made. It is, admittedly once more, a subject of conjecture, with only circumstantial evidence to support it. When the subject of islands arose, however, those in the St. Lawrence were generally considered to be the possessions of the Indians. Less clear was the status of the islands in Rice Lake. The Mississaugas argued that they had been excused from the sale, while some settlers and officials were of the opinion that these had been sold.

The issue became important as the growing white population of the Quinté region and the upper St. Lawrence began to require new settlement areas. There were not enough lands already clearly ceded to accommodate the sons of pioneers or newcomers who wished to settle near the established communities in that area. Naturally enough, this pressing need for well-located land caused settlers' eyes to turn once again to Indian land. That meant the islands in lakes and rivers and also certain areas of the mainland to which the Indian claim had hitherto been respected.

While land had been plentiful it was not an issue, and from such sources as the private journal of the missionary Peter Jones, it is clear that in the 1820s and 1830s Indian bands were accustomed to setting up camp, on a regular basis, in areas near white communities.¹

1 P. Jones (Kahkewaquonaby), Life and Journals of Kah-Kee-Wa-Quo-Naby. (Rev. Peter Jones). (Toronto, 1860).

These camps were located in places other than the special reserves that had been established for their exclusive use. As with the islands, the regions where these Mississaugas settled on an ad hoc basis were not contested to any extent because much land lay idle. It was simply part of the unwritten modus vivendi that had existed for decades, and the absence of any written document was not significant.

This absence became significant by about 1850. The Indians claimed the islands and portions of the mainland as theirs, for they had used both. Settlers began to contest that claim. They argued that the mainland and the Rice Lake islands had been purchased in 1783-84; and they also pushed for government to buy the other islands of Lake Ontario and the St. Lawrence River. As with the Robinson Treaties and the later Saugeen surrenders, the government of Canada was more concerned with satisfying the settlers and the growing white communities than it was with protecting the rights of Indians. It was a natural sentiment, for the whites were the ones who voted; and the Indians, having long ceased to have value as potential warriors, and having lost their imperial protectors when the philanthropy of the 1830s waned, could not mount any significant resistance to new encroachments. The government and the department of Indian Affairs subscribed to the settlers' view that the arrangements of 1783-84 and 1787-88 had called for the cession of the entire mainland region. This view prevailed in spite of protests over the years, especially from the band at Alwick, and in spite of the continued presence of several

bands at longstanding locations such as Grape Island and Balsalm Lake, as well as the more mobile bands who lived in the vicinities of Belleville, Peterborough and Kingston. It was upon this continued use that the Mississaugas based their claims to several areas of the mainland. The Alnwick band, for example, asserted its right to four specific locations.²

The time had arrived to define more exactly the original terms of Crawford's purchases. The method chosen, as one would expect, was a new land surrender. This was done in June of 1856, and the two agreements which resulted were reminiscent of Russell's recapitulation scheme that had been rejected in 1798. On June 19, the Mississaugas of Alnwick agreed to surrender the islands in the Bay of Quinté, on Lake Ontario, in Weller's Bay, and in the St. Lawrence River, as well as "all points and parcels of land claims ... on the mainland which have not heretofore been ceded to the Crown".³ On June 24 the Mississaugas also agreed to give up their claims to mainland parcels, including their lands in Rice Lake.⁴ In both cases, the bands were to receive the annual proceeds of a fund that would grow from the resale of the territory surrendered. The four reserves which had been established in the 1830s were exempted from the sale.⁵

2 Canada, Report of the Special Commissioners ... 1856, pp. 90-93.

3 Treaties and Surrenders, vol. 1, nos. 77 and 78, pp. 205-206.

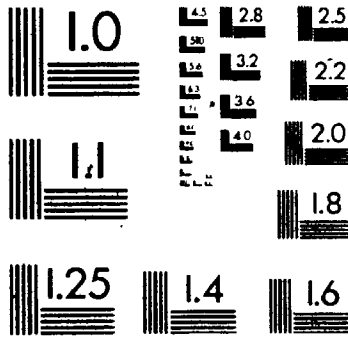
4 Ibid., pp. 206-207.

5 That is, Alnwick, Rice Lake, Mud Lake and Lake Scugog.

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OF / DE



It was observed by the Executive Council Report of July 12, 1856, concerning these sales, that doubt had been expressed about the necessity of purchasing some of the lands included in the agreements. But the report added that "there does not seem to be any objection to deciding the matter by accepting the present cession".⁶ The report was approved by the Governor General in Council on July 14, 1856, and thus, 73 years after Crawford met the Mississaugas on Carleton Island, the Indian land question in eastern Ontario appeared to have been settled.

Some questions remained nonetheless, for a portion of the islands in the 1856 surrender were also claimed by the St. Regis Iroquois. They had occupied the St. Lawrence as far west as Long Sault since before the American Revolution. Because a portion of the Oswegatchies joined the St. Regis band after 1796, the combined claims extended westward as far as Toniato Creek. Furthermore, the St. Regis band pointed out that they had been collecting rents for the use of several islands. They made their claims known in a variety of ways, including a petition to Governor General Elgin in 1848.⁷

Despite these claims, the Indian department treated with the Alnwick Mississaugas for the islands. While doing so, however, the Chief Superintendent noted that there were other claimants and

6 Treaties and Surrenders, vol. 1, p. 206.

7 A. Ireland-Smith, "Research Report on the Issues Concerning the Interest of the St. Regis Akwesasne Indian Band in the St. Lawrence River and the Islands therein", (Ministry of Natural Resources, Office of Indian Resource Policy, Toronto, 1980), p. 23.

suggested that the 1856 agreements carry the provision that "the covenant as to the investment of the proceeds for the benefit of the Mississaugas of Alwick should be held binding only as far as the title of that band shall be found to be good".⁸ Although not fully confirmed, the Alwick band's right to the annuity continued to be recognized. The St. Regis band, however, continues to press its claim.

The Crawford Purchase of 1783-84, Colonel Campbell's agreement with the Oswegatchies of 1784, the Collins Purchase and the Johnson-Butler Purchase of 1787-88 were the only agreements where bad record-keeping produced later inconvenience. McKee's Purchase of 1790 which followed them was duly recorded, and the 1781 agreements for the Niagara River and the Island of Michilimackinac, were also properly completed and the deeds deposited with the Indian Department. The Additional Instructions issued by Dorchester in 1794 and the embarrassment conjured by the blank deed debacle seems to have insured that agents would be diligent in recording the actual terms of surrenders.

When keeping records, however, the Indian department officials were primarily concerned with protecting the interests of the Crown. Deeds were carefully drawn up and deposited in the proper legal fashion. They recorded the boundaries of the lands to be surrendered and the payment to be dispensed. The rules regarding payments were also adhered to and receipts taken. From the beginning agents were less meticulous about including the Indians' concerns in the written record. For the most part the Indians did not, it seems, express concern about

⁸ Treaties and Surrenders, vol. 1, pp. 208.

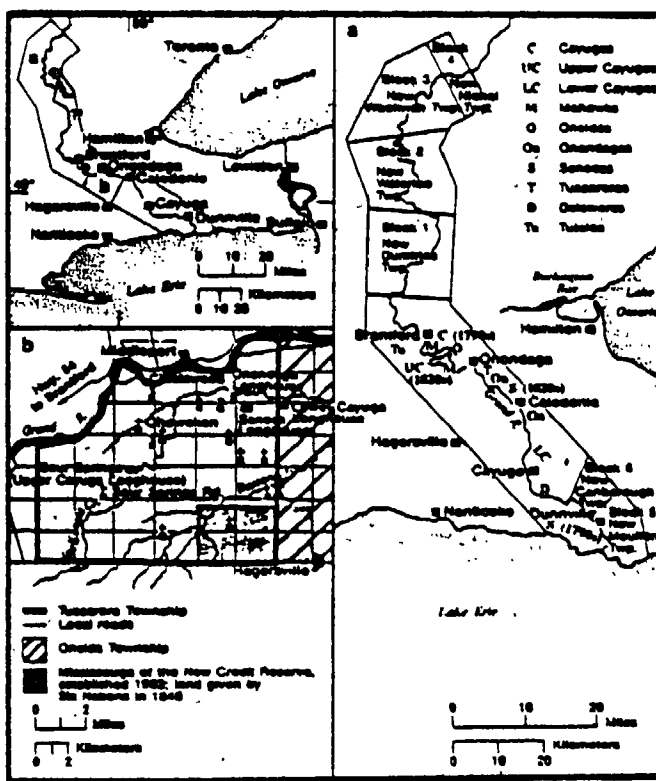
the nature of the land cessions until they gradually came to understand their full meaning. Even in the early cessions, however, they often required certain conditions. In 1790 for example, the Wyandots, Potowatomies, Ottawas and Chippewas who treated with McKee declared that they wished certain persons, notably Sally Ainse, to be granted portions of the ceded tract. McKee did not include this in either the written indenture or in his report. In the Credit River case, however, there were demands for reserve areas, and the 1805-06 head of the lake purchase did include these conditions.

After 1815, the concerns of Indian were more likely to be expressed in the negotiations. Their needs were changing and their circumstances were growing less secure. Although their general position was weaker, Indian spokesmen began to ask for terms that went beyond the simple exchange of land for money. Among these was the wish that the services of a blacksmith or, in one case, of a doctor, might be provided. In the west, the Mississaugas asked for protection against encroachment on their remaining land and for assurances that they could continue to hunt or fish in their traditional areas which may have been sold but not occupied. Other requests included an earlier distribution of gifts and, occasionally, requests for farming instruments. The Chippewas of the western end of the province also demanded that they be permitted to retain several areas for Indian settlement. Apart from the last, however, these expressed concerns were not included in the indentures of surrender.

It was in council meeting minutes only that Indian concerns were recorded. In these the agents, like Askin, Claus or Givins, declared that they would convey the wishes of the bands to the governor. Usually they expressed the sentiment that the governor would likely grant the Indian requests. And it would appear that there was some effort by government to fulfill that expectation. Blacksmiths, for example, were maintained in Kingston, York and Amherstburg, and their duties included service to neighbouring bands. Likewise, proclamations were issued forbidding encroachments, and after 1830 a doctor was available at Coldwater. But none of these was actually written into the agreement. Until 1830, the treaty-making process was confined to serving the interests of government, and the written agreements reflected that priority.

Government, naturally enough, continued to protect its own interests; but for a period after 1830 the strong evangelical tone in British politics added a new philanthropic insistence that aborigines' interests also be protected. This was first apparent in the Bond Head agreements, which contained implicit promises of special assistance to the Saugeens and the Manitoulin Island bands. The 1850 Robinson treaties evolved this further by including clauses which specified concerns expressed by the Indians during the negotiations. The philanthropic impulse which expanded the terms of the written agreements in the 1830s was temporary; but thereafter another new element operated to make the agreements reflect more completely and more specifically the bargaining nature of the treaty-making process.

Figure 35: Grand River Lands



(From Handbook of North American Indians, vol.15,p.526)

That new element was the introduction to the treaty system of substantial numbers of Indians who had not yet been assaulted by the line of settlement. By the time they were called upon to sell land in 1818, 1819 and 1822, the Mississaugas, Chippewas, Ottawas and Wyandots of southern and southwestern Ontario had been slowly assaulted by a growing white community for four decades. Their position had weakened and their numbers had dropped. In the Saugeen, Manitoulin, Lake Huron and Lake Superior regions the Chippewas were still largely unmolested. The despair expressed by Chief Adjetance in 1818 at the Credit River did not exist in the north and the northwest. When the increasingly aggressive line of white settlement and the mining interests began to make their demands for Indian land, they encountered an Indian population which was neither dis-spirited nor broken. And the presence of Methodist missionaries provided them with friends concerned with their interests. The Indian Department had to mediate between these two forces. When agents approached the Indians of the northwest they discovered that agreements came neither as quickly or as easily as they had twenty years earlier.

The negotiations were protracted, difficult and sometimes hostile. This was reflected in the terms of the agreements. Reserves had been set apart in some earlier cases. In the mid-century cessions, reserved areas became the norm, and in 1862 this condition included a formula - 25 acres per family - which would itself become a normal condition in subsequent major land sales. The rights of hunting and fishing, at best implied in previous sales, were expressly included in the Robinson

Treaties. The annuity system of payment, while continued, was altered so that payments could be increased if the proceeds of sales or mining royalties warranted. In brief, the treaty-making system had fully developed; the bands had become full bargaining partners in the process.

Being full partners did not mean being equal partners. The Indians were clearly the weaker of the two parties to any land sale agreement. The vital aspect of the system was that as it evolved it granted the weaker partner some rights and thus some room to manoeuvre. To suggest that government, supported by the full weight of white society, could not impose its will upon an Indian band or group of bands would be absurd. But if the rules, as they evolved, were adhered to, it did mean the Indians could resist encroachments. In an extreme case, such as that of the Wikwemikong band, they could successfully resist selling land.

These established practices, shaped over several decades, were reinforced during their development by the bureaucratic structure which encompassed Indian Affairs in Canada. A separate branch of government had charge of Indian affairs, but it fell under the control of the chief executive officer, the Governor General. Decisions to seek Indian lands came from that executive officer who was required, in turn, to secure the approval of his supervisors: the Colonial Secretary and the British Treasury. The bureaucrats within the system, therefore, were careful to follow the methods, and the behaviour, as well as the principles, which were set by their predecessors, for these

obviously had the approval of the watchdogs of imperial interest. By 1850, therefore, both established practices and the bureaucratic structure surrounding the land cession system had become firmly entrenched. Concurrent developments in other areas, such as the growth of the Legislative Assembly's influence, the evolution of responsible government and the freeing of the Canadian economy from British controls, had given control of Canadian politics to Canadian politicians. The impetus to take control of new parcels of Indian lands had also begun to come not from imperial but from local considerations; and although responsibility for Indian affairs was transferred officially to the province in 1860, effective control had come a decade earlier. But that evolution did not alter the alienation process.

Even though there was a takeover by Canadian politicians the principles set forth through the Royal Proclamation, and the established practices by which these were applied, continued to persist. And even though the altered political structure meant that local politicians with no sympathy for or knowledge of Indian affairs were now in charge, these men were still obliged, by the weight of precedent, to follow the established rules. It was this consideration, as much as the serviceability of the system, which caused the Canadian government to follow the treaty system in the west and the north when those territories came under Canadian control. The importance of an entrenched system can be noted by observing that the Ontario system was not followed in British Columbia where the weight of precedent was not as heavy. There, men like Joseph Trutch, the province's first lieutenant

governor, who rejected totally any aboriginal land rights, were able to make their will prevail.

The system of land cessions also demonstrated clearly the relative power of whites and Indians as well as the relative clarity of their respective objectives. The whites were weaker, at first, than were the Indians, but they were always very clear in their knowledge of what the land sales meant. Their power increased quickly to a situation of possessing total power by 1800 or earlier, but while the process of getting Indian land became institutionalized, there was no comparable clarification of what should be done with the Indians. By 1815 it was evident that they were no longer significant as military allies; briefly the philanthropic goal of promoting civilization through a reserve system prevailed in the official mind; although lip-service continued to be paid to that goal, it gave way gradually to the more pragmatic approach of confining Indians to reserve lands in order to remove them from the path of white progress. Despite the lack of clarity in Indian policy, this negative approach did continue to accord certain rights to Indians. This was so, it should be noted, not because anyone had thought the problems through carefully, but because in the process of getting Indians separated from their lands, whites, through the government, had agreed to do certain things which made the task easier. In this fashion, they grew out of the land-treaty system.

For their part, the Indians saw their power decline very quickly, and they were never able to recover. They did, however, experience a

growing comprehension of the meaning of the land surrenders and of the value of their remaining reserve lands. They began, in fact, to set clearer objectives and to use the reserves for their own purpose - i.e. survival - and not the objectives of whites or or government. Therefore while the Indians grew much weaker they also came to possess a clearer idea of what was happening. While they did not develop anything like a political strategy, they did come to possess a clear indication of what they wanted and how to get it. They did not have much leverage. Their only weapons consisted of the possibility of administrative embarrassment and the institutionalized process of land cessions which had inherent in it some recognition of rights to Indians. That is, it recognized their rights to the land and to compensation for giving it up. It was with these two weapons that they were able to pry concessions from the administration. These included single payments, annuities, and hunting rights. But most significant was the establishment of reserves.

Like the system which encompassed them, the reserves evolved into a distinctive institution. The first reserves were created because the Indians wanted to preserve a fishing or hunting area, and the British agreed because it was a small price to pay in order to secure the larger surrender. Thus the Nutfield Tract, the three reserves of the Credit band, the Thurlow Mississauga reserve, the Huron Church Reserve, and the Huron Reserve were created very early. The Moravian reserve was established on the Thames River in 1793,

as were the sizeable and unique Iroquois territories at Tyendinaga and the Grand River which also had early origins. Others followed at such places as Kettle Point, and the Ausable River. When the civilization programme was adopted further new reserves, such as Coldwater and Rice Lake, were established, and all reserves in general were expected to promote the civilization goal. With that decision the reserves became permanent institutions. All of them, to this point, were created to serve some or other interest of the British; the declared interests of the Indians may also have been served in the process, but this was a secondary consideration of the policy makers. They were concerned primarily with fulfilling their self declared responsibility of ameliorating native considerations. That concern continued despite the waning of the philanthropic influence, for the Manitoulin Island cession of 1862 included the provision that the Indian holdings on the island be contiguous. For government this was desirable in order that the Indian population be concentrated, for such concentration was considered an essential first step in the civilization process.

By this stage, however, the Indians had come to view and to use the reserves in a different way. These small parcels of land were the only lands they had left, and while missionaries might consider them to be instruments of progress, the Indians had come to view them as islands of survival. Indian values, traditions, customs, languages and pursuits could be continued on the reserves. When possible,

therefore, they chose to reserve land in places that had been longstanding village locations, where fish and game were plentiful. It was ironic, really, that the reserves which were viewed by government officials as places to eradicate the Indian culture, were considered by the Indians as a means to preserve it.

Bibliographical Essay

It has been only in the past decade and a half that Indian affairs has received significant attention from Canadian historians. While the results of scholarship in that time have been impressive, the nature of the subject is so diverse, and the time frame so extended, that large gaps remain in the literature. One such gap is the story of land cessions in Ontario, for which published works provide only a very general and spotty account.

J.L. Morris' Indians of Ontario (Toronto, 1943) served to delineate the geographic bounds of the many treaties recorded in the two volume collection of Indian Treaties and Surrenders from 1680 to 1870 (Ottawa, 1891). Regrettably, the collection did not include the surrender documents for some of the early land sales (e.g. those concluded by Crawford, Collins and Campbell) and Morris' study, perhaps for this reason, makes some fundamental errors regarding the lands sold on the upper St. Lawrence. While the book is more accurate concerning the agreements after 1790, it contents itself with describing the location of the surrendered tracts. The surrounding circumstances receive no mention. Another early survey, a chapter on "Indian Lands" in G.C. Patterson, Land Settlement in Upper Canada (Toronto, 1921) outlined the general trends in Indian land alienation but did not include all of the major sales, and was inaccurate regarding some of those that were mentioned. More accurate, but also incomplete, were the accounts in "Indian Affairs 1763-1841" and "Indian Affairs 1840-1867" prepared by D.C. Scott for Volumes 4 and 5 of Canada and Its Provinces (Toronto, 1914).

Happier results have emerged in more recent years when historians directed their attention towards specific geographic or tribal groups of native people. C.M. Johnston's Valley of the Six Nations (Toronto, 1965) contains a solid account of the Grand River Iroquois lands. It is supplemented, not supplanted, by S. Weaver's "Six Nations of the Grand River, Ontario" in Volume 15 of the Handbook of North American Indians (Washington, 1978). The Moravian lands on the Thames received good treatment in E.E. and L.R. Gray's Wilderness Christians (Toronto, 1956); the McKee Purchase of 1790 was covered in R. Horsman, Matthew Elliott: British Indian Agent (Detroit, 1964); another good account of McKee's arrangements can be found in E.J. Lajeunesse, ed., The Windsor Border Region (Toronto, 1960); and, more recently, Leo Johnson's History of the County of Ontario (Whitby, 1973) provides a succinct account of the land transactions of the Mississaugas of Lake Ontario, including a fine summary of the 1923 Williams Treaty.

Three recent doctoral theses contain accounts of specific land sales. D. Leighton's "The Development of Federal Indian Policy in Canada, 1840-1890" (University of Western Ontario, 1975) treats the Manitoulin Island and the Robinson Treaties; J.S. Milloy, "The Era of Civilization" (Oxford, 1978) examines the Manitoulin Island and Saugeen surrenders of 1836; and D.B. Smith, "The Mississaugas, Peter Jones and the White Man" (University of Toronto, 1975) contains accounts of the Credit River Mississauga lands. Smith has

published some of his findings in an article, "The Dispossession of the Mississaugas", Ontario History, LXXIII, No. 2 (June, 1982), 67-87; and Leighton has done likewise in a paper titled "The Historical Significance of the Robinson Treaties of 1850", presented at the 1982 annual meeting of the Canadian Historical Association. P.S. Schmalz, History of the Saugeen Indians (Ottawa, 1977), a revised M.A. thesis (Waterloo, 1972), is a tidy study that devotes four chapters to the Saugeen cessions. Other theses which contain sections on land surrenders are listed in the bibliography. With the exception of those by Doxtator and Ellwood, the article by Smith and, possibly, the book³ by Schmalz, these studies do not concentrate on the land sales. Thus while a careful reading of diverse sources can provide the reader with details of specific arrangements or specific areas, there does not exist a single comprehensive account of either the details or the process of Indian land alienation in Ontario. Nor can such a comprehensive summary be constructed from the available secondary sources.

To seek the answer in the primary sources can prove bewildering. Because of the decentralized nature of Indian Affairs, records regarding Indian lands are scattered very widely. Fortunately the general trends in Indian affairs and the major shifts in policy have been extracted from the primary sources, particularly by the theses of Leighton, Milloy, Smith and Surtees. Knowledge of the policy and of the administrative machinery serves as a first step in determining which records will likely bear the most data.

In the Public Archives of Canada the two richest collections are Record Group 10 and Record Group 8. The latter, Military Records, is often referred to as the C Series and is the more manageable of the two. Papers pertaining to Indian affairs have been segregated from the main collection and constitute some 25 volumes (247-271). Because Indian affairs was a military responsibility for lengthy periods (1755-1796 and 1816-1830) these volumes contain vital correspondence, reports and minutes of Indian councils which relate to land transactions. Especially revealing are the latter, for it was only in council proceedings that the sentiments of Indians were reported.

Record Group 10, "Records Relating to Indian Affairs", is an enormous collection which contains correspondence, general orders, reports, letter-books and account-books for the Indian Department since its inception in 1755. Fortunately, the Public Archives of Canada's Inventory for the series, the staff assigned to the collection, and the directions provided by the theses noted above, all help to direct the researcher to the most logical volumes of documents. In the study of land cessions, these include the following: Volumes 1-7 for the periods of civil control, 1796-1815, 1829-30 and 1841-43; Volumes 8-21 for the correspondence of the Superintendent General's Office, 1791-1828; Volumes 789-792 for general administrative records, 1787-1836; and Volumes 22-25, which contain the correspondence of the Chief Superintendent's office after 1828. Letterbooks for the period 1829-1845, in volumes 498-509 and 749, fill in some of the gaps in the other volumes. Census records for 1830-1836 and 1840-1852 can be found in Volumes

708 and 747, and some council minutes are located in Volumes 663 and 716. Special note should be made of Volumes 718-719, which are copies of the "Report on Indians in Upper Canada" prepared by J.B. Macaulay in 1839. Record Group 10 is the heart of most studies pertaining to Indian Affairs.

For the story of land cessions, however, it is surprisingly incomplete. Records for the Indian Department did not have a central repository until after 1791. An Indian office did exist but the uncertainties of the age and the fluid nature of colonial administration resulted in records being kept by individuals or by the larger facilities of the Colonial Office. For the early period, therefore, the researcher must go to separate collections for data concerning Indian lands. The Claus family, which included the McKees, maintained records of its own activities, these, because the family was so much employed in Indian Affairs until the 1820s; involved many Indian land sales. The Claus Papers, held by the Public Archives of Canada in Manuscript Group 19, are therefore a valuable source for such items as minutes of Indian Councils and the reports made by agents who were charged with the task of negotiating the land sales. Volumes 4-8 are concerned with the 1780s and 1790s. The Public Archives of Canada also contains transcripts of the Haldimand Papers. The original documents are deposited in the British Museum. These papers must be combed for details concerning the Crawford and Campbell purchases of 1783-84. The Claus Papers, Volumes 9-18 are very helpful for the 1811-1820 period. For the whole era from 1783 to 1840, the Colonial Office Papers are, as with all subjects in Canadian History, a vital source. These were examined at the Public Record Office in London, but copies are held by the Public Archives of Canada, as are the transcripts which are catalogued by the federal archives as the Q Series. While useful for the whole period, these are vital for the early surrenders. A good supplementary source is the collection of Treasury Papers held by the Public Record Office.

Since all financial transactions of the colony had to be approved by the Lords of Treasury, summary accounts of all of them can be found, albeit with difficulty, in the In-Letters to the Treasury. Treasury Minutes provide data regarding the final approval of the sales, and the Out-Letters usually contain information regarding the nature of the payments to be made.

Indian lands were naturally closely connected to the Crown Lands Department. These records are held as Record Group 1 in Provincial Archives of Ontario in Toronto. Of particular value were two large volumes of sundry papers concerning Indian lands (R.G. 1, A-1-7, Boxes 7 and 8). It is in this collection that one can find exact descriptions of reserves as well as the field notes of surveyors and agents. Also in Toronto, the Anderson and the Givins Papers are located in the Baldwin Room of the Toronto Public Library. These two agents were regularly involved in land cessions and their papers yield rich information. The Anderson collection, containing several journals and diaries of T.G. Anderson as well as correspondence, is the larger and the more valuable of the two. These sources are all noted below in the bibliography.

Also noted are several published collections and reports. Of these, special attention should be given to the two sets of documents assembled by E.A. Cruichshank: Correspondence of Lieutenant-Governor John Graves Simcoe, 5 vols. (Toronto, 1923-30) and Correspondence of the Honourable Peter Russell 3 vols. (Toronto, 1932-36). The latter was a joint work with A.F. Hunter. Of the bibliographies of Indian history now available, the most useful guides for this study were three in the Newberry Library Centre for the History of the American Indian Bibliographical Series, published by Indiana University Press, Bloomington, Indiana: R.J. Surtees, Canadian Indian Policy (1982); H.H. Tanner, The Ojibwas (1976) and E. Tooker, The Indians of the Northeast (1978).

Two government centres have recently undertaken projects involving research into Indian land cessions. The Office of Indian Resource Policy of the Ontario Ministry of Natural Resources in Toronto, has collected substantial documentation for many of the early surrenders. Reports prepared by this office concerning specific claims, and other related historical documentation, are available to researchers. The Treaties and Historical Research Centre of the Department of Indian Affairs' Research Branch in Hull has also gathered, from various sources, substantial files and reports concerning Indian people and land cessions. These too are fully available to researchers.

Select List of Works Consulted

I. Manuscript Sources

1. Government Documents

Department of Indian Affairs, Treaties and Historical Research Centre,
Hull, Quebec. Crawford's Purchase (Background Material) File.

Ministry of Natural Resources, Toronto, Ontario. Office of Indian
Resource Policy. St. Regis Land Claim File.

Public Archives of Canada (P.A.C.), Manuscript Group II, Q Series.

P.A.C., Record Group 8, Military Records, (C Series).

P.A.C., Record Group 10, Records Relating to Indian Affairs.

P.A.C., Record Group 19, Claus Papers.

Provincial Archives of Ontario, Toronto (P.A.O.), Record Group I,
Crown Lands Papers.

P.A.O., Report by Mr. Bernard Price re Jesuit Mission Records at
Wikwemikong, Manitoulin Island, Miscellaneous, 1961. Wikwemikong
Diary.

Public Record Office, London (P.R.O.), Colonial Office Papers, Series
42, Original Correspondence to the Secretary of State.

P.R.O., Colonial Office Papers, Series 43, Original Correspondence
to Governors of Upper Canada.

P.R.O., Treasury Papers.

2. Private Papers

P.A.C., Manuscript Group 21, B Series (Haldimand Papers).

P.A.O., Irving Papers. MU 1464, 26/31/04. Report of Commissioners
G. Vidal and T.G. Anderson, 1849.

P.A.O., Simcoe Papers.

Toronto Public Library, (T.P.L.) Toronto, Baldwin Room, T.G. Anderson Papers.

T.P.L., Baldwin Room, James Givins Papers.

II. Published Reports and Contemporary Works

Armour, D.A., Ed. Massacre at Mackinac: Alexander Henry's Travels and Adventures in Canada and the Indian Territories between the years 1760 and 1764. Mackinac Island, Michigan, 1966.

Bond Head, Sir Francis. The Emigrant. London, 1846.

Canada. Report of the Special Commissioners appointed on the 8 of September 1856, to Investigate Indian Affairs in Canada. Sessional Papers, 1858 Appendix (No. 21), Ottawa, 1858.

Canada. Legislative Assembly. Report on the Affairs of the Indians in Canada, Sections I and II, Journals, Legislative Assembly, Canada, (1844-45), Appendix E.E.E.

Canada. Legislative Assembly. Report on the Affairs of the Indians in Canada, Section III, Journals, Legislative Assembly, Canada (1847), Appendix T.

Copway, G. The Traditional History and Characteristic Sketches of the Ojibway Nation. London, 1850.

Enemikeese (C. Van Dusen). The Indian Chief: An Account of the Labour, Losses, Suffering and Oppression of Ke-zig-ko-e-ne-ne (David Sawyer) A Chief of the Ojibway Indians in Canada West. London, 1867.

Irish University Press. British Parliamentary Papers, vol. 12, Correspondence, Returns and other Papers relating to Canada and to the Indian Problem Therein, 1839. Shannon, 1969.

Long, John. Voyages and Travels of an Indian Interpreter and Trader. London, 1791.

III. Printed Collections of Documents

Arthur, E., Ed. Thunder Bay District, 1821-1892. Toronto, 1973.

Canada. Indian Treaties and Surrenders from 1680 to 1890. 2 vols. Ottawa, 1891. Reprinted, 3 vols. Toronto, 1971.

Craig, G., Ed. Early Travellers in the Canadas. Toronto, 1955.

Cruikshank, E.A., Ed. The Correspondence of Lieut. Governor John Graves Simcoe, with Allied Documents relating to his Administration of the Government of Canada. 5 vols. Toronto, 1923-1930.

_____, Ed. Records of Niagara 1778-1783: Niagara Historical Society Publications No. 38. Niagara-on-Lake, 1927.

- _____ and Hunter, A.F., Eds. Correspondence of the Honourable Peter Russell, 3 vols. Toronto, 1932-1936.
- Doughty, A.G., Ed. The Elgin-Grey Papers 1846-1852, 4 vols. Ottawa, 1937.
- Guillet, E.G., Ed. The Valley of the Trent. Toronto, 1957.
- Johnston, C.M., Ed. The Valley of the Six Nations. Toronto, 1965.
- Klinck, C., and Talman, J.J., Eds. The Journal of Captain John Norton. Toronto, 1973.
- Lajeunesse, E.J., Ed. The Windsor Border Region. Toronto, 1960.
- Morris, A. The Treaties of Canada with the Indians of Manitoba and the North-West Territories. Toronto, 1880.
- Murray, F.B., Ed. Muskoka and Haliburton 1615-1875. Toronto, 1963.
- Ontario. Third Report of the Bureau of Archives for the Province of Ontario, 1905. Toronto, 1906.
- United Empire Loyalists: Niagara Historical Society Publications No. 37. Niagara, Ontario, 1925.
- IV. Later Works
- Allen, R.S. The British Indian Department and the Frontier in North America 1755-80. Ottawa, 1975.
- Blau, H., Campisi, J., and Tooker, E. "Onondaga" in B.G. Trigger, Ed., Northeast, vol. 15 of Handbook of North American Indians. Washington, 1978, pp. 491-500.
- Bleasdale, R. "Manitowaning: An Experiment in Indian Settlement", Ontario History, LXVI, No. 3 (September, 1974) 147-157.
- Braider, Donald. The Niagara. New York, 1972.
- Burt, A.L. "A New Approach to the Problem of the Western Posts", Canadian Historical Association, Report, (1931), pp. 61-75.
- _____. The United States, Great Britain and British North America from the Revolution to the Establishment of Peace after the War of 1812. New Haven, Connecticut, 1940.
- Canada, Geographic Board. Handbook of Indians of Canada. Ottawa, 1913.

- Canada. Indian and Northern Affairs. Atlas of Indian Reserves and Settlements 1971. Ottawa, 1971.
- Casselman, A.C. "Pioneer Settlements" in A. Shortt and A.G. Doughty, Eds., Canada and Its Provinces, vol. 17. Toronto, 1914, pp. 12-99.
- Chalmers, H. and Monture, E.G., Joseph Brant: Mohawk. Toronto, 1956.
- Clifton, J.A. A Place of Refuge for All Time: Migration of the American Potawatomi into Upper Canada, 1830-1850. Ottawa, 1975.
- _____. "Visiting Indians in Canada". Manuscript on file at Canadian Ethnology Service, National Museum of Man, Ottawa, 1979.
- Cowan, H.I. British Emigration to British North America. Toronto, 1967.
- Craig, G. Upper Canada: The Formative Years, 1784-1841. Toronto, 1963.
- Cruikshank, E.A. "The Employment of Indians in the War of 1812", American Historical Association, Report, (1895), pp. 321-335.
- _____. The Story of Butler's Rangers. Welland, Ontario, 1893.
- Cumming, P.A. and Mickenburg, N.H., Eds. Native Rights in Canada, 2nd. Ed., Toronto, 1972.
- Doxtator, D. "Tyendinaga Land Surrenders: 1820-1840", M.A. Research Essay, Institute of Canadian Studies, Carleton University, Spring, 1982.
- Ellwood, E.M. "The Robinson Treaties of 1850", B.A. Thesis, Wilfred Laurier University, 1977.
- Gates, L.F. Land Policies of Upper Canada. Toronto, 1968.
- Gray, L.R. "The Moravian Missionaries, Their Indians, and the Canadian Government", Canadian Historical Association, Report, (1956), pp. 96-104.
- Gray, E.E. and L.R. Wilderness Christians: The Moravian Mission to the Delaware Indians. Toronto, 1956.
- Graham, E. Medicine Man to Missionary: Missionaries as Agents for Change among the Indians of Southern Ontario 1784-1867. Toronto, 1975.
- Graham, G.S. "Views of General Murray on the Defence of Upper Canada", Canadian Historical Review, XXXIV, No. 2 (June, 1953), 158-165.

- Graymont, B. The Iroquois in the American Revolution. Syracuse, 1972.
- Hamil, F.C. Sally Ainsie, Fur Trader. Detroit, 1939.
- _____. The Valley of the Lower Thames 1640-1850. Toronto, 1951.
- Handy, J.R. "The Ojibwa: 1640-1840. Two Centuries of Change from Sault Ste. Marie to Coldwater/Narrows", M.A. Thesis, University of Waterloo, 1978.
- Herrington, M.E. "Captain John Deserontyou and the Mohawk Settlement at Deseronto", Queen's Quarterly, XXIX, No. 2 (October, 1921), 165-80.
- Hodgetts, J.E. Pioneer Public Service: An Administrative History of the United Canadas, 1841-1867. Toronto, 1965.
- Horsman, R. Matthew Elliott; British Indian Agent. Detroit, 1964.
- Ireland-Smith, A. "Research Report on the Issues Concerning the Interests of the St. Regis Akwesasne Indian Band in the St. Lawrence River and the Islands Therein", Ministry of Natural Resources, Office of Indian Research Policy. Toronto, 1980.
- Jacobs, Wilbur. Diplomacy and Indian Gifts: Anglo-French Rivalry among the Ohio and Northwestern Frontier, 1748-1763. Stanford, 1950.
- Jarvis, J. "William Benjamin Robinson", in Dictionary of Canadian Biography, vol X. Toronto, 1972, pp. 622-623.
- Johnson, H.J.M. British Emigration Policy 1815-1830. Oxford, 1972.
- Johnson, L. History of the County of Ontario. Whitby, Ontario, 1973.
- Johnston, C.M. "Joseph Brant, the Grand River Lands and the Northwest Crisis", Ontario History, LV, No. 4 (December, 1963), 267-82.
- LaViolette, F.E. The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia. Toronto, 1961.
- Leighton, D. "Assiginack", in Dictionary of Canadian Biography, vol. IX. Toronto, 1976, pp. 9-10.
- _____. "The Historical Significance of the Robinson Treaties of 1850", Paper presented at the Annual Meeting of the Canadian Historical Association, Ottawa, June 9, 1982.
- _____. "The Manitoulin Incident of 1863: An Indian-White Confrontation in the Province of Canada", Ontario History, LXIX, No. 2 (June, 1977), 113-124.
- _____. "The Development of Federal Indian Policy in Canada, 1840-1890", Ph.D. Thesis, University of Western Ontario, 1975.

- Leslie, J. "The Bagot Commission: Developing a Corporate Memory for the Indian Department", Paper presented at the Annual Meeting of the Canadian Historical Association, Ottawa, June 9, 1982.
- _____ and Maguire, Eds. The Historical Development of the Indian Act. 2nd. Ed., Ottawa, 1978.
- Lower, A.R.M. "Immigration and Settlement in Canada, 1812-1820", Canadian Historical Review, III, No. 1 (March, 1922), 37-47.
- Martin, G. "Sir Francis Bond Head: The Private Side of a Lieutenant Governor", Ontario History, LXXIII, No. 3 (September, 1981), 145-170.
- McIlwraith, J.N. Sir Frederick Haldimand, vol. 6 of The Makers of Canada. Toronto, 1906.
- McNab, D.J. "Herman Merivale and the British Empire, 1806-1874, with Special Reference to British North America, Southern Africa and India". Ph.D. Thesis, University of Lancaster, 1978.
- McNab, D.J. "Research Project on the Location of the Boundaries of Walpole Island Indian Reserve # 46" Ministry of Natural Resources, Office of Indian Resource Policy. Toronto, 1980.
- Mealing, S R. "The Enthusiasms of John Graves Simcoe", Canadian Historical Association, Report (1958), pp. 50-62.
- Mellor, G.R. British Imperial Trusteeship. London, 1951.
- Milloy, J.S. "The Era of Civilization: British Policy for the Indians of Canada, 1830-1860", D. Phil. Thesis, Oxford, 1978.
- Morris, J.L. Indians of Ontario. Toronto, 1943.
- Nelles, H.V. The Politics of Development: Forests, Mines and Hydro-Electric Power in Ontario, 1849-1914. Toronto, 1974.
- Patterson, E.P. The Canadian Indian: A History since 1500. Don Mills, Ontario, 1972.
- Patterson, G.C. Land Settlement in Upper Canada 1783-1840. Toronto, 1921.
- Perkins, B. The First Rapprochement: England and the United States, 1795-1805. Berkeley and Los Angeles, 1967.
- Price, G. White Settlers and Native Peoples. Cambridge, 1950.

- Quealey, F.M. "The Administration of Sir Peregrine Maitland, Lieutenant Governor of Upper Canada 1818-1828", Ph.D. Thesis, York University, 1968.
- Robinson, P. "The Chevalier De Rocheblave and the Toronto Purchase", Royal Society of Canada, Transactions, XXXI, 3rd. Series (1937) Section II, 131-152.
- _____. Toronto During the French Regime. Toronto, 1965.
- Schmalz, Peter S. The History of the Saugeen Indians. Ottawa, 1977.
- Scott, D.C. "Indian Affairs, 1763-1841", in A. Shortt and A.G. Doughty, Eds., Canada and Its Provinces, vol. 4. Toronto, 1914, pp. 695-725.
- _____. "Indian Affairs, 1840-1867", in A. Shortt and A.G. Doughty, Eds., Canada and Its Provinces, vol. 5. Toronto, 1914, 331-362.
- Shankel, R. "The Development of Indian Policy in British Columbia," Ph.D. Thesis, University of Washington, 1945.
- Slattery, B.J. "The Legal Status and Land Rights of Indigenous Canadian Peoples as Affected by the Crown's Acquisition of their Territories", D. Phil. Thesis, Oxford, 1979.
- Smith, D.B. "The Dispossession of the Mississauga Indians: A Missing Chapter in the Early History of Upper Canada", Ontario History, LXXIII, No. 2 (June, 1982), 67-87.
- _____. "The Mississaugas, Peter Jones and the White Man", Ph.D. Thesis, Toronto, 1975.
- Stanley, G.F.G. "The First Indian Reserves in Canada", Revue d'histoire de l'Amerique francaise, IV, No. 2 (September 1950), 178-210.
- _____. "The Indians in the War of 1812", Canadian Historical Review, XXXI, No. 2 (June, 1950), 145-65.
- _____. "The Significance of the Six Nations Participation in the War of 1812", Ontario History, LV, No. 4 (December, 1963), 215-231.
- Stagg, J. Anglo-Indian Relations in North America to 1763 and An Analysis of the Royal Proclamation of 7 October 1763. Ottawa, 1981.
- Surtees, R.J. "The Development of an Indian Reserve Policy in Canada", Ontario History, LXI, No. 2 (June, 1969), 87-98.
- _____. "Indian Reserve Policy in Upper Canada, 1830-1845", M.A. Thesis, Carleton University, 1966.

- _____. "The Iroquois in Canada", in F. Jennings, W.N. Fenton, and M.A. Druke, eds. The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and Their League. Syracuse, New York, 1983.
- _____. The Original People. Toronto, 1971.
- Tanner, H.H., Hast, A., Peterson, J., and Surtees, R.J. The Atlas of Great Lakes Indian History. Norman, Oklahoma and Newberry Library, Chicago. Forthcoming.
- Torok, C.H. "The Acculturation of the Mohawks of the Bay of Quinte", Ph.D. Thesis, Toronto, 1966.
- _____. "The Tyendinaga Mohawks", Ontario History, LVII, No. 1 (March, 1956), 69-77.
- Trigger, B.G., Ed. The Northeast. Vol. 15., Handbook of the North American Indians. Washington, 1978.
- Upton, L.F.S. Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867. Vancouver, 1979.
- _____. "The Origins of Canadian Indian Policy", Journal of Canadian Studies, 8(1973), 51-61.
- Vincent, E. Fort St. Joseph: A History. Parks Canada, Ottawa, 1978.
- Washburn, W. The Indian in America. New York, 1975.
- Watson, D.M. "Frontier Movement and Economic Development in North-eastern Ontario, 1850-1914", M.A. Thesis, University of British Columbia, 1971.
- Weaver, E.P. The Counties of Ontario. Toronto, 1913.
- Weaver, S. Making Canadian Indian Policy: The Hidden Agenda, 1969-1970. Toronto, 1981.
- _____. "Six Nations of the Grand River, Ontario", in B.G. Trigger, Ed., Northeast, vol. 15 of Handbook of North American Indians. Washington, 1978, pp. 525-536.
- Wise, S.F. "The American Revolution and Indian History" in J.S. Moir, Ed., Character and Circumstance: Essays in Honour of Donald Grant Creighton. Toronto, 1970, pp. 182-200.
- _____. "The Indian Diplomacy of John Graves Simcoe," Canadian Historical Association, Report (1953), pp. 36-44.

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