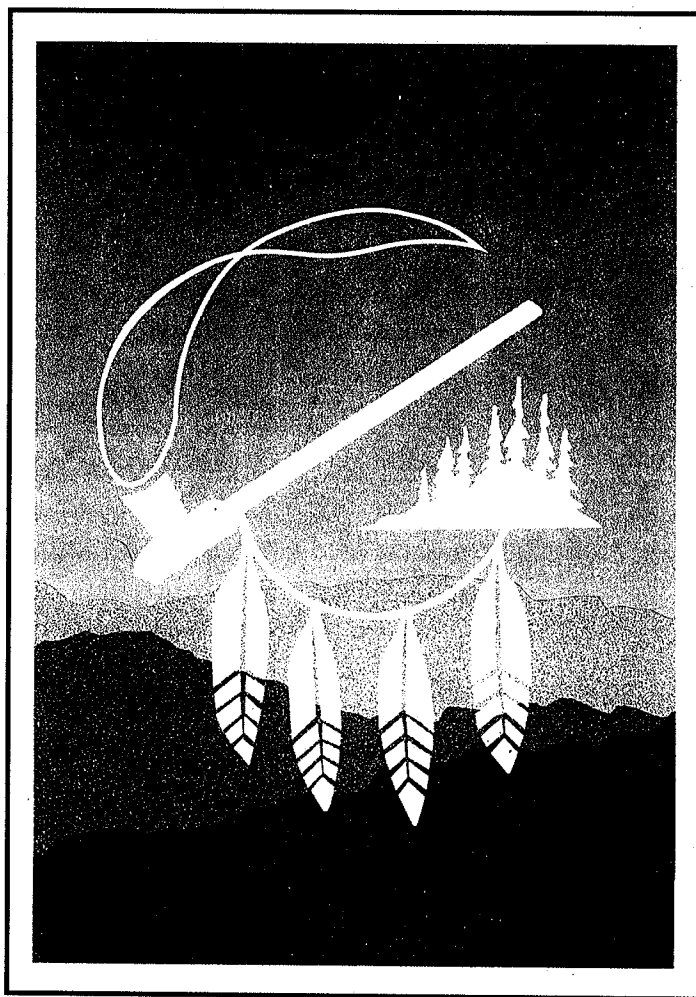


Indian Claims Commission



**Chippewa
Tri-Council
Coldwater-Narrows
Reservation Claim**

**COMPILATION
OF
DOCUMENTS**

Volume 1 of 9

Pages 1 to 243

***Commission
des revendications
des Indiens***

December 1996

Chippewa Tri-Council

Coldwater-Narrows Reservation Claim

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COVERING LETTER DATED
NOVEMBER 1, 1991

Tri-Council

COLDWATER-NARROWS RESERVATION CLAIM

SUMMARY OF CLAIM



This claim derives from the traditional use and occupation of certain lands in the Province of Ontario by the Chippewa Tri-Council First Nations, and on the fact that those lands were set aside for the First Nations as Reserve Land and subsequently taken from them under questionable terms.

The Coldwater-Narrows Reservation was set aside as Reserve Lands in 1830 and later surrendered under Treaty in 1836. The Chiefs understood that they were entering into an agreement to secure title to their Reserve whereas the Treaty calls for a surrender of the Reserve. The Chippewa Tri-Council First Nations were never properly compensated for the loss of their Reserve.

The lands in question can be described in terms of the present day townships in which they have been divided and their geographic location:

In Simcoe County:

The Townships of Oro, Orillia, Medonte and Tay.

The Coldwater-Narrows Reservation was a staggered strip of land, fourteen miles long and averaging one and one half miles wide running from the narrows at lakes Couchiching and Simcoe, westward to Matchedash Bay, containing about 3500 acres.

The historical information concerning the establishment and surrender of the Coldwater-Narrows Reservation is summarized in an historical narrative written by Tribal Researcher, Cynthia Wesley-Esquimaux, KYKAIK, which was submitted to the Chippewa Tri-Council in

October 1991. This summary is keyed to that research report and all references noted here are to page numbers in that report, a copy of which is attached, unless otherwise noted.

FACTUAL BASIS OF CLAIM:

1. The area of the Coldwater-Narrows Reservation is the traditional territory of the Chippewa Tri-Council First Nations [See Chippewa History to 1830*; pp. 1-4,34; also Williams Treaty Narrative*].
2. These lands were acknowledged to be Chippewa lands by the Crown [See Chippewa History to 1830*; pp. 2-4; also Williams Treaty Narrative*].
3. The Coldwater-Narrows Reservation was an Indian Reserve set aside for the use and benefit of the Chippewa Tri-Council First Nations consistent with the provisions of the Indian Act [pp. 4-25].
4. The Crown had a trust relationship with the Chippewa First Nations [pp. 1-3, 5-8, 10, 13-18, 120-122, 127-129, 140, 146-147].
5. The Chiefs and Headmen of the Chippewa First Nations requested that title to the Coldwater-Narrows Reservation be secured to them and protected by the Crown [pp. 63, 90, 99-100].
6. Crown representatives promised the Chippewa leadership that title would be secured to them [pp. 99-100, 113, 173].
7. Policy and regulations existed at the time for Crown dealings with Indian lands [See Chippewa History to 1830*; pp. 3-5, 7-8, 10, 12-19, 24-25, 34, 42-44, 102-103, 106-111, 117, 120-122, 127-129, 148-151, 156].

8. Lieutenant Governor Sir Francis Bond Head entered into a Treaty with the Chippewa Tri-Council First Nations in 1836 which purported to surrender the Indian interest in the Coldwater-Narrows Reservation [pp. 102-111].
9. The evidence suggests that the Chippewa Chiefs understood that The 1836 Treaty was intended to secure title to their Reserve to them for the benefit of their future generations [pp. 103, 113, 125, 130-131, 172-173].
10. The Aborigines Protection Society in London, England protested the Lieutenant Governor's Indian policy and the 1836 Treaty as did many local missionaries [pp. 131-140].
11. The validity of the 1836 Coldwater Treaty is questionable [pp. 102-106, 113-114, 125-126, 140-148, 152, 157-158, 165-167, 173].
12. Payment for the loss of the Coldwater Reservation was highly irregular and did not represent adequate or proper compensation [pp. 103-106, 158].

LEGAL BASIS OF CLAIM:

The Chippewa Tri-Council First Nations assert their aboriginal title and Reserve Title to the Coldwater-Narrows Reservation lands. The Coldwater-Narrows Reservation lands have been settled thereby depriving the Chippewa First Nations of the use of those lands thereby causing the Chippewa First Nations and the people they represent hardship and economic damages. The Crown breached its fiduciary duties to the

Chippewa Tri-Council and committed equitable fraud in connection with the 1836 Coldwater Treaty.

The Chippewa Tri-Council First Nations and the people that they represent have suffered damages arising out of the breach of fiduciary obligations owed by the Crown in the nature of equitable fraud in the loss of their Reserve lands, loss of income from their lands and unconscionable compensation for their interest in those lands.

The Federal Crown has also breached its fiduciary duty to protect the treaty rights of the Chippewa Tri-Council First Nations under the 1836 Coldwater Treaty and as protected under Section 35 of the Canadian Constitution.

The Chippewa Tri-Council First Nations rely upon the recent principles now emerging in the Courts in such cases as Agawa, Bartleman, Bear Island, Flett, Gansner, Guerin, Howard, Nowegijick, Simon, Sioui, Sparrow and Taylor and Williams.

PROCEDURAL CONSIDERATIONS:

The Chippewa Tri-Council First Nations are aware that they have a claim to compensation for the loss of property in the Coldwater-Narrows Reservation, and elect for the moment to press their claim against the Government of Canada for breach of lawful obligations pursuant to the Specific Claims Policy.

* Narratives already filed with Specific Claims Branch.

Correspondence may be addressed to:

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SIGNED THIS ____ DAY OF OCTOBER 1991.

[Handwritten Signature]
CHIEF
BEAUSOLEIL FIRST NATION

[Handwritten Signature]
CHIEF
CHIPPEWAS OF RAMA FIRST NATION

[Handwritten Signature]
CHIEF
CHIPPEWAS OF GEORGINA ISLAND
FIRST NATION

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TORONTO OFFICE

December 4, 1989

DELIVERED BY COURIER

Union of Ontario Indians,
2nd Floor, 27 Queen Street East
Toronto, Ontario
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Attn: R. Watts
Program Manager

RE: COLDWATER NARROWS RESERVATION
- Opinion on Research Report -

Further to your letter of instruction, we have reviewed the research report entitled "The Coldwater Narrows Reservation" prepared in March of this year by Cynthia Wesley-Esquimaux for the Chippewa Tri-Council and are writing at this time to provide our legal views upon the issues raised by that report.

As with previous opinions of this nature prepared for you, we have relied upon the research alone for the correctness of historical fact and have not conducted any independent research of the historical events or documents referred to in the report. We have, of course, relied upon our own general knowledge of the period and persons involved with the Coldwater Experiment and have researched the law which is, in our opinion, relevant to an assertion of any claim based upon the findings in the research report.

In the period of the 1830's and 1840's, which was unprecedented in the scope of government perfidy towards the Indians of Ontario and mismanagement of their lands and moneys, the Coldwater experience stands out as an example, on the one hand, of the most concentrated effort on the part of government to settle the Chippewas and other tribes as farmers on defined lands and as an example, to the contrary, of the manner in which underfunding, incompetent and

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dishonest administrators, religious factionalism and refusal to secure the land interests of the Indians can combine to defeat even the best-intentioned schemes. That all of this should have occurred within a few short years defies explanation unless there is some background knowledge of the times and the people. That the Coldwater Indians were ultimately blamed and enticed to surrender their lands on terms that were unreasonable at the start and subsequently dishonoured is an unhappy fact that is not isolated to the period in question. It remained true for over a century and, if not thriving today, it still survives.

For that reason, it is necessary to summarize the times and events in some detail as an underpinning to the legal analysis which follows. Where we have relied upon the research report specifically for a factual reference, the page number is indicated in square brackets.

Background

1828-29: These years mark significant changes in the policy, organization and conduct of the administration of Indian Affairs in what is now Ontario.

At the policy level, it was recognized that the inherent assumption in most of the earlier treaties, that Indians would be able to roam freely in their traditional territories without significant conflict with white settlers or that they would retreat from settlement to the still vast areas of wilderness, was wrong. After that period, treaties commonly include provision for the reservation of specific tracts of land for the settlement and exclusive use of Indians themselves. This did not mean that, from time to time, vast schemes of re-settlement to northern territories would not come forward: they were common then and can still be heard in the mutterings of persons such as Don Blenkarn, Tory MP from Mississauga. For the main part, however, agricultural settlement and Christianization --- both generally equated with "civilization" --- became the predominant features of Indian policy.

Of equal significance to Indian policy of the day is the fact that Ontario had, since the War of 1812, become so populous that there were more non-Indians settled here than in Quebec. This had enormous implications for the future constitutional development of Canada and, in the present context, for the future of Indians. The peaceful settlement of so many whites in former Indian territory, coupled with the increasingly peaceful resolution of disputes with the U.S., changed the Crown's perception of Indians in a few short years from the status of valued military allies to the status of dependent nations needing protection from non-Indians and

paternalistic management to prevent them from becoming obstacles to further settlement. Out of these perceptions there arose the great calamity: government's belief that it could engage in massive social engineering to alter the very core of Indian culture. "Civilization" began with a vengeance [10-15].

At the administrative level, the Indian Department, previously a special branch of the military, was converted to a branch of the civil service, complete with new uniforms and reporting relationships to the Lieutenant-Governor and Governor-General. For the most part, the staff remained the same, as did their attitudes, but they now laboured under major changes in policy and were, if anything, less accountable for what they did than they had been previously. Mismanagement, misappropriation and outright fraud thrived under the new organization as never before.

The final event, which was to have profound implications for the Coldwater Indians, occurred in 1829. Drummond Island, the British military outpost at the western end of Georgian Bay and the resort of Indians allied with the British, was transferred to the U.S. The Agent there, Captain T.G. Anderson, was posted to Penetanguishene. The Indians there were left looking for a safe haven in British territory, and many of them subsequently turned up at Coldwater, in the lands of the Chippewa Tri-Council [12-13].

1829-30: The original concept of the Coldwater Experiment was two-fold. First, the Chippewa Tri-Council Indians were to be settled along the Coldwater Road running from the Narrows (Lake Couchiching) to Matchedash Bay on Lake Huron in single family farm allotments. Second, with the added attraction of a school and agricultural training, western Indians including those from Drummond Island were to be drawn to the site and similarly civilized [12-13].

The cost of this enterprise was estimated to be on the order of 300 pounds per annum, part of which was to be drawn from the land cession annuities of the Tri-Council. What was overlooked, of course, was that they would be paying with their funds for the resettlement of Indians who had no annuities and no traditional territories in Canada [18-19]. Land for the settlement, which was a staggered strip 14 miles long, averaging 1 1/2 miles wide, began to be cleared in the spring of 1830 [19].

The existing Tri-Council settlements, which included in many cases cleared farmlands, were largely abandoned as the Chippewas were relocated to the Coldwater Reserve [19-21]. The particulars of which groups settled at Coldwater and which at the Narrows, with statistics of homesites and land-clearing are detailed throughout the research report. One of the inducements held out to the Tri-

Council was that they would be able to earn wages as exclusive contractors for the maintenance and upkeep of the Coldwater Road [37].

1830-32: During this period, the non-Indian population of the Province continued to mushroom, increasing nearly 50% in the first three years of the decade. This naturally put heavy pressure on the residents of the Coldwater Reserve since the Road was a traditional portage route giving access to Georgian Bay. Settlers, goods and alcohol flowed through the area [25-26].

Subsequent government reports indicate that the Crown bore the total expense of the Experiment during this early period, although it may be impossible to calculate what the amount was or to demonstrate that no part of this came from Tri-Council annuities. There seems to be no doubt, however, that after 1832 all expenses were paid out of the annuities, including subsidies for non-Indian clearing crews and all Department staff in the area [37-40, 129].

The year 1832 was, in fact, the one year when the Experiment may have conveyed the impression of success. Much had been accomplished, there were many buildings in the two settlements, there was a sawmill and a boarding school [41-42]. But the success was superficial, and the underlying problems with the scheme already apparent.

The problems related to the following issues: reluctance to part entirely with formerly settled lands; continuation of hunting, fishing and trapping; reluctance to take up wage employment; resistance to settlement by farm site along a road; incompetent and unreliable instruction in agriculture; pressures from neighbouring, non-Indian settlers and traffic along the road; ready availability of alcohol; forced co-existence with other Indian nations; religious factionalism; and, perhaps most importantly, uncertainty of land tenure. In subsequent years, these factors were all exacerbated despite classic paternalistic counter-measures taken by government.

1833-35: It is likely that wiser measures, more respect for traditional leadership, a less manipulative Superintendent [see, e.g., 77] and adequate funding could have saved the Experiment at this point. What happened, however, was the opposite. Funding was cut back to the point that the Experiment was a continuing drain on Tri-Council resources. Nothing else changed. And the lack of security of land tenure coupled with non-Indian pressure to take over the Indian lands [63] ultimately doomed the venture.

Even in 1833, Chief Aisance noted that the Indians who came to see Coldwater in that year would not see any difference from the year

before. No progress was being made [74]. The Coldwater Road, one of the key elements of the Experiment, was barely being maintained and then only by infusions of Tri-Council funds [48].

Anderson wrote a glowing and largely self-serving report of achievements at Coldwater in 1835, but even he was forced to note the considerable dissatisfaction prevalent among the Indians. By the next year, he was confiding to his superiors the futility of hoping to keep the Indians on the Reserve while, of course, telling the Indians that their title deeds would soon be issued and that they should stay at Coldwater [100].

1836: Many historians argue that Sir Francis Bond Head was appointed Lieutenant-Governor of Upper Canada in error. Whatever his merits may have seemed in Britain, he began a short and disastrous career in that post, in 1836.

His Indian policy, which he began to implement without authority [120-21], was to remove all of the Indians in southern Ontario, including the Coldwater Indians, to Manitoulin Island. This was an idea he may well have picked up from Anderson himself [103].

In furtherance of his scheme of northern salvation, Bond Head got the Coldwater Chiefs to Toronto in November, 1836 and obtained a surrender for sale of the Reserve. While there is ample evidence of misrepresentation and misunderstanding of the terms, the written document states that the surrender is given because the Indians are desirous that the land be sold and that the "interest of" the proceeds of sale shall be divided as follows: one third to the Tri-Council, one third for the benefit of other Indians in the province and the final third to be expended as the Governor should direct, but not for the benefit of Indians [104-05].

The immediate aftermath of this treaty was general confusion among the Indians, some of whom were assured that this instrument would guarantee their title deeds. Others knew that this was the end of the Coldwater Experiment and proceeded to sell off assets before they were lost without any payment at all. The only concensus among the Tri-Council seems to have been that none wanted to relocate to Manitoulin Island or had any idea that they had agreed to do so.

1837-40: By the summer of 1837, the Experiment was functionally dead, as any observer could see [130]. At the same time, in Britain, the Aborigines Protection Society was lobbying strongly against Bond Head's removal policy. In a report filed with the Colonial Office that year, the astute observation was made that the lesson learned at Coldwater was that the farming of Indian land was

only a preliminary step to the seizure of that land by Europeans [139].

By 1838, the Tri-Council Bands had begun to disperse back to their traditional territories. Chief Aisance led his people to Beausoleil Island, from which they later moved to Chrisian Island. Chief Yellowhead took his people to Rama, which they were forced to purchase at 12 s. 6 d. per acre, uncleared and without road access, in 1840 while the Crown was selling off their former lands at Coldwater, cleared and cultivated along the road at 15 s. 8 d. Chief Snake's Band returned to Snake Island where they had farmed and begun to prosper before the first relocation to Coldwater.

While the process of relocation took place throughout this period, the Department continued to expend Tri-Council funds at Coldwater for the benefit of the Road, surveyors, land agents and settlers.

The Bagot Commission, which reported on Indian Affairs in the province during this period, found no serious problems with Bond Head's removal policy since it avoided the "horrors of a protracted struggle for ownership" between Indians and settlers [150]. There was no critical examination of government's stewardship and little likelihood that any fault would have been found.

Of more profound legal significance at the close of this period is the Union of the Canadas in 1840 which starts the clock running for federal legal liability. It would be worthwhile to compare the date of the Rama land transaction with the date of Union, since Canada could, in law, be liable today for any breach of fiduciary duty then in connection with that transaction.

1840-67: Perhaps the Methodists' 16th Annual Report expressed the problems at Coldwater most succinctly: "In no instance has the inconvenience arising from the want of titles to property been more sensibly felt, and the misapplication of Indian funds been more obvious than within the bounds of this [Coldwater] mission" [145-46].

As late as 1842, the Department expended \$1885 of Indian funds on the Coldwater Road, long after the Indians were driven from the land [159]. Houses were sold at a fraction of their cost, and we note that the referenced quote in the research report incorrectly assumes that the Tri-Council would have received the full proceeds of these sales [155]. Inflated survey expenses were charged to the Indian fund, as even the surveyor acknowledged [162]. In fact the Superintendent of the Department, Jarvis, caused much discomfort by forcing the administration to decide if he was merely a total incompetent or an outright thief when it came to Indian funds, which he mixed in his personal bank account. In any event, he was

discharged and forced to repay a "guesstimate" of what had gone missing.

The accounts of the Chippewa Tri-Council, like others in the province, were in a shambles and it is probably impossible to reconstruct with total accuracy what should have been paid into the account and what should not have been paid out. What is clear is that, at a time when valuable land was being sold for the supposed benefit of the Bands, their account was steadily decreasing to a nil balance [175].

Throughout this period alone, the number of Indian Affairs officials discharged for defalcations and other improprieties almost creates a presumption of malfeasance. The research report describes several elements of this which we would regard as substantial and specific evidence with respect to the Coldwater Experiment.

The report also refers to other several other land problems such as the sale of islands, lands at Waubashene, lands on the Penetanguishene Peninsula and in the Holland Marsh which are outside the scope of this opinion as not strictly within the old Coldwater Reserve. We have also been advised by the researcher that there may still be lands within the old Reserve which have never been sold or patented. These items should be developed in other research projects.

The year 1867 is the date of Confederation and is significant for purposes of this opinion because the federal government's specific claims policy will not recognize claims arising out events prior to 1867.

1910-15: During this period, the annuities paid to southern Ontario Anishnabek on the basis of the early treaties were commuted to lump sum deposits made to the trust accounts of each Band. Since that date, to the best of our knowledge, no annuities have been paid under the old treaties (including any interest payments under the Coldwater Treaty). It may be possible to argue that this was a breach of treaty since there does not appear to be any Parliamentary authorization to vary the terms of the treaty. This point may bear further research as well.

1923: This is the date of the Williams Treaty with the Tri-Council which dealt with traditional hunting territories north of the Severn River and other specified lands in southern Ontario. We do not regard this Treaty (which has attracted its own set of claims) as having any material effect upon lands or rights arising out of the Coldwater Experience.

Legal Issues

We regard the research information summarized above as raising the following issues in law:

1. Was there a misappropriation of Tri-Council funds at Coldwater during the period 1830-36? If so, who is responsible in law for that misappropriation?
2. Was the 1836 Treaty valid and binding as a surrender for sale of the Coldwater/Narrows Reserve? If not valid, what is the legal impact of that finding? If valid, what is the correct interpretation of the terms of that treaty?
3. Was there a misappropriation of Tri-Council funds after 1836? If so, who is responsible in law for that misappropriation?
4. Are these actions foreclosed by limitation periods?

In our examination of these issues, we again caution that we have not seen the original documentation that would provide the evidentiary base for any claim or court action and we assume that the conclusions set out in the research report are supported by that evidence.

1. Misappropriation: 1830-36

We believe that the facts as set out above will support an allegation of misappropriation of Tri-Council funds. Two factors lead to that conclusion. The first is that these funds were apparently used to benefit Indians settling at Coldwater who were not members of the Tri-Council. This seems to have been government's intention from the outset. The second is that the bulk of "Indian" investment in the Coldwater Experiment came after the Department knew, or ought to have known, that the Experiment was failing.

In law, we would argue that such misappropriation was equivalent to an equitable fraud on the Tri-Council and that it amounted to a breach of fiduciary duty on the part of the Crown. The leading case on point is the 1984 Supreme Court of Canada decision in Guerin v. The Queen. In part, that decision rested on the wording of section 18 of the Indian Act which is worded almost identically to the general section dealing with the management of Indian moneys. Of course, there was no similar legislation in place in the 1830's, so we would be forced to rely on the part of Mr. Justice Dickson's (as he then was) reasons which constructs a fiduciary obligation out of the nature of a relationship rather than statute alone. Such a relationship did exist between Indians

and the Crown in the 1830's and there is no more eloquent expression of it than that found in the research report at pages 3 - 5 of the Executive Summary.

The more difficult question is, assuming breach of duty and misappropriation of funds, who is responsible for that in law today? As noted above, the federal government is responsible in law today for causes of action dating back to 1840. The Supreme Court of Canada established that in the 1952 decision, Miller v. The King, which dealt with Six Nations trust funds in the pre-Confederation period.

The reasoning in that case is based on the Constitution Act, 1867 which includes a provision that the debts of the Province of Canada are assumed by the Dominion of Canada, above a certain limit. That reasoning will, of course, be important later in this opinion when we discuss misappropriations after 1840.

At this point, the difficulty is that there was a Constitutional Act in 1840 providing for the Union of Upper and Lower Canada into the Province of Canada. A review of that enactment fails to disclose a similar provision to that considered in the Miller case. Even so, we would hope that an argument could be constructed to persuade a court that there is legal continuity, if only in the case of Indian trust funds. But there is certainly no clear precedent to suggest that such an argument would succeed; we can assure you that Canada would hotly resist any suggestion of liability dating back that far.

The other legal difficulty with such a claim is, of course, the perennial issue of limitation periods. We will deal with that separately below.

2. Validity of the 1836 Treaty of Sale

There is certainly evidence that the entire treaty was misrepresented to the Indians and that their signatures may have been obtained by fraudulent means. In the ordinary law of contract, the remedy would be to set aside the treaty on the doctrine of non est factum, which means that the two parties did not agree to the same thing. Generally, this argument is successful where one of the parties is incapacitated by illiteracy, language or blindness and has misplaced his faith in another for an accurate description of the agreement.

Unfortunately, this doctrine could be successfully invoked to vitiate almost every Indian treaty of the last century and our courts have been careful to ensure that this does not happen. In fact, no Indian treaty has ever been set aside by a Canadian court on the basis of any principle of contract law: see, e.g., the

trial decision in the Bear Island case where Mr. Justice Steele upheld the Robinson Huron Treaty. The Supreme Court of Canada has gone further in the 1985 Simon case by saying that Indian treaties are neither simple contracts nor international treaties, but unique legal entities in Canadian law. This is a way of saying that Indian treaties attract their own legal rules, and non est factum does not appear to be one of them. Similarly, we do not believe that a court would set aside a treaty on the basis of inadequate or unconscionable compensation which also appears to taint the Coldwater Treaty.

It is also clear that, by summoning the Chiefs to Toronto to make the treaty, Bond Head violated the general rules of treaty making as set out in the Royal Proclamation of 1763 and subsequent Royal instructions on the point. In its 1989 review of the Bear Island decision, the Ontario Court of Appeal ruled that these rules were not legally binding on the Crown. Fortunately, the Supreme Court of Canada has agreed to hear a further appeal in that case and we have been instructed to seek leave to intervene on your behalf. Even were we to succeed in challenging this controversial ruling, there would still be no precedent for a Canadian court to set aside an Indian treaty and we must regretfully advise that we do not believe that any court will do so in the near future.

On the opinion given, it is not really necessary to deal in depth with the issue of what legal results would follow if the treaty were set aside. Presumably, the direct consequence of such a finding would be that the Coldwater Reserve remains Indian reserve land, but see the Court of Appeal decision in Bear Island which would rely on the Crown's intent to sell rather than the proper method of securing Indian consent. Even if that consequence does follow, we do not believe that a Canadian court would dispossess the current residents of the land after 150 years. The result, except for any small parcels which have never been granted to anyone, would be an award of financial compensation that would probably be, in the final analysis, the same as awarded in a successful claim for misappropriation and improvident sales.

That said, we believe it is possible to make more of the treaty than was done at the time. Assuming that it does authorize a sale of the Coldwater/Narrows Reserve, it can be argued that the Tri-Council's entitlement to the proceeds is one third, payable into its trust account. That argument simply interprets the wording to equate the term "interest" with "entitlement" or "share". Even if it does mean "interest" in the other sense of an annual payment of a percentage of the principal amount, this would have been easily achieved by paying the full third into their interest-bearing account.

While the Simon case referred to above certainly stands for the proposition that terms of a treaty must be liberally construed, and

uncertain expressions resolved in favour of the Indians, we do not have the full evidence before us to give an opinion as to the chances of success on this point or the implications of success in terms of damages that could be recovered. In fact, it may be preferable to argue the other way and state that interest on the sale proceeds should still be paid, together with arrears and interest on the interest, since the actual funds were depleted by 1850. Should the Tri-Council wish to proceed on this aspect of the claim, a full economic analysis would have to be done.

We do believe that a court would have no difficulty with the proposition that lands held by the Crown in trust for sale are subject to an obligation to obtain a reasonable price for the benefit of the Indian parties. This could, in our view, be shaped into a constitutional argument, on the basis of section 35 of the Constitution Act, 1982, that the original obligation continues as an "existing treaty right" today until such time as the obligation is discharged by proper performance: payment of the proper amounts, with interest. The leading case in Ontario on existing treaty rights is the 1988 decision of the Court of Appeal in Agawa v. The Queen, and on the point raised here that decision would lend support. Leave to appeal to the Supreme Court of Canada is being sought on other grounds.

There does not appear to be any doubt that the federal government is responsible for the performance of the terms of treaties: St. Catherines Milling, Robinson Annuities, etc. are cases of high authority and long standing on the point. Therefore, the constitutional argument described in the preceding paragraph may well operate to make Canada liable right from the date of the treaty in 1836 for all aspects of its performance. This argument would come into play separate and apart from the considerations discussed in terms of the Miller case discussed in the previous section.

3. Misappropriation: 1836 to Date

Again, the research report sets out what are, in our view, valid grounds for allegations of misappropriation, breach of fiduciary duty and improvident sale of Indian lands.

With respect to the constitutional argument made in the preceding section, we believe that all of these elements can be combined into one general claim of "existing treaty right" which would give rise to federal government liability for substantial damages. We believe that this approach is well worth exploring and that it would set a precedent for all such claims dating back into the pre-Confederation period.

If we are wrong on that point, then Miller would still stand for the proposition that Canada is liable for everything that happened since 1840 and that slightly shorter period may still include the bulk of economic losses to the Tri-Council.

4. Limitation Periods

There are two ways in which limitation periods could operate in this claim to defeat a court action. First is the simple proposition that you cannot sue today for something that was done wrong 150 years ago: there are statutes setting out limitation periods and when those periods expire, you can't go to court. Second is the argument that, if the limitation period to pursue a treaty right has expired, the right doesn't "exist" any more and was not recognized and affirmed by the Constitution in 1982. There is no case law on the second point dealing with Indian treaties. Both will have to be resolved authoritatively in the highest court at some future date.

On the first point --- simple operation of the limitation statutes --- there are two recent decisions where the courts have imposed limitation periods on Indian claimants: the Ontario High Court in Bear Island (1984) and the Federal Court Trial Division in Appassin v. The Queen (1988). This, of course, is not the final word as the issue is very much alive in Bear Island, now before the Supreme Court of Canada.

There are also more positive signs at the Supreme Court level, but they are admittedly cryptic at this time. In C.P. Ltd. v. Paul, a 1988 decision of the Court, the dispute centred around a right-of-way through the Woodstock Reserve which the railway claimed to have acquired prior to Confederation (~1865). The Court upheld the railway's position, but noted that New Brunswick had never collected money from the company. It then said, "The question whether the government of New Brunswick failed to carry out its obligations to the Band and whether the Band is entitled to damages or compensation as a consequence does not arise in this appeal. Those remain open questions."

The Court then goes on to describe the nature of the fiduciary relationship without any apparent notice or mention of the fact that the claim was 124 years old and may have been caught by a limitation period. Perhaps this was an oversight; perhaps it was a signal that the Court does not like limitation periods when it comes to Indian claims.

The other cryptic comment from the Court occurs in the Simon case, already referred to, where the Chief Justice makes the following statement: "I do not wish to be taken as expressing an opinion as to whether or not treaty rights can be extinguished."

If we rely on the treaty obligations as existing rights, it is possible that the Chief Justice is saying that treaty rights will continue to exist because they cannot be extinguished by one party acting unilaterally. And if he is not saying that (in fact being very careful not to say that), he may be signalling that the Court will not be open to many methods of extinguishing treaty rights: perhaps they will exclude limitation periods.

Like all Indian claims dating from any considerable length of time, this one does not attract any certainty when it comes to limitation periods. There are still too many arguments out there and no authoritative ruling as to which one is right. As you will be aware, there are in fact other arguments which we made on your behalf at the Court of Appeal level in Bear Island and have not repeated here. We are, of course, hopeful that the Supreme Court will ultimately resist limitation periods as the easy way out of litigating Indian claims.

Strategic Considerations

In order to advance the types of claims outlined above, the Tri-Council has two basic choices to make:

- * Submit the claim to the Specific Claims Branch,
- or
- * Commence litigation in the Federal Court.

At the present time, we see no advantage or purpose to be served by submitting the claim to the Specific Claims Policy. As already noted, there is an express exclusion of claims arising before 1867 and, while there have been some exceptions to that rule, we are not aware that any of the exceptions would operate here. The only possible use of the policy at this point might be to obtain more development funding to conduct the kind of economic analysis described above, but doing so with a view to litigation.

In our opinion, the federal government today is liable in law for the Coldwater transactions back to 1840 (based on Miller), or back to the 1836 date of Treaty (based on section 35) or back to 1830 if we can extend the Miller rule another 10 years. The place to sue the federal government is the Federal Court of Canada (Trial Division).

Our advice would be to prepare to litigate the claim, even if it is the intention of the Tri-Council to try and negotiate a

settlement. Nothing short of a strong litigation and public relations campaign in this day and age will attract the interest of government and get them to attach any priority to resolving the claim. Even if this claim "fit" in the Claims Process (which it does not), ordinary processing could take years to generate a response from government and attract any priority at all. Litigation, on the other hand, must be seen as a valid strategy to create a negotiating climate.

Summary and Conclusions

Based on our review of the research report and relying upon the findings of that report, we believe that there is a significant claim based on pre- and post- treaty misappropriation of funds, coupled with breach of fiduciary duty and equitable fraud. While we have not conducted a detailed review of the actual historical documents, and could not do so in the time and budget available to us, we are confident that the research can be relied upon as making out that case.

The legal issues, therefore, are who can be sued today, on what cause of action and subject to what limitations:

Pre-Treaty: The law is not clear that any level of government is responsible today for events which occurred prior to 1836. To bring this type of liability home to the federal government today would involve an careful analysis of the 1840 Act of Union and Crown liability through that period.

1836 Treaty: We do not believe that this treaty would be set aside by a court, despite the obvious defects. On the other hand, we do believe that a favourable interpretation of the terms, coupled with an argument based on section 35 of the Constitution, would lead to complete federal responsibility for the Crown's obligations under the treaty right from the date it was signed.

Post-Treaty: We are confident of federal liability for breaches after 1840 based on existing case law. If the constitutional argument works, the federal government would be liable right back to the date of treaty in 1836.

Limitations: These statutory constraints remain problematic. If Indian claims are seen as ordinary causes of action, it is possible that the highest courts will cut them off on the basis of limitation periods. If seen as constitutional causes of action, this is much less likely to happen. At the present time, these remain a gamble.

Strategically, we see no advantage to the Claims Process in terms of resolving the Coldwater Claim, if only on the basis that it is

all pre-Confederation and outside the Policy. We would recommend litigation as the appropriate strategy to get the federal government's attention and to interest them in negotiating a settlement. We do not, however, necessarily recommend immediate litigation since there are other research points noted above which might be pursued before commencing a lawsuit.

We trust this is all satisfactory and look forward to meeting with you and the Tri-Council at any convenient time and place to review this opinion and any questions you may have arising out of this opinion. For the moment, I am taking the opportunity to enclose our account in the matter which you will find to be for the agreed amount.

Yours very truly,

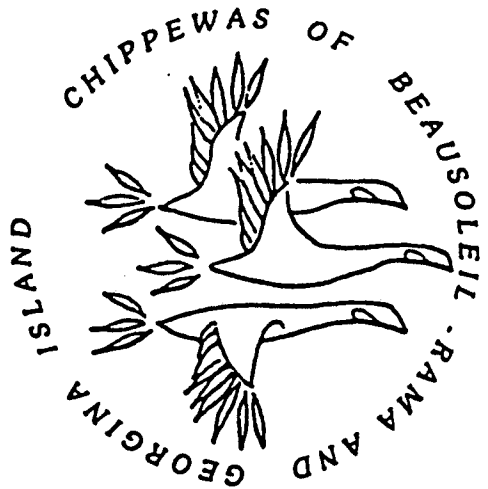
BLANEY, McMURTRY, STAPELLS



William B. Henderson

cc. Kykiak

Tri-Council



THE COLDWATER NARROWS RESERVATION

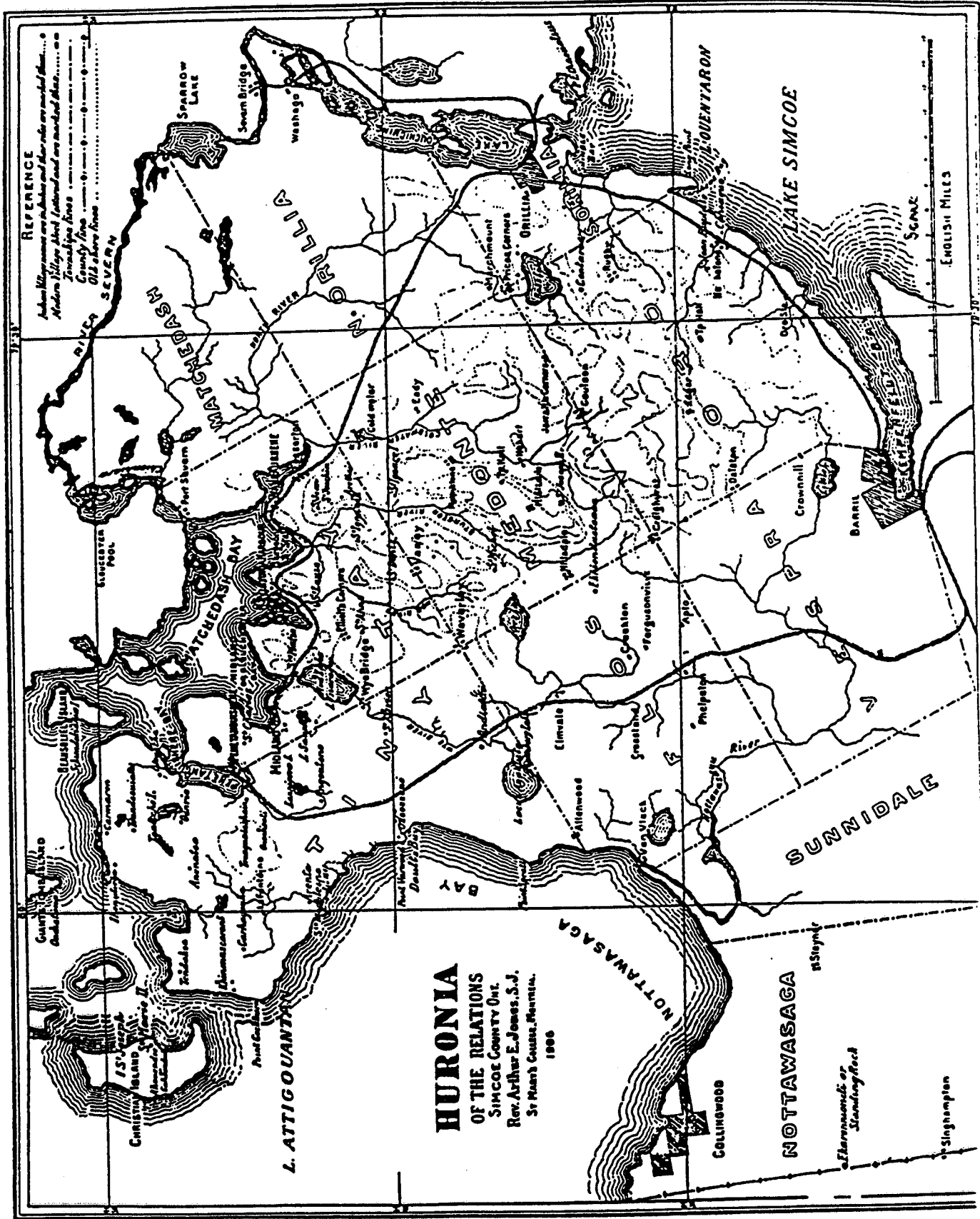
by

CYNTHIA C. WESLEY-ESQUIMAUX

for

THE CHIPPEWA TRI-COUNCIL

THE COLDWATER NARROWS RESERVATION...



MAPS

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PREFACE:

This paper covers the history of the Coldwater-Narrows Reservation from 1829 to 1840. In this narrative the scope of history has been broadened to cover the periods immediately preceding the establishment of the reservation and the period immediately after the Coldwater Treaty.

For more information on the early treaties and the earlier history of the Chippewa Tri-Council, see the narrative, "The Chippewa Tri-Council: The Chippewas of Lakes Simcoe, Couchiching, and Huron to 1830", by Cynthia C. Wesley-Esquimaux (1986).

INTRODUCTION:

Prior to the establishment of the Coldwater-Narrows Reservation the Chippewa Tri-Council bands lived in separate villages; the Aisance Band lived in the Penetanguishene-Matchedash Bay area; the Yellowhead Band resided in the Lake Couchiching area; and the Snake Band lived in the Snake Island-Holland Landing area. All three bands travelled to their hunting grounds in the Georgian Bay Islands, the Muskokas, the Haliburton Highlands, and south of Lake Simcoe seasonally. The three bands generally acted independently of each other, but met seasonally for joint Tribal Councils.

The Tri-Council became the focus of philanthropic and evangelistic groups in the late 1820's as the settler society became interested in the welfare of the indigenous populations. The thrust of this interest was to Christianize the natives and teach them agricultural and industrial skills which would allow them to be settled on permanent agricultural reservations, and would eventually allow them to integrate into white society. One of the first experiments in the development of a native agricultural settlement was initiated with the Chippewa who were brought together to reside on the Coldwater-Narrows Reservation.

EXECUTIVE SUMMARY:

The Coldwater-Narrows Reservation was the focal point of government Indian policy, and the leading experiment in dealing with the tribes of Upper Canada in a settler dominated society during the nineteenth century. Prior to 1830, the Crown regarded the Chippewa and other tribes as allies, but after 1830, they were regarded as obstacles to settlement and a people requiring government protection from the aggressions of settlers and traders.

The Crown forced large surrenders of land and resources from the Chippewa and other tribes to provide for the future of government and settlement, and supposedly, to provide future revenues for the tribes; this last consideration was never adequately honoured. White settlers rapidly occupied the vast tracts of land south of the Severn River which the Chippewa Tri-Council had been forced to surrender, however, this did not affect Tri-Council hunting territories north of the Severn River which were retained until 1923.

The first undercurrents of policy change toward the tribes came in a "plan for the Melioration and Civilization of the British North American Indians", which was submitted to the Governor General of Canada in 1824.¹ This plan called for the creation of an 'Indian State' north of the

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44th parallel for the exclusive domain of the Indians.² This plan was put into effect in 1829 when the British Government made recommendations to the Indian Department to establish reservations for the benefit of the tribes to educate and train them for adaption to a settled agricultural life-style. The first attempt to implement this new plan was at the Coldwater-Narrows Reservation.

The Superintendent of the Indian Department stated in response to the plan:

"I have much satisfaction in communicating that His Excellency has expressed a wish to cooperate in any measure that might tend to ameliorate the condition of the Indian tribes. His Excellency's opinion is, that if a proportion of the annual payments were expended in civilizing the Indians, those who participate in the payments would have it in their power to set an example worthy to be followed by other tribes who do not possess the same advantages, and eventually would be compensated by producing industrious agriculturalists always ready to defend

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their soil."3

He further stated:

"The aborigines certainly have strong claims on Government independent of their services as allies. They place the utmost confidence in its protection. And in treating for cessions of territory have invariably left the stipulations to the generosity of the Crown."4

These comments accurately illustrate the Crown's attitude toward the Chippewa and other tribes. The tribes were considered independent with a special trust relationship to the Crown, which included an obligation on the Crown to compensate them for their lands and resources as well as their alliance under treaties of peace and friendship.

The government took the position that paying cash to the tribes would not benefit them. Instead they initiated a system of providing goods and materials in payment for

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lands and alliance. Perhaps in theory this position made sense, in practice however, it was to cause many problems for the Tri-Council and the Coldwater-Narrows Reservation.

"The Indian would receive no benefit whatever from a small sum of money put into his hand, which he would find of little value, compared with his blanket and ammunition, while a total suppression of their Great Father's bounty would be considered a cruel infraction of custom, which from its duration, has attained in their estimation to the sacred character of a treaty."5

The report went on to explain why agricultural implements were the best form of payment:

"It may be sufficient, perhaps, on this hand, to state, that as in Lower Canada, so as in the Upper Provinces, an Indian is little better than a child, as respects any land or other property assigned for his support; and in this respect

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the want of proper and sufficient numbers of officers, to attend to and manage their affairs, is the cause of continual dissensions and representations to the Government, of which your Lordship has a large experience."6

This attitude in regard to Indian competence to manage their own affairs, and the necessity to expend large amounts of money in order to ensure that there were enough people on hand to do it for them was to plague the Coldwater-Narrows Reservation and eventually result in it's being abandoned.

The government reported that the Chippewa had sufficient revenues from past surrenders to support themselves, and to develop the kind of reservation the new plan called for, however, mismanagement of their resources and revenues was having the result that payments were continuously in arrears and trust account balances were not increasing as they should have. Their lands still on sale, and the unpaid balances due on those already sold, amounted to a considerable sum even with the constant mismanagement of their finances.

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"This is a matter which, under existing circumstances would continue to burden the department for very many years to come; whereas if all these lands and debts were disposed of to the provincial government at a fair evaluation and invested in government securities, this balance would also be disposed of and the interest would provide ample funds to improve their condition."7

This admission that the government had mismanaged Indian accounts and revenues, coupled with the admission that Indian revenues from former treaties were sufficient to provide for all of their services, through interest on accounts alone, is important, not only in terms of the operation of the Coldwater-Narrows Reservation, but also for Indian Government operations in the modern context. In May 1830 a report of the Executive Council of Upper Canada stated that:

"...no kinder service can be rendered to a people who have the strongest claims upon the attention of the government than to endeavour

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to place their pecuniary concerns upon a proper footing, and to extricate them from any perplexity in which they have become involved."8

And so the Coldwater-Narrows experiment was born and slated to become the showplace for the government's new plan in Indian policy. The new policy proposed for the Indians of Upper Canada was to encompass the following:

"(1) Collect the Indians in considerable numbers and settle them in villages with a due portion of land for their cultivation and support.

(2) Make such provision for their religious improvement, education and instruction in Husbandry as circumstances may from time to time require.

(3) Afford them such assistance in building their houses, rations, and in procuring such seed and agricultural implements as may be necessary, commuting when

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practicable a portion of their presents
for the latter."⁹

It is clear once all of the evidence is compiled, that most of the expenses incurred in establishing the Coldwater-Narrows Reservation were paid for by the Chippewa Tri-Council themselves. In one of the Lieutenant Governor's reports it was stated that:

"Until 1832 all the expenses at Coldwater and the Narrows were defrayed by the Parliamentary Grant; since that time period nearly all expenses, except the annual presents, have been paid from the land payments. The whole expenses of the tribes north of the Penetanguishene are defrayed by the Parliamentary grant, as those tribes have no funds arising from the sales of lands."¹⁰

This clearly states that the Chippewa Tri-Council paid for the Coldwater-Narrows Reservation from their own funds from at least 1832, and in addition paid for services from their

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land revenues. This represents unfair treatment of the Tri-Council; while other First Nations were receiving money from the government, they were expected to foot the entire bill for the government agricultural experiment. In addition the Tri-Council are to this day subject to government statements that all Indians received these benefits from the government, when in fact, the Tri-Council paid their own way.

Another example of the Tri-Council paying for their own services is found in the education area. At a general council it was reported that:

"...You shall devote one fourth of your annuities, which many of you promised last fall to do, for a period of from twenty to twenty-five years, to assist in the support of your children of both sexes, while remaining at the schools. It is hoped in that time, some of your youth will be sufficiently enlightened to carry on a system of instruction among yourselves, and this proportion of your funds will no longer be required."¹¹

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This is one area in which we will be looking at the trust accounts, to see if as stated, the funds were deducted for the twenty to twenty-five year period or continued to be deducted.

Eventually, a departmental investigation was necessary to determine exactly what expenses had been charged against the Chippewa accounts. Upon investigation it was revealed that the department did not know what expenses had been charged to the accounts or even what proportion of the departmental administration had been charged to the Chippewa revenues. Money due to First Nations from the sale of their traditional lands, as annuity payments and annual presents, had frequently been used to defer a wide variety of departmental expenses, but there were no accurate financial statements to account for these transactions. As was usual practice, no one was expected to be accountable for the dispersal of Indian monies for departmental expenses. It was stated after the investigation that the government needed to establish;

"...complete band accounts as a first step in revising any Indian policies."¹²

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In contrast to the above, the Superintendent of Indian Affairs wrote to the Indian Agent at Coldwater instructing him to tell the Chippewa Chiefs that they had been receiving too much assistance from the government:

"You are to make them aware, in the first place, that the government has expended so large a sum in forming the establishment at Coldwater that it will be many years before any further assistance can be given to the Indians under your supervision."¹³

The above statement opens the door for further investigations regarding the Indian agent and his management of Indian funds. The possibility of fraudulent use and misappropriation has been demonstrated before, in other, less blatant circumstances. If Tri-Council funds were being used for education, housing, services, and off-setting Indian Department expenses, the question must be asked whether the Indian Superintendent was deliberately recommending that the Chippewa should be lied to or whether it was the Indian agent himself who was misappropriating funds.

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Amazingly, the use of Indian money for services did not end with the Coldwater-Narrows Reservation experiment. Six years after the surrender, money was deducted from 'Indian funds' for construction and improvement of the Coldwater Road (Highway 12). A total of L368-16-11 was forwarded by the Commissioner of Crown Lands to the Indian Department for roadwork. Another deduction which had nothing to do with the reservation, and was in fact made well after Coldwater was disbanded, was a payment of L70-10-6 from the Tri-Council account to pay for a survey of the Orillia Town plot.¹⁴

In 1836, Lieutenant Governor Sir Francis Bond Head, stepped in with a new direction and a new plan 'to save the poor Indians from themselves'; from the rapidly increasing influx of white settlers at Coldwater and the Narrows; Bond Head planned to move all of the Indians at Coldwater, and in Upper Canada far from the reach of non-Indians and non-Indian settlements. He intended to move all of the Indians in Southern Ontario to Manitoulin Island where they would be able to live out their days hunting and fishing, unmolested by settlers and traders, and where the management of their resources and incomes would prove less burdensome to the Canadian Government.

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In spite of his conviction that he was doing Indians a favour, other people with interest in the welfare and advancement of the tribes in Upper Canada had increasingly negative things to say about his intentions; the main one involving the removal of all the tribes in Upper Canada to the Great Manitoulin and surrounding islands. Particularly vocal in their opinion of his suggestions for the Indians were members of the Aborigines Protection Society (APS), many of whom had become experienced lobbyists and propagandists through their years of anti-slavery agitation;

"Never, perhaps, was the simple and unsuspecting confidence of the Indians more clearly exhibited, and seldom has that Confidence been more abused, than in the late Exchange of 3,000,000 Acres of the richest land in Upper Canada for 23,000 barren and unproductive Islands remote from the seat of Civilization and unfit for the Residence of the European."¹⁵

The agitations of people like the APS were instrumental in having Bond Head disgraced and removed from office a scant

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two years after receiving his Commission. An important impact he had on Indian policy before he left office was the insistence and subsequent adoption of the attitude of government that they should not expend any more money toward establishing agricultural settlements for the benefit of the Indians in Upper Canada.

"Your Lordship is aware that considerable expenses for buildings, etc., were incurred at the Manitoulin Island this year, but the arrangement was made by Sir John Colborne before I arrived here, and it was too late for me to alter it,- however, as soon as I got there I put a stop to all that was doing, and discharged every person who had been engaged... I have already stated that this expense will shortly be defrayed altogether by the sale of lands they have this year liberally surrendered to me, and even if that were not to be the case. I do not think that, enjoying as we do, possession of this noble Province, it is our bounden duty to consider as heirlooms the wreck of that simple-minded, ill-fated race which as I have already stated, is daily and yearly fading before the progress of civilization. I am decidedly of

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the opinion that at the expiration of three years, a still further reduction may be made in the Indian Department, and that its expenses of every description will, ere long, be completely defrayed by the lands which I have lately obtained from the Indians."16

Obviously the opinion of Bond Head for the welfare of the tribes of Upper Canada was low enough to become a grave problem for the Chippewa Tri-Council and Indians in general. It is also clear that the revenues he anticipated from Indian lands were not intended to benefit the tribes themselves.

By 1847, things had not improved for the Chippewa Tri-Council with regard to their annuity and land surrender payments. They sent a petition to the government regarding their annual annuity payment of £1200 provincial currency, which they had not received, or had an accounting of regarding advances made through the Indian Department. Chief Yellowhead went to Toronto to present the Resident Superintendent with a letter regarding their money;

"...who refused to comply with his request

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or to receive the letter, but told your
Petitioner to go home and burn it."17

They further noted that:

"The last account of the annuity rendered to the
Tribe was up to the 30th September, 1844. Then
there was a balance due them amounting to
L1667-13-5. Two years and a half have since
passed, and the amount of accumulated annuity
would accordingly be three thousand pounds which
added to the balance standing at credit on the
30th September, 1844, would make an amount equal
to L4667-13-5 a very small portion of which sum
has been expended with the knowledge or consent
of the tribe, and as their wants and necessities
are becoming great and pressing heavily upon them.
They humbly crave your Excellency's favourable
consideration of their case."18

In response to the above accusations and inquires, the
Resident Superintendent had the following to say:

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"I have the honour to report that the assertion of Chief Yellowhead is untrue and without foundation, the account Current of the tribes with the Indian Department has been regularly rendered..."¹⁹

One cannot help but wonder what was going on. The Tri-Council, insisting they were not getting their money, the Indian Department in turn insisting they were paying annuities as required. It took a full year to receive a response on the inquires and petitions regarding their annuities, as well as some lands which they asserted "have not been ceded by them."²⁰ Answers, when they were finally received, were not satisfactory and gave them little indication they would ever receive money or any satisfaction in the settling of their complaints.

The story of the Coldwater-Narrows Reservation, the circumstances that led up to the abandonment of the settlement, and the slow erosion of their tribal independence and self-sufficiency is indicated in the following passages which represent the historical background of the Chippewa Tri-Council from the early 1800's to the mid-1850's.

THE_COLDWATER-NARROWS_RESERVATION

An early glimpse of the Chippewa Tri-Council is provided by the Sheriff of the Home District, Alex MacDonnell, who recorded a diary of his journey with the Lieutenant Governor, John Graves Simcoe, in 1793 from Humber Bay, Lake Ontario, to Matchedash Bay on Lake Huron.¹ During their travels through the area they recorded information about the Chippewa bands living in the region. They reported that the Lake Simcoe Chippewa had been raising crops and practising agriculture on a number of the islands in the lake, but that this practice seemed to have been recently abandoned. They also reported that the Chippewa living around the lake abused alcohol to a considerable extent. The Lieutenant Governor reported that the Chippewa drank continuously throughout the day and the night and that on a number of occasions, "...they had not use of limb or reason"² MacDonnell further reported that their drinking created such a problem that the Lieutenant Governor had to paddle his own canoe.

The Chippewas of Lake Huron and Lake Simcoe received their alcohol from traders operating in the area. The largest trading post was run by John Baptiste Constance, who had been operating in Chippewa territory for fifteen years. Constance ran a very well defended post. According

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to MacDonnell's diary it had very high walls around it and Constance would only rarely allow the Chippewa living around the stockade inside. Most of their trading took place outside at the garrison. The Chippewa had gradually developed a dependence on Constance and other traders in the area for subsistence goods and alcohol and consequently were in constant debt.

Simcoe's trip through Chippewa Tri-Council territory occurred during a time of a major epidemic among the Chippewa people. He reported that a considerable number of Chippewa were sick and dying. While he was camped at Degrassi Point on Lake Simcoe, a Chippewa tribesman approached him and predicted that:

"'The end of the world is at hand', Indians will be no more, and he asked Simcoe;

'You whitemen pray, we Indians do not know what it is, but we hope that you will entreat the Great Spirit to remove the sickness from amongst us.'"3

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Epidemics like this and the resulting deaths and psychological repercussions for the survivors, were a direct result of the prolonged contact the Chippewa were experiencing with traders in the area and the increasing pressure from settlers moving into their traditional territories.

The Chippewa were able to retain a fairly large degree of self-determination and independence, but under the new policies developed by the colonial administration the aboriginal nations in Upper Canada could not prevent the eventual loss of their lands and resources as well as the loss of a significant amount of control over their destiny.

After the Penetanguishene Treaty of 1795, the British Military established a military road that ran from Lake Simcoe to Matchedash Bay which they used periodically to transport goods and troops to Georgian Bay. After the War of 1812 the government established maintenance and improvement of that road as a priority for settlement purposes.⁴ In order to ensure improvement of the road, the government of Upper Canada offered lots along the road to settlers. By 1818 a number of British immigrants had settled along the Coldwater Road.⁵ During this period the

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government also surveyed concession lines parallel to the Coldwater Road and provided lots to veterans of the War of 1812.⁶ Army officers from the War of 1812 were offered large lots along the western shore of Lake Simcoe.⁷ A large community of black settlers were given a grant of land by the government near Matchedash Bay.⁸ Improvements to the road did in fact attract considerable immigration into the area through the 1820's which continued at a steady rate through the period of the Coldwater-Narrows Reservation.⁹

The Imperial Government in England also turned it's mind to how to deal with the indigenous nations of Upper Canada after the War of 1812. In 1824 James Buchanan presented a plan to the Governor General of Canada, the Earl of Dalhousie, which he called his:

"...Plan for the Amelioration and Civilization of the British North American Indians."¹⁰

Buchanan's plan called for a 'Royal Asylum' for all Indians in the British territories which would lie north of a line drawn across the forty-fourth degree of latitude between

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the Lakes Huron and Simcoe. This plan to isolate the tribes from white settlement was well received by the government.¹¹ The tribes of the Great Lakes were developing similar ideas of their own. They pointed to the Americans and stated that they provided for the American tribes better than the British did. The Potaganasee Chief, Ashagahsee, stated in 1827:

"Father we have observed with some degree of jealousy the establishment of a place at Michilimackinac at which the children of our Great Father are taught the means of living in the same way the whites do, where they also learn to make their thoughts on paper and to think the news from books as you do..."¹²

The Chief would not send his people to that school because of his alliance with the Crown. He expressed his wish to have a school established in Canada for his children:

...Father we might send our children to Mackinac to get sense, but we are not

Big Knives."13

Similar ideas were expressed by the Chiefs of the Chippewa Tri-Council. In the summer of 1826, Peter Jones, the Mississauga Methodist missionary, held a camp meeting at Holland Landing. This was the first exposure of the Chippewa Tri-Council to Christianity, and the meeting appeared to have a substantial impact on the Chippewa. Chief Musquakie (Yellowhead) declared the Chippewa were free to adopt Christianity if they wished, but he would not make a decision as to whether to adopt a settled agricultural lifestyle until he had thought about it over the winter. Chief Snake of the Lake Simcoe Band adopted Christianity at that meeting and agreed to make provisions to establish an agricultural community, a Church, and a school on Snake Island.¹⁴

The following spring Musquakie, speaking on behalf of the Chippewa Tri-Council, sent a message regarding the adoption of Christianity and a settled agricultural lifestyle to Lieutenant Governor Colborne of Upper Canada.

"Our native brothers are desirous of

forming a settlement...it is our desire to come together. Many of us have thrown aside our former habits and wish to adopt the habits of civilized life... We shall then be enabled to pursue a regular system of agriculture and greater facilities will be afforded us in following the precepts of our religious teachers."¹⁵

The Tri-Council were clearly attempting to adapt to the changing environment in Upper Canada. They placed their trust in the Crown and understood that their lives would be improved and protected.

In 1827 the Methodists established a temporary school house at Holland Landing. William Law was the resident teacher for Chief Snake's Chippewa Band. He reported that more than one hundred Indians of the Lake Simcoe Band were "obedient to the faith", and that sixty students attended the school regularly.¹⁶ In 1828, the Methodists applied for a grant of land at Holland Landing to establish a mission but they were denied by Bishop Strachan of the Anglican Church who was also a member of the Executive Council of Upper Canada. Strachan wrote:

(8)

"...so long as they remain under the instruction of their present teachers, the Chippewa would not receive any assistance from the government."¹⁷

The mission and the school house were therefore relocated to Snake Island which was still owned by the Lake Simcoe (Snake Island) Band. The Lake Simcoe Chippewa took up agriculture on Snake Island and animal husbandry. In spite of the apparent success of this venture, the Chippewa were not entirely happy with their new state of affairs. Many band members continued to be deeply in debt to French traders operating in the area.¹⁸ The Methodists and the French traders frequently came into conflict because the fur traders recognized that if the Chippewa took up domestic pursuits like animal husbandry and agriculture, they would cease to hunt and trap, thereby undermining the economy of the traders. During the early years of the Snake Island mission the Chippewa were regularly threatened with beatings by the traders if they continued to listen to the Methodist missionaries.¹⁹ An example of this aggression ended up before the courts in Newmarket in 1828. Chief Aisance of the Georgian Bay Band of Chippewa laid charges against a French fur trader for severely beating a member of his band. The Methodist missionaries

supported and assisted in the pressing of the case. Unfortunately, the Magistrate at Newmarket dismissed the case because neither Aisance or the victim could remember the exact date on which the beating had occurred. Chief Aisance told the court:

"I have been abused again and again by your people, and no notice has been taken of them for their bad conduct, I thought that the reason you did not take notice of us was because we were not worthy of regard, but now our eyes are opened to see our miserable condition and in seeing we have endeavoured to forsake our former evil ways, I cannot suffer without having justice done to offenders."¹⁸

The Tri-Council Chiefs realized they had to demonstrate their ability to exist on equal terms with the growing settler society in order to have their rights protected. They also realized that they needed strong allies who understood the government and cultural background of the new society settling in their midst and so they formed strong bonds with the Methodists.

In 1828, Major H.C. Darling of the Indian Department filed his report of a major inquiry into the conditions of the tribes in Upper Canada. Darling reported that in order for the tribes to successfully make the transition to the settler dominated society of Upper Canada it would be necessary to establish agricultural reserves to protect the Indians and teach them the requisite skills to survive. Darling's report has since been regarded as the "founding document of the whole civilization program."¹²

In 1828/1829, the Reverend James Curry and the Reverend Peter Jones went to establish a mission at Matchedash Bay for the Aisance Band. Many of Aisance's people had been travelling to Holland Landing and Snake Island to receive religious and secular instruction. Peter Jones recorded his first meeting with the Aisance Band:

"...the people are much devoted to the service of God, there have been no instances of intoxication among them since their conversion, their leaders are very vigilant in the discharge of their duty." ²⁰

The Aisance Band encountered the same difficulties that the

Snake Band had encountered because of their proximity to the military station at Penetanguishene. They were constantly harassed by traders and tempted by military personnel at the station toward drinking and prostitution. In fact by 1829, the three bands of the Chippewa Tri-Council were in debt to local traders to the tune of £1044-17-0.23 The traders realized that the only way they could keep the Tri-Council hunting and trapping, rather than letting them adapt to a settled agricultural existence, was to keep them firmly in debt.

Musquakie (Yellowhead) complained in 1829 about traders who were chopping down lumber on his land and then selling it back to members of his band. He also complained that traders had come onto his land and burned down a temporary church that his band had established.²⁴ However, reality had already shown that the Chippewa Tri-Council could not hope for any help in regard to their problems with traders from the government or the courts.

Further to the comments made by Bishop Strachan, Sir John Kempt, the Governor General of Canada, wrote to Lieutenant Governor John Colborne of Upper Canada instructing him that:

"...the Methodists inculcate Republican principles in the Indians...if the British Government does not step in between the Indians and the Methodist Missionaries, it may be regretted to late."²⁵

Clearly, the government and the Anglican Church saw the developing ties between the Methodist Church and the Indian tribes of Upper Canada and considered them a significant threat. Plans were put into place to replace or at least weaken those ties while it was still possible.

In 1829, the British military post at Drummond Island was transferred to the Americans. Superintendent Thomas G. Anderson of the Indian Department, who had been stationed at Drummond Island, was instructed to relocate to Penetanguishene where he was to encourage the development of an agricultural settlement for native people. The result was a plan for the Coldwater-Narrows settlement, which was to run fourteen miles from Lake Simcoe to the Matchedash Bay, and was to be surveyed into single family farms along the Coldwater Road.²⁶ It was hoped that the Coldwater settlement would be a magnet for other tribes to locate in the area. Anderson arrived at Penetanguishene and immediately appraised the situation;

"...the immediate establishment of a school for the Indians in this neighbourhood with its other advantages would be a great inducement to the western Indians to settle within British territory." 23

The Western Indians referred to were primarily Pottawatomi who were being dislocated from Wisconsin, Indiana and Ohio. These developments were occurring at a time when the Indian Department and the Government of Upper Canada were proposing major changes in the direction of Indian policy. Sir John Kempt proposed specific changes to the Secretary of State for the Colonies. He suggested they should;

"1st, collect the Indians in considerable numbers and settle them in villages with a due portion of land for their cultivation and support.

2nd, to make such provision for their religious improvement, education, and instruction in husbandry as circumstances may from time to time require.

3rd, to afford them such assistance in

building their houses, rations, and procuring such seed and agricultural implements as may be necessary, commuting when practicable a portion of their presents for the latter." 28

Sir John Colborne planned that this settlement would be financed by leasing and selling Indian lands held in trust under treaties.²⁷ This plan was to firmly establish the government precedent for providing education, medical, social and capital services to First Nations from the income derived from Indian lands and resources.²⁸ Colborne felt that this system was preferable to the existing policy; "which had occasioned enormous expense without conferring any benefit on the Indians or insuring their friendship".²⁹

Sir John Kempts' strategy was to have far reaching consequences. He borrowed many of his ideas from the American Indian policy to remove the tribes west of the Mississippi River. This plan of isolating the tribes from settlements and providing them with training which would lead to their survival within a settler dominant society and to their eventual assimilation, was a major shift in the policy of dealing with the Indians of the Great Lakes.

This plan was not adopted for the sole benefit of the tribes. As Kempt carefully pointed out, there was a great deal of self-interest in the plan:

"...the settling of the Indians...will gradually relieve His Majesty's government from the expense of...presents and eventually of that from the Indian Department."³⁰

The British Secretary of State for War, Sir John Murray, agreed heartily with the plan:

"...the course which had hitherto been taken with these people has had reference to the advantages which be derived from their friendship in times of War rather than to any settled purpose of gradually reclaiming them from a state of Barbarism and of introducing amongst them the industrious and peaceful habits of civilized life."³³

To administrate this new policy, the Lords of the

Treasury transferred control of Indian Affairs from the Military to the Public Service in Upper Canada.³⁴ The first serious attempt to apply the new government policy was at the Coldwater-Narrows Settlement between Georgian Bay and Lake Simcoe, where Sir John Colborne authorized an ambitious program for settling and 'civilizing' the Chippewa Indians.

Prior to moving to Coldwater, the Yellowhead Band had established farms on the islands in Lake Couchiching and had laid plans to develop an extensive fishery.³⁵

In October 1830, Lieutenant Governor Colborne was able to report to the Secretary of State for the Colonies that:

"The three tribes residing on the shores of Lake Simcoe and near the Matchedash, and the Potaganasees from Drummond Island have been placed under the charge of a superintendent of the Indian Department and urged to clear a tract of land between the lakes Huron and Simcoe. I have ordered houses for them to be built on detached lots and they are now

clearing lands sufficient to establish farms at each station for their immediate support from which they will be supplied while they are bringing into cultivation individual lots marked out for their residence. Agricultural implements have been procured for them, experienced farmers have been engaged to instruct them, and schoolmasters appointed to educate their children. I have taken steps also to establish a school at which a certain number of children from each tribe in Canada can receive an education that will qualify them in a few years to be teachers. The western Indians and those from the north shore of Lake Huron who repair annually to this quarter to receive their presents will, I hope, be prevailed upon to abandon gradually their present mode of life and to follow the example of the Indians at these stations, when they see the advantages resulting from civilization. Similar measures are on trial at the Indian station on the Thames and Lake St. Clair."36

It is clear that Colborne intended the Coldwater Reservation to be the showcase of his new policy. He also

annuity of the Indians for their cession of lands to the government."³⁸

The Chippewa Tri-Council was to pay for this experiment in government policy with their own funds, although they were not informed of that intention before they relocated.

T.G. Anderson, and his Indian Department employees, began to clear land for the Coldwater-Narrows Reservation in the spring of 1830. They first cleared land for the establishment of villages sites at either end of the reservation. The Coldwater village was cleared on the western side of the reservation and the village of the Narrows at the eastern end. Anderson had received permission to hire the Chippewa as labourers on the village site and paid them two shillings per day for their work. During the summer Anderson also had about eighty Chippewas from the three bands working on the road.³⁹ By September of the same year Anderson had received a committment from 'Chiefs' Yellowhead and Snake to leave their present villages and bring their people to settle at the Narrows of Lake Simcoe. Yellowhead stated that his band,

"...intend to settle at the village you'

are building for us and end our days there,
and our children will be kept in school."40

Eventually, the Aisance Band and the Potaganasee agreed to settle at the Coldwater village.⁴¹ Superintendent Givens agreed to send two Indian Department employees to be located at the Narrows and two to be located at Coldwater for the purpose of instructing the Chippewa in farming.⁴² George Archibald, the farming instructor assigned to Coldwater, reported that the area was not good for farming.⁴³ He suggested that all the Chippewa should be moved to the Narrows.⁴⁴ The Methodist missionaries expressed the view that the entire Coldwater-Narrows experiment was discouraging to the Indians and a great waste of money, and in the case of the Lake Simcoe Band, actually set the Chippewa back in terms of their religious instruction and the strides forward they had made in developing an agricultural community on Snake Island, as they had already cleared lands and established a permanent village there.

"The Indians at this station have been in an unsettled state, their residence not having been permanently fixed. The Lieutenant Governor

has now assigned them lands at the Coldwater River, the communication road between the Narrows of Lake Simcoe and Penetanguishene, to which they will shortly be removed."⁴⁵

A short time later the missionary at Snake Island reported his failure to stop the removal of the Indians under his care to the Coldwater-Narrows Reservation:

"Chief Snake has moved to the cove at the Narrows where the Governor is erecting buildings. Snake Island mission is abandoned."⁴⁶

The Methodists kept regular records of their activities and those of the Chippewa within their missions. Though somewhat biased, they were very open with their opinions and gave a relatively clear picture of what was happening in their communities. The Reverend Eggerton Ryerson of the Methodist Church in Upper Canada, noted that the Chippewa appeared;

"...rather agitated and discouraged in their

minds about the move to the Coldwater-Narrows tract."47

Yet in Major Darling's report in 1828, he had stated that:

"the Chippewas under Chief Yellowhead...have expressed a strong desire to be admitted to Christianity and to adopt the habits of civilized life."48

Anderson had noted in his report that John Aisance had told him he wished to relocate to Matchedash Bay because it would allow better communication with his brothers at Lake Simcoe.49 Apparently, Aisance had also requested a number of different services from the Indian Department:

"...he wanted a school, a blacksmith, and instructors to teach his people western styles of farming...and Anderson in turn had reported to Colborne that, With one yoke of Oxen, the assistance of the Indians and an Interpreter, and the blacksmith of the Indian Department,

a temporary schoolhouse and forge could be built at a very small expense, perhaps plus or minus 20 to 25 pounds."⁵⁰

The Methodist missionary, the Reverend Hurlburt, had an assimilationist goal in mind when educating Chippewa children.

"...the only way in my opinion that the preventatives to the improvement of the Indians can ever be obliterated, is by manual labour schools where the rising generation can be brought up entirely away from the instruction of their parents. If by any means we can save the young we may hope in time to see them a virtuous, prosperous, and happy people."⁵¹

The Coldwater Reservation was laid out as a fourteen mile long strip bounded on the northwest by Tay Township and on the southeast by Lake Simcoe. It was one and one half miles wide and the villages at Coldwater and the Narrows were twelve miles apart; this was because Aisance

decided to settle his people on the Coldwater River, two miles east of Matchedash Bay.⁵² Thirty-seven families relocated to the village on the Narrows which was two and one half miles west of the strait between Lake Simcoe and Lake Couchiching. Here sixteen two family houses were constructed, eleven log houses, and three wigwams. There were also three non-native families, a minister, a schoolteacher and an agricultural teacher. At Coldwater there were thirteen two family dwellings, seven log houses, a saw mill, a meeting house, a school house, T.G. Anderson's house and the minister's house.⁵³

The government had settled the Chippewa Tri-Council on a reservation right in the middle of what was to become the most significant thoroughfare for immigrants and settlers moving into the western, unsettled portions of Upper Canada. The road that ran through the Coldwater-Narrows Reservation was the old portage route which connected Lake Simcoe with Matchedash Bay. The indication from government officials when the settlement was established was that they felt Colborne had made a grave error in settling the Chippewa along the Coldwater-Narrows Road. They felt that he had not paid sufficient attention to the location and strategic position of the road and adjacent waterways, which the government had already been using for military

purposes. They had no objections to the reason for settling the Chippewa in a central location; their objection was solely based on the area. They noted that:

"...it cannot be doubted that the Georgian Bay is of strategic interest from a Military point of view, it is on the water route through the Upper Great Lakes and has the Canadian Pacific Railway at no great distance from its easterly and northerly shores, the Manitoulin group shields it and the north channel from exposure, its islands and inlets afford cover and concealment for vessels and there are no better sailors than the hardy fishermen upon these waters."⁵⁸

Successive waves of immigration came into Simcoe County during the 1830's, first from Scotland, then from Ireland.⁵⁵ Between 1830 and 1833 the entire population of Upper Canada increased by nearly fifty percent.⁵⁶ Between the years 1825 and 1846 over 600,000 immigrants left the United Kingdom for North America, most of whom found their way into Upper Canada.⁵⁷ This tremendous influx of settlers put increasing pressure on the Coldwater-Narrows

Reserve. Settlers had been given land in what was to become the Coldwater-Narrows Reservation prior to 1830. But all of those lots had been purchased by the Canada Company before the Coldwater-Narrows Reservation was established.⁵⁸ The Indian Department was very careful to insure that any title that was held by settlers in what was to become the Coldwater Reservation had been extinguished prior to bringing the Chippewa onto the reservation. Superintendent Givens had instructed Anderson to insure that no non-native settlers remained within the Reserve.⁵⁹ Givens also stated that he wanted to insure that there were no stores operating on the Reservation.⁶⁰

One of the major ways in which settlement put pressure on the Chippewa Tri-Council was through the introduction of alcohol into the area. Alcohol was a commonly abused substance among the settler population.⁶¹ Rum was cheap and often helped to relieve the anxiety of being isolated in a hostile environment. Anderson was able to control the sale of rum on the reserve but had no control over the use of rum in the settlements around Coldwater and the Narrows. The Chiefs of the Tri-Council and the Methodist missionaries continually petitioned the government to control the alcohol trade on the Coldwater reservation.⁶² The situation at the Narrows was the worst of all. There

were three stores in the village selling alcohol.⁶³ It was discouraging to the Chippewa settled at the Narrows to see white settlers drunken and rowdy from alcohol; to make matters worse drunken settlers constantly encouraged the Chippewa to drink with them. The Methodist missionary, James Evans, reported that the Chippewa were;

"Constantly exposed to temptation of that nature which is perhaps with them the most difficult to resist, the village settled by the whites is within a few rods in the rear of the Indian village, and a chapel where during divine service in the evening...(they can be seen) carousing to no small annoyance to their once savage neighbours and one mounted on a stump was heard vociferating 'come here Indians, come and take some whiskey'. "⁶⁴

Unfortunately, under this kind of pressure, it was not long before Yellowhead's Band was selling their possessions in order to acquire rum from the white settlers.⁶⁵

Another factor which eventually contributed to the

demoralization of the Chippewa on the Coldwater Reservation was the competition between the Anglican Church and the Methodist Church for influence among the Tri-Council. The first Anglican missionary came onto the Coldwater Reserve in 1830. The Reverend G. Archibald took up residence at Coldwater with his half Ojibwa assistant, Mr. Cameron. Very shortly after his move to Coldwater he reported his frustration at the fact that the Potaganasee would not give up the Roman Catholic faith and that the Chippewa were very greatly under the influence of the Methodist.⁶⁶ Archibald reported to Colborne that,

"...nothing can be done (directly) to effectively weaken the Indian's Methodist sympathies...indeed it would be imprudent to make the attempt."⁶⁷

Instead, he proposed a plan that would undermine the Catholic and Methodist influence by;

"...exhibiting in our school a system of instruction superior to theirs by showing in our conduct and conversation that we are guided by religious principles, and by

manifesting a particular regard to the moral, regular habits, cleanliness and comforts of the Indians under our care, in short, by ornamenting the doctrine of God our saviour in all things."60

The Methodists complained bitterly about this competition. Eggerton Ryerson thought that such activity was counter-productive.

"In their barbarous and heathen state, missionaries of every denomination have an undoubted and equal right to visit, establish missions among and convert them...But should one adventurous and philanthropic agriculturalist take peaceable possession of, actively and successfully cultivate a part of the unbroken soil for the sole benefit of his fellow creatures, would it be just, honourable, even tolerable for another professed philanthropist, under pretense of promoting the same benevolent object to force, directly or indirectly, the former to retire... let each, break up and cultivate the ground for himself and let not him who folded his hands

and slumbered...whilst his neighbour
laboured...come at harvest gathering."69

Ryerson believed that the Anglicans wanted to divert the Methodists from any influence over the tribes north of Coldwater.70 This seems to have been true as the stated Anglican/Indian Department strategy was to establish an Anglican "Indian Ministry that would be employed to spread the Gospel among the tribes in the remote part of the Province, and also among those who repair annually to Gloucester Bay (Penetanguishene) for their presents."71

The Methodist Church reported that they had over one hundred children attending the three mission schools on the Coldwater Reservation.72 In spite of this apparent success, the Indian Department reported that the standards of education on the Coldwater Reservation were very low. It is likely that the Indian Department's criticism was based more on prejudice than on fact and represented another attempt to undermine the bond that existed between the Methodist missionaries and the Chippewa. The Methodists had considerable experience in the area of education with Indians on other reservations as well as within the surrounding white communities. The Anglican

Church on the other hand, had very little experience dealing with the education of native people. A good example of Anglican unfamiliarity in dealing with Chippewa people was that neither Archibald or his native assistant, Mr. Cameron, could speak the Chippewa language. Mr. Cameron apparently could speak some french, so a typical lesson in the Anglican Church involved the Reverend Archibald giving the lesson in English, then having Mr. Cameron translate it into french and in turn having the Potaganasee students who understood french, translate it into Chippewa so the remaining students could understand what the lesson was about.⁷³ This convoluted approach to education inevitably lost a great deal in the translation from from English to French and finally to Chippewa. The final result was that the Anglican school had to be closed down a short time after it's opening. Archibald's solution to the Anglican lack of success in educating Indians at the Coldwater Reservation was to 'import' some Anglican Indians from elsewhere in Canada to provide some influence on the Coldwater Chippewa.⁷⁸

The Mississauga missionary, the Reverend Peter Jones wrote of this situation:

"I was very much astonished to hear that

there was going to be an interference with the labours of the Methodist Missionaries among the Indians, that they had been instruments of reforming them, and that I was more surprised to hear these things as the Governor had repeatedly said that it was not his intention to meddle with the spiritual Instructions of the Indian."75

Sir John Colborne did not support this rationale. In his opinion, the Church of England had proven it was not well suited for the type of work necessary on the Coldwater Reservation. He stated that in his opinion: "...it is not constructed for hard work".76

He went on to elaborate and stated further that:

"he was not acquainted with more than one or two Anglican clergymen in Upper Canada who would be willing to undergo the privation which a missionary must encounter."77

He suggested as well that the:

"Government of Upper Canada should be, finished entirely, with respect to religious instruction among the Chippewa."⁷⁸

In concluding, Colborne noted that in his opinion the Indians ^{at} of the Matchedash and the Narrows would ^{likely} probably receive more benefit from the Methodist's than from ^{the} the Government of Upper Canada or the Anglican Church. He seemed to feel most strongly, that the government's responsibility lay solely in the area of training the Chippewa to be ~~good~~ farmers and agriculturalists. Nevertheless, in spite of these statements, T.G. Anderson continued to attempt to exert control over religious instruction and the education of the children on the reservation. This resulted in confrontation. The Methodist James Currie petitioned for a grant of land at Coldwater to build a mission house and was refused by Anderson.⁸⁰ Currie was accused of spending too much time in "devotional exercises".⁸¹ In turn, Currie complained about the mismanagement of the reserve by the Indian Department and wrote that this impeded "the progress of religious and moral improvement".⁸²

In other developments during the 1830's, the

Superintendent of Indian Affairs instructed Anderson to prepare for the annual distribution of presents to the Anishinabek tribes at the Narrows of Lake Simcoe instead of at Penetanguishene or Holland Landing.⁸³ This plan was designed to force other tribes to come to the Coldwater-Narrows Reservation where they would be able to see first hand the benefits of moving there. The idea of having other tribes relocate to the Coldwater-Narrows settlement ran completely contrary to the sentiments of the Tri-Council Chiefs. Chief Aisance had already made complaints about the Indians from the Lake of Two Mountains. He claimed they were depleting beaver stocks in Chippewa hunting territory.⁸⁴ Statements like this show that the Chippewa were continuing to use their traditional hunting territories, in what came to be the Muskoka and Haliburton districts, in addition to practicing agriculture at the Coldwater Reservation, and that they considered themselves to be the sole owners of those hunting territories. One Band that did move to the Narrows was the Mississaugas of Scugog who lived with Snake's Band for three years.⁸⁸

An interesting incident occurred in 1830 which showed the relative influence of the Chiefs compared to the Indian Department. An Indian from Coldwater accidentally shot and

killed a member of Yellowhead's Band. Yellowhead demanded retribution or the death of the accused. Anderson acquitted the Indian of murder but the young man, cognizant of Chippewa traditional law, knew that that his life was in jeopardy unless he paid retribution to the deceased's family. Accordingly, he volunteered to live with the dead man's family to work out his debt to them in spite of Anderson's protests.⁸⁵ To drive the point all the way home and to assert his authority further Yellowhead demanded that he be given a home at the Narrows exactly the same as Anderson's two story house at Coldwater and the house was promptly constructed.⁸⁶

In 1831, after Anderson had succeeded in moving the distribution of annual presents to the Narrows, Chiefs Aisance and Yellowhead complained that:

"Anderson had always, in the distribution of presents, given liberally to those that brought presents [for him] and retained a portion from those who brought nothing."⁸⁷

Aisance also noted that:

"...the Indians don't come to this place because they know very well that everything don't go rite (sic)...our Captain [Anderson] when he wants anything its always rite and when we want anything we can't get it...I tell you Father...we will go away from this place because we don't want him."88

The above speech was made directly to the Lieutenant Governor of Upper Canada at York, between the Tri-Council Chiefs and the Government.89

Throughout 1831, the Chippewa Indians and the Indian Department employees were busy clearing land and building houses. A saw mill had already been constructed.90 Small gardens had been planted with potatoes and several acres were being cleared for a communal farm.91 There were sixteen acres of corn, ten acres of oats, three acres of peas, and four acres of spring wheat on the communal farm which lay on the north river flats near the Narrows. An additional five acres of potatoes had been planted on the communal farm at Coldwater. Anderson reported to the Indian Department that in his own opinion there was every indication that there would be ample supplies of corn and

potatoes on hand for the coming winter months.⁹²

When the Chippewa had been moved to Coldwater it was with the understanding that they would be responsible for the maintenance and upkeep of the Coldwater-Narrows Road. The Tri-Council had initially been paid two shillings per day for their work on the road and for clearing land for farming. In 1831, because work was not proceeding to his satisfaction, Anderson changed the method of payment to a piecework plan. The Chippewas were from that point on to receive two shilling for each 'clearing' they made. His reasoning was;

"...for when employed by day, if some-one does not superintend them, they do not work one half of their time."⁹³

He further stated that it was..."impossible to satisfy them in respect to provisions."⁹⁴

He frequently found that those people who were supposed to be working in the crews clearing land, often abandoned

those duties to go hunting or fishing. In the case of the Snake Island people, many would often leave for considerable periods of time to attend to crops in their old community on Snake Island.⁹³ As a result, Anderson began to hire non-Indians to clear land and work on the road, and by 1832 almost all of the crew work was being done by non-Indians at a cost of twelve to sixteen dollars per acre.⁹⁶ In order to pay these higher labour costs, Anderson requested additional funding from the Indian Department. Unfortunately for Anderson, Givens would only authorize an additional \$250 to be used for the purposes of clearing land, buying agricultural implements, and buying seed for planting. When this was communicated to Anderson, he immediately decided to abandon any future clearing projects. This meant that much of the better quality lands on or near the Coldwater-Narrows Reservation were never planted.⁹⁷

The above costs did not represent the highest expenditures on the reservation however. In fact, the highest costs for the reservation involved remuneration payments to Captain T.G. Anderson for his time. Anderson spent a very considerable amount of time doing administrative work on behalf of the Coldwater-Narrows Reservation and for all of the northern tribes, mainly in

preparation for, and the carrying out of, the distribution of annual presents to over two thousand Indians. These Indians visited either Penetanguishene or the Coldwater-Narrows Reservation to receive presents for treaty alliance. Anderson complained to the Department in various letters and on more than one occasion requested that a clerk be assigned to assist him because;

"...under existing circumstances, the Superintendent's time is fully occupied in keeping accounts and other writings, totally neglecting his more particular duty of instructing, and encouraging the Indians to work and attend to their farms; and while this continues to be the case they will advance but slowly towards a state of civilization, for their habits are such that unless the person appointed to instruct them is constantly with them and willing to set the example in all their work, they will not labour with constancy."98

In turn, the Department informed Anderson that there was not enough funds within the Indian Department to hire a

clerk for his assistance.⁹⁹ The Department employees on the reservation already included three labourers, a blacksmith, a surgeon, a school master, and a farmer.¹⁰⁰ Later that same year an additional school teacher was hired. Givens instructed that Indian Department expenses should be billed against Chippewa annuity payments from their previous treaties.¹⁰¹

It was decided at Coldwater that the male teacher, Mr. Rowe, would have control of the education for the boys in the community, and that the female teacher, Miss. Clarkson, would have control of the girls. Both teachers were instructed that all classes were to be strictly non-denominational. They were having difficulty with the Methodist missionary James Currie at the Narrows, or as the missionaries called it, the Mahjedusk Mission. Currie appeared to feel inordinately threatened by the government teachers. He was also particularly disturbed that in spite of the length of time that the Methodists had been teaching the Chippewa, the government teachers had better facilities available to them. Captain Anderson reported on the Mr. Currie's complaints as follows:

"[Mr. Curry said]...that we [the government]

were intruders, that we had commenced an establishment on ground that they had previously occupied, that we were forcing from their school, children which they had christianized, that this establishment was raised at the expense of the Indians, that the Church of England had never done any good to the heathen and finally, that he would protest against our arrangements."10A

At Coldwater the population reached 534 by 1831; 434 Methodist Chippewa and 100 Catholic Potaganasee. They had 282 acres under cultivation.10B Anderson complained that the once "faithful and obedient" Potaganasee had become difficult to work with because of the influence of the Chippewa who were much more independent.10B

The agricultural experiment at the Coldwater-Narrows Reservation reached its zenith in 1832. The Chippewa had made an honest attempt to alter their environment to the satisfaction of the government and develop it for agricultural purposes. There were sixteen two-family log houses, eleven log shanties, three wigwams, a Methodist meeting house, a school house, and a two-story victorian

house erected for Chief Yellowhead at the Narrows. At Coldwater there were thirteen two-family log houses, six old log houses, Captain Anderson's two-story victorian frame house, a saw mill, and a government run boarding school. They had one hundred acres under cultivation at the communal farm at Coldwater, the harvest of which combined with that of the communal farm at the Narrows, produced 300 to 500 bushels of wheat per year.¹⁰³

The apparent success of the Coldwater-Narrows settlement was in some ways the realization of a dream of expansion that had begun with Lieutenant Governor John Graves Simcoe. The opening of the north-west portion of the province of Upper Canada for white settlers would eventually provide many economic benefits for the province through shipping and increased agricultural production. It would also provide a more secure hold on the territory for the British Crown. The placement of Chippewa families along the Coldwater Road, with the expectation that they would perform the same kinds of functions that were outlined as settlement duties for immigrants, eventually proved to be a serious miscalculation on the part of the Indian Department. It was also an unprecedented departure from Indian Department policy. The Coldwater Road was a strategic route that actually required far more attention

than even ordinary immigrant settlers would have been able to provide.

The traditionally communal Chippewa were forced to spread out along the road, and Anderson was told that:

"...you must on no account suffer the houses to be so near to each other as to preclude the possibility of giving each family 40-50 acres."¹⁰⁶

This was typical of non-Indian settlement patterns, but would have been very foreign to the Chippewa Tri-Council. Chief Yellowhead simply refused to let his people spread out along the road, he complained that it would present too many problems for the children in getting back and forth from school at the Narrows.¹⁰⁷ On the other hand Chief Aisance's Band and the Potaganasee people had spread out along the road for at least a few miles east of Coldwater.¹⁰⁸ The government had actually hoped that the Chippewa would undertake a transport business and handle traffic along the road between Lake Simcoe and Georgian Bay. The Chippewa showed little or no interest in this

direction and the idea was eventually abandoned.¹⁰⁷

Meanwhile, the number of white settlers immigrating into the area presented a major problem to the reservation. This was particularly true in regard to the growing importance of the village at the Narrows. Anderson had originally tried to insure that white settlers and traders would not attempt to locate in the area. He had even established a government controlled fur trading post which offered better prices to the Indians than private traders, but he was never able to secure the support that he needed from the Indian Department to make this effort a true success. Non-Indians continued to find the market they needed and so they continued to settle in the area. In fact, in 1832 the Indian Department ordered that the expenditures on the reservation be further reduced.¹⁰⁸

The Tri-Council bands, particularly those of Aisance and Yellowhead, continued to run themselves into debt with the private fur traders. The pressure that this placed on the Chiefs and the communities in general was not alleviated until the Tri-Council received 'permission' to use funds from the sale of their (treaty) lands, to 'liquidate' their debts, this action, while removing one

form of pressure would eventually result in another.¹⁰⁹

A sizable non-Indian settlement had been established right beside the Indian village at the Narrows, this settlement rapidly became a focal point for immigrants travelling up from the south. Many would stop over at the Narrows before travelling further north to Georgian Bay and Lake Huron.¹¹⁰ With this increasing influx of non-Indian settlers came renewed problems with alcohol abuse and settler encroachments. White settlers inevitably encroached on Chippewa lands, and the Tri-Council had to constantly complain to the Indian Department about the;

"...milking of their cows by the immigrants, the spoiling of canoe barks and the damaging of their canoes, the pulling of their wagons out of order, and the abomination of intemperance."¹¹¹

In addition to the above trespasses, the settlers brought the horror of 'epidemic diseases' to the Coldwater Reservation. The diseases spread quickly as a result of poor sanitation in the 'boom town' that had been

established by non-Indians at the Narrows. In 1834, ninety-four immigrants camped at the Narrows, all carrying cholera. An epidemic broke out and eleven cases were recorded among the Chippewa at the Narrows. Anderson could only report that:

"...the Indians and the whites are panic struck and many have left the place in fear...the children have all been taken from school."118

By a stroke of luck for both the Indian and the white settlements, two doctors arrived at the Narrows early enough in the epidemic to prevent more damaging consequences.

Similar problems plagued the Coldwater Village. Traders from Penetanguishene and men hired to work on the reservation frequently brought rum or whiskey to the job which they traded to the Chippewa for their personal possessions. In addition to this, the Chippewa also had problems with neighbouring settlers coming onto the reservation and harvesting their crops. Coldwater had a

particular problem in this regard because their communal farm was separated from the village by an 800 acre strip of land owned by Captain Anderson. This land had been given to him as a United Empire Loyalist grant.¹¹³ Equally disturbing to the Chippewa, and adding to their settler problems, was the fact that most of their reservation continued to exist in its natural state. With the increasing number of settlers clearing land around the reservation, they became worried that the settlers would actually take and occupy parts of their lands. This concern was heightened by rumours that the Indian Department was planning to abandon the establishment, thereby removing any protection the Chippewa Tri-Council would have from encroachments by settlers.

As early as 1832 segments of the Chippewa population were petitioning the government to either protect their land, or move them to a more distant settlement. Anderson agreed totally with this last request and suggested if a location completely separate from white settlement could be found, it would; "...meet general satisfaction among both Indians and whites in the area."¹¹⁴

Chief Yellowhead made a speech which was written and sent

to Lieutenant Governor Colborne in the same year, stating that the Tri-Council was "praying for a removal" and suggesting that:

"All the Indians below this could be induced to collect in one spot and their present settlements sold to establish them in one body."¹¹³

With the above concerns, the Chippewa Tri-Council were anything but enthusiastic about their continued work upon the reservation and frequently did not appear for road crew duties. By 1832, the Coldwater Road had already begun to fall into disrepair. The Indian Department had invested £1200 of Chippewa funds to repair the road and clear the brush that was growing up along the sides of the road.¹¹⁸ The fact that the Chippewas refused to do the required roadwork was exasperated by the Lake Simcoe (Snake) Band returning every spring to the Snake Island village to work on their old farms. In addition, the Aisance and Yellowhead bands often left the reservation during fishing seasons for the islands in Georgian Bay, and during hunting seasons for the Tri-Council hunting territories in what is now Muskoka.¹¹⁹

A part of the problem which contributed to the lack of interest by the Tri-Council in cultivating the Coldwater Reservation must be laid at the feet of Gerald Alley, the agricultural instructor at the settlement. It was clear that Alley was incompetent and could not meet the needs or expectations of the government or the Chippewas. Alley, an Indian Department employee and Anglican, quickly became embroiled in conflict with the Methodist missionaries. Alley complained to Anderson about his problem;

"...having been informed that my name was made use of by the preachers of the Methodist Church in a manner intended to shake the Indian confidence in me, by asserting that I was receiving \$500; but I was useless to them; and that the money came out of theirs; I put the question to the chiefs whether my information was correct, to which they replied in the affirmative and further stated:"...that they (the preachers) not only censored me but those that were doing the most good for them; that they (the preachers) asked the Indians what they were to do with those carts, horses, oxen, etc., sent to

them, I will tell you, said one, take them down to the lake and throw them into it, they are good for nothing!; to the preceding advice, Chief Yellowhead replied, 'yesterday you preached very well and told us what was good, but today you gave us bad advice and all you say is bad, all we want to know from you is how we are to get to heaven; and not anything about horses, carts, oxen...' "128

As a result of this letter from Anderson, the Methodist Church undertook an investigation of the matter. The district Indian Mission Superintendent, Reverend James Richardson, questioned everyone at the Coldwater Reservation about the incident. His findings were published in the Christian Guardian. He concluded that the missionaries had told the Chippewas that some of their annual payments were being used to subsidize operations at the reservation.¹²⁹ He also concluded the Missionaries had told the Chippewas that much of the money being used was being poorly spent. His report showed that Gerald Alley had purchased wagons too large and not at all functional for the poor roadways on the reservation. He also suggested that Alley had purchased unhealthy horses for

their use. Both the horses and the wagons had been purchased with assets from the annuity accounts. The report also stated that Alley was a poor farmer himself, incapable of sowing his own grain. Apparently, his personal garden, presented a most slovenly and unfarmerlike appearance, being surrounded with a fence of tree¹²² stumps, brush, ~~logs~~, etc., carelessly thrown together.¹²⁰ Alley was also accused in the report of falling asleep on the job. A report had been filed by Anderson, "to whom he excused himself, by saying that he had a headache; on which the Indians later shrewdly remarked he had a headache very often".¹²³ Alley was also accused of having a drinking problem which ran directly against the government instructions that no alcohol be allowed upon the reservation. It was stated that Alley; "often smelled like a keg of whiskey."¹²⁸

He was accused by the Chiefs of providing liquor to band members. Similarly, the government blacksmith was accused of having a drinking problem and was said to be;

been ...
"frequently¹²⁴ seen drunk, pitching heels over head, and enticing the Indian women to drink."¹²⁵

The controversy surrounding Alley was exacerbated by the fact that he was often left in charge of the village at the Narrows; Anderson being resident at Coldwater. He had once been given charge of the schoolhouse at the Narrows with instructions directly from Colborne that the school house was for the exclusive use of the Methodist's.¹²⁶ But the Methodist's complained Alley used the schoolhouse as a personal workshop and they had been forced to petition Anderson who ordered Alley to remove his belongings from the school building.¹²⁷ Alley's differences with the Methodists took on a personal note when missionaries George Ryerson and James Richardson accused Alley of selling sick horses to the Chippewa at exorbitant prices, in addition to accusing him of drunkenness, and attempting to procure the favours of Chippewa women.¹²⁸ Alley in turn accused the Methodists of spending too much time instructing the Chippewa in religious affairs, at the expense of their education in technical skills, and agricultural expertise.

The Methodist missionary James Richardson, concerned about the lack of conversion among Yellowhead's Band, attempted to convince the Chippewa that Alley and the Government of Upper Canada were much too concerned with secular affairs to remain within God's graces. Richardson told the Chiefs if they didn't spend more time

concentrating on their religious instruction they might as well drive their wagons into the lake because without God's favour their training would do them no good.¹²⁶ When Anderson learned of these statements he reported to Superintendent Givens that:

"...their object in so doing was...to prejudice the Indians and prevent them if possible from receiving religious instruction or any temporal advantages from any other than the Methodists."¹³⁰

The fight between Alley and the Methodist missionaries at the Narrows continued until Alley resigned in the summer of 1832.¹³⁸

The Methodist missionaries did not reserve their rath exclusively for Gerald Alley. They also accused the other government employees of drunkenness and immoral behaviour. They claimed that it was "a common practice" to see the government employees drunk, they them described as;

"the most despicable characters who scarcely

(54)

deserve the appellation of men, reeling to
and from the village [the Narrows] on Sunday."133

There is ample evidence to suggest the Methodist missionaries were not all that far off the mark and their accusations had merit since the Indian Department was not able to attract quality employees because of the general economic boom occurring in Upper Canada at that time.133 This is further evidenced by the high turnover in employees at the Coldwater Reservation.134 In addition to this, Anderson frequently let out contracts to independent labourers, particularly in the area of building construction. No doubt this caused a lot of tension between Department employees and those independent contractors who were not constrained by Department policy and regulations. The records also indicate that generally the quality of construction was very poor which further suggests that the individuals working on the reservation were not 'quality' contractors.135

The growing factionalism among the non-natives on the Coldwater Reservation began to create so much tension that it began to have detrimental effects upon the school and on the children. It was discovered that the boarding school

on the reservation was frequently deserted because parents withheld their children due to the constant fighting.¹³⁷ Many parents expressed concern over the educational care provided to their children.¹³⁷ When the controversy was in full swing, there were only eight boys and twenty-one girls at full-time attendance in the school.¹³⁸ The ongoing controversy on the Reservation between the Anglicans and the Methodists resulted in the Methodists stating:

"...that the most insidious exertions have been made by a few interested and designing individuals, to turn away the attention of the Indians under our charge from the Doctrine and precepts of the Gospel as they have learned them."¹³⁸

The quarrel between the churches on the Coldwater-Narrows Reservation was complicated by the existence of the Catholic Potaganasee who had come south with Captain Anderson in 1829. Nevertheless, as long as they were only one small faction operating within the larger denominations, they were not a major concern. In 1832 however, the Catholic Indians on the reservation received a significant boost when the Odawa Chief Assiginack arrived from L'Arbre Croche, Michigan, and moved onto the Coldwater

Reservation. Almost immediately, Assiginack soon began to vie for leadership of the Catholic Indians on the reservation.¹⁴⁰ This bid was complicated when John Aisance adopted Catholicism after a fight with Anderson and the Methodist missionaries. This change in religion of one of the central Chiefs on the Coldwater-Narrows Reservation unfortunately, created yet another rift in what was becoming a very long list of reasons for excessive inter-community fighting, and also eventually contributed to what was to become the downfall of the Coldwater-Narrows Reservation.

In addition to the arrival of Assiginack, 1832 witnessed a visit to Coldwater of the Catholic Bishop MacDonnell, who conducted a number of marriages and baptisms during the course of his visit.¹⁴¹ Shortly after he left, a considerable number of Ojibwa from the north shore of Lake Huron came down to the reservation to inquire about the Catholic priest, and whether or not he would be returning. Anderson also began to allow many favours to the Catholic Indians living on the Coldwater-Narrows settlement, including giving the Potaganasee exclusive use of the school house at Coldwater. This 'favour' did not last long however because the Methodists obstructed the Catholic services and the Potaganasee eventually had to

build their own school and house of worship.¹⁴³

Late in 1832, Catholic priest, Father Bennett, visited the reservation. While there he negotiated sacred and secular arrangements for the Catholic Indians with Anderson, in return for a promise "to induce the Indians to work", and to "strongly urge them to send all their children to school".¹⁴³ This arrangement ended in controversy when "a young half-breed woman, who had volunteered her services to wash the children, etc., on condition of her being taught at the school", became embroiled in an argument with the Methodist missionaries, accusing them of favoritism toward the Methodist children and discrimination against the Catholic children. These accusations resulted in the Catholic students refusing to attend school.¹⁴⁴ This in turn angered Anderson, who wrote that the Catholic Indians;

..."displayed abominable conduct, and that they deserved the severest reproof..."¹⁴⁵

He further noted that:

"...they had flown in the face of, and dared to oppose the government that [was] raising them from a life of misery and

destruction, to one of happiness and ease."¹⁴⁸

Anderson accused Chief John Aisance of being the catalyst for this controversy, which may have had some merit since the incident occurred about one month after Aisance had converted to Catholicism.¹⁴⁹ Aisance may have been attempting on behalf of his band, to take advantage of the controversy between the Anglicans and the Methodists. By asserting a new religion, he may have hoped to gain more power and prestige for his own people. Aisance had already chased the Methodist missionary, James Currie, away from Coldwater because of Currie's relationship with reform leader, William Lyon Mackenzie. After Currie had moved to the Narrows, and the Anglican's were not able to provide Aisance with a new missionary, he converted to Catholicism.¹⁴⁸ The developing Catholic factions at Coldwater soon became embroiled in their own controversy involving the political leadership of the Catholic Indians. Tawaquininee was the Head Chief of the Potaganasee Catholic Indians. His leadership was greatly challenged by the arrival of the Odawa Catholic Chief, Assiginack.¹⁴⁸ Assiginack's reputation among the Catholic Indians around the Great Lakes was so great that a considerable number of Ojibwa and Odawa travelled from the northern lakes to join him at Coldwater.¹⁵⁰ Two other

Chiefs of the Potaganasee, Ashagahshe and Tahbausegi, supported Assiginack in his leadership bid of the Catholic Indians at Coldwater.¹⁵⁸ John Aisance, after he converted to Catholicism, also vied for leadership of the Catholic Coldwater Indians. He in turn sided with Tawaquinnee. To strengthen their bid, they both sought the support of Bishop MacDonnell.⁴

By the end of 1832, Assiginack appears to have won the political struggle for leadership. Tawaquinnee and Aisance had been embarrassed by two separate incidents. In one, Tawaquinnee himself attempted to perform a Catholic marriage ceremony, which he was not qualified to do. In the other, his son was accused of defilement of the Catholic Church for having slept there with a woman.¹⁶²

The constant feuding between the Catholic, Methodist, and Anglican factions on the reservation undermined the entire purpose of the settlement and robbed the Chippewa of their plans to develop a secure agricultural economic base. Not only were the Chiefs struggling amongst themselves for political leadership, they were also constantly in conflict with Anderson. Anderson attempted to undermine the authority and traditional leadership of

the Chiefs living at Coldwater and at the Narrows. The unending power struggles and individual conflicts between the Indians, and among the non-Indians, who had been brought together and forced to live in close proximity to one another on the reservation, insured communication would be poor, co-operation would be almost non-existent, and the overall purpose of the establishment would be lost. The end result was the Coldwater-Narrows agricultural experiment had to be abandoned, and the Indians were forced off the land in order to open up farmland for in-coming white settlers.

While the reservation was actually functioning, it is abundantly clear that the single, most detrimental ramification of the entire project was the wasting of Chippewa resources. The Superintendent of Indian Affairs, James Givens, repeatedly warned Anderson that:

"The heavy, and embarrassing expenses incurred at that station, have contributed in no ordinary degree, to cripple the resources of the department."158

Givens also warned Anderson that he was to submit all

proposed expenditures to the Department for pre-authorization, and warned that the Chippewa;

"Must soon cease to expect to be supplied with any food whatsoever from your stores."¹⁵⁴

The Indian Department made a concerted effort to curtail the money being spent at the Coldwater Reservation. This had a disheartening effect on the Tri-Council. The reservation had begun in 1830 with a great flurry of activity and the expenditure of great sums of money. Gradually Chippewa money had come to provide the bulk of revenue spent on clearing lands, improving the Coldwater road, constructing houses, public buildings, and government offices, etc.¹⁵⁷ By starting the reservation off on such an optimistic note, Chippewa expectation as to what the reservation would eventually become had been very high. After the reservation budget was cut back in 1832, the amount of work completed diminished accordingly.¹⁵⁸ Some projects remained incomplete for the entire duration of the settlement experiment. The school at Coldwater was a prime example.¹⁵⁹ It also meant work on the Coldwater road slowed and eventually stopped all together.¹⁶⁰ Finally, the number of government employees working on the reservation

was decreased as well. There was not enough money to pay instructors for the school, for agricultural training skills, or for occupational skills training.¹⁶¹ Even after these cutbacks, Anderson was still put under increasing pressure to reduce expenses at Coldwater and the Narrows.¹⁶²

It appears that during the early stages of the reservation, the Indian Department spent approximately \$2500 per year, or \$12,500.00 on the various projects they had going. In 1836 this represented a very large expenditure of money for two small communities. This amount of money also stands in stark contrast to the amount of money that the Methodist Missionary Society spent. The entire annual budget of the Methodist Society for nine Indian missions in Upper Canada totaled \$2000 or \$10,000.00.¹⁶⁴ Nevertheless, at Coldwater the Methodists appear to have been doing the bulk of the work while the Indian Department employees were often found to be either incompetent, or as in Anderson's case, completely occupied with administrative duties for the Department.

By the early 1830's, the Methodist Missionary Society was running into serious financial difficulties in Upper Canada; especially with its Indian missions. The American

Missionary Society doubled its grant to the Methodist Episcopal Church for missionary duties.¹⁵⁸ At that time the missionary society was several hundred pounds in debt and unable to pay its missionaries or schoolteachers.¹⁵⁹ ¹⁶⁰ This must have had a negative effect on the employees of the Methodist Church at Coldwater. That they continued to work under these circumstances is evidence of their dedication.

In this increasingly negative atmosphere, the Chippewa Tri-Council became very concerned about the future of their reservation. They petitioned the government for title deeds to their farms in an attempt to ensure the future of their settlement.¹⁶⁰ It was proposed that each Chippewa family receive a fifty acre lot with title deed; the government steadfastly refused to comply with this request.¹⁶¹ By this time both the Indian Department and the Methodist Missionary Society were forecasting that settlers would eventually take over the Coldwater Reservation.¹⁶² The Chippewa also recognized this threat and spent less and less time on the reservation, and more time on their hunting grounds which were still far removed from white settlement.¹⁷⁰

In 1833, the Reverend William Case of the Methodist

Church, toured the Coldwater and Narrows settlements. His assistant recorded the following description of the village at the Narrows:

"There are fourteen houses in this village designed for the Indians. They appear to be about twenty-eight feet by fifteen. Each house is divided and intended to be occupied by two families. They are substantially built of logs, flattened on the inside and whitewashed and have good brick chimneys. The village has an orderly appearance...it appears to be layed out in the form of a triangle, having the Bay or Cove of the lake as its base, at the upper angle stands a commodious frame building designed for a meeting and school house, at the northern end of the village is a house erected for Chief Yellowhead. It is a spacious frame building of one and a half stories, with a back kitchen, it is well put together, but cost a great sum...the Indians had just finished their planting and had gone fishing for a short time, they have planted about fifty acres of corn, beans, oats,

etc..."160

The assistant went on to describe more houses at the village as well as a twelve acre wheat farm under cultivation at the government farm. He described the Coldwater Road as, 'tolerably good'.¹⁶⁴ William Case and his assistant then travelled along the road to the village of Coldwater, which they described in the following manner:

"...within about three miles of the settlement of Coldwater, Indian houses are built on each side of the road after the manner of those at the Narrows, they each have a small clearing, some larger than others, the grounds appeared clean; no straggling logs or brush, the houses were vacant, the inhabitants having after planting, gone to the river and the adjacent waters to fish - there are thirteen of these houses...we went on to the missionaries quarters at the further end of the village which is situated on either side of the Coldwater River, about one mile from Matchedash Bay, into which

it empties. The number of houses is 25, including those mentioned before on the road. At the upper end of the village are three good frame buildings; the centre one, for the school and meetings, is fifty by thirty-six, divided into two apartments, and are spacious and excellent rooms for the purpose intended; the other buildings are designed, one for the Superintendent, Captain Anderson (he has at present only his offices here, his family being two miles distant), the other for a parsonage, though now used as a boarding house for the scholars and teachers of the school, these last two mentioned buildings are thirty-five by thirty; there is a saw-mill in operation in the settlement for the use of the Indians which cuts in twelve hours, from nine to one thousand feet of iron. Stones for a grist mill are on the spot and it is to have two run of stones. [French Burr.] The land here is of a vastly superior quality to that at the Narrows, being a rich black soil. From the flats, in the neighbourhood they cut last year, from fifty to sixty tons of hay of excellent quality; kept upwards of twenty head of

cattle through the winter; and raised on their small farms, about one hundred bushels of potatoes (some individuals raising from fifty to sixty bushels each), a great quantity of corn, six hundred bushels of wheat, from two to three hundred bushels of oats, about one thousand pounds of flax, etc..."168

It is readily apparent from the above description that the Coldwater-Narrows Reservation was a truly impressive sight. It was in fact, one of the most advanced communities in Upper Canada, native or non-native. In 1833, the village of Coldwater even had its own library which was something almost unheard of anywhere in rural Upper Canada.¹⁶⁸ However, the successful, progressive appearance of the Coldwater-Narrows Reservation belied the tension and dissatisfaction that lay just beneath the surface.

The remarkable agricultural success of the reservation became a contentious issue in 1833, when rather than praising the Chippewa Tri-Council for its successful conversion to an agricultural economy, the government officials instead complained that the Chippewa remained

reluctant to farm for surplus and could not be;

"...prevailed upon to cultivate more ground than was absolutely necessary to raise provisions for their winter support."¹⁶⁹

To the Indian Department, this was an indication of the "natural laziness" of North American Indians.¹⁶⁸ On the contrary, capitalism was simply not a natural tendency. Chippewa culture was not surplus oriented, and all provisions were owned by the group rather than by individuals.

In a similar vein, the Chippewa Tri-Council did not respond to Government recommendations that they should establish an Indian owned transportation company on the reservation that could be used to transport settlers, goods, and their belongings, from Lake Simcoe to Georgian Bay. This reluctance on the part of the Chippewa may have been due to the fact that they would have been required to make a capital investment in the venture which would have been deducted from their trust accounts and annuity

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payments.168 There is ample evidence to suggest that the Tri-Council Chiefs were reluctant to use their annuity funds for that purpose because they foresaw the need to use those funds for the purpose of livestock, seed, and agricultural equipment for their reservation. 178

William Case and his assistant also made record of the relationship the Chippewa had with the local settlers, particularly in regard to the use of alcohol. The following is an example of a Chippewa encounter with a whiskey trader:

"I was told by an Indian, who could talk English enough to be understood...that on his return from hunting, in passing through Thorah, he called at a house where liquor was sold and several persons were in the house who endeavoured to persuade the Indian to drink; he refused. They then tried to force him by holding him and threatening to kill him if he would not; the Indian remained firm, notwithstanding a rope was produced and a knife to cut his throat-they finally let him go, and told

him to pray more."180

While many Chippewa had given up the use of alcohol when they became more serious about their agricultural production; and fell increasingly under the influence of the Methodists, many still abused liquor and continued to trade with local whiskey dealers. In fact in 1833, Superintendent Givens received a number of complaints from local traders about bad debts.188 17)

The main attraction to white settlers in the Coldwater area was the land itself, in particular the reservation lands which had been cleared and cultivated by the Chippewa. These lands were very attractive to settlers who moved into the area hoping they would eventually be able to acquire the Coldwater-Narrows lands. Settlers were also attracted to the area because of the saw-mill operated by the Chippewa which could readily supply lumber for construction, thereby allowing the settlers to concentrate more time on their farming. The road running from Lake Simcoe to Georgian Bay also contributed to attracting settlers into the region. The Coldwater Road, or Wilberforce Street as it later came to be known, eventually fell into disrepair because the Chippewa realized that

efforts they put into the road were not of any direct benefit to the tribe itself.¹⁷³ This attitude on the part of the Chippewa became somewhat of a nuisance to settlers, and to the government which was trying to attract settlement into the area. In fact, settlement flowing into the region had increased to such an extent that as early as 1833, a regular stagecoach service was initiated between Toronto and Holland Landing.¹⁷⁶ In addition, a regular steamship service was started in Lake Simcoe. A group of veterans from the War of 1812 built the Sir John Colborne and put in a service running from Holland Landing to the Narrows. The following year, another steamer was put into service on Lake Simcoe called The Peter Robinson.¹⁷⁴ Peter Jones, the Mississauga Methodist missionary, travelled to the Coldwater Reservation on this steamer and reported it travelled at ten miles per hour.¹⁷⁵ At the other end of the reservation, a steamer was operating daily trips between the village of Coldwater and Penetanguishene.¹⁷⁸ These factors clearly demonstrate that the Coldwater Reservation lay in the heart of what was rapidly becoming a heavily populated and very busy region of the province.

The Coldwater-Narrows Reservation was slowly but surely coming under extreme pressure. Most of that pressure was coming from settlers moving into the area, but a very large

part of it was due to the power struggles between the Chiefs of different bands, the denominational rivalry between the three different religions being taught, and the constant conflict between the Chiefs and Government officials living on the reservation. All of this conflict contributed to making the reservation a very unsettled place to live. Some of the rivalry between individuals became bitterly personal. This was especially true between Chiefs and the various factions of non-natives living and working on the reservation. Cut-backs in government expenditures on the reservation added to the growing tension and unease between people and fostered greater disillusionment among the bands that had agreed to locate at Coldwater and the Narrows. The Chief who spoke out most bitterly against government actions was Aisance, but there is no question that the other Chiefs had equally strong feelings.

On September 10, 1833, Captain Anderson called a general meeting of all the occupants of the Coldwater-Narrows Reservation to deal with these issues. At that meeting, Taibansegi, a Chief of the Potaganasee, stated that his people had come from Drummond Island on the promise that the Coldwater Reservation would be a good place to live. He said that his people were disappointed

because of the fighting on the reservation; because they were not allowed Catholic Priests to provide the religious instruction they had grown accustomed to; and because they had no livestock or agricultural implements with which to make a living on the reservation. Musquakie (Yellowhead) complained about the number of non-Indians living on the reservation.¹⁸⁷ He noted that buildings constructed for the use of the Chippewa, for their education and training, were being occupied by non-Indians. Chief Aisance had a long list of similar complaints.¹⁸⁸ He complained that while his band had been promised they would receive produce from the government farm at Coldwater, the produce had been given solely to the school children, and consequently did not benefit his band. Aisance also complained that he wanted his band's annual annuity payments in cash rather than in goods, and that there was no resident doctor at Coldwater. He further noted that the resident physician at the Narrows visited his village too infrequently. He stated that the boarding school at Coldwater was run inefficiently and did not provide well for the personal needs of the students, consequently it was not well attended. He asked that the place of worship of the different churches be moved to different locations, as they were in the Town of York, so they could prevent the denominational rivalry and increase harmony among the people on the reservation. He hoped that with these

changes his people would concentrate more effort on agricultural production rather than the on-going fighting.¹⁷⁷ He further complained;

"...we feel very ashamed that the reason the Indians don't come to this place because they know very well that everything don't go rite (sic), that's the reason we feel ashamed, the Indians will soon arrive and they will think very hard to see us the same way we was last summer."¹⁷⁸ (?)

This was a devastating criticism. It meant that in the eyes of the Chippewa Chiefs the reservation was not making any progress. It suggested that other Indian people would be deterred from coming to Coldwater, rather than encouraged by the positive example it had been hoped it would be.

The resentment expressed by Aisance and shared by Tawaquininee can in part be accounted for by the power struggle they appeared to be losing between the Coldwater Village and the Catholic Chief Assiganack. Their

frustration was expressed in a petition sent to Bishop MacDonnell of the Catholic Church of Upper Canada. The petition was signed by thirty-six individuals and expressed their dissatisfaction with the reservation.¹⁷⁹ Chief Aisance informed the Bishop about an unsuccessful trip he had made to York to petition the Lieutenant Governor about the reservation, he stated:

"I feel ashamed of myself because the Governor refused me what I asked him, I asked him to settle my village because everything goes wrong, that's the reason I feel ashamed of myself."¹⁸⁰

Tawaquininee related that this inability of the Chiefs to deal effectively with the government undermined their authority;

^{we}
~~They~~ don't think much of our Chiefs because no one here will listen to them, that's the reason we are so poor, because our Chiefs don't get no satisfaction whenever they want anything."¹⁸¹

The traditional political system was breaking down under the pressure of competition from the Indian Department for power and influence over the community. A further breakdown of traditional status occurred because Chiefs from a number of different bands living on the reservation were constantly vying with each other for influence and individual status. The criteria for leadership was also changing from that of traditional leadership skills, to Christian Chiefs who received attention and support from the priest and church they belonged to.

in the
A petition ~~from~~ Aisance and Tawaquininee *(to* Bishop MacDonnell *)* expressed their views on the competition at Coldwater for leadership they were engaged in with Captain Anderson:

"...when ^{we} he wants anything it's always *Rite*,
(sic) ^{we} when we want anything, we can't get
it..." 182

The Chiefs also stated in their petition, that they wanted the government to;

(77)

"...send Captain Anderson off from this place, because it will be a great loss if he stops here with us, he does everything wrong, don't you think hard of it because it will be his fault it broke off...if you like him, he may stop here, we will go away from this place because we don't want him, we will work hard after we send him away, it is him that bothers us, we like the Governor, that the reason we don't leave this place."183

Anderson did not take this criticism well, he wrote the Superintendent;

"...after having served His Majesty for upwards of seventeen years in various capacities and often in highly responsible positions, that my honesty and integrity should be called into question by a worthless savage influenced probably by a more worthless council is mortifying in the extreme."184

(78)

Anderson's attitude toward the Chiefs and native people under his care is quite apparent in the above quote. Yellowhead later expressed sorrow at having made the charges.¹⁸⁵ Aisance apparently also expressed some regret, but Anderson stated that:

"...he was still saying bad things about (me), in the country where he lived."¹⁸⁶

In retaliation, Anderson reported to Givens that Aisance and Tawaquininee often sent band members to the settler village at the Narrows to procure alcohol for them.¹⁸⁷ He also reported that the reason work did not progress well on the reservation was because the Catholic Indians, led by Aisance and Tawaquininee, were idle and lazy. He explained that their behaviour was because;

"the correspondence kept up between these people and Bishop MacDonnell is productive of much evil."^{188 30}

~~Interestingly, the attitude expressed by Aisance and~~

~~the Catholics from the rest of the Chippewa.~~ The Reverend Archibald was so anti-catholic that he expected the Potaganasee to be "in darkness" and "ignorant of the principles of christianity" when he first arrived at Coldwater. When he discovered that the Catholic children could already read and write he concluded that some protestant missionary must have taught them without their Catholic priest being aware.²⁰¹ The Government was more keenly aware that the Catholics had had more advanced education than the Methodists and used that fact against the Methodist church.¹⁹⁰ On the other hand Peter Jones accused the Catholic priests of prejudicing the minds of the Potaganasee against other religions.¹⁹¹ This may have been true as evidenced by a letter from Bishop MacDonnell to Chief Tawaquininee.

"As long as you continue to follow the instructions which I give you or which any priest that I will send you may give you, you can rest assured that I will not allow any layman to take your place. You have been informed by me that there is but one God and one good and true religion, and that good and true religion is the Catholic religion, and that no other religion

(80)

can be good but the Catholic Religion.

If any man tell you that every religion
be good you must not believe him, and you
will tell the Indians not to believe him.¹⁹²

While this is a strong statement, it appears to be one that the other denominations at Coldwater and the Narrows echoed in favour of their own churches. When the Potaganasee rejected Archibald's advances he blamed Aisance who he claimed had "poisoned the minds of his people as well as the Potaganasee".¹⁹³ Archibald was sure that the Potaganasee would invite the Roman Catholic teacher and thus, "take the education of their children out of our hands".¹⁹⁴

Interestingly, the attitude expressed by Aisance and Tawaquininee towards Anderson was echoed by Chiefs from the northwest. In 1833, a group of Christian Indians from the Coldwater Reservation travelled into the northwest to inform bands in that area about Christianity and the benefits of settled agricultural life. They reported that they had been told, in response to their invitation for people to come to Coldwater to learn about Christianity and agricultural skills that:

(B1)

"We want religion, but we fear if we get it, Captain Anderson will keep us at Coldwater."195 201

This would seem to indicate that it was not only Aisance and Tawaquininee who experienced Anderson as overbearing in his dealings with the tribes. It also suggests that the Ojibwa of the northwest did not perceive Coldwater or the lifestyle that Coldwater offered, as an attractive alternative to their own traditional lifestyle.

Unrelated to the Indians at Coldwater, but soon to have an influence on the reservation, was the amalgamation of the British Wesleyan Church with the Methodist Episcopal Church of Upper Canada in 1833. This largely had effect by undermining the former American influence over the Methodist Church in Upper Canada and replacing it with a British connection, which was perceived to be preferable in terms of getting along with the Anglican government of Upper Canada.196 It also provided benefits by acquiring funding for the Methodist mission at Coldwater and the Narrows through fund raising in England. In fact, the annual grant from the British Wesleyans for the support of Indians in Upper Canada was

L1000, about double what had been donated by the American Episcopal Church. 197 207

Anderson pointed to problems the religious rivalry on the reservation was creating in regard to educating the children. He reported:

"I do not consider any Indian school in the country of so much importance as this...but before any good of consequence can be done, either at this school or the one at the Narrows; a change must be made...for so long as the same family as it were, having teaching from sects at variance with each other...the Indians will remain in doubt with whom to chose, and thus their children will be kept in ignorance and trained in uncontrollable idleness." 198

Anderson suggested that it was important to have an Anglican teacher stationed at the reservation and that the Methodists should be forced to leave. The Methodist

missionary, James Currie, suggested that two rooms at the school house be divided between the Anglicans and the Methodists. He then attempted to have Aisance sign a letter to the Lieutenant Governor requesting Methodist instruction at the Coldwater school. Anderson in turn accused Currie of saying that the Church of England never even did any good. Currie responded that his accusation had been that "the Church of England had never effected much good among the Indians of Canada".¹⁹⁹

In light of the above arguments, the Methodist District Supervisor, James Richardson, informed the government that:

"We highly disapprove of our Missionaries doing or saying anything to the prejudice of the government in the minds of the Indians, and should be sorry to weaken the confidence in the same, which they ought always to possess."²⁰⁰

Again Aisance and Tawaquininee became the centre of controversy at Coldwater. Anderson wrote to Lieutenant

Givens that the school at Coldwater was failing;

...because of the excitement which has
been kept up by Tawaquininee's religious
bigotry."²⁰¹ 2¹¹

This debate came to a climax when James Currie decided to expel Aisance from the Methodist Church for not supporting the Methodist Church in their struggle.²⁰² This was a big departure for the Methodists from their usual practice which was cultivating the traditional chiefs as allies. Aisance did not seem particularly interested in allying himself with anyone; taking support for his bid for authority, where ever it might be found. Aisance's response to Currie's expulsion was to force Currie's resignation as Missionary at Coldwater.²⁰³ While Anderson was able to report that Aisance's authority among his people remained strong enough to take this action against the missionary, he also reported that some members of Aisance's Band would no longer obey his orders because they were Methodists and he was not.²⁰⁴ In spite of the fact that Currie was replaced by John Ryerson as Methodist missionary at Coldwater, the Methodist influence among Aisance's Band was significantly reduced because Aisance

had turned against that church.²⁰⁵

Aisance soon allied himself with the Catholics against Anderson and the Methodists, and began to demand Catholic instruction in the school. Eventually, because of all the controversy, all of the Catholic children were withdrawn from the school.²⁰⁶ The Catholics in turn were accused of being irresponsible by the government and the Methodist personnel on the reservation.²⁰⁷

In 1834, many of the Catholic Indians left the reservation during the maple sugar season and threatened never to return. This threat came in response to the Anglican missionary Adam Elliott's statement to them, that unless they adopted the Anglican religion, they would not get the annual distribution of presents.²⁰⁸ Eventually they did return to the reservation, only to find that the lands they had been cultivating at Waubashene (Georgian Bay) had been sold to the government interpreter, Henry Solomon.²⁰⁹ Interestingly, while the Catholic Indians were absent from the reservation, Anderson reported that the government school at Coldwater was making good progress and the Chippewa were happy with the lessons being taught.²¹⁰

The fact that the annual distribution of presents to the tribes for their treaties of military alliance took place at Penetanguishene, added a seasonal dynamic to the Coldwater Reservation that would have been quite different had the location not been so close by. Both the Chiefs, the missionaries and the Indian Department attempted to use the event for their own purposes. Several thousand Indians visited Penetanguishene from as far as a thousand miles away.²¹¹ The trip was clearly not predicated by the monetary value of the presents distributed because as Peter Jones pointed out, each individual received only eight to ten dollars worth of goods.²¹² The more significant reasons for coming to the event were to renew their political alliance with the Crown and for the social and ceremonial factors.²¹³

The Tri-Council Chiefs used the event as a platform to express their views on current subjects. They gave speeches to the gatherings on the treaty alliance with the Crown and on Christianity. One such incident was recorded by Peter Jones,

"We heard the chanting of a war song and the beating of the Ta-wa-e-gum, a kind

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of drum, and presently we saw a number of Menominees and Chippeways, dancing along the road with their war clubs, spears, guns, etc., and their naked bodies painted and ornamented with feathers, bear claws, and skins of other animals, in a most frightful manner. They went up to the front of the officials house, where they went through their performances occasionally raising the war-whoop. And as they danced around in a circle they threw their bodies into different attitudes to give a more terrific appearance. They also exhibited the manner in which they encountered the enemy by running and jumping from behind one tree to another in a most dexterous manner. While they were dancing the war dance some of the warriors would occasionally go up and strike a pole which was held by an old Indian in the centre of the circle and relate their war exploits, and at the conclusion of their story to give some tobacco and money."214

According to Peter Jones the Tri-Council Chiefs entered

the circle and one of them addressed the group.

"Brothers, during the last war our Great Father the King demanded my services, and I went at once and fought the enemy. Although I was brave, yet I was poor, and knew it not...I was used to get drunk and talk very big.

Brothers, by and by the good white man came to me and told me about the words of the Great Spirit and how he loved this world and so gave his son to save all people.

Brothers, when I heard these words I was brave and at once became a Christian and threw away the fire_waters from me.

Brothers, I now look upon all men who refuse to take hold of the white man's religion and become Christians and farmers to be as cowardly as old women!"215

This speech was apparently received with derision and when

the christians began singing hymns and proceeded to the church, the traditionalists renewed their ceremonies. Some, however, reportedly listened to the hymns and peeked into the church. One traditional chief "who came from ten days journey south west of St. Marie" (The Sault) gave up his medicine bag and asked to be made a christian.²¹⁶

After the present distributions Yellowhead continued his argument with Anderson regarding the distribution of annual presents. He continued to express his desire to have the annuity payments paid in cash rather than in agricultural goods. He told Anderson;

"In a year or two we shall be able to raise a sufficient supply (of wheat) and perhaps to sell some, and then we shall be happy to give up our land payments for the purposes you desire."²¹⁷

The Chippewa Tri-Council petitioned the government in Toronto (York was renamed in 1834) to have their annuities paid in cash. To some degree this petition seems to have been honoured. In addition to providing the Tri-Council

with payments of cash, the expenses of the Coldwater Reservation continued to be debited to their trust accounts. As a result the Tri-Council continuously found themselves in debt. After this petition, Anderson accused the Chippewa Tri-Council of returning to their "drunken habits", and stated that their money was "squandered on useless finery" and alcohol.²¹⁸

Their petitions for annuity payments were accompanied by complaints about the insecure title they felt they had to their reservation. One of the Chiefs at the Coldwater-Narrows settlement, and some of his people who farmed land in that area, petitioned for legal title. The irony of this request was not lost on a visitor to the area who exclaimed,

"...and they humbly entreat (the original Lords of the soil), as a particular boon that their 'little bits of land' may be secured to their children and posterity forever."²¹⁹

This would seem to indicate that the Tri-Council had no

intention of leaving the Coldwater-Narrows Reservation.

In 1835, Captain Anderson made a detailed report of affairs at the Coldwater-Narrows Reservation. The Chippewa Tri-Council owned two saw-mills, a grist mill, and each family had a solid log house with individual farms attached. A large number of services were provided on the reservation, including education, health care, occupational skills training, etc. Anderson's stated purpose for writing this report and forwarding it to Lord Glenelg, the British Colonial Secretary in London, was that:

...the Indian, under proper treatment is capable of being weaned from his savage life, being made under the blessings of the Almighty a good member of the Church of Christ, and a dutiful and loyal subject."220

Anderson was attempting to convince the government to establish another reservation like Coldwater on Manitoulin Island for the tribes in the northwest. Anderson reported

that the Tri-Council had 500 acres of cultivated land on the Coldwater-Narrows reservation "...and raised not only potatoes and corn, but wheat, oats, etc."221

He added that many of the Chippewas were building, of their own accord and unassisted, "barns, stables, and other out-buildings for their farms".222 He also reported that individual Chippewas were manufacturing furniture and household goods for their own uses. He reported that all of the Indians living on the reservation were well clothed and "had abandoned the Indian dress for that of their white neighbours".223 He further reported that many Chippewas were off hunting and fishing, not only to supplement the food resources on the reservation, but for profit;

"...to enable them to do this more extensively, they had built for themselves two bateau, each capable of holding 40 or 50 barrels of fish."224

This indicates that they were fishing for commercial purposes as was reported of Yellowhead's Band in 1829,

before they moved to Coldwater.

Anderson noted that the use of alcohol had dropped considerably on the reservation and that religious observance of the Sabbath was well respected, and that most people could read, write, and understand a moderate knowledge of arithmetic. He stated that during his time as Superintendent at the Coldwater-Narrows Reservation, none of the Chippewa had ever been accused of breaching any laws, with the solitary exception of the removal of part of a fence and, "that was done in ignorance".²²⁵ His report concluded with the following statement which clearly indicate the value he placed on civilizing the Indians.

"Every Indian throughout the settlement is possessed of the means through moderate industry of providing himself with an ample supply of food and clothing, and he has acquired sufficient knowledge of the arts of civilized life to avail himself of these advantages; the minds of the younger branches are opened by education and religion has fixed itself upon the

attention of all."226 2:30

One result of the increased prosperity on the reservation, as well the interest of the Chiefs in the future of the reservation, was noted in an increased number of requests from the Chiefs to manage their own affairs. In 1835, the Chiefs requested that they be given control over the government farm which was situated upon the reservation. They also requested that they be permitted to impose their own regulations for social behaviour; making it, among other things, unlawful for persons to change their residence without the permission of the Chief. The Tri-Council even submitted their own plan for handling the financial affairs of the reservation. Yellowhead demonstrated particular insights into the possibilities and problems with the current financial management of Tri-Council funds.²²⁷ He was well aware of the fact that, in reality, none of the expenses incurred to make improvements on the reservation had cost the government. All expenses upon the reservation were charged back to two separate accounts; the expenses for workmen, instructors, and schoolmasters were charged against Tri-Council annual presents; costs such as the purchase of oxen, horses, stock, seed, and agricultural implements were also charged against Tri-Council

annuities.²²⁸ Nevertheless, by the end of 1835, the Chippewa Tri-Council still had a balance of £1100-0-0 on deposit in their trust account's.²²⁹ 23

Even with all of the positive indicators Anderson had detailed in his report, close to the end of 1835 he noted that "a spirit of dissatisfaction" had become increasingly noticeable among the Chippewa, which he attributed to "their envious white neighbours", rather than his own policies.²³⁰ By 1836, there were two thousand new settlers arriving in the Lake Simcoe-Georgian Bay region per year.²³¹

Egerton Ryerson provided a different analysis of the dissatisfaction of the tri-Council on the Coldwater Reservation. For Ryerson the problem stemmed from "the impolicy of placing the civilization and religious instruction of the Indians under separate management."²³² Ryerson concluded that tensions created by government control of education and development, and church control of religious instructions were destroying the Coldwater Reservation. He recommended that; "either (the Methodist) Missionary Society should be allowed to manage the Simcoe Missions in total, or not at all; and that any aid

afforded to these stations in manual labour, etc., should be placed under superintendence of the Society, or individual that has charge of the mission."233 Ryerson concluded his remarks by pointing to the importance of the Coldwater Reservation to the contemporary political climate on the reservation.

No situation can be more delicate, trying, and painful, than that of the missionaries who are placed in circumstances of competition and rivalry with the government,...a government too, which professes to be conducted upon principles of impartiality, and from which they are justly entitled to expect and enjoy equal protection. The pretensions, measures and merits of rival sects can be discussed without involving any political responsibility; but this is not the case when a government, instead of affording equal protection to all classes of Christians, assumes the position of rival sect against a particular religious body or bodies. On the one hand there is unbounded power and imperious

commands, on the other is comparative weakness, and rarely liberty of speech. On the part of the government, there are agents who act as they please; and informers, who report what serves their purpose noting, exaggerating, or misrepresenting every word of the missionary, so as to influence the minds of his flock on one side, and on the other excite the Executive to actions of arbitrary power. All is authority and discussion on the one side; on the other side there is neither. Is such a state of things as should exist in a land where every denomination of Christians is confessedly equally attached to the principles of the Constitution, and advantages? Is this a state of things which should be tolerated and countenanced in a British Province, in which the people claim and the King assures them of the enjoyment of equal religious and civil rights and privileges? Yet this is the state of things this very hour at Coldwater Mission."234

In these circumstances it is not hard to understand

why the efforts of the chiefs were often obfuscated and undermined, resulting in disillusionment and anxiety over property.

In spite of all the apparent progress reported by the government in terms of clearing land and erecting buildings, in 1836 Anderson reported that there were insufficient houses on the reservation to meet the needs of the people.²³⁵ This shortage occurred in spite of the shortcuts taken in construction, which included building log houses with just the outside of the building hewn, with the inside walls left rough.

The significant agricultural production on the reservation is more remarkable in view of the comments of the missionary, James Evans, who visited the reservation in 1836. Evans wrote:

"...no wonder the Indians here make but little improvement in farming, such a thing being impractical, stony, swampy, and sandy is almost the only quality of land being seen...however good the design may have

been in settling them, nothing is much more certain, than that they can never make much improvement on their present location."236

This reference to the land surrounding the village at the Narrows contrasts negatively with the lands on the Coldwater Flats where the bulk of agricultural production was produced for the Coldwater and Narrows settlements.

Growing problems with the Coldwater Reservation culminated in 1836 when Aisance informed Anderson that his band intended to move to the Owen Sound area. Presumably, this meant a move to Chippewa hunting territory in what is now referred to as the Blue Mountains. Anderson told Aisance and his band that if they moved off the reservation, they would no longer receive government assistance. He also warned them that because "the province is so rapidly filling up", their lands would be taken over by settlers.²³⁷ Anderson encouraged them to remain on the Coldwater Reservation and promised they would receive title deeds to their lands and proper descriptions of the extent of their lands. He also promised that the Catholic children would be provided with separate teachers.²³⁸

In spite of these private assurances to Aisance, Anderson reported to his superiors that because of pressure from settlers in the area, he could only forecast the eventual takeover of the reservation by those settlers, and that eventually the main benefits intended for the Chippewa would become a boon only to those settlers in the area.²³⁹ The Chiefs seem to have become aware of Anderson's concerns regarding the reservation because throughout 1836 they put less and less effort into maintaining their farms. In fact, Anderson reported to Givens that during hunting season in the fall, the reservation was almost entirely deserted.²⁴⁰ What Anderson didn't mention was that many problems were exacerbated by the lack of attention he was paying to the reservation because of his interest in moving to Manitoulin Island.²⁴¹ One evidence of this neglect was that the mills on the reservation began to lose money in spite of the excellent market they enjoyed.²⁴² Givens was no longer in a position to exert influence being a man about to retire after having served for over fifty years in the Indian Department.²⁴³

With the decreasing financial commitment from the government, forecasts of doom for the settlement from both the government workers and the missionaries, and growing

apathy among the Tri-Council against maintaining the reservation, there was little hope for the survival of the Coldwater-Narrows Reservation. 1836 was a time of general international financial difficulties in Britain and the United States. There was little hope for help to maintain the reservation from the only two sources outside of Upper Canada that had ever offered financial support in the past.²⁴³ In addition, Sir John Colborne was recalled to Britain in 1836 which removed the last individual interested in the success of the Coldwater-Narrows Reservation from Upper Canada.

While these general circumstances were deteriorating, the school house at Coldwater again began to experience problems. Earlier that year the Catholics and Methodists had agreed to a system for Sunday worship whereby the Catholics would have the use of the school house in the morning, and the Methodists could then use it for two hours thereafter. By the fall of 1836, the Methodists were accusing the Catholics of staying in the school house long past their appointed time, thereby delaying, and disrupting Methodist services. This incident once again ignited the rivalry between the Catholics and the Methodists at Coldwater.²⁴⁴ Captain Anderson's wife commented on the missionaries at Coldwater who she said were "hurried on by a zeal not according to knowledge."²⁴⁵

She Continued:

"...that the nations to whom they preach should be converted at once and that every sermon (or lesson) should produce a visible effect, and when these unwarrantable expectations are not realized they become discontent, address address the people in wild incoherent, haranguous, and demounce against their unbelief."246

This was the state of affairs when a new Lieutenant Governor was appointed to Upper Canada in 1836. Sir Francis Bond Head took a special interest in Indian Affairs in Upper Canada. He also quickly adopted the American policy of removing the tribes from areas destined to become heavily settled by non-Indians. The first Indian nations that Bond Head met with were the Chippewa Tri-Council at Coldwater. There he apparently attempted to encourage the Chiefs to surrender their entire hunting grounds for cash, and described to them the many advantages that would accrue if they did.²⁴⁷ Bond Head eloquently argued that he only wanted to remove all of the tribes to Manitoulin for their own benefit, which he based

on purely humanitarian grounds. More interesting, is the fact that only one year after Anderson had recommended that a second reservation of the Coldwater type be established on on Manitoulin Island, the new Lieutenant Governor had adopted the idea, and in addition had decided to close down the Coldwater-Narrows Reservation.

The Chiefs' understanding of Bond Head's intention appears to have been very different. They had as recently as one year before, on the verge of Aisance's leaving, been promised title deeds to their lands. Later historical documentation shows that they must have understood that giving them title deeds to their lands was in fact Bond Head's intention. However, in 1836 the Lieutenant Governor reported the following statement regarding the treaty he made with the Chippewa Tri-Council Chiefs at Coldwater:

"...the Chiefs of the Narrows and Coldwater became unanimously of the opinion that the offer I made to their tribe was advantageous, they accordingly, on the 26th of November, came down in a body to Toronto to beg me to carry it into effect. An agreement,

(Treaty No.48) was accordingly made out and signed by the Chiefs in front of County Members of the Provincial Parliament, and when the transaction was thus formally closed, the Head Chief, Yellowhead, stepping forward, said to me, 'Father, our children and our children's children will pray to the Great Spirit to bless your name for what you have done this day!'^{about 5:10"} 248

The surrender of the Coldwater-Narrows Tract was signed in Upper Canada, on the 26th day of November, 1836 and said simply:

"We the undersigned Chiefs and Warriors, in the name and on the behalf of the Chippewa Tribe of Indians of Lakes Huron and Simcoe, now occupying the tract of land on the public high road leading from Coldwater to the Narrows of Lake Simcoe, reserved by our Great Father for our use and cultivation, being desirous that the same shall be sold, do hereby this day in Council,

at Toronto, propose to our Great Father to surrender the said tract in consideration of our tribe receiving annually the interest of one-third part of the proceeds of such sale-another third part of the same proceeds to be applied for the general use of the Indian tribes of the said Province-and the residue of the said proceeds to be applied to any purposes (but not for the benefit of the said Indians) as the Lieutenant Governor may think proper to direct."249

While it is true that the surrender was signed by what represented the Head Men of the Coldwater-Narrows settlement, it is also true that those Head Men were not fully cognizant of the detail and content of this surrender. There is ample historical evidence in following years to suggest that the terms of the surrender were completely misrepresented. In the terms of the surrender they did not even receive one-third of the 'proceeds', they were only to receive one-third of the 'interest' of the proceeds from the sale. The Tri-Council Chiefs and their people had put a lot of time, effort and money into the development and cultivation of the Coldwater-Narrows lands. They were cognizant of the

value of their lands (Yellowhead had put together a complete financial plan for the reservation) that they would not have accepted these terms if they had been fully aware of their significance.

Bond Head and the Government of Upper Canada had found there was a shortage of Crown Land Reserves in the province that could be used for patronage purposes. Much of the land previously surrendered under treaty to the government had been allocated to speculators although a considerable portion also remained as Clergy Reserves.²⁵⁰ This meant there was also insufficient land to be granted to settlers. The Colonial administration of Upper Canada was concerned that the rapidly growing United States of America would over-run Upper Canada if Upper Canada failed to keep pace with its settler population. Between the years 1800 and 1830, the population of the newly opened states of Ohio, Indiana, Michigan, and Wisconsin had grown from 51,006 people to 1,470,018. In the decade from 1830 to 1840 that population doubled again. During the same period in Upper Canada, the population increased from about 150,000 people to 400,000.²⁵¹

In order to acquire land quickly and attract more

settlement to Upper Canada, Bond Head determined to transfer authority over Indian Affairs and Crown Lands from the government to the Executive Council. The move necessitated strengthening the Tory Government in Upper Canada.²⁵² To do this, Bond Head handed out land grants to gain political support. A newspaper at the time carried the following editorial:

"Above all...heaps of new deeds, the ink scarcely drying on them, were sent in all directions, not only the week preceding, but absolutely the very week of the elections. The honest and legitimate constituency of the province—the old—the peaceable—the respectable settlers were thus so overwhelmed in almost every county by pensioners and paupers who never before exercised the elective franchise."²⁵³

This editorial followed hot on the heels of the 1836 Upper Canada elections. Bond Head made a particular effort to strengthen the Tory constituency in Simcoe County where the Coldwater-Narrows Reservation lay.²⁵⁴ This created considerable tension and problems for the Chippewa.²⁵⁵

Bond Head envisioned an entirely new land granting system for Upper Canada. He had the province's chief emigration agent, A.B. Hawke, undertake a study of the land granting system in 1836. The new system proposed mirrored the American system of uniform, single price, cash sales. The idea was to make land readily available and affordable to settlers.²⁵⁶ It was not feasible to institute this new system in the older townships, so Bond Head decided to open up new townships to accommodate his new system. He set out in 1836 to demonstrate that his new form of government was a preferred government for Upper Canada, and that his new system of land granting was better than the old. He thought he could demonstrate both by acquiring large pieces of Indian land, so he held treaty councils on Manitoulin Island during the annual present distribution to negotiate for lands in the Owen Sound area, and also to establish Manitoulin Island as a reservation for all Indians, particularly those from the south. Lieutenant Governor Bond Head had previously orchestrated the purchase of the Coldwater-Narrows reservation, and as he told Lord Glenelg, his intentions were that;

"Captain Anderson, the Indian Superintendent
at Coldwater, together with a Missionary

and school teacher, will reside constantly on Manitoulin Island and will endeavour to civilize the tribes which may be attracted to place themselves under his charge."²⁵⁷

To justify his plan, the Lieutenant Governor reiterated a statement by Anderson regarding his work at Coldwater.

"The Indian, under proper treatment, is capable of being weaned from his savage life, and of being made, under the blessings of the Almighty, a good member of the Church of Christ and a dutiful and loyal subject."²⁵⁸

Anderson himself wanted to duplicate his work at the Coldwater-Narrows Reservation at a location more isolated from the rapidly growing settler population in Simcoe County.²⁵⁹ He hoped the Manitoulin location would be under the exclusive control of the Indian Department and would exclude the Methodist and Catholic missionaries. He also hoped that the Manitoulin Reservation would attract the displaced tribes from the United States that had been

allies of the Crown and were now fallen victim to the American Removal Policy. The attempt to attract American tribes to Manitoulin was partially successful as demonstrated by the figures for annual present distribution for treaty alliance. These figures cited 12,412 Indians from the United States as visiting Manitoulin Island to receive their presents, as compared to 5,217 Indians from Upper Canada.²⁶⁰ These figures were also a reflection of the American tribes' reaction to the Pre-emption Act passed in 1830 in the United States, which made tribal lands available to settlement while the tribes themselves were to be moved west of the Mississippi River.²⁶⁸ The final treaty in the old northwest which came as a result of the Pre-emption Act was the 1833 Chicago Treaty signed with the Pottawatomi Nation.²⁶⁹ It was expected that the Pottawatomi and many of their neighbours in the northwest would relocate to Manitoulin Island rather than move west of the Mississippi River. This was in fact encouraged by the British Government as it was felt that the tribes would still be needed as allies in the event of war.²⁷⁰ Bond Head stated:

"It was evident to me that we should reap a very great benefit if we could persuade those Indians who are now

impeding the progress of civilization in Upper Canada to resort to a place possessing of the double advantage of being admirably adapted to them, (in so much as it affords fishing, hunting, bird shooting, and fruit) and yet in no way adapted to the white population. Many Indians have long been in the habit of living in their canoes among these islands and from them, from every inquiry I could make, and from my own observation, I felt convinced that a vast benefit would be conferred upon the Indians and the province, by prevailing upon them to migrate to this place."262

This outlook became the cornerstone of Lieutenant Governor Francis Bond Head's new Indian policy in the Province of Upper Canada.

In July 1836, Chiefs from across the Province of Upper Canada met together in Council at the St. Clair River to discuss what they could do in the wake of Bond Head's new policy. It was agreed that the Saugeen Tract would be

made available to Christian Indians who could;

"...settle together separate from the whites. Have our own schools, stores, mills, and other requisites in a settlement all under our own management."263

The Chiefs also agreed that:

"...no public thoroughfare need ever pass through it, so that we should never be compelled to associate with the white people any further than might be for our mutual benefit."264

The Chiefs concluded an agreement that the Saugeen Tract could never be surrendered without the treaty being authorized by each Chief whose people had relocated to that area. While not all of the bands who attended the Council moved to the Saugeen Tract, it is clear the tribes of Upper Canada were becoming increasingly frustrated by the fact that the government continued to take lands from

them, and constantly betrayed them.²⁶⁵ In late 1836, a group of sixty Indians from the Coldwater Reservation moved to Colpoys Bay on the Saugeen Tract.²⁶⁶ They were the beginning of a mass exodus that eventually left the Coldwater-Narrows Reservation in the hands of the government and the ever increasing settler population.

It became increasingly clear through the historical record that the Chippewa Tri-Council did not understand the 1836 Coldwater Treaty to mean what Bond Head had pretended it to mean. In fact, the subsequent behaviour of the bands indicates they thought they had received title to their reservation. In August of 1837, Chief Aisance and the other Chiefs of the Coldwater settlement requested "sole control of the mills, school house, farm house, and cattle" in the village of Coldwater.²⁶⁷ In light of these requests, Anderson reported to the Indian Department that:

"...the Indians fully expect the establishment at this place (Coldwater) and the Narrows will be given up to them...this they advise me to say has been promised to them by His Excellency."²⁶⁸

Later he inquired concerning the Chippewa Indians continuing to reside on the Coldwater Reservation:

...the Indians are in a quandry, quite undecided to where to take up their future residence, they do not know what is best for themselves, and unless the governor is pleased to direct them, the probability is they will again be scattered around the country."²⁶⁹ 278

It would appear that at first the Chippewa were under the impression that the Governor had provided a guarantee that they could stay at Coldwater; later they were wondering where they were supposed to move to.

The Methodist missionary, Thomas Hurlburt, recorded the reaction of some of the Chippewa when they learned of the plan to relocate them to Manitoulin Island. He stated that at the time there was talk of a general Indian war against the government of Upper Canada and that wampum belts were sent "from tribe to tribe" calling upon them to "take up the hatchet".²⁷⁰ However, the more moderate

Chiefs in Upper Canada were able to control the Tri-Council and other tribes. Chief Francis Muckeona, of the Chippewas of the the St. Clair River, wrote to Bond Head expressing the uneasiness of the tribes;

"The Chiefs of North Goderich and on the Thames of Muncey Town, on St. Clair and at the River Credit near Toronto, have called on me and have told me that our Father wanted to take all their lands from them and have them come together in one place and live-when I was in England in 1834 and 1835, my Great Father gave me direction to look over the Indian tribes to see that they were not wronged and to transact their business for them all, what the Great Father and the King told me to tell them and () even well pleased with my discourses, and there is a great change in them since the greatest part has forsaken that wicked whiskey-which was the ruin of them, and has turned their ideas to the cultivation of the land which I hope my Father, will be pleasing news to you, to see them become and live like Christians.

(116)

I hope my Father that you will take everything into consideration. Your children have set themselves down in different places to make it their homes and they hope if the land will let them live, and with a little assistance from our Father, they will become good farmers, and the generation that is growing will be able to show what their fathers have done for them, and I and them together wishes you to send them an answer and remain, with respect, your servant,
Francis Muckeona, Head Chief."271

In another petition, a Mississauga Chief from the Credit River, Joseph Sawyer, wrote:

"...if we go to Manitoulin we could not live; soon we should be extinct as a people; we could raise no potatoes, nothing would grow by putting the seed on smooth rock. We could get very few of the birds the Governor speaks of and there are no deer to be had. We have been bred among the white people, and our children

could not live without bread and other things to which they are now accustomed."272

The Methodist Missionary Society also spoke out against Bond Head's new 'Removal Policy'. An article recorded in the Christian Guardian in early 1837 clearly depicted the sorrow and uncertainty of the Chippewa people at the loss of their homes at Coldwater:

"~~The Cry of an Indian Mother to Her Babe~~,^{The is Wail}
...we are told we must leave our homes and go and live among the stones and rocks of the Great Manitoulin Island or elsewhere far away. But how can we leave the lands we love! It would be a dreary home; and even that would not be our home long; we should again have to shift our tents. For let the white man ask for that, our only home, and he would have it! And a few of the many tribes that were left might hide themselves in their graves for ought the white man cares. Oh! Unkind whiteman. Where we are then we cannot stay. The lands upon which our Fathers, and grandfathers, and

our great grandfather were born, we must be
driven from just as we drive the deer, we
must be turned out of the houses that we have
built with all our money, the school were our
children have gone will be closed against them,
the house of prayer were we have wept and
wailed and rejoiced must be forsaken,
woe the greedy whiteman is taking our
all! He hates to help us Indians! But
lie close to my breast my child; he shall
not take thee if he could, and by doing it
increase his dollars..."273 ၃၅၇

Captain Anderson, who had relocated from Coldwater to
Manitoulin Island, confronted this Methodist editorial
head-on as usual. He claimed the editorial was just
another Methodist tactic to make the Indians believe that,

"...the Methodists are their only friends,
and the government their deadly enemies...
we cannot help but observe the great pains
taken to plant in the minds of the Indians
the blackest discontent on the subject of
their removal from the Narrows..."274

Captain Anderson seems to have taken great delight in the circumstances surrounding the Coldwater Reservation after the 1836 Treaty, in particular he seemed to relish the fact that Chief Aisance and his people were suffering under the great weight of uncertainty surrounding the situation. Anderson, who had on different occasions described Aisance as "a worthless savage"²⁷⁵, and as "a great rascal"²⁷⁶, was happy to see him in a difficult state. He wrote;

"...let them float on their own bottems which will only be for a short time as they are already getting rid of all they can sell, they will be ground on poverty and disappointment."²⁷⁷

This statement stands in stark contrast to a letter forwarded to Superintendent Givens around the same time which stated:

"In compliance with your letter of the 24th, November, Ult., I enclose a copy and an extract of letter directing me to

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put the Indians in possession of the Severn Saw Mill, and the rest of the property at Coldwater and the Narrows, and it must be in consequence of that surrender that John Aisance finds himself authorized to sell the Severn Saw Mills."278 287

He doesn't express any of the venom or question the ability of the Indians to conduct the disposal of their property at Coldwater when writing to government officials.

While confusion reigned at Coldwater, the British Colonial Office expressed its support for Bond Head's new Indian policy. Lord Glenelg wrote to Bond Head assuring him of the approval of the government for his;

"...vigilant humanity by which your conduct towards this helpless race of men, the survivors of the ancient Lords and possessors of this country could not but be directed; and conscious of the incomparable superiority of your means

of forming a correct judgement of how their welfare could be most effectively consulted, I have thought myself, not only at liberty, but obliged, in deference to your opinion and to arrange for His Majesty's sanctions, of the arrangements and compacts into which you have entered."279

Glenelg also informed Bond Head that the British Sovereign, King William IV, was especially interested in the Indian Nations of Upper Canada. He told Bond Head that:

"His Majesty regards with peculiar approbation the humane considerations for their natural habits and feelings, which appear to have directed your negotiations with them."280

Glenelg added his own thoughts to the message:

"...we must abandon the hope of imparting

to the Indians the blessings of Christianity, on the grounds that those blessing necessarily more than counterbalance the evils to which they have hitherto happily associated."281

Glenelg believed that eventually the Indians could be instructed more safely in western religion and economic skills through the use of "properly qualified teachers".282 29\

At the annual conference of the Wesleyan Methodist Missionary Society in 1837, the Methodist Church formulated it's official response to the government's new Indian policy. In addition, they addressed the question of how the Methodist Clergy could directly benefit from the funds derived from the sale of clergy reserve lands in Upper Canada.283 At the end of the meeting the petition was sent to Sir Francis Bond Head, signed by the Secretary of the Church, Eggerton Ryerson, and President of the Conference, William H. Harvard. The petition clearly expressed and succinctly, "a strong feeling of dissatisfaction existing among the Indians in some of our missions".284

The petition then went on to state that the government was:

"Materially retarding the progress of their religious and civil improvements, as well as diminishing the strong attachment to the British Crown, which has characterized this portion of our population."285

The petition also cataloged a long list of specific complaints and problems dealing specifically with the lack of work being completed on the reservation;

"The Indians at some of the stations cannot be induced to persevere in the cultivation of those reserves and grants on which they reside in consequence of possessing no documents whereby the reserves and grants can be secured to them and their children; our efforts to promote civilization among them are in a great degree paralyzed."286

This complaint about the lack of title deeds was a particular concern of the Tri-Council Chiefs and Councils and had been raised a number of times in relation to Coldwater. The listing of grievances continued:

"The Saugeen Indians have been induced to surrender certain lands to the Crown which in the opinion of Indians generally, were not at the disposal of the persons who surrendered them, not from the fact that they were not the proprietors, but likewise that a declaration of the Indians in Council had been forwarded to the Lieutenant Governor containing the deliberate and unanimous decision of the Chiefs assembled from different tribes, that no person should have the authority to cede or surrender the Saugeen Tract without the sanction of a general council and the concurrence of the heredity and acknowledged Chief; and the late surrender having in their opinion, being made without such sanction and concurrence, they consider it void, and maintain that the Chief of the said territory is the rightful proprietor thereof."287

It is interesting that the Tri-Council supported this stand on the surrender of the Saugeen Tract. The fact that they lent their support, along with other Chiefs in Upper Canada, illustrates that the Tri-Council Chiefs were unaware at this time that precisely the same kind of misrepresentation had been conducted with them in regard to the Coldwater Treaty. If the Tri-Council Chiefs had realized that the Coldwater Treaty was a surrender of the same nature, rather than a securing of their lands, they would probably have concentrated their efforts on protesting the Coldwater transaction rather than ignoring it and protesting the Saugeen Treaty. The Methodist Report continued with a detailing of exactly these types of concerns:

"That the lands which have been granted to certain bodies of Indians by His Majesty's late representative in this Province, and on which improvements have been made, have since been granted to other persons; and the Indians have been called upon to relinquish their claim to these lands, notwithstanding the said improvements had been made under the belief that the lands were, or would be, secured

to them and their children. The Indians have thereby been led to retire into the wilderness; have been deprived of the fruits of their industry; their children have lost benefit of the schools; and in some places the system of religious, moral and civil instruction in operation among them has been seriously interrupted."288

This was precisely the circumstances that were developing on the Coldwater-Narrows Reservation. The Methodist Report ended by proposing that the Church become the guardian of Indian lands in the Province;

"If the representatives of that society in Canada could not be officially recognized by the government as a trustee, ex_officio, in all deeds of land granted in trust for those Indians among whom our missionaries are or may be employed."289

It may be that the kind of 'trust' the Methodists were proposing was similar to that exercised by the New England

Company among the Rice Lake and Mud Lake Mississaugas, or possibly the type of 'trust relationship' that existed between the Catholic Church and some of the tribes in Lower Canada. In any case, they did not get a very good reception to the idea from government representatives.

Sir Francis Bond Head responded to the Methodist proposal himself, stating:

"The King will never consent to the intervention of any powers between Himself and the red aborigines of America; and that His Majesty would especially object to the principal of committing oral affairs of the Indians to the hands of any Christian denomination."

The strong feelings of dissatisfaction, which you assure me exists among the Indians, should warn you of the danger of the arrangement you propose; for such a feeling can insidiously be implanted in the minds of this virtuous race against the acts of the representatives of a Sovereign whose disinterested generosity

to the Indians cannot be unknown to you.

How severely might it be made to fall on any band of Christian ministers who, unmindful of the admonitions of history, and regardless of the strong feelings against ecclesiastical domination which exists in this noble province should be found connecting the temporal with the spiritual management of their flock?

I feel confident, that among the enlightened inhabitants of Upper Canada there exists no body of men who will more heartily join in these sentiments than the Wesleyan Methodists."290

The ultimate effect of Bond Head's position vis a vis the tribes represented a dramatic shift in the political relations between the Crown and the tribes. Since the turn of the century, the tribes in Upper Canada had undergone a major transformation. In about thirty-five years they had gone from being relatively isolated, independent nations; through what was now an abandoned assimilationist policy, (which included the establishment

of agricultural reservations such as Coldwater); to a position where a forced, isolated dependency on the government was being proposed. There is no question that Bond Head was untruthful when he stated in his official correspondence, and in his response to the Methodist petition, that the government was dispassionate or disinterested. There can be no doubt that Bond Head was eager to acquire Indian lands at minimal cost to the government for the purpose of political patronage, settlement, and for producing revenues for the administration of the province. All of this scheming was carefully couched in humanitarian language.

Bond Head was always careful to justify his new policy by pointing out the tremendous expense incurred to the province by such reservations as Coldwater. Yet when he forwarded his annual report of 1837 to Lord Glenelg, it contained information which ran completely contrary to those assertions. T.G. Anderson had stated in his notes which were included with Bond Head's report:

"Until 1832 all the expenses at Coldwater and the Narrows were defrayed by the parliamentary grant; since that period;

all the expenses except the annual presents, have been paid from the land payments. The whole expenses of the tribes north of the Penetanguishene are defrayed by the parliamentary grant as those tribes have no funds arising from the sale of lands."291

Among other things, this statement clearly indicates unfair treatment of the Chippewa Tri-Council. While other First Nations were receiving monies from the government, the Tri-Council Bands were paying for everything they received themselves, including Indian Department management and administration. In addition it shows that the Tri-Council paid its own expenses after 1832.

When Peter Jones visited Coldwater in 1837 he reported that "the fields are growing ^{over} ~~up~~ with weeds and bushes, and the villages, are ^{all} quite broken up."292 Anderson reported in the same year that, the traders to whom the Tri-Council had formerly been in debt, had put their "clutches on the movables" belonging to the Chippewa people.293 There is evidence that some of the Tri-Council were still living on the Coldwater Reservation during part of the year, but

they had largely abandoned any attempts at maintaining the agricultural economy of the reservation, and furthermore, that non-natives were looting a considerable amount of Tri-Council property.²⁹⁴ ³⁰³ Presumably this property should have been protected by the Indian Department who had a trust responsibility to do so.

1837 marked the year in which third party interests in Britain began to take notice of Bond Head's new policy toward the tribes in Upper Canada, and in particular to the Coldwater Reservation. In April of that year, a letter was sent to the government questioning the closing of the Coldwater-Narrows settlement. This letter was signed with eighty signatures.³⁰⁴ Lord Glenelg responded to the letter by publishing Sir Francis Bond Head's report, which he thought would provide the rationale for the new policy and quiet any complaints. In fact quite the opposite occurred.

The Aborigines Protection Society (APS) was a humanitarian organization in Britain. They paid particular attention to the rights of indigenous populations within British colonies during the early nineteenth century. The APS took a keen interest in the

Indian Affairs of Upper Canada, even to the extent of sending a group to investigate the relations between the government and the Indian nations. The report they eventually filed is interesting because of the thorough and detailed comments they made about the tribes in Upper Canada. The report began by citing two important historic documents which recognized the foundation of Indian rights in North America. The first document they cited was the Instructions from King Charles II to the Colonial Office in 1670. Those Instructions called for the protection of indigenous nations from outside influences and from British subjects, who were forbidden to trespass on Indian possessions. The second document cited was the Royal Proclamation of 1763 which was intended to protect tribal land rights and established the principles for Indian-Crown political relations.²⁹⁵ The APS report asserted that these rights had been recognized and protected under the Treaty of Utrecht. The report went on to say that the 'Laws of Nations' were inclined to ignore the guarantees established by these previous documents.²⁹⁶ In light of these accusations, Bond Head's policy was labelled an example of "positive injustice in practice."²⁹⁷ The report concluded that the "question of international rights" was not treated with proper respect by government authorities in Canada.²⁹⁸ They also condemned the British Government for not protecting the

tribe's rights under the terms of Crown promises made in 1670 and 1763.

The APS attacked Bond Head's Indian policy directly by pointing to the covering letter of his 1837 Report in which he stated that the value of Indian land vastly outweighed the cost of acquiring them from the Indians.²⁹⁹ They also quoted another section of the letter in which Bond Head suggested to Lord Glenelg that some parties might have difficulty understanding or appreciating the advantages that would accrue to the tribes after the acquisition of those lands, "...because it was of such benefit to us..."³⁰⁰

The APS met with Lord Glenelg on the question of British Indian policy in Upper Canada after completing their investigation. The APS delegates who met with Lord Glenelg, pointed out three important errors in Bond Head's new policy. They were:

"First, that the tribes had agreed to move out of their traditional territories voluntarily;

Second, that Manitoulin Island was a good location for agriculture; and

Third, that the tribes needed to be protected from the abuses of settlers."301

The APS firmly asserted that none of these things were true. In their report to Glenelg, they provided a succinct overview of the history of Crown relations with the tribes:

"...the Committee beg to submit to your Lordships recollection, that the whole of those vast tracts which now constitute our rich and valuable North American possessions, were once the undisputed property of free and independent tribes of Indians; a large portion of that territory has been absolutely taken from them, and the remainder has been acquired by purchase or concession, on terms of more than questionable character. Many of the calamities of modern colonization have fallen heavily on the red tribes of North America's resistance to unjust invasion,

unprovoked hostilities, and outrages, created endless retaliations—the causes of those innumerable wars. Perfidious alliances, and designing treaties, have ultimately dispossessed the aborigines of their territory, the once numerous and contented tribes of Indians, the rightful owners of the soil of Canada are quickly disappearing..by the sure progress of extermination. The white mans intercourse has demoralized them, his traffic has defrauded them, his alliances have betrayed them, his wars have destroyed them."302

The AFS condemned the abuses that the government of Canada had continuously and callously wrought against native people and sought the reaction of Indian leaders in Upper Canada:

"Although perfectly sensible of the fatal change in their affairs occasioned by the encroachments of the whites, they have been exemplary for their unshaken fidelity to the British Government."303

The APS acknowledged and asserted that the annual presents and annuities payable to the tribes, were payments for services rendered in past wars and guarantees for future services in the event of war, and not as gifts as suggested by government agents.³⁰⁴ They were never able to reverse the trend of thought regarding the annual presents and eventually they ceased altogether.

Finally, the APS made some recommendations to improve the state of affairs in Upper Canada. First, they recommended that the removal policy be abandoned and that all tribal lands remaining unsold be clearly marked out and reserved for the exclusive use of the tribes.³⁰⁵ They also recommended changes to the formal dealings of the government with the tribes. Their main recommendation in this instance was that a new 'Under Secretary of State for Indian Relations' be established.³⁰⁶ They further recommended that Indian leaders should be trained to better understand British Law and thereby be in a better position to protect their people and their lands. This training, could be provided through the funds from the sale of surrendered Indian lands.³⁰⁷

"Their laws and usages should be carefully

collected; and observed in our courts."308

They also recommended that the citizens of indigenous nations be provided with direct appeal to the 'Privy Council' when necessary. The APS also clearly recognized the sovereignty and independence of the tribes.

With regard to the Indian land question, the APS identified the tremendous difference between the value placed on land by the government when the treaties were signed, and the amount of money paid out to the tribes for surrendering those same lands. They pointed out that there was even a much higher value placed on those lands by the government when re-selling it to settlers. They suggested that this disparity resulted in a tremendous profit for the Government of Upper Canada, which in their estimation placed Britain and Canada in the debt of the indigenous nations. They further suggested that in order to improve the conditions of the tribes, the sizable revenues derived from the resale of Indian lands should be made available to the First Nations.

This report also addressed the failure and abandonment

of the Coldwater-Narrows Reservation, and the subsequent attempt to move the Chippewa Tri-Council to Manitoulin Island:

"Never perhaps, was the simple and unsuspecting confidence of the Indians more clearly exhibited, and seldom has that confidence been more abused, than in the late exchange of 3,000,000 acres of the richest land in Upper Canada for twenty-three thousand barren and unproductive islands, remote from the seat of civilization and unfit for the residence of Europeans. We object then to the Treaty on the ground of its injustice, because we regard it as taking unfair advantage of the ignorance and simplicity of those who have unhappily been led to give it their assent...it is surely unreasonable to expect that men accustomed and attached to a roving, unsettled life should consent to abandon their wandering habits and engage in agricultural pursuits when experience has so frequently taught them that the cultivation of the soil will, in their case, prove only a preparatory step

to its seizure by Europeans. We regard the partial success, which in spite of these discouraging circumstances, has already attended the efforts of the missionary societies as affording ample evidence that under a wise and enlightened policy the complete civilization of the Indians may at no distant period be reasonably expected..."309

The APS were specifically referring to the Saugeen, Manitoulin and Coldwater Treaties in their comments, and accurately reflected the sentiments of the Tri-Council and other indigenous nations regarding the frustration of clearing land and taking up agricultural pursuits, only to find their lands more attractive to settlers, and therefore more likely to be taken from them.

The letter and report to Lord Glenelg continued:

"...the Lieutenant Governor's vindication of his policy on this occasion seems to rest upon the supposition that the fate of

the Indians is sealed, that their speedy extermination is inevitable, and that the continuance of their intercourse with Europeans can only facilitate their extinction. We need hardly remind your Lordship that in almost every instance where the territory of the aborigines has been invaded by the European settlers, the aggression has been justified on precisely similar grounds to these."³¹⁰

The loyalty to the Crown the Indian Nations honoured under the terms of their old 'peace and friendship' treaties, could not have been more pointedly expressed, than when the tribes expressed their willingness to stand with the Crown in defence of the colony of Upper Canada against the uprising in 1837 by dissatisfied reformers, directly in the face of the open and devastating betrayal that Bond Head had perpetrated against them just the year before.³¹¹ Even as the Chiefs expressed their loyalty in the 1837 uprising, they made known their dissatisfaction with Bond Head's policy.

In 1838, it was reported that the removal of the

Chippewa from the Coldwater Reservation was imminent.³¹² Many of the Chippewa Tri-Council people had already moved off the reservation. Some of the Aisance Band had moved to Beausoleil Island in Georgian Bay and were hunting and fishing in traditional Tri-Council territories and islands although a significant portion of the band still remained at Coldwater. Chief Snake's Band had moved back to Snake Island in Lake Simcoe and were attempting to resurrect the agricultural farms they had established nearly a decade before; others had moved to the Saugeen Tract and to Manitoulin Island. Yellowhead's Band was forced to purchase land for themselves at the present site of Rama at a cost of twelve shillings-six pence an acre.³¹³ Yellowhead purchased the 1600 acres of land east of the Narrows on Lake Couchiching for their new reservation. These lands were paid for from the trust funds of the Chippewa Tri-Council. It was reported that Yellowhead's Band "applied themselves diligently" at Rama, and within a short period had nearly 300 acres of land in cultivation, had constructed twenty houses, four barns, and a school house described as "commodious".³¹⁴ The lands in Rama Township had been made readily available to Yellowhead's Band because the settlers who had moved into the area three years earlier had abandoned them and moved to other lands. The Surveyor General for Upper Canada, Charles Rankin, reported that;

"They had met with such serious difficulties from being separated by lands in the midst of their settlements owned by speculators who had no intention of settling them, that they had not made the necessary roads."315

Since this land lay just outside of the former Coldwater Reservation, and it was only speculators that were holding large parcels of land in the area of Rama, it raises questions about the actual need to take a surrender of the Coldwater Reservation to obtain lands for white settlement in the first place. Secondly, the land at Rama had originally been Chippewa territory to begin with and therefore should have simply been reverted to Chippewa title rather than insisting that they pay for it. The government had unwisely allowed speculators to hold large parcels of the Rama lands when additional farm lands were needed for white settlement. This kind of land speculation frequently operated at the expense of the tribes, and in this case against the Tri-Council, who were forced off their reservation so that their lands could be made available for settlers. It is interesting that this kind of policy was not developed for land speculators, to force them to give up lands they were holding, so they could be made available to settlers.

In 1838, an interesting episode involving Yellowhead was recorded. He had wampum belts prepared which depicted how Christ had been crucified and what the significance was in Christian theology, and had them sent throughout the Upper Great Lakes to the tribes living on the Canadian and American sides of the border. Reportedly, the belts told the story of how Christ's death and resurrection had promised peace on earth and goodwill toward men. Apparently, the impact of these wampum belts was "beyond all calculation".³¹⁶ They promoted a considerable surge of attraction to Christianity by native people living around the Great Lakes. This move was an indication of Yellowhead's determination to provide his band and other native people with the means to understand and adapt themselves to survival in a settler dominated society.

As late as 1839, members of the Chippewa Tri-Council continued to reside on the Coldwater Reservation, the Reverend Stinson made the following report on their state of affairs:

"At the commencement of the year, the Indians at both stations were in an unsettled, dissatisfied state owing to their having been

deprived of their property, and no new lands granted to them. At Coldwater all at present is uncertainty and though on Lake Simcoe a location has been allowed them, and a village commenced, some things have been done so contrary to their wishes, that much dissatisfaction remains, they have been necessarily much from home and consequently deprived of the pastoral supervision of those placed over them; and their absence has been attended with many temptations, inconveniences, and losses, having few at home, the meetings have been small, the school badly attended and classes not regularly met. Scarcely anything under these circumstances has effected us more than the unavoidable injury sustained by the school, notwithstanding the ceaseless sollicitude and exertions of their teacher. The Coldwater tribe has been wholly without a school; but we earnestly hope that such will not be their deplorable lot another year. Under these circumstances it will excite no surprise that some of the Indians have yielded to sin and that others have continued to serve God under great opposition and discouragement; but the generality of

our members have been steadfast and still show that Indian improvement and piety are not a chimera. Nevertheless, we cannot conceal the fact that the protraction of the time for allotting land to the Coldwater natives is so disheartening and painful to them that their piety is greatly endangered."317

The Sixteenth Annual Report of the Methodist Annual Missionary Society also commented on the state of the Tri-Council and the Coldwater-Narrows Reservation after the 1836 Treaty:

"Lake Simcoe and Coldwater Mission: This mission includes three tribes of Indians, one on Snake Island near the west end of Lake Simcoe, the other in 'Rama' near the 'Narrows' on the northwest side of the lake, the third at 'Coldwater' not far from Penetanguishene, a Bay on the southeast shore of Lake Huron. The work of conversion among these Indians commenced around 1827. In no instance has the inconvenience arising from the want of titles to property been

more sensibly felt, and the misapplication of Indian funds been more obvious than within the bounds of this mission."³¹⁸

The Mississauga Missionary, John Sunday, who travelled to the area in 1839, reported that the Beausoleil Band was "wandering about from one island to another".³¹⁹ Even three years after the treaty, the settlement had still not been completely dissolved and members of the Tri-Council continued to reside there, those who had moved were still not settled permanently into new settlements, and many of the people were still disoriented and confused about what their future was to hold.

In 1840, the Methodist Missionary, Sylvester Hurlburt, described the on-going state of affairs among the Tri-Council:

"It might of course be expected that so flagrant an act of injustice, no matter who may have been the perpetrators of so foul an act, would operate unfavourable; especially as the Indians had always placed

implicit confidence in the honesty and integrity, and benevolent designs of the government; but after they had laboured on these lands under great disadvantage for some years, and then to be forced to surrender them, could not but have an unfavourable effect. To see white men, who are strangers to the country, come into possession of their houses and lands, without, as yet, their getting any remuneration, and themselves obliged to seek a habitation elsewhere, must cause feeling, deep feeling, and though a small portion of land has been granted in another place, but as they have no title for it, dissatisfaction is still felt and fears are entertained that the same act of injustice may be repeated whenever the cupidity of white men may lead them to covet their present location."320

It is clear from this description that the Tri-Council held the trust relationship between the Crown and their Nation at great value, and that they felt a sense of betrayal. The government had not only ignored its trust

responsibility, but had in fact contributed to the undermining of their very existence on the Coldwater-Narrows Reservation.

By way of example of what settlers had to pay for land on the Coldwater Reservation, in 1840 three houses constructed by the Tri-Council were sold for £50. In another instance, a half acre of cleared and cultivated land was sold for £0-07-10.321 Yet at the same time as the government was charging only seven shillings for cleared, cultivated lands on the Coldwater Reservation, they were forcing Yellowhead's Band to pay twelve shillings, six pence for lands that had not only once belonged to them, but that no one else wanted because of a lack of road access.

As a result of various complaints to the government from organizations such as the APS about the new directions in Indian policy, and the specific problems the policy was causing for different tribes such as the Chippewa, the government established a Commission. The Bagot Commission, established in 1840 was mandated to investigate Indian Affairs in British North America. It would seem that the lobby and public relations work of

the Aborigines Protection Society had been very instrumental in forcing this investigation. It also appears that while on the surface, the Commission was to investigate the problems in Indian country, the underlying intention was to justify government policy and government action. The Commission stated:

"As these transactions have been made the subject of reproach to the government, and a ground for subsequent claims on behalf of the Indians, it may be proper here to offer a few remarks on the subject. It has been alleged that these agreements were unjust in dispossessing the natives of their ancient territories, and extortionate as rendering a very inadequate compensation for the land surrendered.

If however, the government had not made arrangements for the voluntary surrender of the lands, the white settlers would gradually have taken possession of them without offering any compensation whatsoever; it would, at that time, have been

as impossible to resist the natural laws of society, and to guard the Indian territory against the encroachments of the whites, as it would have been impolitic to have attempted to check the tide of immigration. The government, therefore, adopted the most humane and the most just course in inducing the Indians, by offers of compensation, to remove quietly to more distant hunting grounds or to confine themselves within more limited reserves instead of leaving them and the white settlers exposed to the horrors of a protracted struggle for ownership."³²²

The above explanation of government actions by the Bagot Commission points directly to the government's breach of trust responsibility toward the tribes. To even suggest that taking huge surrenders of Indian land at minimal compensation was to protect the tribes from the encroachment and theft of their lands by white settlers, was a direct repudiation of the government's trust responsibility to protect those Indian lands in the first place. There was also no commitment in this explanation to provide economic advancement for the tribes.

In addition to that, it must be noted that the tide of immigration referred to by the Bagot Commission was induced by Canada. It must also be noted that the government required those Indian lands for the purpose of political patronage, as income for the colonial administration through the re-sale of lands, and through the exploitation of natural resources. The Bagot Commission provided a further explanation for why acknowledged, inadequate compensation was paid for Indian land. They argued that the very nature of Indian culture prevented any appreciation for the true value of land and therefore less than market value payments were considered legitimate.³²³ It would be very difficult to argue this regarding the Tri-Council bands, in particular for Yellowhead's Band, who had been forced to purchase reserve lands for themselves at an exorbitant rate; lands as stated before that had been their traditional hunting territories only a few years earlier. It can be stated unequivocally that the development and administration of Upper Canada were financed by profits from the re-sale of Indian lands.³²⁴

The Methodist Missionary Report for 1840-1841 provided an analysis of the situation at the Coldwater-Narrows Reservation:

"The temporal condition of the 'Coldwater' Indians is everything but prosperous. This has been occasioned by the policy of Sir Francis Bond Head. Large sums of their money have been expended in erecting buildings and clearing land; probably not less than thirty dwelling houses, besides a grist and saw mill. All the dwelling houses, with the exception of three or four occupied by white families, are now in a dilapidated state. The mill, with the chapel and two large frame dwelling houses, have been rented by a white man for a trifling sum. A part of them are staying on a desolate point about ten miles northeast of Penetanguishene. They have a few log houses, erected with their own hands, at their own expense. A part of them removed to the Township of Sunnidale when their settlement was broken up; but they have no land of their own. They have cleared a few acres on the banks of the Nottawasaga where they plant a little corn and potatoes; but they depend principally on the chase for subsistence. They have had no school among them for some years past. Our society has never had a school for the Coldwater Indians. The school,

when they had one, was supported by the government or out of Indian funds. Of course, their children are now growing up in ignorance."³²⁵

Captain Anderson was called to provide testimony to the Bagot Commission regarding the management of Tri-Council revenues at the Coldwater-Narrows Reservation.³²⁶ He reported that after his first two years as Superintendent at Coldwater, that the Chippewa had no trust funds. Partly because their land payments had been made in the form of goods rather than cash. He testified that he had successfully convinced the Lieutenant Governor to change the annuity payments to cash. Nevertheless, Anderson had retained complete control over the management of those funds against the wishes of the Tri-Council Chiefs who wanted to manage their own affairs. Anderson stated that he consulted with the Chiefs regarding the expenditure of their funds, and that money had been spent on capital projects such as the construction of a grist mill at Coldwater, which upon completion had been rented to a white man for the sum of \$100 per annum. He further stated that he had also used Tri-Council funds to purchase oxen, harnesses, ploughs, and other kinds of farm implements, and that in 1835 the

Tri-Council still had £1100-0-0 remaining in their trust accounts. He testified that at the request of the Chiefs, some of that money had been used to purchase a twenty acre site on the Severn River, where a double saw mill had been erected. 327 357

In spite of the government's stated intentions for the Indians in Upper Canada, the Methodist Missionary Society noted in its annual report for 1841-1842 that the state of affairs at the Lake Simcoe mission was far from positive:

"This mission, comprised of two Indian settlements, Rama and Coldwater, is noted in the Christian Guardian with the following views;...the Committee are not aware that any Indians have been more disturbed in mind and circumstances by the manner in which their lands have been taken from them than these have. Their former houses and farms lie waste and of course the money of the Indians expended on them; and though those at Rama have had land allotted to them; the others at Waubahshene are literally living on a rock where they have looked long and

wistfully and as yet to be disappointed for news that land has been allotted to them also."328

The missionary report went on to describe the dire circumstances of the Chippewa who had so recently and successfully cleared and farmed the Coldwater-Narrows Reservation, and had been as successfully removed and dispossessed from the settlement when the government decided it needed the reservation lands for other purposes, the main one of which entailed making the lands available for the use of white settlers:

"Little more can be said about the conditions of the Coldwater Indians other than the fact that there has been little improvement. The buildings erected at Coldwater by this time have fallen into decay, and the Indians have all been removed. Some of the houses built out of Indian funds have been sold for a small part of what it cost to build them, the funds supposedly going into the Indian account." 329

The Missionary Annual Report also described the sale of lands and houses on the reserve, pointing out the man who had purchased three Chippewa houses at a cost of £50 had stated that, "...he could not erect buildings equally valuable to him for £100..."³³⁰ As to Yellowhead's Band who had removed to Rama, they still held no title to their small parcels of land; "...on which account they entertained strong fears that they may at no distant period be driven from it also."³³¹

Bond Head held a very prejudiced view regarding the granting of title deeds for land to Indian nations. He did not even feel they had the capability to survive as a distinct people. He stated:

"We have only to bear patiently with them for a short time, and with few exceptions, principally half-castes, their unhappy race, beyond our powers of redemption, will be extinct."³³²

He dismissed as ridiculous the notion that Indians had even requested title deeds to their lands:

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"The Methodist Missionaries might just as well declare that when wild beasts roar at each other it is to complain of the want among them of marriage licences, for animals understand these documents, just as well as Indians understand title deeds."333 345

In 1842, the Chippewa Tri-Council wrote to Sir Charles Bagot, Governor General of British North America, complaining about the Coldwater Treaty. They wrote:

"We wish to state to your Excellency, that when Sir Francis Bond Head insisted on our selling this land, and the bargain he had previously drawn out for us to sign, we were not made sensible of the full purport so that we knew not the nature of the bargain."334

The Treaty was signed after Bond Head had come to the Coldwater Reservation and discussed a proposition with the Chiefs. After discussing the proposal among themselves,

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the Tri-Council Chiefs had travelled to Toronto to, 'beg' Bond Head to carry his plan into effect. Upon signing the treaty, Yellowhead is reported to have said:

"Father, our children and our children's children will pray to the Great Spirit to bless your name for what you have done for us!"³³⁵

By 1842, the Chiefs had come to realize that the proposal Bond Head had made to them in 1836 was significantly different from the document they had put their mark's on in Toronto. They made a protest to the Lieutenant Governor's superiors, stating that a specific value should have been placed on the Coldwater lands, and that they should receive full interest payments from all sales as annuities. They also complained that as of 1842, they had not received any money from any source.³³⁶

Not only were the Chiefs not receiving any money from the sale of lands and property at the Coldwater Reservation, their trust accounts continued to be debited for improvements on the reservation, and in some cases on

surrounding lands. An Order-in-Council passed January 21, 1842, authorized the spending of Tri-Council funds;

"To improve the road between Coldwater and the Narrows on Lake Simcoe, a sum of £68-16-11 (approximately \$335.00) was forwarded by the Commissioner of Crown Lands to the Indian Department. This was in addition to a previous sum of £300 (\$1,500.00) which had already been forwarded to Chief Superintendent Jarvis. This amount was to be charged to 'Indian Funds' arising from the sale of lands on the Portage Road."337

Chief Superintendant Jarvis was investigated regarding his management of Indian funds, and the depositing of Indian funds into his personal account. When questioned about this practice, he defended himself by stating that it was easier to write a personal cheque rather than sort through the chaos of the Indian accounts. When he described the chaotic state of the trust accounts and the book-keeping practices of the Indian Department throughout that period of time, he noted that a separate account was

necessary to facilitate payment of office expenses:

"...the inconvenience arising from the manner of keeping the Indian accounts in several offices was felt by me on first coming into office."338

He stated that he paid the salaries and expenses of individuals working on Indian lands out of the revenues from Indian funds. However, "...according to the system then in use, such funds were under the administration of the Commissioner of Crown Lands and Jarvis should have applied to that office to pay for the expenses of his department."339 His report went on to say that:

The appropriation for the service of the Indian Department in Upper Canada is far too limited for carrying out the laudable and benevolent intentions of Her Majesty's Government, vis., for gathering together the remnants of this once numerous race of people and civilizing and christianizing them.

The sums, debited by me for 'clerks' salaries to the Indian accounts have been charged upon the principle that the Indians were, in justice, liable to a share of the office expenditure, proportional to the services rendered to them based upon receipt of their funds.

...this I did on Mr. Steers leaving the office, and the general Indian fund being free of any charges upon it, I thought the sum might be justly charged against that fund."340

In plain words, Jarvis had no right, or authority to make these charges in the first place, not to mention the additional complaint of mismanagement and misappropriation of Indian money. What this all meant is that the Tri-Council lands were surrendered, and in the case of the Coldwater Treaty, where only one-third of the principle was to be deposited into their trust accounts in the first place, charges for services, land improvements, administration, even settlers needs, were charged against the proceeds from the sale of lands from the Coldwater-Narrows Reservation. Even if the land had been

sold in the best interests of the Tri-Council, which is doubtful on the evidence, it was virtually impossible for the Chippewa to ever realize a fair return for the surrender of their reservation.

Jarvis was also questioned about the disposal of Chippewa lands, and charges against Chippewa accounts for which he had produced no records. A primary example of his mismanagement of Chippewa funds involved a number of land survey expenses. In 1835, Surveyor Mahlon Burwell claimed £105-16-0 for six months work for which he presumably was paid in full. In 1841, Jarvis charged the sum of £192-5-0 to the Chippewa accounts to cover the surveyors work and for advertising the sale of Indian lands. When asked to testify at the investigation of Jarvis, Burwell stated:

"...I did more business in the summer of 1835 at £0-11-6 a day than can be done in ten years the way the Indian business is going now. Truly, the Indians have a good right to be dissatisfied, for it really appears as though schemes were devised for the actual purpose of finding

ways and means to expend the Indian's money."³⁴¹

Clearly Jarvis had been overcharging Tri-Council trust accounts for work done on the reservation. The Chippewa must have expressed anger regarding the loss of funds from their accounts, which would explain why the Tri-Council Chiefs insisted time and time again that they wanted to have management over their own affairs.

By 1843, Chief Snake's Band of 109 individuals, had recovered their settlement on Snake Island and were becoming reasonably productive. They had 12 houses, 2 barns, a school house and 150 acres of land under cultivation. The Methodist missionary at the Snake Island mission reported that they were "strictly moral in their character", and that they were "decidedly pious", and "many of them for consistency of character, would not suffer by comparison with white Christians of any denomination".³⁴²

On the other hand, the 232 members of the Aisance Band who had resettled on Beausoleil Island were not doing as well.³⁴³ Beausoleil Island was very rocky and did not

provide a good environment for agriculture. Eventually, the lack of farmlands on that island led to a move by the band to Christian Island. Prior to this move, they had planted crops on Christian Island and on the northern side of the Penetanguishene Peninsula and travelled back and forth to tend them.³⁴⁴

It does not appear that as many members of the Chippewa Tri-Council moved to Manitoulin Island as Bond Head and Anderson had hoped. This was primarily due to ties to their traditional hunting territories which had not been surrendered in the Muskoka area, and to their commitment to remain agriculturally based. They knew that Manitoulin was not well suited to agriculture because when the move was first proposed they had taken a trip up to see where the new settlement would be.³⁴⁵ Therefore, in spite of the incompetence of Indian Department personnel, the constant fighting between religious denominations, the rivalry of different chiefs, the poor management of their trust funds, the commutation of their annual presents, and the shortage of financing from the department or other outside agencies, all of which contributed to the unsettled atmosphere and eventual demise of the Coldwater-Narrows settlement, the Tri-Council were persistent in their efforts to resume a settled, agricultural life elsewhere within their own

traditional territory.

It is noteworthy that during this time period the Canada Company, a settlement corporation chartered in 1823 by the British parliament to provide settlement lands for immigrants, was demanding an ever increasing price for lands sold within the province.³⁴⁶ In 1841, the average selling price of unimproved (or Indian lands) ranged from 12 to 15 shillings per acre.³⁴⁷ By 1843, when the Canada Company contract expired, after paying for lands received from the government; lands the government had taken from Indian nations at a minimal price; the company earned in excess of £443,591-0-0.⁽³⁴⁸⁾ This, over the tenure of the Canada Company Corporation, amounted to an annual profit of £25,000-0-0 on the resale of Indian lands.³⁴⁹

In 1844, the Chief at Snake Island sent a letter to Governor Metcalfe describing their experience with the Coldwater-Narrows Reservation;

"We commenced clearing our land on this island a number of years ago assisted by the missionary society who built us a

school house and dwelling house for our teacher, and assisted us in various ways. We remained here until requested by our Father, Sir John Colborne. We then moved from this island to the Township of Orillia on land selected by our Father, the Governor. After clearing land in that place and living there a number of years, Sir Francis Bond Head came to this province to be our Father, we soon found out to our sorrow, he was not so good a man as our Father, Sir John Colborne, who always kept his ears open to the wants of his red children. Our Father, Sir F.B. Head, soon turned us out of doors from our beloved homes. Again we had to shift for ourselves. We wandered about for some time and after an absence of about ten years we again erected our wigwams on this island, and when we looked at our land which we had laboured hard to clear, grown up with briars, and would require more labour to clear than when it was in wood, our hearts felt very sick. We have very poor encouragement to work unless our lands are secured to us, for we think what has once been might again be. A Governor like Sir F.B. Head may come and again we may

be driven from our homes, our labour lost and our annuity money wasted. These, our Father, are some of the reasons why we do not raise sufficient crops to support our families. Father, we are informed through our Superintendent, that you disapprove of our receiving provisions on our annuity pay. That in future it will be altered for the more useful purposes of education and general improvement of our condition..."³⁵⁰

The following year it was reported that there were only fifty acres under production on Snake Island; this is interesting because the year before the missionaries stationed there had reported that the Snake Island people had 150 acres under production. The report also noted that during the fall and winter months the Snake Island Band was moving to winter hunting grounds south of Holland Landing.³⁵¹

In the same year, Rama was reported to be doing rather poorly. They had an Anglican minister and a Methodist minister stationed there.³⁵² Yellowhead sided with the Anglicans while some other Chiefs sided with the Methodists. This rivalry came to a head when one of the

Chiefs, Big Shilling, told the government that Yellowhead had been denounced as the Head Chief of the band in favour of Nanigishkung.³⁵³ Yellowhead in turn, asked for Anderson's help in securing his leadership and requested that the government denounce Nanigishking and his Methodist followers.³⁵⁴ Anderson advised Yellowhead that he should attempt to encourage Snake and Aisance to move their bands to one central village (at Rama).³⁵⁵ This must have seemed a strange request to the Chiefs after the recent disbanding of the Coldwater Reservation at the government's own initiative.

In 1845 there was another report tabled on the affairs of Indians in Canada which shed more light on the problems encountered on the Coldwater-Narrows Reservation, and in particular, the problem of settlers squatting on Indian lands and stealing lands and Indian property. The report contained the following statement:

"...from information which I have received I am persuaded that a great many (settlers, squatters, etc.) have been induced by persons in the employment of government to settle upon Indian lands, and have held out

to them that prospect that at no distant day, the lands thus acquired would be confirmed by patent under the Great Seal of the Province. The evil has now reached to such an extent that unless some prompt and energetic measures are adopted and enforced by the government, the Indians must soon be deprived of the best portions of their inheritance..."³⁵⁶

In 1846 the government attempted to remove the Yellowhead and Snake bands of the Tri-Council, the Mississaugas of Scugog and the Mississaugas of Mud Lake to one reservation at Owen Sound.³⁵⁷ This action was resisted by all four bands.³⁶⁷ In the same year Chief Snake requested of Captain Anderson that his band be provided with two double sleighs, two double harnesses and two single harnesses to facilitate the harvest of hay on Snake Island.³⁵⁸ Presumably, Chief Snake thought these implements could be salvaged from Tri-Council property left at the Coldwater-Narrows Reservation. In addition, their annual presents ceased to contain guns and ammunition as the government attempted to dissuade the bands from travelling to their fall and winter traditional hunting grounds.³⁶⁷

Old Chief John Aisance died in 1847 and was replaced by young John Aisance as Chief of the Beausoleil Band.³⁵⁹ Whether the new John Aisance was a son or a nephew is not known. In 1849, the Aisance Band made their final relocation to Christian Island from Beausoleil Island. In the following year, the Crane and York families of Snake Island requested permission to move to Owen Sound, claiming that there was no land remaining on Snake Island that was good for agriculture.³⁶⁰ The movement of people from the Snake Island Band continued as the Millar family left to move to Saugeen; in 1850, the Elliott family also left Snake Island to move to Saugeen, and in 1855, the Goose family moved from Snake Island to Scugog Island.³⁶¹ The population of the Snake Island Band slowly decreased during this time period; with 144 individuals registered in 1847; 142 in 1848, and 132 in 1849.³⁶² 373

Anderson visited Snake Island in 1852 and informed the band that 1852 would be the last year they would receive annual presents.³⁶³ He cunningly suggested that if they had problems with their settlement at Snake Island, they should remove themselves to Manitoulin Island.³⁶⁴ In his report to the Indian Department a couple of years later he commented on the use of Tri-Council annuity and trust funds:

"...it was, in some cases at least, originally agreed that the annuities should be paid to the Indians in goods, and this has been done for several years. I refer particularly to the Chippewas of Lakes Huron and Simcoe (I believe all Indians to be alike improvident)... and it is more than probable that had their foolish whines not been listened to, but a strict discipline kept over them, they would be ten-fold better off than they are now."365 276

This statement by Anderson flies in the face of evidence produced a decade earlier regarding the expenditures and management of Tri-Council revenues, where it was clearly demonstrated there was a tremendous waste and mismanagement of funds at a time when the Chiefs were attempting to exert control over their own resources. Chiefs, who from the historical record, appeared to have a better idea of how their money should have been managed and spent, than Anderson or anyone else in the department. The Chippewa Tri-Council Chiefs had sent a petition to the Governor General of British North America requesting information on their treaties, annuities, and land fund accounts. They made specific reference to some very important circumstances and promises. They pointed to the clause

added to treaties in 1822 limiting the number of people able to collect on treaty agreements. In 1822 the government had instituted a policy which had the effect of capping the number of people included or designated to receive the benefits of treaty annuities. They took the total number of people present in the community on the day the treaty was signed, and deducted anyone who died after that date but did not add anyone born past that date. It is unlikely that this clause was explained to Indians who signed treaties after the policy was established. In the petition the Tri-Council noted:

"When we first received payments for our lands, our numbers were much greater than what they are now and we wish to ask what is become of their share who have died." 366 577

They also inquired about statements made regarding the lands on which they lived and their ownership of the resources from those lands:

"We wish to ask what the Government

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intended when they purchased our lands
by saying they only wanted the ground
as far as the plough went, and all under
that shall be yours."367 378

This statement presents substantiation for a
Tri-Council claim to mineral rights within Chippewa
territory. This type of promise would likely have been
made during the negotiation process preceding the actual
signing of the treaty in order to get the Chiefs and Head
Men to sign the document. Of equal significance, they also
noted in the petition that Colonel Claus and after him,
Colonel Givens had assured them that in spite of their land
being surveyed they still owned it:

"We will never ask that land from you...
if you like you might take up all the
posts along the shore and throw them
into the water and it would not be a bit
of harm for the land is yours..."368 378

Chiefs Aisance and Yellowhead proposed to the
department in 1856, that all three bands of the Tri-Council

move to Rama, provided that the boundaries of the reserve could be expanded and government resourcing be supplied to facilitate the development of an agricultural settlement like that of the Coldwater-Narrows Reservation.³⁶⁹ They were making an attempt to duplicate the accomplishments achieved at Coldwater in a new location. This request was never acted on and the three bands remained in their separate locations.

The year 1856 also saw another Treaty signed between the Chippewa Tri-Council and the Crown involving their islands in Georgian Bay. The Chiefs had complained that their Indian Agent, T.G. Anderson, had been selling islands belonging to the Tri-Council for his own profit, and without their knowledge or consent. The reaction they received from the government was a proposal to enter into a treaty which would provide for government protection of their islands in Georgian Bay, south of Moose Deer Point and in Lakes Simcoe and Couchiching. These islands were to be held in trust by the Federal Government for their benefit. Treaty No. 76 was presented and duly signed by the Chiefs of the Chippewa Tri-Council on June 5th, 1856.³⁷⁰

There is ample evidence to show that islands were being

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sold, supposedly for the benefit of the Tri-Council. Four islands were sold to a Mr. Wilson in 1856. Apparently the Chippewa were encouraged into this transaction to raise money to expand the land base at Rama. From all indications the islands were sold to Mr. Wilson, but there is no evidence to show that any lands were added to the Rama Reserve. Likewise, there does not appear to have been any deposit from the sale made to their trust account.³⁷¹ In fact, a year later Rama did not have the \$1,200.00 in their account required to build themselves a church. They were able to contribute \$400.00, which appears to have wiped out their account.³⁷² Why they would have had such a low balance after the sale of four islands in Lake Couchiching, (sold for their benefit), and all of the potential and on-going revenues supposedly available from the sale of the Coldwater-Narrows lands, is a question which requires further investigation.

The Rawson Report of 1856, from the Special Committee to Investigate Indian Affairs in Canada, commented on the Yellowhead and Aisance bands, who they said;

"...had made little if any progress since 1838."³⁷³

To the extent that this comment was true, and there is evidence to suggest that it was not, it would have been a direct result of the disillusionment the Chippewa Tri-Council suffered after the Coldwater Reservation was sold out from under them. The Rawson Report outlined what it saw as the reasons for the eventual collapse of the Coldwater Reservation:

"...encroachment of the white settlers on the line of the road, opened by the Indians themselves, and to the ill usage and pernicious example to which they were exposed at their hands, induced these tribes to abandon their settlement and to seek elsewhere a refuge from contamination of their more civilized white neighbours."374

Throughout subsequent years the Chippewa Tri-Council bands proceeded quietly in their efforts to develop a productive agriculturally based economy in their respective settlements. They requested and received enough money from the government to purchase the necessary oxen and implements to sustain their farms. Eventually, their lands

and accounts were divided and equally shared between the three communities, their affairs were handled as individual communities, and they ceased to function as a Tri-Council for several generations.

In recent history the Chippewa Tri-Council has come back together, to work in the area of historical research, and other areas, to strengthen the historical bond they share, and to bring to light the story of their people.

COLDWATER - NARROWS

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