

# TREATY RESEARCH REPORT MANITOULIN ISLAND TREATIES

by  
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## HISTORICAL BACKGROUND

The Manitoulin island chain, known as the “Island of the Ottawas,” has figured largely in Canadian Indian affairs since the 1830's. It provided the location for one of the most ambitious experiments of the Upper Canadian Indian policy in the early years of that province's civilization programme, and it provided as well the object of two of the most controversial land cession agreements of the nineteenth century.

The great Manitoulin Island and the thousands of smaller islands which surround it lie close to the northern shore of Lake Huron, forming a bridge of sorts between the tip of the Bruce Peninsula (or the Saugeen Peninsula) and St. Joseph Island at the head of the lake. Although the Ottawa tribes laid claim to this chain, the Ojibwa bands of the north shore (often referred to as the Chippewas) made use of it as well. The locations there, like those on the mainland, were temporary rendezvous points, used by a band for a summer camp perhaps, or for an even briefer refuge against weather conditions in the North Channel. There were longstanding reports of these activities. Indeed in 1837, Captain T.G. Anderson of the Indian Department described the bands of the northern shore of Lake Huron in the following terms.

....All these Tribes are wild and uncultivated; they hunt Furs during great part of the year for Hudson's Bay company. In the winter they live principally on the precarious and scanty Hunt of Hares, Partridges, and occasionally they kill Reindeer; in the summer months they subsist mostly on Fish; and many of them are clothed in Hare skins sewed together with Bass Wood Bark. It can scarcely be said that those Tribes who resort annually to the Borders of Lake Huron have any fixed place of residence, for though many of them endeavour to cultivate small patches of corn and potatoes, still, hunger calling them from their little gardens in search of food, they seldom remain more than two or three weeks in the same encampments...<sup>1</sup>

These same remarks would have applied to the Lake Simcoe Chippewas before 1830. In that year the British government formally approved the adoption of a programme designed to promote the gradual civilization and christianization of the Indians of Upper Canada. Among the bands selected to form part of the pilot project of this new policy

were 500 Chippewas of the Lake Simcoe region.<sup>2</sup> Led by the three chiefs, John Aisence, Snake and Yellowhead the three groups were located on the Coldwater-Narrows reserve lying between the Narrows (where Yellowhead's band took up residence) and a settlement at Coldwater, a distance of fourteen miles from where Snake and John Aisence settled their bands.

These bands were placed under the supervision of Captain T.G. Anderson, a longstanding member of the Indian Department. With the assistance of a schoolmaster, a missionary, and several tradesmen, Anderson was expected to see that the children were given a basic primary education and the adults were instructed in agriculture, husbandry, hygiene and basic commerce. The goal was to train the Chippewas sufficiently to allow them to take charge of their own affairs, both religious and secular; and when that had been accomplished the government establishment - i.e., agent, missionary, teacher and artisans - could move to a new centre and repeat the task with another band.

After five years, progress was deemed to have been considerable. Indeed, so encouraged was the Lieutenant Governor of the day, Sir John Colbourne, that he determined to turn the reserve over to the bands and move the Coldwater establishment to Manitoulin Island to repeat the experiment.<sup>3</sup> Anderson was therefore despatched to begin planning the new project. His report to Colbourne on the matter was extremely optimistic, and based largely upon what Anderson perceived to have been remarkable success at Coldwater-Narrows.<sup>4</sup>

While Anderson was preparing for the new project, and offering the above optimistic report, the schoolmaster at the Narrows, Mr. Robertson, was charged with the responsibility of taking care of matters during Anderson's absence. He was far less sanguine and painted a very discouraging picture of what would result should the Chippewas be left to their own resources.<sup>5</sup> He pointed out that in the year 1835 they had taken over control of the grist mill and the saw mill on the reserve. These two had been built at the joint expense of the Indian Department and Indian annuities. Because they

were the only such facilities in the area, and because local settlers made use of them they had been excellent investments. When Anderson had managed them the mills had shown a profit which had served to finance the reserve schools and to provide care for the elderly. Once the Indians took charge, however, the profits ceased, the schools suffered and the old people on the reserve were not assisted as formerly. Moreover the general progress in farming also stopped because the Indians used the money from the mills to live on instead of pursuing agriculture. Robertson predicted that this trend would continue and that irresponsible chiefs would prevent any progress on the reserve.

Robertson's warnings went unheeded. Just before leaving the province, Colbourne urged the Colonial Secretary to continue the proposed Manitoulin project, and enclosed Anderson's report to support it.

I CANNOT quit this Government without drawing your Lordship's attention to the projected Establishment of the Indians of the Northern Shores of Lake Huron on the Great Manitoulin Island, which I have authorized, and which has already been partly carried into effect.

I request that your Lordship will give your sanction for completing the Arrangements which have been determined upon, and that you will afford your utmost protection to this important undertaking, so well calculated, I hope, to confer the greatest benefits on the Aborigines of that part of the Province.

I have directed the Indian presents, which were formerly issued at Amherstburg, to be distributed in future at the Great Manitoulin Island, whither the Indians have been directed to resort next summer in order to receive them.

This arrangement will, I hope, produce much good, as the Indians will not have that inducement to sell their presents which they have hitherto had at Amerrtsburg and Detroit, and also as a saving will eventually be effected.

Captain Anderson, the Indian Superintendent at Coldwater, together with a Missionary and Schoolmaster, will reside constantly at the Indian Station on the Manitoulin Island, and will endeavour to civilize the Tribes which may be attracted to place themselves under their charge.

If this Project succeeds, your Lordship may be assured, notwithstanding the discussion in the House of Commons last Session, that all the Indian Tribes in Canada are collected in villages, that schools are instituted for their benefit, and that they are placed under the care of persons interested in their welfare. You

will be glad to hear that few cases of intoxication now occur, except among the visiting Indians residing chiefly in the United States, who annually receive their presents at Amherstburg, and that the measure now proposed of issuing the presents at Manitoulin Island will probably be the Means of rendering them sober.

In the annexed Statements your Lordship will see the progress that has been made in the Indian establishment under the charge of Captain Anderson, and the State of the Indians on the Northern Shores of Lake Huron.<sup>6</sup>

Colbourne's successor, Sir Francis Bond Head, was far less optimistic. His much quoted assessment of the Indians; prospects was sent in the form of a memorandum to Lord Glenelg, the Colonial Secretary, in November of 1836, and is reproduced here.

The Fate of the Red Inhabitants of America, the real proprietors of its soil, is, without any exception, the most sinful story recorded in the history of the human race; and when one reflects upon the anguish they have suffered from our hands, and the cruelties and injustice they have endured, the mind, accustomed to its own vices, is lost in utter astonishment at finding, that in the Red Man's heart there exists no sentiment of animosity against us, no feeling of revenge; on the contrary, that our appearance at the humble portal of his wigwam is to this hour a subject of unusual joy; if the White Man be lost in the forest, his cry of distress will call the most eager hunter from his game; and among the Tribe there is not only pleasure but pride in contending with each other who shall be the first to render assistance and food.

So long as we were obtaining possession of their country by open violence, the fatal result of the unequal contest was but too easily understood; but now that we have succeeded in exterminating their Race from vast regions of land, where nothing in the present day remains of the poor Indian but the unnoticed bones of his ancestors, it seems inexplicable how it should happen, that even where the race barely lingers in existence, it should still continue to wither, droop, and vanish before us like Grass in the Progress of the Forest in flames. "The Red Men," lately exclaimed a celebrated Miami Cacique, "are melting like Snow before the Sun!"

Whenever and wherever the Two Races come into contact with each other it is sure to prove fatal to the Red Man. However bravely for a short time he may resist our bayonets and our firearms, sooner or later he is called upon by death to submit to his decree; if we stretch forth the hand of friendship, the liquid fire it offers him to drink proves still more destructive than our wrath; and lastly, if we attempt to christianize the Indians, and for that sacred Object congregate the in villages of substantial log houses, lovely and beautiful as such a theory appears, it is an undeniable fact, to which unhesitatingly I add my humble testimony, that

as soon as the hunting season commences, the men (from warm clothes and warm housing having lost their hardihood) perish, or rather rot, in numbers, by consumption; while as regards their women, it is impossible for any accurate observer to refrain from remarking, that civilization, in spite of the pure, honest, and unremitting zeal of our missionaries, by some accursed process has blanched their babies faces. In short, our philanthropy, like our friendship, has failed in its professions; producing deaths by consumption, it has more than decimated its followers; and under the pretense of eradicating from the female heart the errors of a pagan's creed it has implanted in their stead the germs of Christian guilt.

What is the reason of all this? Why the simple virtues of the Red Aboriginies of America should under all Circumstances fade before the vices and cruelty of the old world is a problem which no one among us is competent to solve; the dispensation is as mysterious as its object is inscrutable. I have merely mentioned the facts, because I feel that before the Subject of the Indians in Upper Canada can be fairly considered it is necessary to refute the idea which so generally exists in England about the success which has attended the christianizing and civilizing of the Indians; whereas I firmly believe every person of sound mind in this country who is disinterested in their conversion, and who is acquainted with the Indian character, will agree, -

1. That an attempt to make farmers of the Red Men has been, generally speaking, a complete failure;
2. That congregating them for the purpose of civilization has implanted many more vices than it has eradicated; and, consequently,
3. That the greatest kindness we can perform towards these intelligent, simple-minded people, is to remove and fortify the as much as possible from all communication with the Whites.<sup>7</sup>

In dispatching this memorandum, to Lord Glenelg, Sir Francis had two motives, one declared and one not. He began by building a strong case against the likelihood of the Indians ever making substantial progress towards a civilized state; he softened that harsh judgement by suggesting that they be accorded locations - and protected in them - where they could continue their traditional pursuits and lifestyles; and he added the further incentive that if the locations selected for that purpose were sufficiently remote and sufficiently unattractive to European settlers (but still suitable and attractive for Indian use) then the Indians could remain unmolested, and retain their basic virtues and basic purity. This elaborate argument was clearly designed to secure the Colonial Secretary's approval for the two land arrangements that Bond Head had made when he visited the Manitoulin Island in August of 1836.

## Notes

<sup>1</sup> Irish University Press. *British Parliamentary Papers*, vol. 12, Correspondence, Returns and other Papers relating to Canada and to the Indian Problem Therein, 1839. (Shannon, Ireland, 1969), (hereafter referred to as IUP), p. 373, Anderson to Givins, Coldwater, May 15, 1837.

<sup>2</sup> Robert J. Surtees, "Indian Reserve Policy in Upper Canada 1830-1845," M.A. Thesis, Carleton University, Ottawa, 1966, pp. 97-132.

<sup>3</sup> IUP, p. 346, Colbourne to Glenelg, No. 30, 22 January, 1836.

<sup>4</sup> IUP, pp. 343-350, Anderson to Colbourne, 24 September, 1835.

<sup>5</sup> Surtees, "Indian Reserve Policy in Upper Canada 1830-1845," pp. 126-7.

<sup>6</sup> IUP, p. 36, Colbourne to Glenelg, no. 30, 22 January, 1836.

<sup>7</sup> IUP, p. 353, Bond Head to Glenelg, no. 32, 20 November, 1836.

## THE MAKING OF THE MANITOULIN TREATY, 1836

The Lieutenant Governor travelled to the island to gather data to answer inquiries regarding Indian affairs posed by Lord Glenelg, and to attend the annual distribution of presents for 1836 scheduled to take place there in August. Once there, however, Bond Head took more decisive action. He addressed the 1500 assembled Indians, and in particular spoke to two groups: the Ottawas and Chippewas who laid claim to the Manitoulin Islands, and the Ojibwa bands who occupied the Bruce Peninsula. To the former he suggested that they give their lands to the Crown on the condition that those islands would be set apart for the use of the Indians of Upper Canada; to the latter he suggested that they move north of the Saugeen River and in turn receive the protection of the Crown in that area as well as assistance from the Crown to help them “become civilized.” Furthermore, he had the two speeches written in the form of a memorandum which were then signed by the chiefs of the two respective groups.

These documents clearly differ very greatly in form from the land cession agreements which were concluded both before and after that event. Sir Francis himself admitted this,<sup>1</sup> but in forwarding them to the Colonial Secretary he noted that an exchange of Wampum had accompanied the action and that the arrangements had been “witnessed by the Church of England, Catholic, and Methodist Clergymen who were present, as well as by the several Officers of His Majesty’s Government.”<sup>2</sup> Clearly, he wished to have the two memoranda considered as legal land surrenders. Because these two speeches have taken on the status of actual treaties, the full text follows.

(Seal of Sir F.B. Head, and the Wampum.)

My Children,

Seventy Snow Seasons have now passed away since we met in Council at the Crooked Place (Niagara), at which time and place your Great Father the King and the Indians of North America tied their hands together by the Wampum of Friendship.

Since that period various circumstances have occurred to separate from your Great Father many of his Red Children, and as an unavoidable increase of white population, as well as the progress of cultivation, have had the natural effect of

impoverishing your hunting grounds, it has become necessary that new arrangements should be entered into for the purpose of protecting you from the encroachments of the whites.

In all parts of the world farmers seek for uncultivated land as eagerly as you my Red Children hunt in your great forest for game. If you would cultivate your land it would then be considered your own property in the same way as your dogs are considered among yourselves to belong to those who have reared them; but uncultivated land is like wild animals, and your Great Father, who has hitherto protected you, has now great difficulty in security it for you from the Whites, who are hunting to cultivate it.

Under these circumstances I have been obliged to consider what is best to be done for the Red Children of the forest, and I now tell you my thoughts.

It appears that these Islands, in which we are now assembled in Council, are, as well as all those on the North Shore of Lake Huron, alike claimed by the English, the Ottawa, and the Chippawas.

I consider, that from their facilities, and from their being surrounded by innumerable fishing islands, they might be made a most desirable Place of Residence for many Indians who wish to be civilized as well as to be totally separated from the Whites; and I now tell you that your Great Father will withdraw his Claim to these Islands, and allow them to be applied for that Purpose.

Are you therefore, the Ottawas and Chippawas, willing to relinquish your respective Claims to these Islands, and make them the Property (under your Great Father's Control) of all Indians who he shall allow to reside on them? If so, affix your marks to this my Proposal.

(Signed) F.B. Head

(Signed)	J.B. Assekinack,	Mosuweko
	Mokomminock	Kewuckance
	Wararphack	Shawenausaway
	Kimowm	Espaniole
	Kitchemokomou	Snake
	Pega ata Wich	Pantauseway
Manatowaning,	Paimausigai	Parmaugumeshcum
9 <sup>th</sup> August	Naimawmuttebe	Wagaumauguin. <sup>3</sup>
1836.		

To the Saukings.

My Children,

You have heard the Proposal I have just made to the Chippawas and Ottawas, by which it has been agreed between them and your great Father that these Islands (Manitoulin), on which we are now assembled in Council, should be made the Property (under your Great Father's Control) of all Indians whom he shall allow to reside on them.

I now propose to you that you should surrender to your Great Father the Sauking Territory you at present occupy, and that you should repair either to this Island or to that Part of your Territory which lies in the North of Owen's Sound, upon which proper Houses shall be built for you, and proper assistance given to enable you to become civilized and to cultivate Land, which your Great Father engages for ever to protect for you from the encroachments of the Whites.

Are you therefore, the Sauking Indians, willing to accede to this arrangement? If so, affix your marks to this my Proposal.

(Signed) F.B. Head.

(Signed)

Kaguta  
Matiewabe  
Alescandre

Crenevirem  
Konquawis  
Mattawaush

Witness,

J.G. Anderson, S.I.A.

Joseph Stinson, General Superintendent of Wesleyan Missionary Society

Adam Elliot

James Evane

J.L. Ingall, Lieutenant 15<sup>th</sup> Regiment, commanding Detachment.

H.W. Fields, D.A.C. General

Manatowaning, 9<sup>th</sup> August, 1836.<sup>4</sup>

The acquisition of land for the government was the Lieutenant Governor's undeclared motive. Sir Francis left that much of the political opposition which the Reform Party could bring against the ruling party could be eliminated if new settlement lands could be made available.<sup>5</sup> The Saugeen Surrender (i.e. the Bruce Peninsula south of the Saugeen River) and other purchases which he made at about the same time were to provide that land. If all or most of the Indians in the province could be persuaded to move from their current habitats then even more good land would be

available.

As it turned out, Sir Francis did have his way, but not for the reasons, or the intentions, which lay behind his actions. Indeed there was strong opposition to Head's conclusions from a Committee of the Executive Council of Lower Canada respecting the Indian Department.

The Committee cannot admit the belief, that in the Order of Providence any race of men are doomed to an exclusion from those advantages of social improvement and advancement which the light of knowledge and of religion has uniformly bestowed on the rest of mankind. In the intellectual or moral condition of the Indian, except as modified by accidental influences, they recognize nothing to unfit him from rising to a level with his brethren of the European race.

Those influences which have operated against him have proceeded from a long and fatal neglect of those who should have watched over his improvement, of the proper means of raising him in the scale of civilization; or rather, he has been the victim of a vicious system positively calculated to depress and degrade him.

The Vices attributed to the Indians as the Result of attempts to civilize them have been none other than have ever been found even in the most savage and uncultivated forms of life. But, even in spite of all the disadvantages inflicted on them, the Indians have not failed to afford sufficient evidence, in various instances, of their capacity for the ordinary pursuits and arts of life, and of their readiness to enter upon them when opportunity and encouragement was afforded.<sup>6</sup>

Missionaries, especially the Methodists, also condemned Bond Head's conclusions.<sup>7</sup>

They need not have worried, for Lord Glenelg was also of opinion that a programme of civilization - involving a concentration of population, instruction in Christianity and agriculture, and a basic education - was both desirable and capable of success.<sup>8</sup>

Moreover, he also accepted the view that isolation or segregation for a time would be beneficial to the Indians, since that circumstance would permit them to travel along the road to civilization at their own pace, unencumbered by the retarding influences of neighbouring whites.

It was for these reasons that Lord Glenelg recommended - and the British Treasury

approved - the land arrangements which Bond Head concluded regarding the Manitoulin, the Saugeen Peninsula and other small purchases at the Huron Reserve, Coldwater-Narrows and Moraviantown.<sup>9</sup> The memoranda prepared by the Lieutenant Governor on the Island became, therefore, official documents of land transfer. The Saugeen arrangements were protested for several years by several of the chiefs concerned, notably Newash, Wawahnosh and Wahbahdick, who argued that they had not signed the memorandum and were therefore not bound by it. Furthermore, they argued, the agreement was not valid because Sir Francis had compelled the other chiefs to sign by warning that if they did not, the whites would take the Indian's land anyway.<sup>10</sup>

Ironically, Bond Head's actions were supported by the very people who condemned his predictions that the Indians were a "doomed race." Both land agreements would, if the Indians could be convinced to move either onto the island or onto the northern portion of the Bruce Peninsula, have the effect of congregating Indians in substantial numbers in one place. Since that was considered to be the first step on the road to civilization, the missionaries and anyone who was concerned with ameliorating the conditions of the Indians in Canada would applaud it. Thus the agreements were allowed to stand. Bond Head thus got the land he coveted; it did not fulfil the role he had hoped it would, however, for the Rebellion of 1837-8 revealed a greater degree of dissatisfaction with the government than could be cured by some new settlement lands on the Bruce Peninsula!

With respect to the Manitoulin Islands, Bond Head's 1836 agreement did not remove land from the Indian people. Indeed it could be argued that it actually strengthened the Indian claim to the Islands for they now had the personal and written guarantee of the Lieutenant Governor that the land was theirs. The ownership base was broadened, however, in that the islands became "the Property (under your Great Father's Control) of all Indians whom he shall allow to reside on them." How many Indians would actually choose to accept government's invitation to take up residence on the Island was, of course, unknown. Indian agents, however, were instructed to promote the idea

whenever they could; also, the project which Colbourne had suggested, and which had been temporarily delayed, was given the approval of the Colonial Secretary.

### Notes

<sup>1</sup> IUP, p. 351, Bond Head to Glenelg, no. 31, 20 August, 1836.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, pp. 351-2.

<sup>4</sup> *Ibid.*, p. 352.

<sup>5</sup> A more complete discussion of this feature of Bond Head's policy can be found in John S. Milloy, "The Era of Civilization: British Policy for the Indians of Canada, 1830-1860," D. Phil., Oxford, 1978, pp. 100-164.

<sup>6</sup> IUP, p. 257, Report of a Committee of the Executive Council ... respecting the Indian Department, 13 June, 1837.

<sup>7</sup> Robert J. Surtees, "Indian Land Cessions in Ontario, 1763-1862: The Evolution of a System," Ph. D. Thesis, Carleton University, 1982, pp. 218-20.

<sup>8</sup> *Ibid.*, p. 220.

<sup>9</sup> IUP, p. 301, Glenelg to Bond Head, 20 January, 1837.

<sup>10</sup> Surtees, "Indian Land Cessions in Ontario," p. 219.

## INTERLUDE 1836-62

The government settlement was begun at Manitowaning in 1838.<sup>1</sup> In addition to the agent, T.G. Anderson, it included a clergyman, a school-master and several artisans, who were to build the establishment and instruct the Indians in religion, husbandry, agriculture and elementary education. It was hoped that substantial numbers of Indians from the rest of the province, but particularly from Saugeen and the north shore of Lake Huron, would settle near Manitowaning in order to receive the assistance of the Department personnel. As they made progress, they would offer a concrete example to other bands who, it was felt, would want to emulate their success.

The initial optimism soon began to dissipate, and although the Manitowaning establishment was kept in place for over two decades, it could not report to have made any substantial progress. There were many reasons for this.<sup>2</sup> Certainly the soil was not as fertile as had been supposed, and the very remoteness of the Island inclined Indians to resort to their more traditional - and more successful - methods of survival, especially fishing. The supplements of the government in the form of annual presents and the minimal success in agriculture contributed towards this natural inclination.

Equally serious was the religious rivalry that existed from the beginning. Manitowaning, as a government establishment, was expected to promote the Anglican faith; but the officials there soon found that they faced competition. In 1836, the Jesuits had begun to visit the residence at Island and in the fall of 1838 Father J.B. Proulx took up a permanent residence at Wikwemikong. The following year he reported having conferred 78 Baptisms, 49 to adults.<sup>3</sup> In terms of conversions and the growth of Indian settlement, the Wikwemikong village outstripped its rival across Manitowaning. The religious division accentuated the inherent tribal rivalries that already pertained among the Ottawas, Potawatomes and Ojibwas who gathered on the Manitoulin.<sup>4</sup>

In addition to these two establishments, several smaller villages were begun at various locations across the Island, most of them on the more sheltered north shore. By 1860,

there were twelve permanent villages to which various bands would resort for at least part of the year. In all, the population of the Island had grown to about 1200,<sup>5</sup> a five fold increase since 1836, but nevertheless a great disappointment to those who had hoped it would be much greater. The anticipated migrations from Saugeen and Garden River at Sault. Ste. Marie had not taken place. The Indians simply would not move to the Island in the numbers which government wished, or expected. Particularly disappointing was the absence of success at the village of Manitowaning. In 1856, a Special Commission established to investigate Indian Affairs in Canada reported as follows:

The village of Manitowaning no longer presents the appearance which it did twelve years ago. Many of the inhabitants have emigrated, some to join the Newash Band, others to settle themselves at Garden River, and a few have founded the new village of Wiabejiwong. Manitowaning, now contains, according to the returns of the Superintendent, not more than 22 houses, and this probably includes those occupied by the officers in charge of the settlement, as well as the school house, and may be taken as the outside limit of the number of houses now standing. There are also 2 barns, 6 stables and 4 houses; all the buildings are constructed of logs - many of them are deserted and ruinous - - - the school house is dilapidated and untenable, and the workshops from which the Mechanics are withdrawn, are destitute of tools, deserted by the Indians who formerly worked there, and in an utter state of decay. The church is in tolerable repair, but we found no Indians attending the services.

The School Returns show 20 children as receiving instruction, but the greatest number of days during the last quarter, on which any one child attended the school was 14, and ten of the children do not appear to have been present for a single day. The books said to have been used are the Church of England catechism, the first, second, and third books of lessons of public instruction, for Upper Canada - - - Elementary instruction is also given in Geography - - - but the returns do not lead us to believe that any children are taught the catechism.

At the time of our visit, there were no Indian scholars in attendance, and we learned that the schoolmaster, had for some time past been driven, by the ruinous condition of the schoolhouse, to teach such children as are under his charge in his own house.

The Rev. Dr. O'Meara, confesses that this school has long been entirely useless to the Indians, but he remarks that the want produced by this state of things has to a certain extent been supplied by the zeal of the Rev. Mr. Jacobs, resident Missionary, who has established an evening school, at which the attendance

varies from 10 to 25. The number of Protestant school of an age to go to school at this village, is now so inconsiderable as to render the employment of a Teacher no longer necessary.

The condition of the farms near the Settlement, was in keeping with that of the village itself: fields without fences, and gardens lying uncultivated, presented a picture of complete neglect and indifference.<sup>6</sup>

## Notes

<sup>1</sup> Surtees, "Indian Reserve Policy in Upper Canada 1830-1845," pp. 133-37.

<sup>2</sup> See Ruth Bleasdale, "Manitowaning: An Experiment in Indian Settlement," *Ontario History*, LXVI, No. 3 (September, 1974), pp. 147-57.

<sup>3</sup> Ontario Archives (OA), Report by Mr. Bernard Prince re: Jesuit Mission Records at Wikwemikong, Manitoulin Island, Miscellaneous, 1961. Wikwemikong Diary 1836-1917, Summary by Fr. J. Paquin S.J., (hereafter referred to as "Wikwemikong Diary"), p.1.

<sup>4</sup> Bleasdale, "Manitowaning: An Experiment in Indian Settlement," pp. 153-54.

<sup>5</sup> Canada. Report of the Special Commissioners appointed on the 8 of September 1856, to investigate Indian Affairs in Canada. *Sessional Papers*, 1858, Appendix 21, Ottawa, 1858, p. 62.

<sup>6</sup> *Ibid.*, pp. 63-4.

## THE MAKING OF THE MANITOULIN TREATY, 1862

The Indians may have been unwilling to move to the Island, but by 1860, there were other people who were prepared, even anxious, to do so. There was a shortage of good arable land available in the province, and while the soil of the Manitoulin was inferior to other areas in the province, there were farmers who were ready to move there.<sup>1</sup> Business interests encouraged such expansion, for a continually developing line of settlement would provide further markets for the growing industries of Toronto and Montreal.<sup>2</sup> In response to this type of pressure, the commissioner of Crown Lands, in August of 1861, recommended that the way be prepared for settlement of the Manitoulin Island by conducting surveys in order to divide the Island into townships. Within two weeks the Governor General had signed an enabling order-in-council.<sup>3</sup> The Crown Lands Commissioner did acknowledge the Indian presence by suggesting that each native family should be granted 25 acres of land; but the summary fashion in which he dealt with that fact would suggest that he did not consider Indian rights of occupancy to be deeply entrenched.

The Indians themselves felt otherwise. Even before the 1861 Order in Council the Manitoulin Indians had to deal with white fishermen who were actually the first whites to penetrate the Manitoulin frontier. The Government of Canada had had difficulties about fifteen years earlier regarding mining licenses which had been issued to mining companies wishing to exploit the mineral resources of the northern shores of Lake Huron and Lake Superior. Several were actually granted before the Indian entitlement to the land had been extinguished by the Robinson Treaties of 1850.<sup>4</sup>

The same mistake was made with respect to the Manitoulin Islands but this time the natural resource being exploited was fish, notably Lake Huron whitefish, and a number of fishing leases were issued to commercial firms in the Manitoulin area.<sup>5</sup> Such leases were clearly an infringement of Indian rights, and the natives registered their dissatisfaction by harassing those whites who exercised their licenses.

Their dissatisfaction grew even greater when the provincial Commissioner of Fisheries,

Mr. Gibbard, visited the village of Wikwemikong in July of 1859. At that time Gibbard advised them that if they themselves wished to fish the Manitoulin waters, they would be required to purchase “by auction whatever fishing grounds they would wish to keep.”<sup>6</sup> The priest at Wikwemikong recorded in his diary that the chiefs there protested “against this infringement of their rights, but the Superintendent will not listen to them.”<sup>7</sup> Not surprisingly, therefore, when the purchase of the Island was proposed the Wikwemikong chiefs began to organize resistance.

A general meeting of the Wikwemikong Indians of February 4, 1861 resolved “to oppose any attempt on the part of Government to open the Manitoulin Island to the whites.”<sup>8</sup> A subsequent meeting at West Bay on June 10 reinforced this attitude, and dismissed two chiefs who were opposed. This sentiment was carried into the meeting convened at Manitowaning, on October 5, 1861 by two commissioners sent to negotiate a preliminary treaty. In that session they were asked to cede the land, and retain only reserves totalling 25 acres per family. They were advised that as a result of the 1836 treaty, it had been expected that 9,000 Indians would move to the Island. Because that had not happened, the Indians had “not fulfilled their part of the contract”<sup>9</sup> and therefore had invalidated the agreement. It was an unusual interpretation and no doubt designed to frighten. It did not have that effect, for the Indians refused to agree to a cession, and two days later at another meeting they refused to allow a survey of the Island. They were told, however, that the survey would be taken in any case, under the protection of guards.<sup>10</sup>

It was this survey, conducted by John Stoughton Dennis, in November, which provided government with data regarding the resources and potential of the Manitoulin chain. If those resources were to be exploited and if white settlement were to be permitted, an official land cession was mandatory.<sup>11</sup> William McDougall, the Superintendent General of Indian Affairs, was appointed as commissioner to negotiate a land sale. He was to be accompanied and assisted by the newly appointed Deputy-Superintendent, William Prosperous Spragge.<sup>12</sup> In the fall of 1862, the two commissioners called a treaty council at Manitowaning.

In the interim, on orders from Spragge, the local agent, George Ironside, had continued to talk to the several bands on the island. The extent of his success is questionable. According to the "Wikwemikong Diary," compiled by the priest there, a council on June 25 at West Bay had strengthened the Indian resolve to resist.<sup>13</sup> In August, Ironside's efforts to win the chiefs over, one by one, by promising a money bonus and reserves based on a ratio of 100 acres per family, also failed.

The recalcitrant chiefs had the sympathy, and likely the support, of the Jesuit priests at Wikwemikong. Certainly the main stimulus to resist came from the Wikwemikong settlements. On the other hand, Ironside, in arguing his case with individual chiefs, felt he was making some progress by emphasizing that the new reserve allotment would create Indian reserves sufficiently large to preclude danger to them from white settlers.<sup>14</sup> He also had the support of Chief Assignigack who was considered by the Department to hold considerable influence among the Indians on the Island. Apparently Ironside's reports to Spragge were sufficiently optimistic to have the commissioners journey to Manitowaning. Perhaps Ironside had observed weak links in the Indian unity, for divisions appeared after the proceedings began on October 5<sup>th</sup>.

The first response of the Indians was not encouraging to McDougall. After explaining that government wanted the Island to provide settlement lands, and after outlining the terms proposed by government including an annuity and reserved lands, McDougall was somewhat shocked to receive an immediate refusal from the principal Indian spokesman. Without hesitation, "and without taking time to consider" the government proposal, "he proceeded to announce the determination of the Indians to reject them unconditionally."<sup>15</sup> Although taken aback, McDougall recovered, explained the terms further, and then recessed the proceedings. It was during this recess that Indian divisions became evident. A minority appeared willing to treat, but were kept from speaking freely by "intimidation and threats of violence."<sup>16</sup> McDougall observed that the obstinacy came primarily from the Wikwemikong band, which had, of course, been generally hostile to government from the earliest days of the Manitoulin Establishment. It was they who had organized the resistance at West Bay and Manitowaning,<sup>17</sup> the

previous year, and they were obviously controlling the Indian role in the council. Even the urgings of the old war chief Assiginack could not penetrate the solid front imposed at this first meeting.<sup>18</sup> No treaty could result while their dominance lasted.

The Wikwemikong bands were therefore excluded from the resulting treaty.<sup>19</sup> The government did promise to protect the Wikwemikong bands in their continued ownership of the eastern peninsula of the Island, and two of their chiefs signed the treaty as an indication of their general approval of the terms.<sup>20</sup> The other bands agreed to sell their lands, and the adjacent islands, to the government. They would retain reserves based on a ratio of 100 acres to each head of a family, 50 acres to each single adult, 100 acres to a family of orphans, and 50 acres to a single orphan. The Indians were to be permitted to select their acreage - friends or relatives were to make the selections for orphans - provided the areas chosen were continuous so that the Indian settlements on the Island were as compact and manageable as possible.<sup>21</sup> It was expected that the bands would choose areas that had already been developed as village sites, and for the most part that was done. It also permitted the government to claim, from any reserve, any sites which might in its opinion, be better used for the public good in terms of building wharfs, harbours or mills. In such a case the Indians who would be displaced would be allowed to select another location, and they would also be reimbursed for any improvements they had made. Six reserve sites, in addition to the unceded Wikwemikong peninsula were ultimately set apart.

At the time of signing the treaty, the consenting bands received a payment of \$700 but this was just an advance against future income. The lands not reserved were to be surveyed and sold by government to incoming settlers. The income would create an investment fund, and the interest from the fund would be distributed annually on a per capita basis, with the chiefs receiving a double share. The treaty also provided that after 100,000 acres had been sold, the government could charge a portion of the resident superintendent's salary against the investment fund. Article six accorded to the Indians the same right to fish in the waters of the Island or adjacent shores as was granted to whites. No mention was made of hunting rights. The provision calling for the

surrender of adjacent islands was obviously intended not only to acquire those lands but also to secure the various fishing stations that surrounded the main Island. It was a sensible precaution, but the exclusion of the Wikwemikong peninsula from the agreement also left open to question the disposition of the islands and fishing stations surrounding it. It was a loose end that McDougall may or may not have anticipated, but it did cause very serious incidents in the future.

McDougall could not have foreseen the unfortunate and ugly incident of a year later, which included the murder of the fisheries commissioner, Gibbard. He may well have thought that the Wikwemikong bands would fall into line with the other bands of the island and agree to sell their territory on the peninsula. The way had been left open, for article eight of the treaty had included the option for them to join in the operation of the treaty whenever a majority of their chiefs decided to do so. McDougall was mistaken: the option has never been exercised, and the Wikwemikong peninsula remains one of the two unceded portions of land in the province. In their successful resistance to government demands, Wikwemikong Indians were undoubtedly assisted by their missionaries, and still more by their own ability not only to organize but to maintain a reasonably united opposition to the government's commissioner and grants.<sup>22</sup>

## Notes

<sup>1</sup> *Ibid.*, p. 61.

<sup>2</sup> Douglas Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890," Ph.D. Thesis, University of Western Ontario, 1975, p. 195.

<sup>3</sup> Bleasdale, "Manitowaning: An Experiment in Indian Settlement," p. 155.

<sup>4</sup> Surtees, "Indian Land Cessions in Ontario," p. 240.

<sup>5</sup> Leighton, "The Development of Federal Indian Policy in Canada," p. 195.

<sup>6</sup> OA, Wikwemikong Diary, p. 12.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, p. 13.

<sup>9</sup> *Ibid.*, p. 14.

10. *Ibid.*
11. Leighton, "The Development of Federal Indian Policy," p. 195.
12. *Ibid.*, p. 188.
13. OA, Wikwemikong Diary, p. 14
14. Leighton, "The Development of Federal Indian Policy," p. 196.
15. Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Toronto, 1880), p. 23.
16. *Ibid.*
17. OA, Wikwemikong Diary, p. 14.
18. Leighton, "The Development of Federal Indian Policy," p. 198.
19. Canada. *Indian Treaties and to 1890*. Ottawa, 1891; reprinted Toronto, 1970, vol. 1, pp. 235-7.
20. *Ibid.*, p. 237.
21. *Ibid.*, pp. 235-6.
22. The other unceded reserve is Walpole Island.

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