

Historical Algonquin Occupancy Algonquin Park

Report

**Prepared for 'Elders Without Borders'
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1. INTRODUCTION

There is extensive documentation to support the claim that the area traditionally occupied by the Algonquin Nation comprises all lands drained by the Ottawa River watershed.¹ Algonquin rights and title to this land have never been extinguished and they have never signed a treaty nor received compensation for the alienation of this land. Although the central focus of this report specifically traces a documented history of Algonquin occupation in the general vicinity of Algonquin Park from 1863 to 1899 it also addresses, at length, the chronology of collective Algonquin nation claims before that time period. This chronology is essential to understanding the subsequent dispossession of Algonquin groups from their land in the study area.

The initial discussion (Section 2) outlines the historical occupation of the Ottawa Valley by the Algonquin nation to establish a framework for the following chronology. It then reviews Algonquin and Nipissing protests to the invasion into their territory and outlines collective Algonquin claims and petitions for ownership to land throughout the late 1700s to mid 1850. A review of the legislation defining Indian identity and Indian relationships to land exposes the attitudes of colonial settlers and various governmental agencies in their negotiations with the Algonquins. It also suggests how this legislation constructed justification for the Europeans to alienate the Algonquins from the land. The summary of legislation and Indian policy concerning land disposition and Indian status enables us to understand the chronological sequence of events (the context) that dispossessed the Algonquins of their original homelands.

Before 1850 many Algonquin and Nipissing had gathered as a collective entity at the mission of Lake of Two Mountains for the annual social gathering and summer distribution of clothing, hunting gear, food supplies and religious instruction. However by the mid 1840s, many Algonquin groups stopped frequenting the mission and began to submit individual group petitions to have their presents issued closer to their homelands and to petition for title to their respective territories. The difficulties of large groups of Algonquins subsisting in areas where lumbering and agricultural settlements were invading the land and depleting resources became more apparent as Euro-Canadian settlement progressively moved further inland and north of the St. Lawrence and west and south of the Ottawa River. In the mid 1800s documented Algonquin groups were marginalized to specific locations in the Ottawa Valley – both in Ontario and Quebec. The conclusion of section two briefly addresses the

¹ Day, G. M., and B. G. Trigger. 1978. "Algonquin." Handbook of North American Indians, ed. B. Trigger, vol. 15, Northeast, 792-7. Washington: Smithsonian Institution; Hanson, L.C. 1986. Research Report: The Algonquins of Golden Lake Indian Band -- Land Claim, Ministry of Natural Resources, Office of Indian Resource Policy; Holmes, J., and Associates, Inc. 1993. "Algonquins of Golden Lake Claim; Ontario Native Affairs Secretariat, October 30, Vol. 1 to 8, Vol. D1 to D40, Vol. S1 to S8 and Maps and Plans Collection; Huitema, M.E., 2001, "Land of Which the Savages Stood in no Particular Need': Dispossession of the Algonquins of South-Eastern Ontario of their Lands, 1760-1930," M.A. Thesis, Queen's University, Kingston; Quaille, M. M., ed., 1921, Alexander Henry's Travels and Adventures in the Years 1760-1776, Lakeside Press, R.R. Donnelly and Sons: 24-25. Speck, F. G. 1913. Family Hunting Territories and Social Life of Various Algonkian Bands of the Ottawa Valley, Geological Survey Memoir 70, no. 8, Anthropological Series 1915; Speck, F. G. 1915. "The Family Hunting Band as the Basis of Algonkian Social Organization", American Anthropologist 17:289-305; St. Louis, A. E. 1951 "Memorandum: Ancient Hunting Grounds of the Algonquin and Nipissing Indians: Comprising the Watersheds of the Ottawa and Madawaska Rivers" Unpublished manuscript. Dominion Archivist, Canada, Department of Indian and Northern Affairs, Treaties and Historical Research Centre; Trigger, B. G., and G. M. Day. 1994. "Southern Algonquian Middlemen: Algonquin, Nipissing, and Ottawa, 1550-1780" In Aboriginal Ontario: Historical Perspectives on the First Nations, ed. E. S. Rogers and D. B. Smith, 64-78. Toronto: Dundurn Press.

deterioration of the Algonquin nation as a collective society due to the depletion of game and resources, which resulted in poverty, starvation and mandatory relocation, and their adoption of alternate survival strategies. It also briefly discusses the claims and petitions of specific Algonquin groups in the Ottawa Valley from 1842 to 1900.

Section 3 addresses the history of Algonquin Occupancy in the area of Algonquin Park – specifically the townships of Lawrence, Nightingale, and Sabine. A review of some petitions and correspondence with government officials from 1863 to 1899, regarding the establishment of an Algonquin homeland in proximity to the planned Algonquin Park area, reveals a process of dispossession commonly encountered by other Algonquin groups throughout the Ottawa Valley. As this case study is my present area of research it must be emphasized that the information here is merely an introduction outlining the land alienation process. Additional time and funding would allow for a complete review of primary documents such as census records with agricultural returns, land patent records, municipal assessment records, parish records, land surveys, timber limit surveys, road surveys, and other relevant municipal and Park documents only available in the selected townships/counties in the area of present-day Algonquin Park. These sources are vital to further understanding of the historical (and present-day) land occupation and use by this Algonquin community.²

As the pioneering phase of settlement in southern Ontario entered its final phase in the late 1800s, with the resulting decline in agricultural production and the emergence of an urban and industrial milieu, the evolution of a perception of forests as a positive and economic benefit prompted the call for protection of reserves of land by various organizations and officials. The so-called wilderness areas were increasingly seen as empty spaces for the preservation and sanctuary of increasingly scarce economic resources – and as a place of refuge and spiritual renewal from the pressure and stress of developing urbanized centres. Of significance is that there was an underlying assumption that the appropriation and utilization of land and resources was unproblematic in regards to the occupancy of the Algonquin people in this area and their connections to the land. However, at the same time, correspondence within government departments clearly illustrates that there was official recognition of Algonquin tenure within the park area. Nonetheless the ideology that was promoted by government officials at that time was that Indians had no more rights to land "than a panther or a bear" and that the lands they claimed were "of no actual value or utility to them."

Algonquin Provincial Park was established in 1893, initially named Algonquin National Park but changed in 1913 by the Provincial Parks Act. Initially it was comprised of eighteen townships but in 1911 was enlarged to include townships from the east, west and south boundaries. This enlargement included the Townships of Lawrence and Nightingale.

2. HISTORICAL BACKGROUND

² However it must be remembered that written records such as census data, assessment rolls, historical narratives, and archival documents are not in themselves absolute proof of historical circumstance. There are many errors and omissions and what is transcribed in the records is subject to the fallibility of the transcriber and the accuracy and merit of oral evidence. One could also question the rights of officials to request personal information and the possibility of informants not wishing to give accurate details. For an example of previous case-study research on an Algonquin community in the Ottawa Valley see Huitema, M.E., 2001, Chapter Five

2:1 Early Algonquin History – 1600s to 1700s

This section begins with a short outline of the historical occupation of the Ottawa Valley by the Algonquin nation followed by a summary of the Algonquin tenancy, during the summer months, at the Sulpician Mission at Lake of Two Mountains. I include this to establish the base of contact through which the Algonquins and Nipissings originally exchanged correspondence and barter items with the colonial government. Although the history is based on the occupation and subsequent dispossession of the Algonquin nation in the Ottawa Valley territory, the group was closely allied with the Nipissing people and occupied adjacent villages at the Lake of Two Mountains mission. Many of the early petitions and claims came from the Algonquins and Nipissings collectively. In the late 1800s the Nipissings seemed to disappear from the records and Gordon Day suggests that in the present day they no longer exist as a separate identifiable group but have become intermixed with the Algonquin people.³

At the beginning of the seventeenth century Algonquin Indian groups were clearly attested as having inhabited watersheds in the Ottawa Valley on either side of the Ottawa River, in what are now the Provinces of Ontario and Quebec.⁴ There were several distinct groups of Algonquins noted as located along tributaries of the Ottawa River, but it is likely that there were many other groups dispersed throughout the Ottawa Valley. Their territories were flexible in the days before European settlement of the area, and boundaries changed as a result of wars, availability of game, and political alliances. Groups noted as living in the Ottawa Valley in the early 1600s were the Kitchesipirini (the Big River People, in the vicinity of Allumette/Morrison's Island); the Weskarini (the "Petite Nation," who lived in the vicinity of the Lievre, Rouge, and Petite Nation Rivers); the Keinouche (or Kinounchepirini, on the Ottawa River below Allumette Island); the Matouweskari (in the Madawaska River Valley); the Otaguottouemins (in the upper part of the Ottawa Valley above Morrison's Island); and the Onontcharonon (or the People of Iroquet, in the valley of the South Nation River - known only by their Iroquoian name)⁵ (*Appendix: Figure 1*). Day and Trigger record the explorer Champlain encountering the Algonquin people in the Ottawa Valley in the early 1600s.⁶

The Ottawa River Valley was a strategic location in the early 1600s because it was a vital trade route between the French traders on the St. Lawrence River and the Indian groups to the north and west of the Ottawa Valley. During the seventeenth century the Algonquins and their allies were frequently engaged in battles with the warring Iroquois over access to the European trade goods and passage on the Ottawa River. From about 1640 to the end of the seventeenth century the Iroquois and their allies waged war against their competitors, the Hurons, Algonquins, and their European allies. This was also a time of widespread epidemics that claimed the lives of large numbers of people, and by 1639 the native population had been reduced by at least 50 percent.⁷ As the loss of lives included a disproportionately large number of old people, who possessed special technological, political, and ritual skills, this produced many social and cultural disruptions to their patterns of livelihood and fragmented the cohesive functioning of the Algonquin groups throughout

³ Day, G. M., 1978, "Nipissing," Handbook of North American Indians, ed. B. Trigger vol. 15, Northeast, Washington, Smithsonian Institute: 787-791:790.

⁴ Day, G. M., and B. G. Trigger, 1978, "Algonquin," Handbook of North American Indians, ed. B. Trigger, vol. 15, Northeast, Smithsonian Institute, Washington: 792-797:792.

⁵ Ibid: 793.

⁶ Ibid: 795

⁷ Trigger, B. G., and G. M. Day, 1994:69-70. These diseases, such as smallpox, were mainly of European origin, and the native population had no acquired immunity against them.

their territory.⁸

As a result of frequent attacks by the Iroquois and the weakening of their own communities, the Algonquins and their Nipissing allies were dispersed to the outer limits of the Ottawa Valley between 1650 and 1675. Some withdrew to the north and west, and others joined the French settlements along the St. Lawrence River.⁹ Many of them frequented missions at Mount Royal (Montreal), Sault au Recollet, and also Saint-Anne-du-Bout-de-L'Île. They did not adopt a sedentary lifestyle but continued to engage in their traditional hunting and gathering mode of subsistence throughout their territory and only utilized the missions for an annual social gathering and to acquire goods, trade furs, and receive religious instruction.

Missionaries and government authorities settled Abenaki bands from the south and east in the territory of the Algonquins south of the St. Lawrence River in the early 1700s. These Abenakis asked permission of the Algonquins to settle there.¹⁰ This emphasizes that Indian nations possessed a sense of boundaries, although not corresponding to European concepts of boundary. In Sir John Johnson's letter to Colonel Darling he states

"that the Hunting Grounds of the various tribes of Indians Inhabiting these Provinces were originally defined among themselves, and the boundaries of each Tract Perfectly understood by them; any encroachment by one Tribe upon the lands allotted for the use of another, is viewed by them in precisely the same light as is, the Invasion of one Civilized state by another"¹¹

Evidently these two groups enjoyed good relations because they apparently negotiated a treaty between themselves "agreeing to regard the St. Lawrence River as the dividing line and asserting that the land north of the river had always been Algonquin country."¹²

As early as 1761 traders and their men made note of the fact that Algonquin groups identified all the land along the Ottawa River as their territory. Alexander Henry encountered several canoes of Indians returning from their winter's hunt to their village at the Lake des Deux Montagnes. Henry was informed by the men who accompanied him that those Indian people were "Algonquins of the Lake des deux Montagnes who claim[ed] all the lands on the Outaouais [Ottawa River] as far as Lake Nipissingue [Nipissing]; and that these lands are subdivided between their several families upon whom they have devolved by inheritance."¹³

The initial encroachment by Euro-Canadians into Indian Territory (defined by the boundaries of the Royal Proclamation of 1763) was for purposes of trade for acquiring furs, and liquor was a favoured barter item to acquire these furs. There was also an influx of squatters moving into areas not yet organized by government and not ceded by Indian groups. The Government of Quebec, under Governor Murray, had issued a proclamation in 1765 to prohibit the sale of liquor by unlicensed traders in the backcountry but the activities of these intruders were seldom curtailed, nor was the proclamation enforced. Sir Guy Carleton, then Lieutenant-Governor of Quebec,¹⁴ repeatedly warned that the regulations of the Royal Proclamation (which provided that trade with the Indians was only open to those who took out a licence to that effect through established forts or posts, and also prohibited anyone from trading with the Indians in their hunting grounds) and Governor Murray's Proclamation must be respected by the Euro-Canadian traders and settlers. He reiterated

⁸ Trigger, B. G., and G. M. Day, 1994: 70

⁹ Ibid: 72.

¹⁰ Day, G. M., and B. G. Trigger, 1978:794

¹¹ NAC, RG10, V 494: R31030

¹² Duchesnay, 1829, Cited in Day, G. M., and B. G. Trigger, 1978:794-95.

¹³ Quaille, M. M., ed., 1921, Alexander Henry's Travels and Adventures in the Years 1760-1776, Lakeside Press, R.R. Donnelly and Sons: 24-25.

¹⁴ Hanson, L., 1986:12. Sir Guy Carleton was later known as Lord Dorchester

that there was a provision for prosecution of anyone found harassing Indian people on their hunting grounds.¹⁵ Despite these warnings, incursions by liquor traders and others persisted. So did the accompanying incidents of violence that resulted in dangerous conflicts between the Euro-Canadians and the Indian people. Assurances were given by the administration that the Indians' complaints would be considered, but government control proved ineffective. This was the beginning of overt dispossession of Indian people from their territories as a result of uncontrolled intrusion by squatters and lumbermen, and blatant disregard for the policies of protection set out by the colonial government.

The mission at Lake of Two Mountains was the main contact point between the Algonquins and Nipissings and government officials. This is where presents were received and trade was negotiated, and it was also the summer gathering place for social, religious, and political functions within the Indian groups. In 1721 approximately 900 Algonquins, their Nipissing neighbours, and some of the Iroquois from Sault au Recollet relocated their summer gathering place to the new mission established by the Roman Catholic Church - the "Seminary of St. Sulpice"- at Oka, on the north shore of the Lake of Two Mountains. The Sulpicians had been granted the land for this new mission in 1717 to aid in their conversion of the Indians.¹⁶ The Algonquins and Nipissings moved their summer gathering place to the mission with the understanding that they were promised a deed to the land from the King of France. Their understanding of "a deed" in 1721 was probably different from that of government as they were not yet thoroughly familiar with the land ownership structure of the colonizing society. But judging from later conflicts between the Indian groups, the Sulpicians, and government authorities, the Indians' understanding was that they had full rights to the land on which they had gathered. However, in 1760 when Britain took over the French Territory, they adhered to the view that the French had extinguished whatever title the Indians might have had on the mission.¹⁷

The Algonquins and Nipissings maintained their way of life, staying over at Lake of Two Mountains only for a few months in the summer to trade furs harvested while hunting and gathering in the winter months (unlike the Iroquois, who were mostly sedentary and practised agriculture, staying at the mission all year). During the winter months they travelled in small groups throughout their hunting territories in the Ottawa Valley. Franquet stated in 1889, "[t]hey were not cultivating the land, but they were making a good living from their furs, which they obtained in the winter 250 to 300 leagues from the village."¹⁸

The earliest documentation of conflict between the Algonquins and government authorities is recorded in the late 1700s when the Algonquin and Nipissing had reason to complain that settlers were encroaching on their territory. These conflicts continued throughout the next half century and became increasingly more hostile. In the mid-nineteenth century the Algonquin and Nipissing population at Lake of Two Mountains Mission began to decline for a number of reasons. They could no longer pursue their traditional activities to support themselves due to the depletion of game and resources caused by fur trade activities and intrusion of settlement and lumbering into their territory. They were living in poverty and had to voyage further from Lake of Two Mountains to secure their living and could no longer afford to travel the extended distance back to the mission. The government ceased issuing presents sometime during the mid 1800s, and many of the Algonquins and Nipissings stayed in the backcountry year-round.¹⁹

¹⁵ Hanson, L., 1986:12.

¹⁶ Dickason, O. P., 1997:319.

¹⁷ Dickason, O. P., 1992:319.

¹⁸ Franquet, 1889, Cited in Day, G. M., and B. G. Trigger, 1978:795.

¹⁹ Hanson, L., 1986:43-44.

2:2 Algonquin and Nipissing Claims and Petitions to 1850

This section outlines Algonquin and Nipissing protests to the invasion into their territory in the Ottawa Valley by lumbering companies, squatters, and settlers. It addresses the claims and petitions for ownership to land throughout the late 1700s and early 1800s and summarizes Algonquin protests to government authorities regarding the Mississauga cessions of Algonquin land - the *1783 Crawford Purchase*, the *1819-1822 Rideau Purchase*, and *The 1923 Williams Treaty*. The section concludes by noting the dispersal of the Algonquin nation into separate hunting bands and their deterioration as a collective society.

In July of 1772 the Algonquins and Nipissings who gathered at Lake of Two Mountains responded to the ineffectiveness of government control over illegal liquor sales and reiterated their complaints of trespass on their territories. They told Daniel Claus, Deputy Superintendent of Indian Affairs, that they were "determined themselves to protect their said hunting grounds," which they claimed extended "from the Long Sault above Carillon to Lake Nipissin[g]," by "clearing" their hunting grounds of any traders that they might find between those two points.²⁰ The Algonquins wanted to remove the traders forcibly, and government officials were concerned about the possibility of escalating violence. The Algonquins were again given assurances that the intruders would be prosecuted, but the government still could not, or would not, follow through on its promises. The Algonquins and Nipissings continued to complain and suffer encroachments by traders, trappers, squatters, and lumbering companies.

The Crawford Purchase of 1783

In order for the governing authorities to satisfy their promise of allocation of land to Loyalists and Iroquois who were allies of the British during the American Revolution (1776 - 1783), they had to negotiate with the Mississauga Indians for a tract of land west and north of the Lake Ontario shoreline, parts of which had been designated by the Royal Proclamation of 1763 as "Indian Hunting Grounds." Sir Frederick Haldimand, Governor of the Province of Quebec (1778-1786), intended to locate the Iroquois at the Cataraqui area (around Kingston). However, the Mississauga feared that the large numbers of relocated loyalist Iroquois would overrun them on their hunting grounds.²¹ In 1783 Captain William R. Crawford, under instructions from Sir John Johnson, Superintendent General of Indian Affairs for the Northern District, arranged and purchased from the Mississauga at Carleton Island "all the lands from Toniata or Onagara River [Jones Creek, below Brockville] to a river [Trent River] in the Bay of Quinte . . . including all the Islands, extending from the lake [Ontario] back as far as a man can travel in a day"²² It appears that this area included a southern portion of Algonquin territory, but there is no documented deed, map, or treaty for this negotiation other than a letter between Crawford and Johnson, and another between Johnson and Governor Haldimand. In 1793, without proper validation of their purchase, Sir John Graves Simcoe, the First Lieutenant- Governor of Upper Canada, on the assumption that the land had been ceded, granted to the "Chiefs, Warriors, and People of the Six Nations" part of the area of land negotiated for in the Crawford Purchase.²³ It is uncertain whether the Algonquin people were aware at this time of the land cession by the Mississauga or whether they realized that the land in question was Algonquin territory.

²⁰ NAC, Fur Trade and Indians Manuscript Group (MG19), F.1, V1: 145-148, D. Claus (Deputy Superintendent of Indian Affairs) to H. Cramache (Lieutenant-Governor of Quebec), July 25, 1772.

²¹ Hanson, L., 1986:16.

²² NAC, MG21, V F1-425, 21818:366

²³ Hansen, L. 1986: 16 (Canada, Indian Treaties and Surrenders)

Algonquin and Nipissing Petitions: 1787-1798

In 1787 the Principal Chief of the Village of Lake of Two Mountains petitioned for a deed to the land at Lake of Two Mountains on behalf of the Algonquins and Nipissings.²⁴ The chief stated that they had moved there in response to a promise made in 1721 that they would receive a "Deed" from the King of France for a large tract of land. There had already been difficulty over ownership of the land in 1780, when they were told by the priests that the land, which they assumed belonged to them, did not in fact belong to them but was the property of the Sulpician Order under a grant from the King of France. They requested Sir John Johnson, Superintendent General of Indian Affairs, to intercede on their behalf in asking Lord Dorchester, the Governor of Canada (1786 - 1796), to acquire a deed for the lands that they occupied. There is no documentation to suggest that the petition was taken into consideration.²⁵ A. E. St. Louis, an archivist for the Department of Indian Affairs, stated in his report in 1951 that

Land Boards were established in each district in Upper Canada in 1789. It was during this growing pioneer period that the townships along the Upper St. Lawrence, the Lower Ottawa, the Bay of Quinte and the north shore of Lake Ontario were outlined and the front portions surveyed into farm lots and in most instances settled upon.²⁶

It would seem that the priorities of the government at this period addressed the urgency of acquiring land for the influx of the United Empire Loyalists and consideration would not be given to allowing Indian groups title to land within the area.

The *Constitutional Act of 1791* divided Quebec into the provinces of Upper Canada and Lower Canada. Since the Ottawa River was the dividing line between the jurisdictions of the two provincial governments, the Algonquins were now faced with the territory they claimed as their "Hunting Grounds" falling under the jurisdiction and control of two colonial governments, both governments being subordinate to the British imperial government.

[T]he mission at Lake of Two Mountains was [now] located in Lower Canada, while the traditional lands [and hunting territories] of many of the Algonquins were in Upper Canada. The Indian Department officials acting on behalf of the Algonquins and Nipissings at Lake of Two Mountains were stationed in Lower Canada. Thus, until 1840 when the provinces were again united, these people had no government representative in their Upper Canada territory.²⁷

In 1791 the Algonquins and Nipissings held a council with Colonel John Campbell (Lieutenant-Colonel of Indian Affairs for the Province of Quebec) and claimed the Iroquois were "pillaging" their hunting grounds and asked Campbell to use his authority to ensure that "each nation hunt[ed] on the lands which Nature gave to them." They also complained of settler intrusion on their hunting grounds. They agreed to cede to the Crown, through Lord Dorchester, part of their hunting grounds, extending "Forty arpents in depth" along the Ottawa River above the Long Sault.²⁸ Their petition was not acknowledged.

²⁴ NAC, RG10, V 2029: 8496

²⁵ Hansen, L. 1986: 16

²⁶ St. Louis, A. E., 1951, "Memorandum," Ancient Hunting Grounds of the Algonquin and Nipissing Indians: Comprising the Watersheds of the Ottawa and Madawaska Rivers, Dominion Archivist, Canada, Department of Indian and Northern Affairs, Treaties and Historical Research Centre: 10.

²⁷ Holmes, J., and Associates Inc. 1995, Ardoch Algonquins: Draft Report, Prepared for the Ardoch Algonquin First Nation and Allies, unpublished manuscript, Ottawa, Ontario: 4; Joan Holmes is an historical researcher who has done extensive work for the Ontario Native Affairs Secretariat regarding the Algonquins of the Ottawa Valley (Algonquin Golden Lake Claim).

²⁸ NAC, RG10 V 8:8186-93

In August of 1795 the Algonquins and Nipissings again repeated their request for "proper title" to the land they occupied at the Lake of Two Mountains. The Government of the Province of Lower Canada did not address the issue because it was considered to be the property of the Sulpicians under a 1717 grant from the Government of France.²⁹ In correspondence with Lord Dorchester, who conveyed the concerns of the Algonquins and Nipissings regarding settlers in their hunting grounds, assurances were given in 1794 by John Graves Simcoe, the Lieutenant-Governor of Upper Canada, that no lands would be "given away" on the Upper Canada side of the Ottawa River.³⁰ Two years later in 1796, Simcoe declared by proclamation that the ungranted lands in twelve townships were open for settlement. These lands were considered part of the "back lands" for which the Algonquins and Nipissings had been seeking protection as their traditional hunting grounds.³¹ This area was also the northern portion of the supposed Crawford Treaty area.

The Algonquins and Nipissings soon complained to Sir John Johnson, Superintendent-General of Indian Affairs that their lands had been taken for settlement on both sides of the Ottawa River. In 1798, they repeated their offer to cede an area of forty arpents deep from the edge of the Ottawa River to ensure that they would retain the back lands for hunting. They also stated that "our lands are infertile, we have almost no more hunting, the animals have become distant; we find only very little to make our families live."³² The governments of Upper and Lower Canada did not respond to their offer at that time, and no further documentation has been found to suggest that the Algonquin or Nipissing claims were recognized or considered again by government until 1820.

For a period of twenty years Algonquin correspondence with government officials seems non-existent, yet it is difficult to imagine that the Algonquins would not have suffered further encroachments on their territory during this period. It was during this time that government authorities began to negotiate a number of treaties throughout the area of southern Ontario. They were also engaged in the war of 1812-14 with the United States of America, and in addition to this the economy of the country had shifted from the trading of furs to an emphasis on agricultural and lumbering production. It is possible that the imperial government had neither the time nor the inclination to deal with Indian protests and claims. It is also possible that documentation exists for this time period, which has not been researched.

The Rideau Purchase: 1819-1822

Due to increased pressure to acquire land for incoming settlers and lumbering companies, surveyors were moving further north from the St. Lawrence River and Lake Ontario up into the Ottawa Valley. Disputes arose between the Mississauga and the government surveyors who were intruding into the area and dividing it into townships. At a meeting with the Mississauga in March of 1816, the resident Indian Agent, John Ferguson, was directed by William Claus, the Deputy Superintendent of Indian Affairs, to investigate the Mississauga claims of intrusion. The Mississauga agreed not to interfere with the surveyors but wanted a cession for lands north of the Crawford Purchase. They "noted that, although they were not certain, they believed they had not sold that part of their hunting grounds." They claimed that "no other Indians than themselves . . . have any claim" to that area of land and "that the claims of the Nipissings and Algonquins do not cross the Ottawa River."³³

²⁹ Hanson, L., 1986:17.

³⁰ Ibid: 17-18.

³¹ St. Louis, A. E., 1951:12.

³² NAC, RG10, V 494:31057-58.

³³ NAC, RG10, V 32:18918-19, letter from Ferguson to Claus, March 8, 1816.

On May 31, 1819, Ferguson negotiated a Provisional Agreement (*Cession #27-The Rideau Purchase*) with the Mississauga for a tract of land along the south shore of the Ottawa River between Pembroke and Ottawa, extending south and west. Because a number of Mississauga chiefs had not been present at the original signing, the agreement was ratified on November 28, 1822. By this agreement the Mississauga ceded part of the area claimed at that time by the Algonquins and Nipissings as their hunting grounds, specifically the watersheds of the Madawaska and Mississippi Rivers

It is clear that by negotiating this agreement the Government in Upper Canada chose to recognize the Mississauga as having a legitimate claim on the traditional territory of the Algonquins. St. Louis states in his report that "although the British Government recognized from the first the rights of the Indians to the ownership of the land, strangely enough, the most important matter of finding its real owners did not appear, from contemporary documents, to have been taken very seriously."³⁴ St. Louis also relates that Captain Charles Anderson, who was the "Indian Superintendent of Rice Lake," was married to a Mississauga Indian woman from the Paudash family and that this would have influenced the government to look favourably upon the Mississauga claim. He goes on to state that from official documentation it was clear that the territory of the Upper Canada side of the Ottawa River was never clearly defined as belonging to the Mississauga, but on the contrary, "there is abundant proof that the Algonquins and the Nipissings, from time immemorial, have considered this part of the country as their exclusive hunting grounds."³⁵

Government documentation makes it clear that some officials had doubts about the legitimacy of the area claimed by the Mississauga. A letter written in 1819 by John McFee, Clerk of the Privy Council, to Sir A. E. Irving, counsel for the Ontario government stated "that to the Islands in the Bay of Quinte' and Lake Ontario, their [Mississauga's] Title is undisputed. That the Ground on the mainland and the Islands in the St. Lawrence are claimed by other parties."³⁶ When it was discovered that the Mississauga had apparently ceded land from the north shore of Lake Ontario to the Ottawa River, the Algonquins and Nipissings, stating that their land had been clandestinely sold by the Mississauga, submitted a number of complaints. Holmes states:

Although repeated petitions were met with promises to investigate the purchase and consider payment of annuities to the Algonquins and Nipissings for this land, no action was taken. The Mississaugas of Alnwick, who were the descendants of the Rideau purchase signatories, continued to receive annuities until around the time of confederation. At that time, the annuities were capitalized and deposited in their trust account as assets of the band.³⁷

Algonquin and Nipissing Petitions and Hunting Territory Disputes: 1820-1830

In 1820 Algonquin and Nipissing Chiefs petitioned Sir George Dalhousie, Governor-in-Chief of Canada, to give them written titles and patents to the unsold islands in the Ottawa River and any other lands they were entitled to for their hunting. They were complaining that hunting parties from other Indian groups and squatters and lumbermen were intruding upon their lands. In 1822 Governor Dalhousie's response to this petition was that he could not

³⁴ St. Louis, A. E., 1951:13-14.

³⁵ St. Louis, A. E., 1951: 15.

³⁶ AO, Sir A. E. Irving Papers. MS 1779, F 1027-1-8 Indian Land Dispute and Compensation Claims, 1819: unpaginated.

³⁷ Holmes, J., 1995:4.

grant a specific tract of the country, however remote, to any particular tribe, or nation of Indians [since] the whole of these widely scattered regions, ought to be open to all those [Algonquins, Nipissings, Iroquois and Hurons] who choose to hunt, in the yet unsettled & uninhabited parts of them.³⁸

In 1824 a similar petition to that of 1820 was forwarded by Sir John Johnson, on behalf of the Algonquins and Nipissings, to the Military Secretary and Superintendent General of Indian Affairs, Colonel Darling. Darling requested further investigation and, that same year, a detailed map of the area claimed by the Algonquins and Nipissings was prepared by Captain J. M. Lamothe of the Indian Department in Montreal and sent to Johnson. He replied to Colonel Darling, forwarding the information and map from Lamothe and describing the "extent of Country originally claimed by the Algonquin and Nipissingue Indians as Hunting Grounds."³⁹ Johnson's letter enclosed a copy of the Royal Proclamation to verify that the Indians had to be compensated for lands which they had been deprived of and on which they had a claim. He went on to say that grants had been made in their territory without their having received compensation from the Crown. He informed Darling that the settlement of the Algonquin and Nipissing hunting grounds had been considered by them as a [b]reach of His Majesty's Royal Proclamation . . . [They] possess no land from which a revenue is derived . . . and depend upon their hunting for support and of late the Settlement of the Country, and the indiscriminate and injudicious destruction, by the settlers, of the Beaver, and other animals, . . . is likely soon to deprive them of the means by which they have hitherto supported their families.⁴⁰

He also informed Darling that the Algonquins and Nipissings were surprised and dissatisfied by the response they received in 1822, when not only was their request for title refused but they "were informed that the other Tribes have an equal right with themselves to hunt upon those lands which for ages have been reserved for their use only."⁴¹

Johnson enclosed a copy of Lamothe's map and suggested that the Algonquins and Nipissings did not expect compensation or restoration of country already settled but that they wanted a "written instrument" granting them exclusive privilege on the remainder of their tract and a proclamation "forbidding all persons from encroaching thereon."⁴² In the event of further settlement they wanted compensation for the land. The map has never been found, but the area was described by Lamothe as including the watersheds on either side of the Ottawa and Mattawa Rivers and Lake Nipissing, and that the tract was bounded to the south by the "Ridge dividing the waters which fall into the Lakes and into the St. Lawrence from those falling to the Northward and into the Ottawa River"⁴³ (Appendix - Figure 2 Algonquin Claim Areas in South-Eastern Ontario: 1840-1899, and Indian Reserves). No response was received from government but it appears that negotiation and communication between the two provinces was ineffectual and uncooperative, and it is possible that neither government could identify the extent of its responsibilities. As well, the Indian Department was undergoing a series of very confusing political arrangements⁴⁴ because they were having difficulty deciding how to control the problem of settler intrusions and the possible need for military control to curb the hostilities of the Indian groups.

³⁸ NAC, RG10, v 494:31073-75

³⁹ NAC, RG10, V 494:31027.

⁴⁰ Ibid: 31028-29.

⁴¹ Ibid: 31029.

⁴² Ibid: 31031.

⁴³ NAC RG10, V 494:31066, "Memorandum to Accompany the Indian Chart of the Ottawa River."

⁴⁴ See Leslie, J., and R. Maguire, 1979:v-vii (Administrative Outline of Indian Affairs).

In 1827, not having received any response from the government, the Algonquins and Nipissings again petitioned Sir George Dalhousie, Governor-in-Chief of Canada, to "institute further inquiry respecting their Land Claims."⁴⁵ They asked for compensation for the land taken by the government and taken up by settlers, and for compensation for any further land required for future settlement. They also claimed that Governor Dalhousie's 1822 decision, that the unsettled regions should be open to all those Indian people who wanted to hunt, was the cause of increasing numbers of disputes between the Indian tribes themselves. As resources in the area had become depleted, the Indians had begun to venture further into each other's hunting territory, and the Algonquins claimed that

the Iroquois, and other Indians, under shelter of the present Legislation have been instigated by several unprincipled Traders to plunder the Lands on the Ottawa River and Lake Nipissingue which have been exclusively occupied by the Algonquin and Nipissingue Tribes since the conquest of Canada [1760].⁴⁶

At a "Grand Council" held in 1827, Colonel Darling spoke to the assembled representatives of the Algonquins, the Nipissings, and Iroquois from Lake of Two Mountains; the Abenakis and Algonquins from St. Francis, Becancour, and Three Rivers; and the Iroquois from St. Regis and Sault Ste. Louis. He told them he could not prevent "White people" from hunting in their hunting grounds and if the Indian people killed any "White Men" for hunting, they would be taken to court and punished for their actions. He also told them that Governor Dalhousie was ready to grant a small portion of land to those who were prepared to take up agriculture, but that he could not grant "any tract of land to be kept in a wild state as Hunting Grounds."⁴⁷

The conflicts between Indian groups and the complaints of trespass continued, and in 1829 the Algonquins and the Nipissings asked again for protection against those "who for some years bore them prejudice and troubled them in their hunting on the lands watered by the Ottawa River."⁴⁸ But the government refused to settle the disputes between Indian groups regarding their encroachment on each others' hunting territory, since the issue was "a difficult and dangerous point to be settled by Government as the [Royal] Proclamation of 1763 gives generally to the Indians the liberty of hunting on the ungranted or Crown Lands."⁴⁹ The government was now using the *Royal Proclamation*, which was originally negotiated to protect Indian land rights, as an instrument against settling Indian claims to land. Government also requested that the Indians settle the matter between themselves because if government officials intervened or made decisions regarding the territorial rights of these Indian groups, it would then have to concede to original Indian title to the land. Colonel Napier, the Assistant to the Military Secretary in Quebec, stated, "It would perhaps establish an inconvenient precedent were the Claims of either Tribe recognized by Government."⁵⁰ In 1830 the Grand Council of Six Nations was asked to settle the claim, and they decided that the territory should be free and open to all nations.

Algonquin and Nipissing Petitions: 1830-1850

The Algonquins and Nipissings sent two petitions in 1833 to Lord Aylmer, Governor of Lower Canada. The first petition repeated their request for title to "land along the Ottawa or on the rivers that flow into it, that this land may belong to us, that we may be free there, we and our children forever, to hunt and fish there without anyone preventing us from doing

⁴⁵ NAC, RG10, V 496:31454-56

⁴⁶ Ibid, V 20:14186-92, Montreal, Aug. 25, 1827

⁴⁷ Ibid: 14240-53

⁴⁸ Cited in Hansen, L. 1986: 23

⁴⁹ Ibid: 24

⁵⁰ Cited in Hansen, L. 1986: 24

so."⁵¹ The second petition requested compensation for the lands that were "taken from them by government."⁵² They received no response. In 1835 the Algonquins petitioned again for compensation for their hunting grounds and finally received a response from James Givens, Chief Superintendent of the Indian Department of Upper Canada. In Givens' opinion, "it was not unreasonable to assume that the Algonquins and Nipissings claims were adjusted at the times when the lands were surrendered by them to Government," suggesting that the Algonquins had already ceded the land.⁵³ However no documentation has surfaced that might suggest the Algonquins had already ceded land to the government. Givens also informed the Algonquins that the Mississauga had surrendered those lands through treaty and had been compensated. This correspondence must have surprised the Algonquins, since it seemed that government was stating that they (the Algonquins) had already ceded the land or that the land in question was not theirs to cede and had been ceded by the Mississauga.

Representatives from the Algonquins and Nipissings travelled to Ottawa in 1836 to meet with Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada. They wanted to discuss "the exact situation of that portion of their Hunting Grounds on the south side [Upper Canada] of the River Ottawa, which they have selected for the settlement of their Tribes."⁵⁴ They were again told that the land in question had been ceded by the Mississauga in 1819. They then requested that at least half of the annuities paid to the Mississauga be withheld and that government authorities conduct an investigation "concerning the Mississauga's right to cede part of the Algonquins and Nipissings hunting grounds."⁵⁵

An 1836 Report of the Committee of the Executive Council to the Earl of Gosford, Captain General and Governor in Chief of the Province of Lower Canada discussed the claim of the Algonquin and Nipissing Indians and their request to maintain possession of their hunting grounds on the Ottawa River. It commented on the Indians at Lake of Two Mountains who "have no Land in their actual Possession except about 260 acres of sterile Soil," and how the claim of these Indians comprised a tract of country on each side of the Ottawa River. The report stated that the Indians' rights should be considered under the terms of the Royal Proclamation of 1763 and that they had "Ground to complain" if they were deprived of this benefit. It also stated that their right to compensation was "distinctly admitted by Lord Dorchester," and that their claims needed to be resolved, and that they had a right to compensation for lands "which may have been taken by Government for the Purposes of Settlement."⁵⁶ In 1837 the government agreed to set apart a tract of land for the Algonquins' and Nipissings' use.⁵⁷ (This was not addressed until 1845 when the Algonquins were instructed to move to the Manitoulin Island reserve.) The Algonquins had specifically requested that they acquire title to the Allumette Islands in the Ottawa River and title to the rear of the townships fronting on the south side of the Ottawa River. They were willing to cede the rest of the Ottawa Valley territory to the government.

In 1838 the Algonquins and Nipissings petitioned Sir George Arthur, the new Lieutenant-Governor of Upper Canada, and repeated their claim to both sides of the Ottawa

⁵¹ NAC, RG10, V 86:34427.

⁵² NAC, RG10, V 86: 33939-43, December, 1833

⁵³ Ibid, V 596: 45694-99

⁵⁴ NAC, RG10, V 69:64967

⁵⁵ Ibid

⁵⁶ AO, Sir A. E. Irving Papers, MS 1779-80, F 1027-1-8, Indian Land Dispute and Compensation Claims. 'Report of A Committee of the Executive Council to His Excellency the Earl of Gosford, Captain General and Governor in Chief of the Province of Lower Canada on your Excellency's Reference of the 7th of October, 1836, respecting the Indian Department, MS 1779: unpaginated.

⁵⁷ Hanson, L., 1986:27

River. They also requested that the Mississauga purchase be annulled and that they receive the annuities. The Iroquois of Lake of Two Mountains signed a declaration supporting their claim.⁵⁸ The *1839 Macaulay Report* discussed the Mississauga land cessions and the claims of the Algonquins. It mentioned that the Algonquin claim to the north side of the Ottawa River in Lower Canada should be acknowledged since the letters from official sources in Lower Canada strongly advocated the legitimacy of the Algonquins' complaint. It concluded that both provinces should negotiate with the Algonquins since it appeared that both areas (south and north side of the Ottawa River) encompassed their hunting ranges and that the Algonquins had rightfully challenged the claim of the Mississauga Indians to land south of the Ottawa River.⁵⁹

The Algonquins and Nipissings petitioned again in 1840, complaining of trespassing by lumberers and settlers "in their hunting grounds on both sides of the Ottawa and Mattawa Rivers." They again requested compensation for the lands that had been taken from them and asked that the recommendations made by the 1837 Committee, to provide them with tracts of land, be fulfilled. They again requested that the annuities paid to the Mississauga, for land "clandestinely" sold by them [the Mississauga], should be forwarded to the Algonquins and Nipissings.⁶⁰

In 1840 the government passed an act to re-unite the provinces of Canada. Upper and Lower Canada were now under one jurisdiction with one legislature, the Government of the Province of Canada (East and West). This act should have made it easier for the Algonquins and Nipissings to negotiate their claims, because in the past it had been extremely difficult to coordinate responses from both governments. However, it seems that due to changes in funding policy and settlement objectives, it became increasingly difficult for the Indians to secure a settlement. In 1841, at a Council Meeting in Oka, the Algonquins addressed James Hughes, Superintendent of the Indian Department, and once again outlined the extent of their hunting territory and that of the Mississauga. They informed Hughes,

The Mississauga never openly came and hunted on our waters nor we on theirs, this was according to an Indian treaty between the chiefs of the Mississauga and us which the Iroquois Tribe are well acquainted . . . [They asked that] the remuneration annually paid to the Mississauga be from henceforth retained from them and paid to us the Nipissings and Algonquins, the only Tribes entitled to receive the annuity above mentioned.⁶¹

They also informed Hughes that they desired a tract of land promised them in 1837, and Hughes replied that he would look into the matter further. Hughes reported to Napier, Assistant to the Military Secretary, who in turn reported to T. W. Murdoch, Lord Sydenham's Secretary. Lord Sydenham replied to Napier, through Murdoch, that he must "purposely abstain from replying to their request because he did not want to build up their hopes prematurely."⁶² Murdoch also communicated in the letter that "in regard to a money payment for the lands which they [the Algonquins and Nipissings] formerly possessed it does not appear that the Gov't is bound either by Treaty or in good faith to make such a payment."⁶³

⁵⁸ Hanson, L., 1986:28.

⁵⁹ AO, Sir A .E. Irving Papers, MS 1780, F 1027-1-2, Report of Mr. Justice B. Macaulay, Toronto 81-86.

⁶⁰ NAC, RG10, V 99:41092-100

⁶¹ Cited in St. Louis, A. E., 1951:22.

⁶² NAC, RG10, V 102:42438-42, July, 1841

⁶³ NAC, RG10, V 102:42438-42, July, 1841

Subsequently Hughes held a council with the Algonquins and Nipissings in September, 1841 and of the 600 Algonquins present, 560 of them conceded that their only choice was to become "tillers of the ground" if they could acquire the 14,000 acre grant of land on Allumette Island since they could no longer hunt and trap because of the encroachment of settlement in their hunting grounds.⁶⁴ However Sir Charles Bagot (the new Governor General of British North America) informed Hughes that he could "neither advance from Funds at the disposal of Government nor expect the Legislature to vote [funds] for such a purpose" and stated that in the absence of a "decided obligation of this kind," it would be useless to recommend to the legislature such a grant."⁶⁵ Hughes conveyed Bagot's decision to the Algonquins and Nipissings in 1842 that they would not be receiving any tracts of land or compensation. At that time the Algonquins seemed to abandon their hopes of receiving their requested tract of land but insisted that the claim of the Mississauga be investigated. Bagot did agree to investigate the matter of the annuities paid to the Mississauga but did not act on this until 1844 when he requested that Samuel Jarvis, the Chief Superintendent of the Indian Department, undertake the matter. Hanson notes "there is no extant documentation that indicates that he [Jarvis] in fact investigated or the results of his investigation, if there was one."⁶⁶ However, an investigation commissioned by Sir Charles Bagot in 1842 to inquire into the state of Indian affairs may have been the result of Bagot's decision to attempt to settle the problems of Indian (and Algonquin) claims to land and the legitimacy of the Mississauga cession.⁶⁷ It is plausible to suggest that the Bagot Commission report was partially the result of Bagot's request to Samuel Jarvis, the Chief Superintendent of the Indian Department, to investigate the matter of the annuities paid to the Mississauga. It is not known whether S. Jarvis was one of the appointed commissioners for the report.⁶⁸

The commissioners for the 'Report of the Affairs of the Indians in Canada' investigated the claims of the Algonquins and Nipissings and reviewed their 1840 petitions. They sent Colonel Napier to meet with the Algonquins and Nipissings in 1843 at Lake of Two Mountains, to discuss only the Algonquin claim to Allumette Island. In the report they described the situation of the Indians at the Lake of Two Mountains and concluded:

The tribes at this post do not possess any lands from which a revenue is derived and have hitherto depended upon the chase for the principal part of their support . . . [T]he Algonquins and Nipissings differ very much from the Iroquois . . . [they are described separately]. The two tribes lead a roving life, dwelling in huts and wigwams during the greater part of the year, and some throughout the year; the majority, however, resort to the Lake of the Two Mountains for about two months annually; ... only the women and aged men, who are unable to follow the chase, and are consequently left at home, cultivate small patches of land to a very limited extent . . . [They] have not increased their tillage for many years.⁶⁹

The commissioners then reported on the living conditions of the various tribes throughout the Canadas and in regards to the Algonquins and Nipissings, they determined:

⁶⁴ Ibid, V 6:2915-22, "Proceedings of Council at Lake of Two Mountains"

⁶⁵ Ibid: 46104-06

⁶⁶ Hanson, L., 1986:33.

⁶⁷ Canada, JLAC, 1844-45, Report of the Affairs of the Indians in Canada, unpaginated (hereafter quoted as The Bagot Commission)

⁶⁸ However, James Hughes, Superintendent of the Indian Department, did prepare a report in 1847 which discussed the Mississauga cession of land, and the decision by government in 1837 to set apart a tract of land for the Algonquins See discussion below (NAC, RG10, V 604:49939)

⁶⁹ Bagot Commission, Section 2:17

The situation of the Algonquins and Nipissings is still more deplorable [than that of the Iroquois]: their hunting grounds on the Ottawa, which were formerly most extensive, abounding with deer, and other animals, yielding the richest furs, and which their ancestors had enjoyed from time immemorial, have been destroyed for the purposes of the chase. A considerable part has been laid out into townships, and either settled or taken possession of by squatters. The operations of the lumber-men have either destroyed or scared away the game throughout a still more extensive region, and thus as settlement advances, they are driven further and further from their homes, in search of a scanty and precarious livelihood. Their case has been often brought before the Government, and demands early attention.⁷⁰

In their final report in 1845 the commission rejected any proposal for Indian settlement in the townships on the Ottawa River or on Allumette Island. They recommended that the Algonquins and Nipissings settle on Manitoulin Island or "some other Settlement of Indians in the Upper Province where they could receive the benefits of the constitutions and arrangements of promoting the Civilization of their Brethren at minimal cost to the Government."⁷¹ (In 1836 Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada, had established a reserve on Manitoulin Island with the hopes that all the wandering Indian Tribes of Upper Canada would relocate there. The relocation scheme was a failure because the only Indians who resettled there were some United States Indians and Indians from the shores of Lakes Huron and Simcoe)⁷². The commission did agree to inquire further into the matter of whether the Algonquins and Nipissings were entitled to the annuities paid to the Mississauga for the Rideau Purchase in 1819-1822. T. G. Anderson, Superintendent of Indian Affairs, and Colonel Napier recommended that the claim to the Mississauga annuities be submitted to arbitration, and in 1847 the Algonquins and Nipissings prepared a petition to address the matter. The proposal to relocate to Manitoulin was rejected by the Algonquins and Nipissings, and in their petition they again requested that lands be set apart for them on the Ottawa River and that they receive compensation for lands already taken.

In 1847 James Hughes, the Indian Superintendent, prepared a report that discussed the Givens' judgment (1837) which stated that the Mississauga had already ceded the land in question. Hughes concluded that in his opinion "the Mississauga clandestinely took upon themselves to sell this tract of land which they were well aware belonged and formed part of the hunting grounds of the Algonquin and Nipissing Tribes."⁷³ As a result of Hughes' report, the government recommended that the Algonquins and Nipissings receive the annuities, but this was never acted upon. In response to the Algonquin and Nipissing request for a tract of land, Lord Elgin replied that he "was not disposed to sanction the formation of new Indian settlements in any part of the province [of Canada], since a refuge was provided on Manitoulin Island for all Indian people, including the Algonquins and Nipissings."⁷⁴ T. Bouthillier, the Assistant Commissioner of Crown Lands, also prepared a report for the committee in 1849 and recommended that two tracts of land be set apart for the Indians at Lake Timiskaming and River Desert (Maniwaki) – in present-day Quebec. In 1851 a number of Algonquin and Nipissing families, who still frequented the mission at Lake of Two Mountains during the summer months, made it known to the officials that they would not remove to Maniwaki or Lake Timiskaming because the land was foreign to them and claimed by other tribes.⁷⁵

⁷⁰ Bagot Commission, Section 2:3.

⁷¹ Bagot Commission, Section 3: unpaginated.

⁷² St. Louis, A. E., 1951:26

⁷³ NAC, RG10, V 604:49939 Report: James Hughes to Lord Elgin.

⁷⁴ NAC, RG10, V 604:49638.

⁷⁵ Hanson, L., 1986:40.

It is not well known that many Indian groups have been negotiating with government authorities for as long as two centuries. The initial claims and petitions of the Algonquin people began in the late 1700s and continue to this day. From the late 1700s to 1900s the Algonquin people attempted to retain a viable land base for their survival and to negotiate treaties to cede land taken by government and overrun by squatters. The authorities continually stalled at resolving the problem by passing responsibility from federal (imperial) affairs to provincial affairs and back again. The end result was that the Algonquins were ignored and left to resolve the problem on their own. It is difficult to understand why the requests for land and compensation were not resolved. Government authorities did not fulfill obligations, and communications from the Algonquins were often left ignored. The reasons appear to be complex and cannot be fully answered here. They involved a cultural component of misunderstanding, and ulterior motives on the part of the government officials. The difficulties of communication, the barrier of language, and the physical component of geographical distance complicated the matter further. It would sometimes take years to receive an acknowledgment that officials had received requests, and replies were not always forthcoming. This was either due to intentional disregard (in hopes that the issue would go away), changes in the administration (effective communication between officials was a rarity), or an outright rejection of the request or claim made by a group of Indians. Both government and the Indian groups were unable to understand each other's system of land tenure, and there was a lack of knowledge, and loss of records, regarding ownership and boundaries of territory. The marital and kinship alliances between the Mississauga Indians and colonial officials possibly exacerbated the failure to settle the Algonquin complaints

2:3 Policies and Legislation – 1750-1930

A summary of legislation and Indian policy concerning land disposition and Indian status enables us to better understand the chronological sequence of events and the context surrounding the dispossession of the Algonquins from their original homelands. The legislation that is reviewed has been divided into time periods to reflect the changing attitudes of government during decades of war and trade, 1750-1830; decades of the push for frontier settlement, 1830-1860; and decades of agricultural and commercial expansion, 1860-1930. It is important to realize that through this legislation property ownership and Indian status became contradictory concepts. The regulations surrounding rights to land ownership, including the provisions for land development and taxes, made it difficult for Indians to retain traditional territory. If Indian people were successful in becoming property owners off-reserve, it meant that they were no longer officially Indian and received no benefit from the loss of their original lands.

Legislative Framework: 1750-1830

From the 17th century to the early 19th century the main objectives of the colonizing nations were to acquire furs and barter items from the Indians and land for incoming settlers. To increase trapping productivity the traders utilized Native labour and Native ecological knowledge to procure furs. This did affect the indigenous tenure, use and management of resources even though initially the acquisition of land itself was not an objective.⁷⁶ The zealotry of Christian missionaries to convert Indian souls pervaded many aspects of Indian culture. The missionaries' ultimate objective was for all Indians to abandon their roving

⁷⁶ Usher, P. J., F. J. Tough and R. M. Galois, 1992:114.

savage life in the bush, become good Christians, and settle into an agrarian existence. However, while early French trade and Christianity displaced Indian people to some extent, this was very gradual. When the British acquired control of all Indian territories, their main objective was to alienate the Indian from the land. The *Treaty of Paris*, dated February 10, 1763, formally transferred to British control the North American territories formerly held by France. This treaty was formulated without the consultation of the Indian people whose position was affected by the change in government and the change in policies regarding the control of Indian Affairs. Imperial British law would now control the policies and legislation to civilize and alienate the Indian people.

The *Royal Proclamation* and the *Niagara Treaty*. 1763-1764

The British government passed the *Royal Proclamation of 1763* on October 7 to define boundaries and jurisdictions between the Indians and the Crown and to establish policies for a system of government that formed the base for all future negotiations between the two nations. The Crown reserved all lands west of the Appalachian Highlands and west of the borders of Quebec as Indian lands.⁷⁷ The reserved land did not include Rupert's Land, owned by the Hudson's Bay Company; the Arctic; the Maritimes; or Quebec. Bartlett states that in actuality the proclamation "was a declaration of intent to acquire Aboriginal lands."⁷⁸ All land beyond the boundaries of the Proclamation line was recognized as Indian lands until ceded by treaty or agreement by the Indians. These lands could only be ceded to the Crown at a public meeting. Private purchase of Indian lands was not allowed. Non-Indians could only enter the territory to trade at specified government posts that were under the supervision of a post commander and the Indian Department agents.⁷⁹ The Proclamation recognized Aboriginal proprietorship but also provided a means by which that right could be formally alienated through the negotiation of treaties. This established a procedure of land alienation that was followed for more than two centuries. The passing of the *Royal Proclamation* had pervasive impacts on the ability of individual Indians or Indian groups to register claim to their territory. Since the Imperial government decreed that all Indian land was under the authority and power of the government and could not be traded or sold, this, in effect, gave the government authority over land belonging to any Indian.⁸⁰ The Proclamation set aside lands for all Indians collectively, but this undermined the ability of particular Indian groups to protect their land from intrusion by other Indians who wished to hunt and trap there, since in traditional Indian tenure systems permission must be sought to use another's territory.⁸¹ There are instances where Indian groups applied to have title to their land but were turned down by government officials who used the terms of the Proclamation as an argument against individual Native ownership and suggested that it was land set aside for all tribes of Indians collectively.⁸²

⁷⁷ Dickason, O. P., 1997:161; Surtees, R.J., 1988a:86.

⁷⁸ Bartlett, R. H., 1990:10

⁷⁹ Surtees, R.J., 1988a:86

⁸⁰ Controversy continues as to whether Aboriginal title to land existed as a legal right prior to the colonization of North America by Europeans. McNeil suggests that Amerindian title to land was not created by the Royal Proclamation of 1763 or any other executive or legislative act (1997:135). He states that the Supreme Court of Canada tells us that the proclamation is not the source of Aboriginal title, but that Aboriginal title is a pre-existing right which the proclamation merely recognized (1997:142).

⁸¹ Usher, P. J., F. J. Tough and R. M. Galois, 1992:112.

⁸² See previous discussion on the Royal Proclamation – pp (7) & (15).

The *Treaty at Niagara* in July and August of 1764 formalized the principles of the *Royal Proclamation* between the Indian and British nations.⁸³ The Algonquin and Nipissing people were the messengers who travelled "with a printed copy of the *Royal Proclamation*, and with various strings of wampum, in order to summons over twenty-four First Nations to [this] council with the British."⁸⁴ The British Crown had declared its intentions in the *Royal Proclamation* to protect Indian lands from incursion by settlers. But they still regarded the Crown as having sovereignty and control over Indian lands with title to that land vested in the Crown.⁸⁵ It appears from subsequent documentation and Indian petitions, that this was not the intent understood by the Indian people. William Johnson, appointed as the first Indian Superintendent in July of 1756, questioned the intent of government authorities when he commented on a questionable treaty proposed in 1765:

These people had subscribed to a Treaty with me at Niagara in August last, but by the present Treaty I find, they make expressions of subjection, which must either have arisen from the ignorance of the Interpreter, or from some mistake; for I am well convinced, they never mean or intend anything like it, and that they can not be brought under our laws, for some Centuries, neither have they any word which can convey the most distant idea of subjection, and should it be fully explained to them, and the nature of subordination, punishment, etc. defined, it might produce infinite harm . . . and I dread its consequences, as I recollect that some attempts towards Sovereignty not long ago, was one of the principal causes of all our troubles.⁸⁶

The terms and boundaries set out by the *Royal Proclamation* and the *Niagara Treaty* proved difficult to enforce as land speculators and fur traders continued to intrude into Indian Territory. Squatters inevitably followed soon after and many of these colonials did not comply with the regulations stated in the proclamation regarding the possession of Indian lands. Most believed that if the land lay "empty" it was theirs to occupy and observation of rules regarding Indian policy was not their concern. Government negotiated treaties with Indian groups to attempt to alleviate the situation and European settlement expanded as the boundaries of the Proclamation were continually pushed further to the interior.

The end of the war of the American Revolution in 1783 saw an influx into British North America of Loyalist settlers and Indian allies from the United States who needed new homelands. The Crown recognized at this time that it was still necessary to maintain the Indians as war allies because of the possibility of further hostilities with the United States.⁸⁷ But during the early 1800s authorities began to perceive that they needed control over Indians who were increasingly becoming dissatisfied with invasion and takeover of their

⁸³ For further discussion on the principles and consequences of the Royal Proclamation and the associated Niagara Treaty, see Borrows, J., 1997, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History and Self Government," *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. M. Asch, UBC Press: 155-172

⁸⁴ Borrows, J., 1997:162.

⁸⁵ Asch and Zlotkin argue that the Crown presumes that it holds underlying title to all of Canada and it also presumes that when Britain asserted sovereignty it extinguished Aboriginal sovereignty because colonial legal theory still holds to the (outdated) doctrine of discovery. Asch, M., and N. Zlotkin, 1997, "Affirming Aboriginal Title: A New Basis for Comprehensive Claims Negotiation," *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. M. Asch, UBC Press: 222; For a contemporary discussion on the validity of the doctrine of discovery see Miller, Robert, J. "Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny

⁸⁶ Borrows, J., 1997:164 (Quoted from Paul Williams, *The Chain*, LL.M thesis, York University, unpublished, 1982).

⁸⁷ Although Indian affairs was transferred to the civilian arm of government in 1796, it was restored to the military arm for a brief period from 1816 to 1830 (Sanders, D., 1988:276).

lands. They were having difficulties maintaining allegiance from the Indians.⁸⁸ However, due to the outbreak of war in 1812 with the United States, British administration again required Indian people as war allies, but the end of the war in 1814 was a turning point for the Indians. They were no longer needed for political or military alliance, and in the early 1800s the fur trade declined and the colonial economy now shifted its attention to the production of timber and cultivation of the land. The mandate of federal administration was to protect the incoming settler population and promote agricultural productivity on the land, and this initiated an invasion into the interior and into Indian lands. The stated policy of government after 1815 was to assimilate the Indian and by the late 1820s the British colonial office was calling for the dissolution of the Indian Department.⁸⁹ In 1828 Indian Affairs Superintendent H. C. Darling produced the first report discussing the conditions of the Indians in the Canadas and advocated establishing model farms and villages for the Indians as the best means of civilizing them.⁹⁰ In his report Darling noted that "the situation of the Algonquins and Nipissings who frequented Lake of Two Mountains was "alarming" due to "the rapid settlement and improvement of the lands on the banks of the Ottawa River"⁹¹

Legislative Framework: 1830-1860

The 1830s saw an increase in emigration from the United Kingdom and also parts of the newly formed independent American states. The principal interest of the Indian Department during this period was the acquisition of land for settlement and exploitation since the government administration no longer required the services of the Indians as allies in war. Indian policy during this period was confusing and contradictory, and the "problem" of protection of Indian interests was paid scant attention.⁹² This was a period of neglect and indifference to Native situations and predicaments; however, at this time the colonial government did initiate the formulation of "Indian Policies" and "Policies concerning Public Lands" in an attempt to control Indian movements. This evolution of policy-making affected Indians' abilities to protect their territories from settlement. The mandate and underlying rationale of these policies was to make the "Indian problem" go away.

In 1830 the Indian Department was split and transferred to the civil authorities in Upper Canada, under the Lieutenant Governor, and to the military authorities in Lower Canada, under the direction of the Military Secretary.⁹³ This division of powers and the distinction between policies would make it almost impossible for Indian groups, such as the Algonquins of the Ottawa Valley, to negotiate any land-claim petitions since their territory spanned both Upper and Lower Canada. To clarify and negotiate their claims, they had to deal with two separate administrations. Petitions received by one administration would often be deferred to the other. The Lieutenant Governor was also the Superintendent-General of Indian Affairs, making his position rather contradictory, since he had to act both for the Crown and for the Aboriginal people.⁹⁴ At this time the government formally adopted a policy of civilization and reserves for the Indian people. Earlier, the creation of reserves resulted from a negotiated land transfer between the ceding Indian nation and the government, with the Indian nation retaining a reserve area of their choosing from their homeland territory.

⁸⁸ Leslie, J., and R. Maguire, 1979:12

⁸⁹ Tobias, J. L., 1976:41-2; Ripmeester, M. R., 1995a:28.

⁹⁰ Dickason, O. P., 1997:206. Dickason suggests that this report was the founding document of the civilizing program of the Indians.

⁹¹ Imperial Blue Books on Affairs Relating to Canada, V 5 Paper 617, 1934:22. (Cited in Hanson, L., 1986:23).

⁹² Sanders, D., 1988:277.

⁹³ Surtees, R.J., 1988a:88; Leslie, J., and R. Maguire, 1979: vi.

⁹⁴ Dickason, O. P., 1997:221.

(This was unlike those reserve areas set apart by government in the late 1700s for incoming Indian Loyalists - the Tyendinaga Reserve and the reserve for Joseph Brant's Iroquois on the Grand River.) Now reserves were chosen and set apart by the government with promises to build houses and provide assistance to cultivate.⁹⁵ The goals of this policy were to collect Indians into villages for education and farming instruction – i.e. assimilation.⁹⁶

In actual practice the objective to civilize the Indians "lagged far behind the supposedly progressive policy measures." The Indian Department despaired at making farmers out of the Indians, and too often the settlement of Indians near incoming settlers resulted only in conflict. In 1836 Sir Francis Bond Head attempted a relocation scheme for Indians in Southern Ontario and recommended that all Indians re-establish at a reserve at Manitoulin Island, certainly not an area for agricultural pursuits. He is quoted as saying that "an Attempt to make farmers of the Red Men has been . . . a complete failure"⁹⁷ and that "the greatest kindness we can perform towards these intelligent simple-minded people is to remove and fortify them as much as possible from all communication with the Whites."⁹⁸ This statement was indicative of a more general attitude that saw the attempt at assimilation as being a failure, and formed the basis for removing Indians to reserves without any consideration or compensation for their homeland.

In 1837 *The Imperial Report of the Select Committee on Aborigines* advocated the retention of imperial responsibility for Natives to protect them from adverse local interests because unregulated frontier expansion was disastrous for Native peoples who almost without exception lost their land.⁹⁹ Dickason suggests that at this time "centralized imperial administration was not coping very well with the myriad local problems of colonial government. Colonial goals were not always synchronized, and it was all too evident that Indians no longer fitted into imperial plans. Officials and local settlers assumed that the Indians as a race were disappearing, and policies were initiated to isolate the remainder of the Indians or assimilate them into the general population. The administration of the Indians was consequently underfunded and often ignored, and Dickason states that the funding for Indian administration was by allocation from five different sources. As a result, accurate information concerning resolution of Indian claims and petitions was not properly recorded and often overlooked. In theory Indian affairs did remain an imperial responsibility until 1860, but in practice, colonial legislatures had considerable autonomy. This autonomy was evident when responsibility for all lands, including Indian lands, was passed on to the Provincial Department of Crown Lands in 1839. At this time the government passed the *Crown Lands Protection Act*, which declared Indian lands to be Crown lands. The Department of Crown Lands was not officially in charge of Indian Affairs until 1860 but had control over public lands and subsequently also unofficial control over allocation of Indian lands. The main objective of the Indian Department was to negotiate for and acquire Indian lands, and the Department of Crown lands handled this."¹⁰⁰

Central control of policies regarding Indians was virtually non-existent until 1839-40 when the government commissioned Justice B. Macaulay to investigate the situation of the various Indian groups throughout the Canadas. *The Macaulay Report* recommended centralizing various governmental functions relating to Indians into one department. This was the first of a number of investigative commissions into the state of Indian Affairs which attempted to determine policy initiatives regarding alienation of Indian land and the

⁹⁵ Surtees, R.J., 1988b:206.

⁹⁶ Sanders, D., 1988:276.

⁹⁷ Cited in Ibid: 277.

⁹⁸ Cited in Dickason, O. P., 1997:211.

⁹⁹ Sanders, D. 1988:277; Dickason, O. P., 1997:220.

¹⁰⁰ Dickason, O. P., 1997:199-222.

relocation of Indian groups into cohesive units, and also to cut expenditures in the Indian Department. Macaulay commented that some Indian groups had petitioned the government for title to their land, but government policy dictated that

aborigines [could not be given] fee simple titles [to any land since the] Government seems to have regarded the tribes as in a state of Pupillage . . . [A]t least the British Government have always extended to them a peculiar care and protection and with that view many pressing applications for fee simple titles . . . have been declined.¹⁰¹

The Chief Superintendent testified in the report "that the Indian Office, strange as it may appear, has until lately possessed little or no information respecting the Indians' property or the funds derived from sales or portions of it."

By 1840 the settler population had increased to half a million people and the British government had initiated changes in negotiating treaty terms. Rather than offering a one-time payment for ceded land, they now began a yearly annuity system, which was designed to save the government money.¹⁰² The land could be sold to incoming settlers, and this income was used to pay the annual fee to the Indians. Many Indian bands were bordering on destitution and were suffering from the destruction of their subsistence base, so the Crown had more bargaining power to negotiate favourable cessions.¹⁰³ It was during this period that the Algonquins and Nipissings were refused claims to their home territories because (among other reasons) the government stated that they did not have the funding to establish a settlement for them

The *1840 Act of Union of the Canadas* was negotiated without any Indian input, and it omitted to make provisions for "Indian Affairs" or for payment of annuities for earlier land cessions in Upper Canada.¹⁰⁴ However, in 1842 the *Bagot Commission* was established to investigate the state of both the Native peoples and the Indian Department and to recommend changes. The commissioners assigned to conduct the report were to suggest whether there should be any changes made in conducting the business of the Indian Department or in the application of the funds placed at its disposal. The commissioners clarified the position of the government in regards to government rights to alienate Indian lands, and quoted from the book *The Law of Nations*, which stated:

Their unsettled habitation in these immense regions, cannot be accounted a true and legal possession, and the people of Europe, too closely pent up at home, finding land of which the savages stood in no particular need, and of which they made no actual and constant use, were lawfully entitled to take possession of it and to settle it with colonies . . . We do not, therefore, deviate from the views of nature, in confining the Indians within narrower limits.¹⁰⁵

The commissioners also suggested that the Indian lands would have been alienated at any rate, without cession if necessary:

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 whatever; 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

¹⁰¹ AO, Sir A. E. Irving Papers, MS 1780 F 1027-1-2, Report of Mr. Justice B. Macaulay, Toronto: 23.

¹⁰² Surtees, R.J., 1994: 112; Dickason, O. P., 1977:164.

¹⁰³ Surtees, R.J., 1994:113.

¹⁰⁴ Dickason, O. P., 1997:221; Leslie, J., and R. Maguire, 1979:13.

¹⁰⁵ Bagot Commission, Section 1, unpaginated.

would have been impolitic to have attempted to check the tide of immigration.¹⁰⁶

The commissioners noted that the Indians could not compete with the Euro-Canadian settlers in making the land productive and that any present value of the land had been created by the industrious habits of the Europeans. They stated that the "habits and mode of life" of the Indians justifiably predisposed their removal from the land and that the land was required for new occupants.

The Bagot Report commissioners commented that the distribution of presents "has been the chief object for which a separate department for the Indian service has been maintained" and the distribution of presents was effected chiefly through lists written by Indian agents who visited the various Indian groups throughout the country. The agents attempted to list all the names of those present at a village or campsite, but often a number of Indian males would be away hunting in the bush. Distribution lists were also maintained at Indian missions, including the mission at Lake of Two Mountains, but the Indian people had to travel and spend time there to be included on the list. Those names that were recorded on the lists were granted yearly presents and they were recognized as "Indian." There was often much confusion regarding designation of names (sometimes Indian and sometimes Christian) and incomplete lists often resulted in petitions from various Indians or Indian groups who had not received their yearly distribution. The distribution of presents was discontinued around 1850-55 and many Indian people who did not move to reserves and become registered were no longer recognized as "Indian."

Although the Commission reflected many biases, which were contemporary at that time, toward Indians and Indian lifestyles, they did make recommendations to improve the administration of Indian lands. They questioned some of the land-related agreements that had been made previously:

It has been alleged that these agreements were unjust, as dispossessing the Natives of their ancient territories, and extortionate, as rendering a very inadequate compensation for the lands surrendered . . . [G]reat frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians . . .¹⁰⁷

Recommendations were made by the commissioners to alleviate the problems of settler intrusion and conflict on Indian land. They recommended that no private person should be allowed to purchase Indian lands unless those lands had first been ceded by the Indians to the government. This recommendation reiterated the statement of policy that had been expressed in the *Royal Proclamation* but at that time had not been formally legislated into law. They also suggested methods by which the Indians could be "civilized" to prepare them for assimilation into the general population whether they desired it or not. One approach argued that Indians should be removed from their hunting and fishing territories since this was necessary in order to civilize and prepare them for integration. To this end the commission recommended that the Indians should be taught European techniques of land management and be provided housing, livestock, agricultural implements, and other goods such as furniture in lieu of presents. They also recommended that they receive a commercial and social infrastructure, such as banks and schools, in their designated villages. They considered traditional communal ownership of land to be an "uncivilized state" and recommended that reserves be surveyed and the boundaries publicly announced.¹⁰⁸

¹⁰⁶ Ibid

¹⁰⁷ Bagot Commission, Section 3, unpaginated.

¹⁰⁸ Bagot Commission, unpaginated

These recommendations were all made with the explicit understanding that all Indian people would be treated with and fairly compensated for their land and removed to reserves.¹⁰⁹ The general understanding was that all land in Southern Ontario had already been ceded, although they did acknowledge that there were still outstanding claims and petitions, mostly from the Algonquin and Nipissing people. They did not admit to these claims being valid. They did note that there were situations where land had been taken from Indians or settled upon without their consent and specifically mentioned "one instance along the Ottawa River where the Indians were dispossessed of their ancient hunting grounds without compensation."¹¹⁰ The commission did suggest that since Indian lands were handled by the Crown Lands Department, the Crown Land agents could issue permits or licences to cut timber on this land. However, they were concerned that a lucrative trade could emerge through removing timber from Indian reserves or Indian land but did not address the issue further. There was nothing to stop Crown Land agents from entering home territories of Indian groups who had not ceded their land and issuing licences to cut their timber because this was in effect "empty land" with title vested to the Crown. The number of complaints received from the Algonquins regarding this issue was evidence that the imperial government did not have control over the activities of the provincial government, especially the Department of Crown Lands.

In 1850 laws were passed in both Upper and Lower Canada that protected Indian lands against trespass by non-Indians, against seizure for non-payment of debts, and even against taxation, since the land was considered as being held in trust by the Crown.¹¹¹ Also, because loggers were invading Indian lands in the Ottawa Valley and other regions, these laws were passed to curtail illegal encroachment on Indian Territory. They also made it an offence for private individuals to deal with Indians concerning land. In the attempt to protect Indian lands, it became important to define who was Indian, and therefore who did and did not have rights to Indian lands. As a result, the issue of formal status as Indians became increasingly important. Many of the Algonquin people who lived in the backcountry lived among and often intermingled with lumbermen and settlers, and for these individuals the implication of not being "Indian" by virtue of being "non-status" would be difficult to understand. The issue of Indians living off-reserve was not addressed, and the implication here is that Indians not on "Land reserved for Indians" were not considered "status." The important issue, which was also not addressed by legislation, however, was how legal status as "Indian" was determined in the first place.

The processes through which Indians received legal status are complicated, and there does not appear to be any comprehensive treatment of this issue in the available literature. During the time period of this study, however, it seems that the determination of who was and was not Indian was vague, and that record-keeping was not systematic. It appears that status was designated to individual Indians with the signing of a treaty or when moving to a reserve. It is unclear as to whether the lists of Indian names maintained by the Indian Department, which included all Indians who were entitled to receive presents, were used to indicate "status." We do know that a number of Algonquin groups and individuals who petitioned for their yearly present distribution, but were not living on any reserve, did not automatically receive status. Records indicate that their names were listed with the Indian Department for present distribution but not listed as "status" Indians. Was the exclusion of these names from status lists the preference of the Algonquin individual or group, or the

¹⁰⁹ Dickason, O. P., 1997:222.

¹¹⁰ Bagot Commission, unpaginated

¹¹¹ Statutes of Canada (hereafter SC), 1850 Act for the Protection of the Lands and Property of Indians in Lower Canada: Section V; SC, 1850 Act for the Better Protection of the Indians in Upper Canada from Imposition, and the Property Occupied or Enjoyed by Them from Trespass and Injury.

choice of the Indian Department? These Algonquins had signed no agreement or cession for land and had declined to move to reserves, which were established for them.¹¹²

The implication is that there were many people with Indian heritage who were not legally registered as Indians. Even when treaties were signed, government officials had no way of ensuring that all members of a particular group had been included. Increasingly, legal status became an important determinant of rights to land and government services. Indians with legal status had the right to live on lands reserved for Indians and to benefit from government services as they developed over the years. The possibility of Indians surviving in groups outside of designated areas and scattered throughout the backcountry was ignored. No legislation was passed to protect their interests or to grant them any relief from paying taxation, and certainly no provisions were made to protect them in cases of land seizure for non-payment of taxes. Also, legislation regarded Indians as a collective entity, and there were no provisions that considered individual situations. It appears that "the idea of individual Aboriginal identity was associated with collective identity."¹¹³ It would therefore be difficult for individual Indians or individual family groups to claim recognition since Indians were only acknowledged as "Indians" in a collective sense. It was almost an impossibility for Indians to be individuals. They would then have to apply for homesteads in the same manner as Euro-Canadian settlers but, as was acknowledged earlier, they would be considered "Indian" and therefore considered not capable as landowners or farmers.

The *1857 Act to Encourage the Gradual Civilization of the Indian Tribes in this Province, and to Amend the Laws Respecting Indians* was a significant legal and theoretical landmark in Indian policy.¹¹⁴ It confirmed the goal of civilization by announcing the noble intention to remove all legal distinctions between Indians and other Canadians and integrate them fully into Canadian society. An individual Indian who wished to acquire property (in this case – twenty hectares) and the rights associated with being a landowner had to "become enfranchised, to speak readily either the English or the French language, be of sober and industrious habits, free from debt and sufficiently intelligent to be capable of managing his own affairs."¹¹⁵ Many, if not most, Euro-Canadian colonials at this time would not have been capable of these requirements. Those twenty hectares would be of no value to an Indian group who had not negotiated possession of an area of reserve land to begin with, and under these requirements individual Indians could not apply for property outside of a reserve area, on their own homestead as there was no provision to determine whether Indians who lived off-reserve would have to fulfil the requirements of the 1857 Act before they could apply for free grant land. Also, twenty hectares of land would not be sufficient to pursue a lifestyle of hunting and trapping, so it necessitated that the Indian family depend on agricultural pursuits.

The *1858 Pennefather Report* acknowledged that there were perhaps Indians living scattered throughout their hunting grounds and that there were situations where the legal

¹¹² Holmes states, "There are various historical explanations as to why some [Indian people] are non-status." She suggests that "[s]ome communities were away on their trap-lines when Indian Agents came through their territory to negotiate treaties" and that "[t]he entire Algonquin Nation of Eastern Ontario has never signed a treaty ... and have therefore never been registered as bands" (1999:3). She also states "The term "non-status" is considered derogatory by many Algonquins" and she suggests that "[s]tatus and non-status individuals and communities do not necessarily differ in terms of family lineages, blood lines, community connections, or cultural, spiritual, and social heritage" (1999:1, n.1).

¹¹³ Chamberlain, J. E., 1997:26.

¹¹⁴ Surtees, R.J., 1988a:89.

¹¹⁵ SC, 1857 Act to Encourage the Gradual Civilization of the Indian Tribes in the Province, and to Amend the Laws Respecting Indians, 20 Vic. cap. 26, June 10:84.

cessions of their lands had not been undertaken.¹¹⁶ The report recommended that Indian Affairs should amalgamate the smaller bands so as to reduce separate hunting grounds. Government did not want to establish a number of small reserves scattered throughout the country because it would be difficult to control and monitor the Indian people in these scattered areas. The suggested solution was to amalgamate the smaller bands so they could be dealt with as a large collective entity. Many Algonquin groups who lived throughout the Ottawa Valley wanted to retain territory within their own hunting grounds and refused the offer to remove to large reserves such as Manitoulin Island (established in 1836) or Maniwaki or Timiskaming (both established in 1851).

In 1860 the imperial government transferred control of Indian Affairs to the Province of Canada under the Department of Crown Lands. The Commissioner of Crown Lands became the Chief-Superintendent of Indian Affairs.¹¹⁷ This duality of responsibility was a conflict of interest since the mandate of the Department of Crown Lands was to acquire lands for settlement. Their interest would certainly be to remove the Indian families to less productive land so that their land could be sold or granted to incoming settlers who could feasibly boost the economy of the colony. (The Department of Indian affairs did not become a full-time posting until 1862 when William Spragge was appointed as its first full-time head.¹¹⁸)

Many public land acts passed during the period of 1830 to 1860 did not address Indians directly but did affect their ability to retain their land. In 1837 Peter Jones of the Mississauga Credit Indians questioned the land surrender system and Indian tenure. The Mississauga wanted a "Title Deed" to their land but were denied on the grounds that Indians could not "bear the burden of liability for assessments, debts and other legal or financial burdens." The Chief Superintendent General also suggested that if one Indian received title, then all would want it, and "the majority are decidedly unfit to receive them."¹¹⁹ To encourage settlers to colonize the backcountry, colonial government passed the *1841 and 1849 Public Land Acts* which allowed for a free allotment of not more than fifty acres to be made along roads in any new settlement area. These acts included the right to purchase an additional 150 acres after occupation of the free grant land, and the mandatory clearing of a minimum of twelve acres for agriculture.¹²⁰ Settlers had to apply for a licence to locate on a lot and would then receive a location ticket. Obtaining a location ticket often had to be approved by local officials, and improving the land was a necessary prerequisite to receive a patent for that land. This "improvement mandate" was a barrier to Indian retention of land. Not only did it encourage Euro-Canadian settlement and subsequent destruction of habitat but many Indians did not have the financial resources to make "improvements." Due to the cultural and economic background of many Indian families, it would have been very difficult for them to meet the requirements to apply for a free allotment of land. Moreover, attempting to pursue agriculturally related improvements displaced Indians from livelihoods based on subsistence hunting, making it difficult for them to survive.

The *1853 Public Lands Act* was introduced to increase settlement in the more northerly portions of the province to strengthen economic and social development and to

¹¹⁶ Sir Edmund Walker Head, Governor-General of British North America, appointed Commissioners R. T. Pennefather, Superintendent General of Indian Affairs, F. Talfourd, and T. Worthington in 1856 to report on Indian Affairs in Canada. The report was known as the Pennefather Report, JLAC App.21, - 21Vic. 1858 Report, pt III"

¹¹⁷ Surtees, R.J., 1988:88; Dickason, O. P., 1997:225.

¹¹⁸ Dickason, O. P. 1997:226

¹¹⁹ Cited in Leslie, J., and R. Maguire, 1979:18.

¹²⁰ Nuttall, A. J., 1980, *The Success of Government Settlement Policy in the Ottawa-Huron Territory, 1853-1898*. Unpublished Masters thesis, Queen's University, Kingston, Ontario: 13.

prevent settlers from being lured to the American Mid-West. The Act was based on the previous land acts of 1841 and 1849, and increased the amount of free-grant land available to settlers.¹²¹ The Colonization Roads policy was introduced in the Ottawa-Huron Tract under the terms of the *1853 Public Lands Act*. The objective of the policy was to plan and construct a series of colonization roads into unsettled territory. Land was then surveyed adjacent to these roads, and the landscape was organized into individual lots. Initially these lots were sold at a minimum price to the settlers but with the introduction of an increased free-grants aspect, settlers could acquire 100 free-grant acres along designated roads for every twelve (later ten) acres cleared for agriculture within five years. They also had to construct no less than a sixteen by twenty-foot house.¹²² The free-grants aspect provided an initial inducement to bring in settlers and the government required the presence of the settlers along these colonization roads to ensure maintenance of the roads without further government expenditure and to increase the value of surrounding lands.

The Colonization Roads policy facilitated the push of European settlement into the interior and was also responsible for opening up Indian Territory (contested Crown land?) that was previously inaccessible to a large influx of settlers. This policy encouraged the survey and opening of lots throughout a township for further settlement and made land readily available to anyone who wished to put a claim on a lot. However, "large quantities of land fell into the hands of absentee landlords and land speculators," and so to prevent large areas of patented land remaining unimproved (and therefore unproductive), the government taxed wild lands as an inducement to settlement.¹²³ It is reasonable to assume that Indian "wild lands" would also be taxed, since the whole of this area was considered as Crown land and as being ceded to the government. The intrusion of Euro-Canadian settlement into Indian territories often destroyed the Indian resource base by destroying the habitat on which they relied for their subsistence. Often before settlement was actually established in an area, it would be invaded by lumbering companies that devastated the forests and lumbermen had no reservations about squatting on Indian land. Settlers would then clear large areas of land and displace the fauna with domestic animals. The patenting (and subsequent mapping) of land to incoming settlers was a process that "mapped out" Indian families and contributed to the dispossession of their land. If Indian families were taxed on their territory, they were unlikely to have been able to raise the capital necessary to officially retain their land and could lose the land through tax seizure.

The *Agricultural Loans Act* was passed on May 19, 1860, and it stated that the Agricultural Loan Association of Canada had the power to acquire land by mortgage as security for loans.¹²⁴ The Association also had the power to deal with and sell lands in satisfaction of any debts and had the power to enact bylaws for guidance of their officers and for conduct of business. The act also stated that the Association had the power and authority in this Province or in England or in the United States to establish as many agencies or boards as it deemed necessary. In regards to surveyors, the act stated that they could acquire and possess parcels of land in lieu of debt but only for a period of five years and then the land must be sold. It is feasible to suggest that Indian families who had to pay taxes on their properties would accumulate a debt, and often the seizure of their property would be

¹²¹ Nuttall, A. J., 1980: 14, 93

¹²² Nuttall, A. J. 1982, "Pushing Back the Frontier," *County of a Thousand Lakes: The History of the County of Frontenac, 1673-1973*, ed. B. Rollason, Kingston, Frontenac County Council: 50.

¹²³ Osborne, B.S., 1977, "Frontier Settlement in Eastern Ontario in the Nineteenth Century: A Study in Changing Perceptions of Land and Opportunity," *The Frontier: Comparative Studies*, ed. D. H. Miller and J. O. Steffen, University of Oklahoma Press: 210-213.

¹²⁴ SC, 1860, An Act for the Incorporating and Granting Certain Powers to the Agricultural Loan Association of Canada. May 19, 23 Vic. Cap. 130..

a consequence of their subsistence mode of living and the fact that they often preferred not to be engaged in the wage economy. The local municipal and provincial officials and those settlers with wealth who often controlled the township boards had considerable power over the granting of land holdings and seizure of property for non-payment of taxes.

Legislative Framework: 1860-1930

During this period the colony of Canada became the Dominion of Canada, and Indian Affairs became a federal responsibility. The economy was in a race for increased agricultural productivity and commercial shipment of timber. The Indian Act was formally implemented, and control over Indians and their land was intensified. The objectives of the Indian Department were forced marginalization and assimilation through forced enfranchisement, and the authorities retained the power to define who was Indian and who was not. The expectation during this period was that all Indians would migrate to reserve areas and there become agriculturally productive and learn the values of civilized life. There was no official recognition that Indian families or individuals could live within the general population and still be considered "Indian." Their "hunting, trapping, and fishing rights were no longer seen as fundamental guarantees of Native livelihood, much less as a proprietary right, but rather as mere licences or privileges granted at the Crown's pleasure."¹²⁵ The hunting Indian was seen as retarding the education of his children, "because he took them with him into the bush," and this thwarted the efforts of government to force assimilation through education.¹²⁶

In 1862 the Indian Affairs Department was formally established and all the major concerns of the Indians such as land, timber, fish, and business records were under one political head - the Commissioner of Crown Lands.¹²⁷ At this time the Indian Department formally adopted "a civilization policy and the Indians of Canada became wards of the government."¹²⁸ By this time the lands of Upper Canada had been largely alienated from their original inhabitants with two exceptions. One of these exceptions was the land between the Ottawa River and the line of settlement purchased from the Mississauga in 1818. This land was later purchased through the Williams Treaty of 1923.¹²⁹

In 1864 Joseph Trutch was appointed as the new Commissioner of Crown Lands. He considered that Indians had no more rights to land "than a panther or a bear."¹³⁰ He went on to say that the lands they claimed were "of no actual value or utility to them, and I cannot see why they should either retain these lands to the prejudice of the general interest of the Colony, or be allowed to make a market of them either to the Government or to Individuals."¹³¹ Thus, the official who was in charge of lands for the Province of Canada had no interest in honouring Indian rights to land. With this stated governmental attitude, it would be very difficult for Indian groups to negotiate fair and equitable treaties or compromises with the government. It was during this period that the Algonquin people were attempting to negotiate land claims as distinct groups in the Ottawa Valley.

In 1867 the Dominion of Canada was established. The Upper Canada legislative and administrative structure was extended by the federal government to the rest of Canada. The Indian Department was separated from Crown Lands and became a federal

¹²⁵ Usher, P. J., F. J. Tough, and R. M. Galois, 1992:121.

¹²⁶ Tobias, J. L., 1976:48.

¹²⁷ Sanders, D., 1988:277.

¹²⁸ Surtees, R.J., 1988a:88.

¹²⁹ Surtees, R.J., 1988b:207.

¹³⁰ Joseph Trutch, cited in Dickason, O. P., 1997:234.

¹³¹ Joseph Trutch, cited in Berger, T. R., 1981, *Fragile Freedoms: Human Rights and Dissent in Canada*, Toronto: 222.

responsibility, while general responsibility for lands remained within the individual provinces of the new Dominion of Canada.¹³² Such distant control meant that local officials, whether provincial or municipal, had opportunities to exercise their powers without the knowledge of federal authorities. The provinces were not entitled to pass legislation directly in relation to Indians; however, they could pass legislation that had a valid provincial purpose (especially in regards to lands and infrastructure), which often had the effect of applying to Indians and their land.¹³³ Local Indian agents often made decisions regarding trespasses on Indian lands and on complaints received from Indian people in regards to government's lack of response to their requests. The Indian agent was also the interpreter for the Indian people regarding correspondence received from government officials. Many Indian petitions and claims were formulated and written by local agents, and the correspondence was often contradictory and confusing to the Indian people. Although the Indian agent was supposed to be the indigenous people's servant he often turned out to be the keeper of the federal system.¹³⁴ As well, Indians who remained on the land, whether in small groups or an extended family, would in all likelihood be subject to judgments and stereotyping by local settlers. The land agent had full discretion to judge who was of moral character and given the often blatant discrimination against Indian lifestyles and the centuries of ethnic stereotyping, both in Europe and the New World, it would have been surprising if an Indian family were approved for a homestead.

In 1868 the *Free Grants and Homestead Act* was implemented because previous land acts were seen as ineffective in their capabilities to settle agricultural land in a harsh Pre-Cambrian environment.¹³⁵ This act encouraged the marginalization of Indian groups and families and contributed to the alienation of land from the Indian people. A non-status Indian would not easily meet the requirements to acquire a patent under the terms of the Homestead Act, which stated that there must be a total of fifteen acres cleared and at least two acres cleared annually in order to have a patent issued for that land. The locatees must also have a dwelling fit for habitation no less than sixteen by twenty feet and must have "actually and continuously resided upon and cultivated the said land for the term of five years." The locatees were not allowed to be away from their residence for longer than six months at any one time.¹³⁶ If the Indian family was accustomed to the Algonquin subsistence pattern of hunting, trapping and fishing and going out in hunting parties over a large territory over the winter months, the six-month time constraint would seriously impede their ability to continue their lifestyle and their ability to survive. Many off-reserve Indians did not possess the monetary means to acquire building materials and agricultural implements, nor was their culture familiar with the use of these foreign practices. Their lifestyle was not suited to the conventions and impositions placed upon them by the restrictions of the rules for patenting. They did not clear land for agricultural purposes, and it is likely that they did not build habitations in accordance with the rules for homesteading.

The *1876 Indian Act* consolidated and revised all previous legislation dealing with Indians in all existing provinces and territories. Indians were not consulted on how their lives

¹³² Sanders, D., 1988:277. The colonies that became provinces were allowed to keep control of Crown lands but provinces created after Confederation were not granted this privilege until 1930 (Dickason, O. P., 1997:229).

¹³³ Macklem, P., 1997:121.

¹³⁴ Venne, S., 1997, "Understanding Treaty 6: An Indigenous Perspective," *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. M. Asch, UBC Press: 173-207:200.

¹³⁵ SC, 1868, An Act to Secure Free Grants and Homesteads to Actual Settlers on the Public Lands, Vic. 31, cap. 8, Feb. 28

¹³⁶ Ibid: sec. 9:2.

should be organized, and they had no voice in policy directives. Status Indians on reserves could not take out a homestead, could not raise outside investment capital, and could not obtain credit. They had no vote and no economic power.¹³⁷ The intention of the act was to eradicate the old Indian values through education, religion, new economic and political systems, and a new concept of property.¹³⁸ If sufficient numbers of Indians became enfranchised and received location tickets, it "would mean the end of any need for reserves or for an Indian Affairs department."¹³⁹ The underlying assumption was that Indian status and the ownership of property were contradictions. People with Indian status held land collectively, with title vested in the Crown. Property owners either were non-Indian initially or had given up Indian status.¹⁴⁰ The act also stipulated that Indians who lived off-reserve would be liable to be taxed for real or personal property at the same rate as other persons in the locality if the property was held under lease or in fee simple.¹⁴¹ This clause would affect the ability of the Algonquin Indians to secure their homelands amongst the Euro-Canadian settlers. Many Algonquin groups were still petitioning at this time for title to their homelands but Government authorities were reluctant to address the issue of Indians obtaining legal title to their land. It appears that there was already controversy within government over whether Indian people possessed title to land only "through the courtesy of government" or "through their legal right." In 1881, a letter written by S. J. Dawson to A. Irving, lawyer for Indian Affairs, remarked on a statement made by the Attorney General in 1874. Dawson stated that he (the Attorney General) was mistaken when he called the "so called title of the Indians" one "of courtesy only" and went on to say that "the title of the Indians has always been one not of courtesy but of right, and it was conferred by the Imperial Government long before the Province of Ontario had any existence."¹⁴²

From 1900 to 1930 there was increased demand on undeveloped Crown (Indian) lands due to construction of railway lines, roads, cities, towns, and a demand for lumber and agricultural land. The general attitude of government towards the ability of any Indians to render their land productive, in the European sense, hindered considerations of a request from Indian owners to patent land. Indians had to abandon subsistence patterns of livelihood to fulfil requirements for a patent and abandon their cultural practices, which were viewed as uncivilized. In 1920 the government imposed mandatory enfranchisement for status Indians who met specific requirements and were educated in a skill or profession. Duncan Campbell Scott, the Deputy Superintendent-General, stated that the objective was "to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department."¹⁴³ In 1927 the Indian Act was amended to make it illegal for Indians to hire any legal counsel to stake claims or object to

¹³⁷ SC, 1876, An Act to Amend and Consolidate the Laws Respecting Indians, Vic.39, cap. 18, sec. 70, "Disabilities and Penalties."

¹³⁸ Tobias, J. L., 1976:44.

¹³⁹ Surtees, R.J., 1988:90.

¹⁴⁰ The Franchise Act in 1885 gave all male Indians in Quebec and Ontario the right to vote. There was extensive opposition from "whites" because they did not want to be considered as equals with "barbarian Indians" (Leslie, J., and R. Maguire, 1979:51). The "whites" also felt that because Indians were not property owners and did not pay taxes they could not be regarded as responsible or serious-minded people. The bill was revoked in 1898 claiming, "It is a derogation to the dignity of the people and an insult to free white people in the country to place them on a level with pagan and barbarian Indians" (Dickason, O. P., 1997:263). There were obviously no Indians who were property owners according to the settled colonials.

¹⁴¹ Leslie, J., and R. Maguire, 1979:66.

¹⁴² AO, Sir A. E. Irving Papers, 1881/10/07, MU 1465, Box 27, F 1027-1-2, Robinson (Huron-Superior) Indian Treaties: unpaginated).

¹⁴³ Dickason, O. P., 1997: 302

an expropriation of their land.¹⁴⁴ After 1930 the government had to contend with a depressed economy, and its objective was no longer to civilize the Indian but to make room for development.

The analysis in this section has summarized how stereotypical and prejudicial attitudes about Indian identity, and the Indians' status in society were translated into legislation and administration that facilitated the dispossession of Indians from their lands and resources. Differing concepts of land ownership and resource use meant that Indians did not understand Government intent and content of early negotiations and treaties. These early negotiations, drafted by government authorities, were often intentionally vague and did not always represent the earlier agreement that had been arranged orally with the Indian group. Ideas about what constituted valid use of the land resulted in the failure by all levels of government to protect Indian lands from trespass and imposition. The petitions and claims of the Indian people were often ignored and misplaced as a result of the disorganization and apathy of the Indian administration. The agenda of Indian Affairs was to locate Indians out of the way, under the control of government authority, or assimilate them into the general population. They were seen as a "dying race" that would fade into history. Indian policy was based on the Darwinian assumption that Indian people were not capable of contributing to the "civilizing" or "development" of the nation. Property ownership and Indian status became contradictory concepts. The regulations surrounding rights to land ownership, including the provisions for land development and taxes, made it difficult for Indians to retain their traditional territory. If Indian people were successful in becoming property owners off-reserve, it meant that they were no longer officially Indian and received no benefit from the loss of their original lands.

2:4 Claims and Petitions of Algonquin Groups – 1842 to 1900

In this section the geographic focus is narrowed to specific group claims within the Ottawa Valley. These individual group claims are reviewed to illustrate the fragmentation of the Algonquin nation and substantiate the presence of Algonquins living throughout the Ottawa Valley who were unable to negotiate any land treaty compromise for a homeland territory with the colonial government. In 1965 Day and Trigger estimated the known Algonquin population as approximately 2,500, but stated that to that total "should be added an unknown number of persons of Algonquin descent scattered throughout the Ottawa Valley but unaffiliated with any reserve."¹⁴⁵ In the mid 1800s documented Algonquin groups were marginalized to locations such as the south shore of Golden Lake in the Township of Algona, the Township of Lawrence (watershed of the Madawaska – today part of Algonquin Park), the Township of Nightingale (directly east of Lawrence Township – today also part of Algonquin Park), the Township of Sabine (located south-east of Nightingale Township), and the Townships of Bedford, Oso, and South Sherbrooke - all in the Province of Ontario; and also at Maniwaki, Lake Timiskaming, Grand Lake Victoria, and Quinze Lake in the Province of Quebec. Other groups of which we have no record very likely dispersed throughout the watersheds of the southern Ottawa Valley tributaries. Frank G. Speck, an anthropologist who conducted field work in 1913 among the Indian people living in the Ottawa Valley, identified Algonquin groups in these areas and also "noted that there were other Algonquin Indian Bands along the Ottawa River . . ." ¹⁴⁶ These Algonquins continued to live in geographically scattered family groups within the general vicinity of South-Eastern Ontario in

¹⁴⁴ Usher, P. J., F. J. Tough, and R. M. Galois, 1992:119.

¹⁴⁵ Day, G. M., and B. G. Trigger. 1978: 797

¹⁴⁶ Speck, F. G. 1915: 3

the lower Ottawa watershed. Their territories included the watersheds of the Mattawa River, the Petawawa River, the Bonnechere River, the Madawaska River, the Mississippi River, and the Rideau River. Land records dating from 1824 suggest that there were many Indian people located along waterways in the Mississippi, Madawaska, and Rideau watersheds, often on small lakes that adjoined the river systems.¹⁴⁷ They frequently located campsites and gathering places along the major rivers for ease of travel and communication. In the latter 1800s they were sporadically acknowledged by government authorities but never had their land claims resolved.

Some Algonquin groups who sent repeated requests to government for a tract of homeland were granted reserve lands in northern portions of the traditional territory. These grants resulted in the formation of three reserve areas for the Algonquin people - Maniwaki,¹⁴⁸ established in 1851; Timiskaming,¹⁴⁹ established in 1851; and Golden Lake,¹⁵⁰ established in 1865-1866 and enlarged in 1873-1875. There were other reserves established by government during the 1800s - at Manitoulin, on the north shore of Lake Huron, and Gibson, near Georgian Bay. The reserve at Manitoulin was established by Sir Francis Bond Head, in 1836, as a relocation scheme for all the Indians of Southern Ontario, in an attempt to remove them as far as possible "from all communication with the Whites". However this reserve was occupied by Indians from United States and local Ojibwa and Odawa people. The reserve at Gibson, established in 1881 (later known as the Wahta Reserve), was settled predominantly by Mohawk Indians from the Lake of Two Mountains. Some Algonquins did move to the Gibson reserve, but since it was set aside for the "Protestant members of the Oka Indians", the majority of Algonquin, who were Catholic, refused to relocate there.¹⁵¹ Although some Algonquins eventually became 'registered' with the Golden Lake reserve in Algona Township the majority of Algonquins refused to relocate to Manitoulin and Gibson as well as Maniwaki or Timiskaming because they stated that these areas were useless to them as their hunting grounds were in Upper Canada and they could not afford to travel that far.

The Algonquins who moved to Maniwaki, Timiskaming, and Golden Lake became officially registered Indians and developed permanent villages where they resided all year. They were often forced to move to these reserves due to poverty, starvation and discrimination and often had no choice but to relocate to a designated government reserve so that they and their families could survive. In most instances these Algonquin people had endured forced relocation from their original gathering sites and traditional territories to the reserve land. Suggesting they were forcibly relocated does not necessarily mean that they were physically removed from their land, although in some instances this did happen - i.e.,

¹⁴⁷ AO, RG 1-100,20, 1824/00/00, Bedford Township, Copy by W. Chewett, Map of Bedford, No. 3, A187; AO, RG 1-100, C-39, 1861, Patent Plan, Palmerston Township, Frontenac County, Andrew Russell, Assistant Commissioner, Crown Lands; AO, Lands Records Index of Patents, 1859-1874 (Names are added on these base plans in subsequent years so settlement/patenting is not necessarily as of date of plan).

¹⁴⁸ The reserve is now named "Kitigan Zibi" and is located in present-day Quebec at the junction of the Gatineau River and the River Desert (Holmes, J., 1999:11, n. 38).

¹⁴⁹ Timiskaming is also in present-day Quebec. There are alternative spellings used by various authors - "Timiscaming," "Temiskaming," "Temiscamingue," "Timiskaming." Some confusion over the spelling could be due to whether the writer is referring to Lake Temiscaming or the settlement (Fort Temiskaming) and also whether it is written in French or English. The reserve is actually located at the head of Lac Témiscamingue and is today called "Timiskaming."

¹⁵⁰ This was the only reserve area established in Ontario for the Algonquins and is in the Township of South Algona on the Bonnechere River.

¹⁵¹ Hanson, L., 1986:43

the forced relocation of Indian children to residential schools in the 1900s and the burning of Indian homes by Ministry officials ostensibly because of the spread of infectious disease in these homes. The Algonquin people were forcibly relocated by being denied the opportunities to pursue their livelihood or retain use of their territory due to lumbering and squatter encroachment and government regulation.

Algonquin attempts to retain their homelands were being rejected by government officials, and timber berths and land settlement policies were displacing the Algonquin people with settlers and lumberers. Government authorization of land colonization policies and legislation ignored the existence of Algonquin occupation of these lands. The 1840s introduced a period of intensive land settlement in the Ottawa Valley and also a period when large grants of land were being awarded to timber companies. Destruction of native habitats and resources was forcing Algonquin groups to travel further north and west to pursue their hunting and trapping lifestyles. With the establishment of settler communities, the Algonquins retreated further to the margins of settlement and attempted to establish permanent camp areas and family territories where they were still allowed a measure of freedom to trap, hunt, gather, and fish. Their attempts to maintain occupation of these areas forced them to integrate with the squatter settlements and lumber camps that were penetrating all areas of the watershed of the Ottawa River. Establishment of permanent camp areas was an adaptive strategy to remain on the land, but government-sanctioned lumber companies and settlers would also soon alienate these more remote areas.

Documentation may suggest that Algonquin (kinship) groups were living in fixed locations in certain townships, but it is more likely that the group happened to be encamped at the specific location when the enumerator was making rounds. Algonquin groups were mobile and followed the game, using waterways as transport routes and as additional sources of food. Rather than living on specified lots as homeowners, they considered the whole territory as their hunting grounds without specifying ownership to certain small parcels of land. Colonial practices of mapping and setting boundaries on paper effectively confined them to a fixed location without regard for their necessity for a mobile lifestyle to survive and without acknowledgment of their occupation of a territory. These processes of (re)mapping the land enabled colonial settlement to progress into Algonquin territory, since according to government surveys the land was empty. Therefore, the process of "mapping them in" to a fixed location, in effect, contributed to the alienation of the Algonquin people from their lands.

The arrival of large groups of Euro-Canadian males setting up shanties and work camps would often be the first visible indication to the Algonquin people that their rights to their land were not being honoured or acknowledged by government officials. While researching census data, it was quite common to encounter the enumeration of large lumbering crews in close proximity to Algonquin groups, attesting to the fact that many groups were continuously driven to the frontiers of settlement. The invasion of the timber companies that received grants to remove timber from large areas of land not yet surveyed for settlement was also a major factor in displacing them from their land. When a timber limit was surveyed, the land would be categorized and granted to the timber companies. It was extremely difficult for the Algonquins living in the backcountry to address the problem of timber squatters setting up business on their land because control of the forests rested with the government of Upper Canada until 1867 when it was transferred to the provincial government in Toronto.¹⁵² Provincial governments had no official authority to involve themselves in Indian affairs, and the federal government had no authority over the issue of lumbering of an area. Since Algonquin people made the complaints about timber squatters

¹⁵² Armstrong, C.A., 1976:37.

invading their land, the Provincial Crown Lands Department did not want to deal with them, because to acknowledge them would imply that they had some form of title to the land. The federal government would not deal with the complaints, arguing that they had no authority over provincial lands. As well, the Algonquins had no access to jurisdiction over local settlers since both governments typically did not interfere with municipal politics unless it affected government policy directly and the colonial government mandate was to settle the land at all costs.

Colonial government officials initially commissioned surveys along the waterways to facilitate their use as transport routes, but often these waterways were also strategic sites of Algonquin encampments.¹⁵³ "Timber Limits, or Grants were surveyed in twenty-five mile square blocks and individual limits ran five miles along either side of the Mississippi and Madawaska rivers and back five miles from these rivers."¹⁵⁴ Since the land surrounding the waterways was a crucial aspect of Algonquin lifestyle, the early timber limit surveys would come in direct conflict with the activities of the Algonquin people who relied on the waterways for transportation, communication, and survival. In the fall and winter, the timber cutting area would be crowded with timber shanties occupied by hundreds of shantymen, and in the spring the streams and rivers would be teeming with logs on their way to Quebec City via the Ottawa River. In the late 1800s, as game became more scarce, destitution forced many of the younger generation of Algonquin men to join the timber shantymen and river drivers in pursuit of work. Due to their ability in travelling on land and water they were acknowledged as being very proficient at river driving and logging and they would often be away from their families for months, and sometimes for years. The Algonquin women and children who lived on the fringes of settlement were left to fend for themselves until the men returned from the bush and to prevent starvation they gathered natural resources such as plants, tubers and berries and performed menial tasks for the incoming settlers.

Many Algonquins who chose not to relocate attempted over a period of many years to obtain title to their land. A short chronology of individual Algonquin groups in the Ottawa Valley, petitioning for land in their respective hunting territories to establish a summer gathering place within their traditional area, summarizes the failure of these groups to retain their land. In the mid 1840s, government discontinued the issuance of presents to the Indian people at Lake of Two Mountains. The Algonquins stopped frequenting the mission at Lake of Two Mountains and began to submit petitions to have their presents issued closer to their homelands and to petition for title to their respective territories. These tracts which they now frequented and laid claim to were but a vestige of their former territories, but to stem the advancing encroachment of settlers and lumbermen they realized they would have to petition the government for protection to retain what they had left.

As early as 1830 Chief Constant Pinency of the Algonquins of Lake of Two Mountains sent a letter requesting assistance for survival since all the game had been destroyed in their hunting grounds south of the Ottawa River and their means of subsistence was gone.¹⁵⁵ In 1841 Chief Ka-on-di-no-kitch, represented as Grand Chief of the Nipissing

¹⁵³ The Ottawa River and its tributaries were surveyed in 1846 (Armstrong, C.A., 1976:13), and the timber limits for the Madawaska River were surveyed in the early 1840s. Timber limits for the Mississippi River were surveyed in 1847 (Armstrong, C.A., 1982, "Clarendon and Miller: A Synopsis of Away Back: The History of Clarendon and Miller," *County of a Thousand Lakes: The History of the County of Frontenac, 1673-1973*, ed. B. Rollason, Kingston, Frontenac County Council: 317).

¹⁵⁴ Armstrong, C.A., 1982:317.

¹⁵⁵ Holmes, J., 1999:10. Chief Constant Pinency was authorized a yearly pension in 1876 at the age of ninety as resident on the Madawaska River and formerly a member of the Algonquin Band resident at the Lake of Two Mountains.

and Algonquin, discussed their plight with J. Hughes of the Indian Department in a council at Lake of Two Mountains. He stated,

Our Hunting Grounds, which are vast and extensive and once abounded in the richest Furs and swarmed with Deer of every description, are now entirely ruined. We tell you the truth, We now starve half the year through and Our Children, who were formerly Accustomed to be Comfortably Clothed, are now Naked!¹⁵⁶

Bedford, Oso, South Sherbrooke Townships

On July 17, 1842, Peter Shawanipinessi (Stephens),¹⁵⁷ Chief of an Algonquin group, submitted a petition for a licence of occupation to the Townships of Bedford, Oso and South Sherbrooke near the headwaters of the Rideau and Mississippi Rivers, on lands where they "have long been accustomed to spending the hunting season."¹⁵⁸ It seems probable that this Algonquin group under Peter Stephens had always wintered in this area and considered this their homeland, even though government reports suggested that they had recently moved there.¹⁵⁹ An affidavit signed by a Mr. Morris of Perth (located in Drummond Township, north-east of Bedford) stated he had known Peter Stephens since 1817, which indicated Stephens had resided within the area since that time.¹⁶⁰ Parts of the Bedford, Oso, and South Sherbrooke area were included in the Mississauga surrender of land to government in 1783 in the Crawford Treaty, and all of this area was included in the Mississauga surrender of land in 1819-1822 in the Rideau Purchase.¹⁶¹ On August 4, A. Monahan, Agent for the Mid-District, Department of Crown Lands, reported on Shawanipinessi's petition for land and advised that these lands were surrendered by the Mississauga and advertised for sale in 1836 but were never sold. He recommended that the Indians should settle on this "wilderness" as it might prove useful in opening up the requested townships and also townships to the rear for other settlement.¹⁶²

In October 1843 Col. Jarvis (Chief Superintendent of the Indian Department) had reported on the location of the land, which was requested by Chief Stephens and stated that the land was secluded, and near a small chain of lakes making it suitable for an Indian settlement; however, the soil quality was poor. He stated that there was an attached sketch or map explaining the precise location of the tract.¹⁶³ The map, unfortunately, was not with the documentation. In response to the Algonquins' 1842 petition for land, and upon receipt

¹⁵⁶ NAC, RG10, V 6:2922, Proceedings of Council at Lake of Two Mountains, Sept. 4, 1841.

¹⁵⁷ Peter Stephens (Stevens) was also known as Piershawanapinessi or Shaw-we-ne-pi-nai-see (census return, with signatures, of the Indians at Bedford in 1846/10/14, NAC, RG10, V 267, Part 2:163425) and also known as Pshawainonpininisi. (Holmes, J., 1999:52, n.177) and Chawanibenesi (NAC, RG10, V 601:51883, Missionary at Lake of Two Mountains to Secretary of Indian Affairs, 1845/10/02).

¹⁵⁸ NAC, RG10, V 186, pt. 2, Petition of Peter Shawanipinessi for Licence of Occupation entitled Petition No. 115, 1842/07/17:108566-C.

¹⁵⁹ The Bagot Commissioners had stated that "some stragglers from the Rice Lake [Mississauga] tribe [had] settled in the township of Bedford, about twenty-five miles north of Kingston; and recently they [had] been joined by a band of 81 Indians (the Algonquins) from Lower Canada, belonging to the post of the Lake of Two Mountains." (Bagot Commission, Section 2, Part 16)

¹⁶⁰ Holmes, J., 1999:52, n. 176.

¹⁶¹ Hanson, L., 1986:19.

¹⁶² NAC, RG10, V 186, pt. 2, A. Monahan, Agent for the Mid-District, Department of Crown Lands, in regards to the petition of Peter Shawanipinessi, 1842/08/04, unpaginated.

¹⁶³ NAC, RG10, V 186, pt. 2, Report to Indian Affairs. Col. Jarvis, Chief Superintendent, 1843/10/29:108566.

of a census furnished by Peter Stephens numbering the Algonquins at Bedford,¹⁶⁴ an Order in Council was issued on March 21, 1844, by Wm. Lee to Samuel P. Jarvis Esquire, Chief Superintendent of Indian Affairs, for a Licence of Occupation for the Stephens group "only during the pleasure of the Crown."¹⁶⁵ Included in the letter with the requested census for Bedford, Stephens also asked to be advised when the next issuance of presents would be forthcoming so that they would be ready to receive them. (The census was not with this letter).

Due to conflict with lumbermen who were trespassing on their property, Stephens sent two complaints to Col. Jarvis in August of 1844 to request that the lumbermen be removed. He also requested that the timber that was cut should be seized and sold, with the proceeds going to the Algonquin group.¹⁶⁶ According to the memo from Jarvis the Department of Crown Lands was not aware that a Licence of Occupation had been granted to the Algonquins and had issued timber licences for the area. The lumbermen had cleared acreage for three houses on Algonquin land and had offered rent to the Algonquins, which indicates that they (the lumbermen) were probably aware that they were on Indian land. J. M. Higginson, the Civil Secretary for Indian Affairs, advised that the timber dues belonged to the Crown and not to the Indians and it was up to Crown Lands to settle the issue.¹⁶⁷ On December 31, 1845, T. G. Anderson, Superintendent of Indian Affairs, reported on his visit to the Bedford settlement and found their village consisted of two log houses, some outbuildings and approximately ten acres of land that had been cleared. He did at that time distribute annual presents to the Algonquins. He also noted that they were surrounded by lumberers, "the most depraved of men," and recommended that they relocate to the Manitoulin reserve because the government could not justify any expenditures on their village.¹⁶⁸ In 1846 Peter Stephens again requested protection from the lumbermen who were cutting timber on their land and threatening their lives.¹⁶⁹ J. M. Higginson did at that time direct the Commissioner of Crown Lands to put a stop to the trespassing of the lumbermen.¹⁷⁰ It is not known if his order was undertaken.

By 1850 Père Aoustin advised Lord Elgin that the Algonquins and Nipissings were suffering severe poverty and had not been able to travel to the mission at Lake of Two Mountains for at least three years.¹⁷¹ T. G. Anderson, in correspondence to Major Campbell, noted that they had not received any presents since his visit in 1845/46.¹⁷² In 1852 an Order-in-Council was executed by the government recommending that only one-quarter of the value of presents be allotted to the wandering Indian tribes and then only when

¹⁶⁴ NAC, RG10, V 138, Peter Stephens, Chief at Bedford, to Col. Jarvis, Chief Superintendent of Indian Affairs, 1844/03/14:79150-51. Included in the letter with the requested census for Bedford, Stephens also asked to be advised when the next issuance of presents would be forthcoming so that they would be ready to receive them. The census was not with this letter.

¹⁶⁵ NAC, RG10, V 119, Order-in-Council #1467, Licence of Occupation, Wm.H. Lee to the Commissioner of Crown Lands, 1844/03/21:522-23.

¹⁶⁶ NAC, RG10 V 186, Col. Jarvis, Chief Superintendent of Indian Affairs, 1844/11/08, unpaginated.

¹⁶⁷ Ibid, pt. 2, J. M. Higginson, Civil Secretary, Indian Affairs, 1844/00/00:108566.

¹⁶⁸ NAC, RG10, V 268, Report of T. G. Anderson, Superintendent of Indian Affairs, 1845/12/31:163857-860.

¹⁶⁹ NAC, RG10, V 186, pt. 2, Pierchaw-wi-ni-pi-nessi, Bedford Chief, Petition No. 127, 1846/01/06, unpaginated.

¹⁷⁰ NAC, RG10, V 186, pt. 2, J. M. Higginson, Civil Secretary to the Commissioner of Crown Lands, 1846/01/12, unpaginated.

¹⁷¹ NAC, RG10, V 186, Pere Aoustin for the Algonquins, Nipissings, and Temiscamings of the Lake of Two Mountains to Lord Elgin, 1850/08/21:108567-68.

¹⁷² NAC, RG10, V 186, pt. 2, T. G. Anderson, Superintendent of Indian Affairs, Cobourg, to Major Campbell, Superintendent General of Indian Affairs, 1848/04/24, unpaginated.

necessary to alleviate emergencies. The residue would be allotted to improvements on the new settlements, the reserves.¹⁷³ In 1861 W.R. Bartlett, Superintendent of Indian Affairs, reported to C. J. Wated, Accountant for the Indian Department, regarding the complaint of Peter Stephens that seventeen white persons had settled or squatted upon their (the Algonquins) tract of land.¹⁷⁴ Bartlett concluded that he had no knowledge of any reserve having been created for Indians in this area and he also stated "AfsiKinack who has been interpreter & clerk in this branch of the Indian Department for a period of 12 years states that he did not know there were any Indians living in Bedford."¹⁷⁵ He goes on to say that if they were Indians from Lake of Two Mountains they should join the other Indians at Manitoulin. It seems most likely that the Bedford area was near the southern limit of Algonquin territory and from the complaints of trespass from Peter Stephens' group, it is obvious that they were driven out of this area by lumbering interests and the inability of government to curtail the activities of the intruding Euro-Canadian settlers and government refusal to acknowledge their occupation in the area.

Algona Township

In 1857, Chief Michael Pesantawatch and five Algonquin families originally from Lake of Two Mountains, petitioned Sir Edmund Walker Head, then Governor-General of British North America, for free grants of 200 acres each adjacent to the south shore of Golden Lake in the Township of South Algona within the Bonnechere River watershed. They claimed they had been living on these shores for eighty years but had been unable to purchase the lands.¹⁷⁶ The Governor-General apparently deferred the matter to Crown Lands.¹⁷⁷ The Department of Crown Lands forwarded the petition to the Indian Department, stating that there was "no provision made in the [Public Lands] Act for the disposal of Public Lands for such an application . . . [T]he question therefore appears to be whether there are any Indian funds by which the lands can be purchased."¹⁷⁸ The Department of Indian Affairs then applied to the Provincial Department of Crown Lands in 1858 to purchase the land but suggested that 200 acres per family was clearly not to be entertained and that 50 acres per family would be acceptable.¹⁷⁹ Crown Lands replied to Pennefather, Superintendent-General of Indian Affairs, "that the proposed purchase of land would be contrary to the functions of the Indian Department and the Department of Crown Lands and suggested . . . that the proper mode would be to set aside land for the use and reserve of Indians."¹⁸⁰

The creation of this reserve was problematic because it involved land that was under the provincial jurisdiction of the Department of Crown Lands. The provincial government and the federal Department of Indian Affairs eventually agreed to allow the Algonquins to purchase the land in question. There is no indication the Algonquins ever purchased the land. The Department of Indian Affairs eventually purchased land for them but only a quarter of the requested territory was established as a reserve.¹⁸¹ The establishment of the reserve

¹⁷³ NAC, RG 1, E8, V 46, Order-in-Council, 1852/12/30, unpaginated.

¹⁷⁴ NAC, RG10, V 186, Report of W.R. Bartlett, Superintendent of Indian Affairs, Toronto to C. J. Wated, Accountant, Indian Department, 1861/01/26:155409-10.

¹⁷⁵ Ibid: 155412.

¹⁷⁶ NAC, RG10, V 245: 145347-49, petition dated Sept. 24, 1857 (cited in Hanson, L., 1986:46)

¹⁷⁷ There could be documentation to confirm this which this author has not been able to verify.

Available documentation confirms that the Department of Crown Lands negotiated with the Indian Department and it seems likely that the Governor-General deferred the matter to Crown Lands.

¹⁷⁸ NAC, RG10, V 245: 145340-42

¹⁷⁹ Hanson, L., 1986:47

¹⁸⁰ NAC, RG10, V 255:153552-53 (cited in Hanson, L., 1986: 47)

¹⁸¹ Hanson, L., 1986: 46-7

at Golden Lake presented problems to officials because the land in question was under the provincial control of the Department of Crown Lands in Upper Canada and was located in the southern portion of the Ottawa Valley. Up to this time Upper Canada officials had been unwilling to acknowledge or grant any title to Algonquin claims for land in the southern portion of the Ottawa Valley because the creation of reserve areas there would be an impediment to colonial agricultural development and resource extraction, especially the production of white pine timber. Unlike the Golden Lake reserve, the reserves at Maniwaki and Timiskaming were set apart by the Legislative Assembly of the Province of Canada under *An Act to Authorize the Setting Apart of Lands for the Use of Certain Indian Tribes in Lower Canada*.¹⁸² These areas in Lower Canada were north of the Ottawa River and not considered desirable land for agricultural development and too isolated for lumber extraction.

There appeared to be confusion as to who should be responsible for the land purchase, as the Department of Crown Lands first suggested that the Indian Department use Indian funds to purchase the land and then, when Pennefather agreed to purchase a reduced amount of land, Crown Lands responded by stating that the purchase was contrary to the functions of both Crown Lands and the Indian Department. Pennefather then informed Crown Lands in 1859 that the Indian Department could not purchase land for them (the Indians) "since the Indian people in the township of South Algona were members of indigent Tribes resident in Lower Canada and [had] no annuities or interest accruing from land funds."¹⁸³ He urged the Department of Crown Lands to give the Indian people the utmost consideration consistent with the regulations then in force regarding Crown Lands.

Finally, in 1864, the Commissioner of Crown Lands recommended that the Indians occupying South Algona be allowed to purchase their lands and hold it under patent, at a rate of sixpence an acre, with interest.¹⁸⁴ The Government of the Province of Canada authorized the sale but there is no documentation to suggest that the Algonquins ever purchased the lots in South Algona Township. In 1866 the Golden Lake Algonquins again applied through the Indian Department to the Department of Crown Lands for additional land in South Algona because their numbers had increased. Crown Lands approved the application on the same terms as the 1864 recommendation. The 1866 application included the lots applied for in 1864. In 1873 patents were finally issued for the fourteen lots to the Federal Department of Indian Affairs in trust for the use, settlement, and benefit of the band of Algonquin Indians resident at or near Golden Lake in the Township of South Algona.¹⁸⁵

These reserve lands were not titled to the Indian people but to the federal Indian Department, which purchased the land from the Provincial Department of Crown Lands and then set aside the land as a reserve for the use, settlement, and benefit of the Indians under the Indian Department's jurisdiction. It is not clear why the Algonquins never acquired patent in 1864 for the initial purchase of land. It is likely that they did not possess the funds to purchase the land since their livelihood was based on subsistence and few, if any, of the hunting and gathering nations were competent in the wage economy. Also, official negotiations with Indian people were often characterized by reluctance and inconsistencies and were often delayed for years without resolution. The consequence of this reluctance by government officials to allow Indian people to acquire individual land grants resulted in the dispossession of many Algonquins from their land.

¹⁸² Canada, SC, Vic. 14 and 15, Cap. 105-107.

¹⁸³ OA, RG1, A-II-2, V 3, no. 850, R. T. Pennefather, Superintendent of Indian Affairs to the Department of Crown Lands, 1859/01/00: unpaginated.

¹⁸⁴ Ibid, Report, William McDonfall, Commissioner of Crown Lands, 1865/01/25: unpaginated.

¹⁸⁵ Hanson, L., 1986:48-50

There are still today a number of Algonquin families living in the Bonnechere watershed on the perimeters of the Golden Lake reserve who choose to remain non-status and unregistered Indians and whose ancestors chose not to live on the land set aside for them by government officials and owned by the Indian Department.

Government authorities attempted to relocate Indian people onto reserves with the expectation that they would take up farming and clear the land and in many cases the areas chosen for these reserves were unsuitable for agricultural development and certainly not sufficient to address the needs of a hunting-gathering society. As well, the ability of the Algonquins to pursue their traditional lifestyle within a reserve area was severely curtailed by depleted resources, an insufficient land base, and non-Aboriginal settlement around the reserves. Many Algonquins, even if attempting to pursue agrarian development, still relied on traditional methods of hunting and gathering to survive. Their attempts at agriculture were often discouraging and unproductive, however, attempts made by Euro-Canadian settlers would have been equally unproductive given the nature of the Canadian shield terrain.¹⁸⁶ Many Algonquins refused government attempts to remove them to reserve areas set aside for their use. Rather, they remained dispersed throughout the Ottawa Valley where they attempted to maintain a subsistence survival based initially on hunting, gathering, fishing and trapping but later including underpaid wage labour in the lumbering camps. These Algonquins were not registered with the Indian Department and remained non-status. Denied title to their lands, they managed to sustain themselves outside of the framework of legislation implemented for the Indian people. They were displaced from their homelands and lost the use of their traditional territory and resources but utilized strategies of survival within the framework of colonial settlement to retain their cultural identity. The descendants of many of these groups of Algonquins (both status and non-status) still live in various locations within the Ottawa watershed and have never been compensated for lost homelands or had any of their claims recognized or validated.

¹⁸⁶ See Nuttall, A. J., 1980, Ch 4

3. ALGONQUIN PARK

3:1 – Algonquin Occupancy – Petitions, Claims and Correspondence from Lawrence, Nightingale, and Sabine Townships¹⁸⁷ in the Ottawa Valley – 1863-1899

A petition for land sent to Charles Stanley Viscount Monck, Governor-General of the Province of Canada in 1863, signed by eight Algonquin chiefs and over 250 members of their tribe, stated, “That in times past the hunting grounds of your Petitioners were in the country watered by the Madawaska and adjoining streams about 150 miles from their village at Two Mountains.” They claimed that as a result of their country becoming “thickly settled ...it has rendered useless and destroyed their hunting grounds” and they were now required to travel from 300 to 350 miles from their Village to hunt. As a result of the influence of the “White men, whose gradual but constant encroachments have already nearly exterminated them...[they] are reduced in poverty to almost absolute want and their old hunting grounds having been taken possession of and rendered useless there appears no prospect before them but that of starvation misery and death.” Therefore they stated that

your petitioners are desirous of having a tract of land near their present hunting grounds granted or reserved to them for the purpose of building up an Indian village capable of supporting about Four Hundred Families, a desire which they sincerely trust will be gratified by their Father in His Council when he considers that the whole country was once theirs and the land of the departed braves, their fathers. (emphasis added)

They requested 4,000 acres in the Township of Lawrence (now the southern border portion of Algonquin Park) which they stated was “near their hunting grounds, is suitable for a village and...the Lumber Merchants on the Ottawa River have promised to erect us a church, to aid us in our new settlement and to protect our rights.” “Therefore your petitioners humbly pray, that Your Excellency in pity to the Indian race...as an act of justice to them in consideration of their former rights, will be graciously pleased to make an Order in your Council granting to them” the land in Lawrence Township “to be reserved to them for the purposes of an Indian village....”¹⁸⁸ (See Document #1)

W. Spragge, Deputy Superintendent of Indian Affairs, sent a reply dated April 5, 1864 to Robert Bell, acknowledging their petition and to advise them that “in the year 1854, 45,750 acres in the Township of Maniwaki on the River Gatineau [was] set apart for the benefit of the Indians of the Lake of two Mountains” and they should settle there. (River Desert - in Lower Canada, present-day Quebec). He further stated, “To those among them who will embark in Agricultural pursuits some assistance will by this Depart. be

¹⁸⁷ These three townships are interconnected by location on the southern border of what is now Algonquin Park, and it is probable that members of the Nightingale and Sabine Township families were part of the group petitioning for land in Lawrence Township (although there are individual petitions from Nightingale and Sabine later). As previously noted, Indian people did not delineate boundaries with reference to colonial standards but traditionally demarcated them according to physical features of the land such as watershed areas. In correspondence with government officials they found it necessary to identify areas of land according to European colonial standards to avoid confusion.

¹⁸⁸ AO, Sir A. E. Irving Papers, MS 1779-80, F 1027-1-8, Indian Land Dispute and Compensation Claims, Indians at Village of Two Mountains, hunting on the headwaters of the Madawaska and other rivers of Central Canada to Charles Stanley Viscount Monck, Governor-General of the Province of Canada, 1863/07/21, unpaginated. Copy from NAC RG10, V 2401, F 83,203, R C-11,215. The document was signed by eight chiefs and over 250 individuals. Signatures appear to be Algonquin names (not Christian) and most are not legible.

recommended to be granted in the form of seed grain and agricultural Implements.”
However he goes on to say that

Nevertheless their situation upon the Ottawa River must impart to them some value and should the whole body of Indians who leave for a long period of time dwell thereon resolve (as may almost be gathered from their Petition) _ their desire to move from the seigniory it would be the duty of this Department to endeavour to effect some arrangement whereby they would derive some benefit from the Lands, the possession of which they in that case would yield up.¹⁸⁹ (See Document #2)

Spragge seems to suggest in this letter that if the Algonquins were giving up land at Lake of Two Mountains it would be up to the Department of Indian Affairs to see that they received benefit for the land. However the Algonquins had already been told in 1780 (and 1787) that they could not receive a deed for the land at Lake of Two Mountains since it did not belong to them.¹⁹⁰ It is possible he is suggesting that they should receive some benefit if they “yield up” their hunting grounds since he references their “situation upon the Ottawa River” and acknowledges that they leave the mission for long periods of time. Robert Bell, Esq. M. P., and Messrs. Stead, Currier and Poupore, replied on behalf of the Algonquins to A. Campbell, the Commissioner of Crown Lands regarding Spragge’s correspondence concerning the reserve at Maniwaki that

To these petitioners, - whose hunting grounds are in Upper Canada, - this grant is practically valueless. It is too far from their winter quarters and from their summer routes of travel to be even accessible to them, for the expense of reaching the place is not within their reach.¹⁹¹ (See Document #3)

In 1866 A. Russell, Assistant Commissioner of Crown Lands, advised James Bangs, Agent for the Algonquin Indians, that the “Commissioner has reserved the South East quarter of the Township of Lawrence from sale during the pleasure of the Crown for the use of the Algonquin Indians for a settlement” but they “are not to have any right to the merchantable timber on the land” and could not interrupt parties who had timber licences in this area.¹⁹² (See Document # 4) It would be very difficult for the Algonquins in Lawrence Township to sustain a viable land base for survival if lumbering companies were allowed to strip the forests, thereby destroying the habitat necessary for a hunting and gathering lifestyle. If they were expected to take up farming, recent history had already demonstrated that it was very difficult for farmers and lumberers to co-exist on the same land not to mention that the land was harsh Shield country – unsuitable for farming.

W. Spragge, Deputy Superintendent of Indian Affairs submitted a memo to the Indian Office in Ottawa, dated July 24, 1866, (six days after A. Russell’s correspondence to the Lawrence Indians) in reference to the claim of the Indians at lake of Two Mountains to land in Lawrence Township.

These Indian people consist of Algonkins, Nipissingues and Iroquois, and as shown in the accompanying extract from a report dated 22d Apr. 1839 the Algonquins; as set forth by the late Honbl. James B. Macaulay; claimed as their hunting grounds Territory on the Upper Canada side of the Ottawa River. – It is quite certain that they

¹⁸⁹ AO, Sir A. E. Irving Papers, MU, 1464, Box 26, Item 10-13, Wm. Spragge, Deputy Superintendent of Indian Affairs, to Robert Bell, M.P. 1864/04/05, unpaginated. Copy from NAC RG10, V 2401, F 83,203, R C-11,215

¹⁹⁰ See previous discussion “Algonquin and Nipissing Petitions: 1787-1798” P.9

¹⁹¹ AO, Sir A. E. Irving Papers, MU, 1464, Box 26, Item 10-13, Robert Bell et al. to Alexander Campbell, Commissioner of Crown Lands, 1864/11/07, unpaginated. Copy from NAC RG10, V 2401, F 83,203, R C-11,215

¹⁹² NAC, RG10, V 2401, File 83-203 R C-11,215, A. Russell, Assistant Commissioner of Crown Lands to James S. Bangs, Indian Agent, Arnprior, 1866/07/18, unpaginated.

have used it as hunting grounds, and do so still. But their claims have neither been extinguished by Surrender to the Crown nor does it appear that their claims have been positively admitted.

Spragge also commented on the recommendation that the Algonquins settle at Maniwaki and stated that "That reserve is however so remote from the Tract over which the applicants hunt, as to be as they state unacceptable to them" and went on to say that

Their wishes, so far as practicable ought evidently to be met and facilities be afforded for forming a permanent settlement, where upon good land they may acquire a knowledge of good agriculture, and likewise schools be established for the education of their children. ...Considering the rugged character of that remote district it is advisable in order to set apart a sufficient quantity of land for so many families to appropriate the Easterly half of the Township for the Applicants.

He recommended that a sale of lands be authorized for the Algonquin Indians at twenty cents per acre, payable from Indian funds, including payment for the expense of subdivision.¹⁹³ (See Document # 5) It is difficult to determine at this point whether the foregoing correspondence of Spragge and Russell crossed paths or if decisions had been made by two departments without knowledge of each other's decision. It would certainly be confusing to the Algonquins receiving correspondence in Lawrence Township.

Two years later, on July 25th, 1868, Pon Somugniche, High Chief of the Algonquin and Nipissing, inquired of the Commissioner of Crown Lands, in respect to the "tract of land granted to me for the use of my tribe of Indians" on the Madawaska River in the Township of Lawrence as to whether the "boundary lines will be run and the lots laid out so that each one of my tribe settling will know his portion". He stated that "I wish for a document from you as soon as practicable to shew that I have authority to settle without molestation on the said land and that it is laid apart for the use of my Indians."¹⁹⁴ (See Document # 6) Russell replied, "that the S. E. ¼ of the Township Of Lawrence has been reserved for the use of the Algonquin Indians during the pleasure of the Crown, not granted as you suppose" and then went on to say that the Department of Crown Lands had no funds with which to subdivide the township into lots.¹⁹⁵ (See Document # 7) The Algonquins would not have purchased the services of a surveyor because it would be reasonable to assume that Indian groups were scarcely involved in the wage economy at this time and would therefore not be able to secure the funds or knowledge to do so. It is difficult to determine whether funding was really the issue or whether Crown Lands did not want to commit an allocation of lots to the Algonquins since this could lead to claims of individual Algonquin ownership to these lots. However, ten years later, in 1878, a survey was completed in Nightingale Township, directly east of Lawrence Township, by A. Niven, Provincial Land Surveyor, who mentioned that there were two Indian clearings in the township, attesting to the fact that Indian people were living there.¹⁹⁶ It is probable that these Indian families were part of the Lawrence Township group, since the Algonquin people were inclined to live along waterways and not according to the imposed boundaries of colonial settlement. The above noted Algonquin groups lived

¹⁹³ NAC, RG10, V 2401, File 83-203, Wm. Spragge, Deputy Superintendent General of Indian Affairs, Memo concerning allotting lands in the Northern Ottawa Tract to Indians who have hitherto been resident in the Reserve at the Lake of Two Mountains, 1866/07/24, unpaginated.

¹⁹⁴ NAC, RG10, V 2401, File 83-203, High Chief Pon Somugniche of the Algonquins and Nipissings to Commissioner of Crown Lands, 1868/07/25, unpaginated.

¹⁹⁵ NAC, RG10, V 2401, File 83-203, A. Russell, Assistant Commissioner of Crown Lands, to Chief Pon Sogmogneche, 1868/08/03, unpaginated.

¹⁹⁶ Ontario, Surveyor's Reports Appendix no. 35. Report of the Commissioner of Crown Lands for the year 1878. A. Niven, Provincial Land Surveyor, to T. B. Pardee, Commissioner of Crown Lands, 1878/12/21.

along the headwaters of the Madawaska River, which flows through both Lawrence and Nightingale Townships.

It appears that there was no further correspondence for the next twenty years from Indian Affairs on the issue of establishing a reserve in Lawrence Township ever since Spragge's memo in 1866 recommending a tract of land be secured for that purpose. However, in 1867 the Dominion of Canada was formed and the Indian Department was separated from Crown Lands and became a federal responsibility, while general responsibility for lands remained within the individual provinces of the new Dominion of Canada. It can be assumed that the resulting reorganization and disorganization regarding the responsibility for Indian claims of land resulted in hesitancy and a lack of decision-making regarding the Algonquin settlement in Lawrence. As well, during this period, the *1876 Indian Act* was implemented with restrictions on non-status (i.e. non-registered) Indians holding title to land. The underlying assumption in this legislation was that Indian status and the ownership of property were contradictions. During this period there was also controversy within government over whether Indian people possessed title to land only "through the courtesy of government" or "through their legal right."¹⁹⁷ Eventually in 1886, L. Vankoughnet, Deputy Superintendent General of Indian Affairs sent a letter to Sir John A. Macdonald, Superintendent General of Indian Affairs, that

There are quite a number of Oka Indian families scattered at different points in the Province of Ontario and Quebec who have for years not resided at Oka. The undersigned considers that it would be well to employ some of the money voted by Parliament, for the removal of those scattered camps of Oka Indians to the Gibson Reserve, and he respectfully recommends that steps be taken towards that end.¹⁹⁸

This correspondence from Vankoughnet seems to indicate that the whole issue of establishing an Algonquin reserve in Lawrence Township and recognizing Algonquin validity to land tenure was being ignored by the Indian Department. Also, it seems that by this time the Indians in Lawrence Township were becoming discouraged because there were no official developments in terms of acquiring land or resolving the problems of acquiring title, and they began to petition individually for homesteads.

In 1886 Algonquin Chief Nogon-nah-suh-way from Bird's Creek¹⁹⁹ sent a request to Mr Vanconant (sic) that land be set aside as a reserve in the Township of Lawrence or elsewhere for himself and his band.²⁰⁰ (See Document # 8) In his petition Nogon-nah-suh-way stated that his band of Algonquins had left Oka (Lake of Two Mountains) years before because the land there did not belong to them. Vankoughnet replied that they should go to the "Reserve on the River Desert in the Tp. of Maniwaki on the Upper Ottawa" where the land is

"very good for farming purposes, and there is good fishing and hunting in the vicinity, also employment can be had by Indians in the shanties of lumber men during the winter months and in running rafts, etc. in the Spring and Summer."²⁰¹ (See Document # 9)

Two years later, on February 2nd, 1888 Chief Non-no-che-ke-shick, living in the southeast quarter of Lawrence Township, made a request on behalf of 150 Algonquin individuals that

¹⁹⁷ See previous discussion "Legislative Framework: 1860-1930" PP. 30-33

¹⁹⁸ NAC, RG10, V 2034, F 8946-2, R C-11,140. 1886/06/10

¹⁹⁹ Bird's Creek is on the York River, a tributary of the Madawaska, and south-east of Lawrence Township.

²⁰⁰ NAC, RG10, V 2357, File 72-542, Chief Nogon-nah-suh-way to L. Vankoughnet, Deputy Superintendent General of Indian Affairs, 1886/11/04, unpaginated.

²⁰¹ NAC, RG10, V 2357, File 72-542, L. Vankoughnet, Deputy Superintendent General of Indian Affairs, to Chief Nogon-nah-suh-way, 1886/11/19, unpaginated.

these lands be exchanged for land closer to a market in the northern part of Hastings or Haliburton Counties.²⁰² (See Document #10) The northern area of Haliburton County included the southern boundary of present-day Algonquin Provincial Park.²⁰³ Vankoughnet addressed a memo to Thomas White, Superintendent General of Indian Affairs, on February 16th, 1888, suggesting that the Algonquins should pass a resolution to the effect that they wished to exchange their lands²⁰⁴ (See Document #11) (even though they had no title there?) and Mr Cleak was then instructed to inform the Algonquins and if their choice of other land was found appropriate, then they should make application to the Province of Ontario for these lands.²⁰⁵ (See Document #12) It seems peculiar that the Indian Department would advise the Algonquin people to request an exchange of land from the Province of Ontario when they (the Algonquins) had not yet received any title to the lands they had been promised by A. Russell, Assistant Commissioner of Crown Lands, in 1866. These lands had been set apart for the Indians but only during the "pleasure of the Crown." Suggesting that they "exchange" the land almost amounts to admission by the Indian Department of Algonquin ownership of the land in Lawrence Township. No documentation was found to verify whether or not the 150 Algonquins ever made application to exchange their lands.

There was no more correspondence regarding Algonquin requests for a reserve until October 1894 when Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, advised Aubrey White, Assistant Commissioner of Crown Lands, that Chief Peter Charbot (or Sharbot), who had resided in the Township of Lawrence since 1849, requested that the land in Lawrence be confirmed as a reserve. Hayter Reed indicated that Chief Charbot had been resident there for 45 years and asked that Crown Lands take the necessary steps to hand the land over to the Department of Indian Affairs. Reed reiterated his request to White on October 27th and again on November 21st.²⁰⁶ (See Document # 13) Aubrey White finally replied on December 7th, 1894, and stated that he was aware that

the South East part of this township was withdrawn from sale...for the use of the Algonquin Indians for a settlement." [However, he went on to say] "It is not in the nature of an Indian reserve, nor is there anything to indicate that a grant of this portion of the township was to be made. An examination of the township will shortly be undertaken, with a view of ascertaining what improvements, if any, the Indians have made, and when this is received you will be further communicated with."²⁰⁷ (See Document # 14)

It seemed that Crown Lands expected the Algonquin people to meet the same requirements for homesteading as settlers who requested a claim (patent) to an area wherein there must

²⁰² NAC, RG10, V 2401, File 83-203, J. B. Cleak, in Maynooth, on behalf of the Chief, to the Honourable M. Powell, (Indian Affairs?), 1888/02/02, unpaginated.

²⁰³ Algonquin Provincial Park was established in 1893, initially named Algonquin National Park but changed in 1913 by the Provincial Parks Act. Initially it was comprised of eighteen townships but was later enlarged to include townships from the east, west and south boundaries. This enlargement included the Townships of Lawrence and Nightingale.

²⁰⁴ NAC, RG10, V 2401, File 83-203, L. Vankoughnet, Deputy Superintendent General of Indian Affairs, to Thomas White, Superintendent General of Indian Affairs, 1888/02/16, unpaginated.

²⁰⁵ NAC, RG10, V 2401, File 83-203, Department of Indian Affairs to J. B. Cleak, of Maynooth, 1888/02/24, unpaginated.

²⁰⁶ NAC, RG10, V 2401, File 83-203, Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, to Aubrey White, Assistant Commissioner of Department of Crown Lands, 1894/10/09, unpaginated.

²⁰⁷ Ibid, Aubrey White, Assistant Commissioner of Department of Crown Lands, to Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, 1894/12/07, unpaginated.

be a total of fifteen acres cleared and at least two acres cleared annually in order to have a patent issued for that land. The locatees must also have a dwelling fit for habitation no less than sixteen by twenty feet and must have actually and continuously resided upon and cultivated the said land for the term of five years. The locatees were not allowed to be away from their residence for longer than six months at any one time.²⁰⁸

On December 12th, 1894, E. Bennet, Indian Agent, informed the Indian Department that

Sharbot An Indian from Long Lake who was asking for a Reserve at that Place in the Township of Lawrence And who had Papers from the Ontario government granting them a part of the Said Township for Said Reserve the papers were copied by the Dept. and sent to the Ont. Gov. And when an answer would be received you would send me an answer and I was to send the Said Sharbot word. The above was spoken of on the 9th ___ of Oct. last at Ottawa in presence of Joseph Partridge Chief Golden Lake, Old Man Sharbot and E. Bennet Indian Agent.

On December 17th Vankoughnet (Indian Affairs) forwarded the letter from White (Crown Lands) to Indian Agent Bennet.²⁰⁹ (See Document # 15) The information regarding required improvements must have surprised the Algonquin people who had already assumed ownership of the land but were awaiting official documentation and acknowledgement that they would not be molested on their land. After not receiving further information Agent Bennet finally sent a letter on September 13th, 1895 to Indian Affairs, on behalf of Chief Peter Sharbot of Lawrence Township, asking if any decisions had been made regarding the establishment of a reserve for the Algonquins. He enclosed a list of 46 names of the Algonquins in Lawrence Township.²¹⁰ However in the meantime, in June of 1895, Crown Lands had requested that Peter Thompson, the first Superintendent of Algonquin Park, complete an inspection of the lands in the southeast quarter of Lawrence Township to determine how many Indians were settled there. The inspection was apparently completed, but Thompson died before submitting the report.²¹¹ The report was eventually found by Mr. Simpson (the new Park Superintendent) and his conclusions were included in a letter written by Aubrey White to Hayter Reed.

It appears from the report that Mr Thompson...did not find a single Indian settler²¹² in the township...[however] the land...is such that it is well adapted for settlement, the greater part of the township being fine, arable, rolling land...[and] the quantity of pine estimated to be upon it is some 45 million feet, which is scattered through the township.

The township of Lawrence is situated upon the confines of The Algonquin National Park, which as you know was reserved as a home for game of all descriptions... The formation of a settlement of Indians upon the borders of a territory of this kind would, in my opinion, be attended with great danger to the preservation of the game in the Park. You know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest or to get them to

²⁰⁸ See previous discussion under "Legislative Framework: 1860-1930" – specifically the 1868 *Free Grants and Homestead Act*, P 32

²⁰⁹ NAC, RG10, V 2401, File 83-203, E. Bennet, Indian Agent, Castile P.O., Ontario to Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, 1894/12/12 & 1894/12/17, unpaginated.

²¹⁰ Ibid, E. Bennet, Indian Agent, Castile P.O., Ontario to Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, 1895/09/13. unpaginated.

²¹¹ NAC, RG10, V 2401, File 83-203, Aubrey White, Assistant Commissioner of Crown Lands to Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, 1895/06/22, 1895/09/30 unpaginated.

²¹² The Algonquins were hunters and trappers, not settlers.

recognize that a law which applies to white people, with respect at any rate to the killing of game, should be made to apply to the Indian, who depends for his livelihood in a great measure upon what he can kill in the forest. It would therefore be almost impossible to keep these Indians, thus situated, from hunting and trapping within the Park, and the attempt to do so...would lead to unfortunate results. There being such a large quantity of pine timber still growing in the township is another difficulty. The Department does not open to sale to white people lands upon which there is still a considerable quantity of pine timber growing... Mr Simpson, the Park Superintendent, speaks very strongly of the danger there would be in permitting these people to settle on the confines of the Park. He is of opinion that it would greatly increase the difficulty of protecting the game, which opinion is no doubt correct.²¹³

On the subject of Lawrence Township White concluded, "Under these circumstances I think you will see how impossible it is for the Department to sell or grant the Indians any lands in the township of Lawrence." He further commented that Mr Simpson had informed him that there were Indians settled in the neighbouring Township of Nightingale and that "they have no rights there, and that they must not expect that these lands will, as a matter of course, be allowed to them." It seemed that the Department of Crown Lands was "loathe" to grant the Indians land in this township because it was "well adapted for settlement and the quantity of pine estimated to be some 45 million feet". The discovery of "fine arable land" and plentiful stands of pine would in all probability preclude any consideration of allowing any Indian group to obtain title or permanent use of the land in Lawrence Township for hunting and gathering purposes. But probably the greatest deterrent to the Algonquins claim of ownership to this land was the establishment of Algonquin Park, especially since Aubrey White was a member of the Royal Commission responsible for the formation of the Park in 1893. (The Townships of Lawrence and Nightingale were added to Algonquin Provincial Park in 1911).

Hayter Reed (Indian Affairs) submitted White's letter to Indian Agent Bennet on November 23rd, 1895 with instructions that the Algonquins (both in Lawrence and Nightingale) should remove themselves to the Reserve at Golden Lake.²¹⁴ However, on December 4th, 1895 Bennet replied,

I am sure they will not come to live at Golden Lake Reserve. I think it would be better to go to the Indians at Lawrence and try and get them all together and see what they are willing to do; or if they know of any other Locality...close to a Lake or River as they want to be near the River. ...as for the Indians at Nightingale I do not know to what tribe or Band they belong to, I will find out...in any case it is no time to remove them or cause them to leave. I think the Whitney Co. has the most to do with keeping the Reserve from them if you would authorize me to go and try to make a settlement with them.²¹⁵

It is probable that the Whitney (lumber?) company had rights to a timber berth in the area and was not willing to relinquish it. (Further research is needed on the history of the Whitney Co.) It is also worthy of note that when the Algonquins reinitiated the issue of acquiring land title in late 1894 (after a dearth of correspondence for six and a half years) at least ten letters regarding the issue were exchanged between Crown Lands, the Indian Department and the Algonquins within the period of one and a half years. It is difficult to ascertain exactly

²¹³ NAC, RG10, V 2401, File 83-203, Aubrey White, Assistant Commissioner of Crown Lands to Hayter Reed, Deputy Superintendent General of Indian Affairs 1895/11/16:108230:1-3

²¹⁴ Ibid, Hayter Reed, Deputy Superintendent General of Indian Affairs, to E. Bennet. 1895/11/23

²¹⁵ Ibid, E. Bennet, Indian Agent, Castile, Ontario, to Hayter Reed, , South Algona, 1895/12/04, unpaginated.

what the reaction of the Algonquins would have been to the establishment of Algonquin Park in 1893 but it is feasible to suggest that the abundance of instructions and conclusions from Crown Lands regarding the disapproval of their Reserve emanated from the priorities of the major stakeholders and government authorities responsible for the Park's creation and its subsequent enlargement.

On January 14th, 1896, Chief Peter Charbot requested that if they were not allowed to settle in Lawrence Township then they would like a tract of land in the western half of Sabine Township (southeast of Lawrence Township) on the south shore of Hay Lake. (The western half of Sabine would later adjoin the border of Algonquin Park) Chief Charbot stated that there were a number of other Algonquin families²¹⁶ already located there.²¹⁷ Indian Agent Bennett forwarded Charbot's request on January 22nd, 1896, to Hayter Reed and stated that he had advised them to get consent from the Chief Ranger of Algonquin Park to settle in Sabine Township.²¹⁸ (It is not clear why the Algonquins were instructed to 'get consent' from the Chief Ranger of Algonquin Park but perhaps further research will uncover correspondence between stakeholders as to the reluctance to establish the Reserve at Sabine Township.) On February 22nd, 1896, Chief Charbot replied to Bennet that the land they were talking about was not located in Algonquin Park so it made no sense to get permission from the Park Ranger and that Crown Lands should have no objection since the timber there was all cut off and it was now a wasteland.²¹⁹

Almost a year later the Algonquins still had not received acknowledgement to settle in Sabine and on January 13th, 1897, Chief Charbot again wrote to E. Bennett and advised the Indian agent that there were families already living in Sabine Township and reiterated that "that part of the Township be set aside for the purposes of a Reserve. ...Kindly let me know what further steps I should take in this matter. We are all Algonquins."²²⁰ Chief Charbot must have received a reply because on February 9th, 1897, he wrote to Bennet that he had "received [a letter] from the Dept. Crown Lands through Mr Simpson Park Superintendent [and that] we also wish to say that we were not aware that the lands in question were not in the market..." He explains that

The reasons we have for desiring this location are that it is in a country fifteen miles from the nearest railway and about seven or eight miles from the nearest white settlers... the land is also well situated on the water ways being on Hay Lake which is emptied into Long Lake of the Madawaska River and also near the Mink Lakes tributary to the York, Branch of the Madawaska.²²¹

In April 1897 J.D. McLean, Acting Secretary of Indian Affairs, replied to E. Bennet and suggested that these Indians should go to the Golden Lake Reserve.²²² On May 10th, 1897, Indian Agent Bennett, replied to McLean that

the Indians at Sabine do not belong to Golden Lake Reserve, also there is no room for them on the Reserve as there is only seven vacant lots 50 acres each on the Golden Lake Reserve. So there is no use in asking them to come to live on the said Reserve. If it is Possible it would be better to get the Reserve for them in Sabine.

²¹⁶ See later correspondence; Charbot to E. Bennet, 1897/01/13

²¹⁷ Ibid, Chief Peter Charbot to E. Bennett, Indian Agent, Castile, Ontario, 1896/01/14, unpaginated.

²¹⁸ NAC, RG10, V 2401, File 83-203, E. Bennett, Indian Agent, Castile, Ontario, to Hayter Reed, Acting Deputy Superintendent General of Indian Affairs, 1896/01/22, unpaginated.

²¹⁹ Ibid, Chief Peter Charbot to E. Bennett, Indian Agent, Castile, Ontario, 1896/02/22, unpaginated.

²²⁰ Ibid, Chief Peter Charbot to E. Bennett, 1897/01/13, unpaginated.

²²¹ Ibid, 1897/02/09

²²² Ibid, J.D. McLean, Acting Secretary of Indian Affairs to E. Bennett, Indian Agent, Castile, Ontario, 1897/04/15, unpaginated.

Bennet suggests again to “call a meeting of all the Indians”.²²³ Bennett was then instructed by McLean to obtain a list of the names, number, and ages of the Algonquin Indians at Sabine and to “ascertain [their] wishes as to the area and location of Reserve desired by them”.²²⁴ Bennett met with the heads of families of Whiteduck, Sharbots, Levallys and Macoose and his subsequent report dated July 15th, 1897, confirmed that he visited the Indians at Sabine (who are Algonquins) as authorized by Dept.... [and] I was informed by the Indians that there is other Indians who are not living on any Reserve, who would wish to go and settle on proposed Reserve. ...The area of the Reserve they want is ten lots in width and seven in length, there is about 1500 acres of a drowned (sic) marsh in the north east Corner of the reserve they wish to get the proposed reserve is in the south east corner of the Township of Sabine. I think however that 4000 acres would be sufficient for these families...this tract of land is not fit for settlement and I do not think it will be settled upon by white settlers.²²⁵

On August 19th, 1897, Aubrey White of the Department of Crown Lands advised McLean of Indian Affairs that the Department of Crown Lands was not interested in helping to create Indian reserves in townships that would be opened for settlement and that the Township of Sabine was included in a timber licence and the license holders objected to the sale of the land before the timber was cut. This seems to be in direct contradiction to Chief Sharbot’s statement, regarding the requested land in Sabine, that “Crown Lands should have no objection since the timber there was all cut off and it was now a wasteland”. This questions whether Aubrey White was being truthful in regards to his objections to the establishment of the reserve. White added that if the Indian Department wished to open a reserve there, they would have to purchase the lands from Crown Lands.²²⁶ On March 20th, 1899, J. A. McKenna and R. Rimmer, law clerks in the Department of Indian Affairs, released a report entitled “Claim on Behalf of the Algonquin Indians to a Reserve” to deal with the problems associated with the Township of Lawrence Indians and the objections of the province (among other issues). They revealed that

Correspondence has passed with Ontario which shews that the Province objects to Indians in the vicinity of the Algonquin National Park, and ever to the sale for purposes of an Indian reserve of Townships which were to be thrown open to settlement...We consider that nothing can be obtained from Ontario in the nature of a reserve for these Indians, but that it might be a matter for consideration whether they should not be offered locations at Gibson, [on the shore of Georgian Bay, north of Penetanguishine] as the few Indians there are from the Lake of Two mountains which was the former home of these stragglers.²²⁷

The conclusions of this report also stated that these stragglers “are allied to those for whom the Maniwaki reserve was set apart, as well as those for whom the Golden Lake reserve was purchased in 1870.” It seems that the protestations from the Algonquins regarding previous correspondence related to relocating to Golden Lake or Maniwaki fell on deaf ears. This report is an exposé of the ineffectiveness, indifference and priorities of government

²²³ Ibid, E. Bennett, Indian Agent, Castile, Ontario to J.D. McLean, Acting Deputy Superintendent General of Indian Affairs, 1897/05/10, unpaginated.

²²⁴ Ibid, J.D. McLean, Acting Deputy Superintendent General of Indian Affairs, to E. Bennett, Indian Agent, Castile, Ontario, 1897/05/21, unpaginated.

²²⁵ Ibid, P.E. Bennett, Indian Agent, Castile, Ontario to J.D. McLean, Acting Deputy Superintendent General of Indian Affairs, 1897/07/15:188848.

²²⁶ Ibid, Aubrey White, Assistant Commissioner of Department of Crown Lands to J.D. McLean, Acting Deputy Superintendent General of Indian Affairs, 1897/08/19, unpaginated.

²²⁷ Ibid, J.A.J. McKenna, Claim on Behalf of the Algonquin Indians to a Reserve. 1899/03/20, unpaginated.

authorities and private interests in dealing with the 'Algonquin Indian problem'. After an extended series of negotiations, over a period of 37 years of correspondence and accommodation by the Algonquins to establish this reserve area the results were the same as when they initiated their petitions in 1863 – they were told to relocate to established reserves. As the issue of creating reserve lands for these Algonquins was never resolved, many drifted to the reserve at Golden Lake. But many also remained in the area, attempting to cope with settler and lumbering intrusions, and lost their power and ability to become recognized as owners on their own land. Descendants of these Algonquin people still live in the area today

3:2 – The Establishment of Algonquin Park and the Conservation Movement

In 1892 a Royal Commission was established under Sir Oliver Mowat (Premier of Ontario) “to enquire into and make report respecting the setting apart of certain territory in the district of Nipissing for the purpose of a Forest Reservation and National Park”.²²⁸ The Commission members included Alexander Kirkwood, Chief Clerk of the Lands Branch, Ontario Department of Crown Lands; James Dickson, Provincial Land Surveyor; Aubrey White, Assistant Commissioner of Crown Lands and Archibald Blue, Chief Clerk of the Ontario Bureau of Forestry. The Royal Commission recommended that a park be established to preserve “the Primeval Forest”, protect fish and game, provide an area for experiments in forestry, and provide a “health resort” for the people of Ontario.²²⁹ Algonquin Provincial Park was established in 1893, initially named Algonquin National Park but changed in 1913 by the Provincial Parks Act. Initially it was comprised of eighteen townships but in 1911 was enlarged to include the Townships of Lawrence and Nightingale.²³⁰

In the late 1800s the pioneering phase of settlement in southern Ontario entered its final phase with a resulting decline in agricultural production and the emergence of an urban and industrial milieu. Accelerated industrial development and the advent of the railway era put enormous pressures on fish and wildlife stock and generated alarm in the general public and specifically amongst sport anglers and hunters over the depletion of wildlife resources. The previously dominant pioneer perception of Nature as something to be destroyed and the pioneer myth that Nature possessed an unlimited abundance of resources was being challenged by philosophies of scientific utilization and conservation and development for both forests and wildlife. The evolution of a perception of forests as a positive and economic benefit prompted the call for protection of reserves of land by various organizations and officials. As a result the demand for wildlife conservation “emerged as an issue of public debate before the demand for forest protection” in Ontario and the most influential lobbyists for conservation were the sportsmen, trappers and furrier associations.²³¹ Urban-based naturalist clubs that were concerned with the protection of wildlife for moral and aesthetic reasons and conservationists who lobbied to safeguard the depletion of tree species and watersheds supported them.²³² The so-called wilderness areas were now being increasingly

²²⁸ Report of Royal Commission of Forests and National Parks, 1893, Toronto, Warwick and Sons (Cited in Hanson, L. 1986: 55)

²²⁹ Cited in Hanson, L. 1986: 55-6

²³⁰ There were other additions to the Park – in 1894 it was enlarged to the north and west; in 1904 and 1914 it was enlarged to the east and in 1951, 1960-61 & 1963 it was enlarged to the south. (Ad Hoc Committee to Save Algonquin Park, Information Bulletin No. 1, June 15, 1991)

²³¹ Killan, G. Protected Places: A History of Ontario's Provincial Parks System. 1993: 6

²³² Altmeyer, 1995; Killan, 1993:1-35; Spence, 1999; Nash, 1967:143-146

seen as empty spaces for the preservation and sanctuary of increasingly scarce economic resources – and as a place of refuge and spiritual renewal from the pressure and stress of developing urbanized centres.

This change in attitude from 'use' or 'exploitation' to utilization had very practical reasons - not necessarily because Nature had an intrinsic value - but to supply users (huntsmen, lumberers, trappers etc.) with a storehouse of natural resources.²³³ This view of 'managing' a resource was the rationale for sporting organizations to support setting aside a large tract of land for 'harvesting' fish and game and in 1890, they “forced upon the Government by reason of public opinion”²³⁴ the establishment of the Royal Commission on Game and Fish (also known as the MacCallum Commission). The Commission’s 1892 report confirmed the “fantastic desecration of wildlife occurring in Canada”²³⁵ and that if the “slaughter of game and fish continued...the supply industries for tourism and outdoor recreation would be undermined.”²³⁶ The MacCallum Commission “very strongly” recommended “the formation of a Provincial Game Park” to serve as a wildlife sanctuary, to restock Ontario’s depleted stocks of “Game and fur-bearing animals” and one week later the Royal Commission of Forests and National Parks was established.

However, there was another powerful lobby responsible for the push to establish a park to extract timber resources unimpeded by settlement and where considerations of “use and profit were paramount.”²³⁷ Officials and lumber companies originally looked upon the forests in Ontario as a non-renewable resource to be harvested and cleared before the land was passed on to the agriculturist. But as agricultural expansion into what is today Eastern Ontario was largely unsuccessful due to the nature of the soils and topography this area became a focus for the harvesting of lumber – mostly white pine. The Ottawa Valley watershed was an important resource for timber extraction and officials recognized that if the supply were not scientifically 'managed' it would soon dwindle to unrecoverable levels. When Algonquin Park was created “the provincial government never intended to sacrifice its timber revenues by preserving the forest”. In fact the “timber operators had been extracting pine from the area for over fifty years, and the government had no plans to terminate their licences. In 1896, Thomas Gibson from the Bureau of Forestry commented, “If the establishment of the Park had depended on the preservation of the pine, the scheme would have had to be abandoned.”²³⁸ The logging companies only had permits to extract pine (since it was thought to be the only valuable timber and thought to be non renewable) however as the demand for hardwoods increased and railways were established throughout the park the provincial government amended the timber licences in 1900 (at the timber operators insistence) to include their right to cut other varieties well into the mid 1900s.

Context and Ideologies

Although the ideals of preservation seemed to be the driving force for the establishment of parks in the United States, in Canada the rationale for the establishment of Algonquin was that the resources - timber and game - had to be managed for commercial lumbering interests and recreational lobby groups and native people were thought to ‘wantonly destroy game’ because they did not adhere to game and fish laws and restricted seasons. Official communication from the Department of Crown Lands to the Indian Department suggested that the presence of native people in the park area would pose a

²³³ Altmeyer, 1995: 107

²³⁴ Killan, 1993: 7

²³⁵ Altmeyer, 1995: 107

²³⁶ Killan, 1993: 7

²³⁷ Ibid: ix

²³⁸ Killan, G. 1993: 37

danger to the preservation of the game because, “[y]ou know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest.”²³⁹ Killan suggests that “[t]here is great irony in the fact that ...no thought was given to protecting the interests of the aboriginal peoples, after whom Algonquin park was being named” and goes on to say that “no one seems to have considered the hunting, fishing and trapping rights of the native peoples of this region.”²⁴⁰ However, the colonial government, and more specifically the Indian Department, was well aware that there were outstanding claims to the land and resources by the Algonquin people at this time. Furthermore, the Algonquins vehemently opposed their forcible eviction from the designated park area – as well as many other homeland areas in the park vicinity. In spite of the fact that there was ongoing correspondence between the Indian Department and the Algonquins regarding claims to territory within the Algonquin park area, and some measure of engagement on behalf of the Department in negotiating title to particular portions of the land, this discourse failed to resolve the question of Aboriginal title in the area. In particular, there was an assumption of ownership of the land by government officials; an assumption that Algonquin peoples should be removed from the park area; an idea that such a removal would be unproblematic; and an assumption of the uncomplicated nature of the establishment of the park in disregard to the ongoing discussions and negotiations between the state and the Algonquins concerning title to their land. The prevailing political and social conceptual representations of what constituted productive land use and the presumption that European ontologies of ‘property’, ‘occupation’, and ‘possession’ were universal took precedence. The ideological rationale for the development of Algonquin Park and the socio-political environment in which decisions were made incorporated a culturally constructed perception of Aboriginal land tenure that denied the existence of Aboriginal ontologies of wilderness as ‘homeland’ and subsistence territory.

This ideological rationale was also ‘convenient’ for local interests – i.e. tourist/fish/game guides who protested the competition for commercialized resources and for urbanites/naturalists who sought places to restore their psyche and get ‘back to nature’. There was a perceived need to escape the ‘industrial ills’ of the city for spiritual and physical health rejuvenation because social critics of the day contended that the urban industrial life promoted physical and mental degeneracy, for both adults and youth [predominately young boys], and that there was a need for “every Canadian male to get into the woods and lakes at least once a year in order to prevent them from becoming ‘helplessly soft and luxurious’”.²⁴¹ This prompted city dwellers to take holidays in the countryside and get ‘back to nature’ in hotels, cottages, and tents and encouraged the expansion of tourism and the cottage industry. As Algonquin Park was situated within close proximity to the most heavily urbanized areas of Canada in the late 1800s this quest for recreation and renewed health became one of the underlying motivations for the development of Algonquin Park.

This ideological rationale was also used by Indian Department officials to suggest that if Indians were allowed to continue in their wandering ways – i.e. hunt, fish and trap as opposed to sedentary agricultural pursuits - they would never become civilized and join the march of progress – i.e. assimilate – which they did would then solve the ‘Indian problem’. Perceptions and ideologies are part of how people and groups construct cognitive frameworks of such concepts as nature and wilderness and as such determine how they value, use and define those systems.²⁴² Colonial officials contended that the primitive and

²³⁹ NAC, RG10, vol. 2401, File 83-203, Aubrey White, to Hayter Reed, 1895/11/16:108230: 1

²⁴⁰ 1993:14

²⁴¹ Altmeyer 1995:103

²⁴² Donald Worster, 1993: 49.

unmodernized attitudes of natives, such as hunting and gathering, were destructive to wilderness and Native peoples' retention of *wild* lands in their *savage* state would impede civilization and progress. Although many colonizers believed that natives were not capable of becoming civilized because it was 'against their nature' some also believed that it was because they were un-enterprising, lazy and indifferent. They were not utilizing the great material possibilities of nature to produce inexhaustible wealth and

"ought to be altogether kicked out from here. They are a lazy race, and hinder the progress of our undertakings. They are too stupid and too idle to cut down the woods themselves in the sweat of their brow...What property can an Indian have but his bow and arrow, and his fighting tackle? This notion of Indian property in land is quite a new-fangled invention."²⁴³

The ideology that was promoted by government officials was that Indians had no more rights to land "than a panther or a bear" and that the lands they claimed were "of no actual value or utility to them". They were often characterized as morally and mentally equivalent to animals in the forest and as late as 1836 the Lieutenant Governor of Upper Canada, Francis Bond Head, concluded that in the wilderness were seen

"the wild beasts of the forest, and their lords and masters, a few red Indians, who...rambled through the trees as freely as the wind. In the hidden recesses of this vast wilderness, man and beast, *unseen by any living witness*, were occasionally desperately engaged in single combat – "The Indian sometimes was hungry – sometimes was gorged...and then diving into the forest, he would traverse it for hundreds of miles in search of game...in short he was acquainted with the best salt-licks – he knew where to go for...fish, flesh, or fur; nevertheless, the vast country he inhabited *remained unaltered and even untouched...*"²⁴⁴ (emphasis added)

The idea that native people were unseen by any living witness and were thought to leave the land unaltered and untouched suggests that although the wilderness was seen as the 'origin' of native people they were seen as transient inhabitants and the eventual removal of their presence from these areas was seen as unproblematic.

The historical fiction and legacy of countless parks – both in the United States and Canada – often make note of the fact that 'human foot has never trod here or native peoples have only passed through or that "Indians were the first "visitors" to park areas, who, for a variety of reasons, decided not to visit these lands sometime in the distant past," and as 'real' Indians ceased to be a viable presence in the area long before the establishment of the park.²⁴⁵ Spence reiterates that when the venerable U. S. official, George Bird Grinnel was exploring for the establishment of Glacier National Park he relied "on Blackfeet guides and followed countless Indian trails to discover areas that he described as 'absolutely virgin ground...with no sign of previous passage."²⁴⁶ The irony of this statement was lost on Grinnel. In this respect the historiography of Algonquin Park restates this problematic legacy because

"[f]or most of Algonquin's history, human settlement was not a very important element. Scattered family groups of aboriginal peoples came to fish, hunt and pick berries, but their numbers were never large. It was not until the 1800's that big

²⁴³ Quoted in Craig, G. 1974

²⁴⁴ Francis Bond Head, *The emigrant* 1846: 8

²⁴⁵ Spence, M. D., *Dispossessing the Wilderness: Indian Removal and the Making of National Parks*, 1999: 131

²⁴⁶ *Ibid*: 78, note 20: 162

changes came...[when] pioneer loggers...reached Algonquin in search of the great White Pine trees.”²⁴⁷

The fact that many Algonquin families regarded this area as their homeland seems to be forgotten but can be explained by historical perceptions of what constituted land ownership and settlement. The colonial society understood the wilderness in terms of a place devoid of history and culture and landscapes were often described as if they were empty of inhabitants and “these empty lands...were thought of as public lands belonging to the people” and when the forest disappeared before the onslaught of civilization so too would the native inhabitants disappear.²⁴⁸

Certainly, their continued system of living within Nature was seen to be antithetic to progress and related to their eventual demise: the myth of the ‘vanishing Indian’. Francis Bond Head, Lieutenant Governor of Upper Canada, stated that “[w]e have only to bear patiently with them for a short time, and...their unhappy race, beyond our power of redemption, will be extinct” and that “what we term the civilized portion of mankind, and, what we call “the savage”, there is a moral gulf which neither party can cross.”²⁴⁹ Although attempts were made to ‘civilize’ natives the prevailing view was that native people would not survive the advance of civilization and although the “noble savage image was appealing...such ‘primitive’ peoples had to be seen as part of a disappearing wilderness”. Scholars have suggested that the ‘vanishing Indian’ myth was promoted through the ideology that native people were vestiges of a glorious past and belonged to a time which was distant from the present.²⁵⁰ In mid-eighteenth century Upper Canada the general notion was that although “[t]he native Indian tribes still occupy portions of this colony...their numbers are rapidly diminishing, and they are fast degenerating...so that the utter extinction of the race seems inevitable, as civilization advances on the wilderness.”²⁵¹ There was an assumption that “their numbers [would] soon die out” and their presence would be of no consequence to the progress of civilization²⁵² - and by extension of no consequence to the establishment of parks and protected areas.

²⁴⁷ Algonquin Provincial Park, The Official Website, The Friends of Algonquin Park, “A Thumbnail Park History, www.algonquinpark.on.ca/geninfo/history.html, no date.

²⁴⁸ Gerald Craig, 1955: 151.

²⁴⁹ Francis Head, 1839: Appendix: 13. Francis Head, 1846: 143.

²⁵⁰ Killan, 1993; Nelson, 1989; Warecki, George, 2000; Lambert, R.S., and P. Pross. 1967

²⁵¹ Quoted in Patricia Jasen, 1995: 81.

²⁵² Dickason, O.P., 1997:302

4. Conclusion

This report has explored how the process of dispossession of Algonquin people from their lands was directly related to the implementation of legislation that negatively affected their ability to retain ownership. It has introduced the concept that legislation and administration of lands were enacted for the benefit and progress of Euro-Canadian society without regard for the indigenous people who occupied the territory. This often resulted in broken promises and the failure of all levels of government to protect Algonquin lands from "trespass and injury." The mandate of colonial authorities was to settle the land and implement a productive economic society based on European values. The colonizers were unable to recognize the validity and necessity of Algonquin land tenure and occupation to support the survival of their culture and society. This was indicative of the indifference that characterized the implementation of policies affecting Indian welfare.

Native people possessed very different concepts from Europeans of what constituted valid land use. The Algonquin people were hunters, trappers, fishers and gatherers and utilized the land as a common good with permeable boundaries open to all people. While they did exhibit a sense of boundaries, these were based on their social contact and historical alliances between varying groups of Algonquin people. Their spiritual world regulated their activities and their sense of place, and their culture and territories were defined by their mode of subsistence and semi-nomadic lifestyle. To the Algonquin people the land did not represent a commercial agricultural or lumbering commodity however the European concept of land use was based on the production of agricultural and resource surplus to bolster an economic society. This necessitated establishing boundaries around parcels of land and implementing legislation to apportion the land to individuals. To enable the introduction of laws that permitted the takeover of Indian lands, governing authorities most often promised restitution to the Indian people through negotiation of treaties guaranteeing a fair and equitable settlement for those lands. In the case of the Algonquins of South-Eastern Ontario, no such treaties were ever negotiated.

A common paternalistic assumption was that all native people would eventually migrate to the reserves so they could benefit from the policies of the Indian Act initiated for their supposed benefit and protection. Policies regarding Indian affairs dealt almost exclusively with reserve Indians (and still do). Missing from the historical legislation and development of European and Canadian settlement is any legislation or policy regarding unregistered Indians: that is, Indians off-reserve and non-status. There were no official legislative accommodation or services for these Indians who lived off-reserve and who were often pushed to the fringes of pioneering settlement.

The framework of legislation that adversely affected the land-holding capabilities of Algonquin people was implemented without consultation with them and was designed to accommodate only the needs of settlers, lumbermen, and the new economic society. The success of this legislation in appropriating Algonquin land was partially due to subjective translation of how Native land usage did not constitute true possession and that "Native cultures lacked the rationality to use their lands effectively." To this end, settlement policy designed by colonial, provincial, and municipal authorities aided the invasion and dispossession of Algonquin lands by settlers and lumbermen and perpetuated discrimination at the local and national level. This resulted in the loss of Algonquin homelands and resource territory and, consequently, the viability of their means of a livelihood.

In pursuing a semi-nomadic lifestyle, Algonquin people were often forced to the periphery of settlement. Faced with dwindling resources and habitat, they were forced to abandon many of their traditional modes of subsistence and compelled to borrow and utilize from the new society what was necessary in order to survive. Many peripheral settler communities within the jurisdictions of provincial or federal administration were

geographically distant from the administrative centre and often interpreted laws and policy regarding land and resources according to local initiatives. The Algonquin people who lived on the margin of these settlements were in many instances accepted by the local population although the stereotypical image of Indians promoted by the colonizers relegated them to inferior status.

The inability to compete in the settler society and the loss of their traditional activities for survival led to poverty and powerlessness to stem the influx of land-hungry settlers. They lost title to their land, not through regulatory means of sale or agreement, but possibly by virtue of being unable to compete in the rules of land registry and by lacking the ability to acquire sufficient monetary means to meet the cost of taxes and execute necessary land improvements in accordance with governmental regulations of the dominant society for ownership of land. They could not even claim ownership through virtue of squatting because as squatters they were required to perform certain land improvements over a period of five years - improvements which they were in most cases unable or unwilling to achieve and which were alien to their culture. Even the idea of individual land ownership was alien to their culture. A territory set aside communally for the purpose of acquiring game and sustenance was not possible in the new dominant settler society.

The chronological history of the occupation of the Ottawa valley by the Algonquin people demonstrates the inability of the Algonquin people to claim recognition of their traditional territory due to the apathy and indifference of government authorities. The principal objective of the colonial government was to establish a European economic society in the lands of the Ottawa valley and to make "the Indian problem go away." The influx of settlers and lumbermen destroyed the viability of the Algonquins' subsistence base, and they were forced to disperse further from their homelands to acquire game and sustenance to feed their families. Poverty, illness and deterioration of their kinship networks prevented them from gathering the resources necessary to oppose the official indifference to their claims for recognition. The end result was that the Algonquins were alienated from their homelands and instructed to relocate to reserves set aside for other Indian groups.

It is not unusual for the historical record to lack written documentation about Aboriginal people, but often conclusions can be drawn from oral testimonies and extrapolated information. However, Algonquin names were often changed without their knowledge through officials' inability to utilize the English language to write and spell the Algonquin forms.²⁵³ Not able to spell Indian names, enumerators often attempted to write down the names phonetically. Many of the Algonquins also took Christian names, especially if they regularly visited with the missionaries. Since the traditions of the Algonquins were based on oral testimony, not written text, and many Algonquin people could not read or write the English language, it is feasible that most Algonquin people, pre-1900, could not designate the written version of their names, whether Christian or Algonquin. Holmes suggests that the task of tracing Algonquin families from written records

is rendered difficult partly because of the scarcity and incompleteness of records, and partly because many of the names written in the earliest records are European renditions of Algonquin names that are difficult to understand and identify.

Complicating these challenges is the fact that the Algonquins were highly mobile within their hunting grounds and therefore are only sporadically recorded until the end of the nineteenth century.²⁵⁴

²⁵³ In 1843 James Hughes, Superintendent of the Indian Department, in correspondence to Lt. Colonel Napier, Secretary of Indian Affairs, made note of the fact that Indians were in the habit of changing their names (NAC, RG10, V 135:77015).

²⁵⁴ Holmes, J., 1999:52.

It is also obvious that written documentation often contains a great many errors and discrepancies. The problem of verifying the exact location of Algonquin family groups is grounded in our own perceptions of designating boundaries around what we own, and differences in Euro-Canadian perceptions of land ownership from that of Indian people. It also reflects that there was no recognition of hunting grounds as owned territories and that a system of land tenure existed that only registered agricultural land. Ownership of land was connected to agricultural improvement.

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Abbreviations

AO	Archives of Ontario
NAC	National Archives of Canada
RG	Record Group
RG1	Crown Lands Papers
RG10	Records Relating to Indian Affairs
JLAC	Journals of the Legislative Assembly of Canada
SC	Statutes of Canada

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