

A FATHERLY EYE:
TWO INDIAN AGENTS ON GEORGIAN BAY,
1918-1939

by

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Department of History

A Thesis submitted in conformity with
the requirements for the Degree of Doctor of Philosophy
in the University of Toronto

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"Its [sic] a great work, its [sic] a thankless task,
but behind all the seeming indifference of the Indian for the
officials of the Department, I am glad to say that in their
heart, they know the Department is watching
with a fatherly eye to their care and protection."

John Daly, Indian agent, 1930

"A Fatherly Eye: Two Indian Agents on Georgian Bay,
1918-1939," Ph.D thesis, 1996, Robin Brownlie,
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Abstract

This thesis examines the implementation of federal Indian policy on the local level and the control exercised by officials of the Indian Department over Native individuals and communities. It does so by analyzing the activities and approaches of two Indian agents in the Georgian Bay area between 1918 and 1939: Robert J. Lewis of the Manitowaning agency on Manitoulin Island, and John M. Daly of the Parry Sound agency on the eastern shore of Georgian Bay. By comparing and contrasting the activities of these two men, the dissertation reveals the ways in which policies were applied and enforced.

The overriding theme is the contest for power which dominated the interaction between Native people and field officials. Drawing on Michel Foucault's insights into power relations, the dissertation explores the strategic manoeuvring in which agents and their aboriginal clients engaged in order to exercise power. Many Native people challenged the authority of the agents, asserting their own vision of individual and community autonomy. They also addressed issues of treaty rights, aboriginal fishing and hunting rights, and control over band funds and resources.

Field officials were often able to block aboriginal attempts to assert greater autonomy and to organize politically against the Department of Indian Affairs. On the other hand, the agents were limited in their capacity to act when they lacked the backing of headquarters.

The dissertation also examines the role of Indian agents in providing assistance to their clients and mediating between reserve communities and the outside world. Agents sometimes acted as advocates of Native interests, both in interpersonal disputes and through efforts to ensure limited Native access to fish and game. In addition, Indian agents dispensed social services, largely in the form of financial assistance. The advocacy and assistance which the agents could provide were the object of power negotiations with Native people, in which the latter sought to derive benefit from the power of the field officials. At the same time, the authority of field officials was enhanced by their power to supply aid and intervene on their clients' behalf.

Acknowledgments

My first thanks go to the members of my thesis committee, each of whom provided support and expertise in their own ways. All of them undertook to read the first drafts of chapters in spite of busy schedules, and their comments and criticisms were very useful. My supervisor, Sylvia Van Kirk, was particularly helpful in organizing the material into a coherent form, an arduous process which we underwent together more than once. Her clear, incisive thinking was essential both here and in furthering my analysis of the interactions I had uncovered in my research. I would also like to thank her for the encouragement she offered me in the crucial early years of graduate study. I am very grateful to my other two committee members as well, Ian Radforth and Mark McGowan. Throughout my years as a graduate student Ian Radforth has been a kind, reliable source of moral support and sound advice, sharing his insights and experience. For his part, Mark McGowan has earned my lasting gratitude for an investment of time, energy and intellectual engagement that far exceeded his official role as "third" committee member.

There were other scholars who helped me as well. I extend my thanks to Franz Koennecke, Native land claims researcher and historian of the Wasauksing (formerly Parry Island) reserve, who helped me generously in the early stages of my

research. In addition to offering useful advice and his own considerable historical knowledge, Mr. Koennecke made his personal collection of Indian Department documents available to me, which became one of the most important sources of material for the thesis. He also assisted in my attempts to contact potential interview candidates for oral history interviews. In this connection, I would like to thank Rosamund Vanderburgh for the information she provided about possible interviewees.

Special thanks go to my interview subjects for sharing their time and knowledge with me: Nonie Bristol of Syracuse, New York, granddaughter of John Daly, who tempered my view of her grandfather's character; Verna Johnston of Cape Croker, who found time for a telephone interview when she was struggling with poor health; Don Fisher of Wikwemikong, Lyle Jones of Parry Sound, and Aileen Rice of Wasauksing, all of whom offered all the information they had which they thought might help me out. I would like to thank Verna Johnston, Don Fisher, and Aileen Rice in the language of their own people as well: *meegwetch*.

Two other women deserve acknowledgment for their part in helping me understand what it means to be Native in this society. Susan Beaver, a Mohawk of the Six Nations reserve, and Karen Huska, a Mohawk through the maternal line (and thus most truly Mohawk), shared with me the tense summer of 1990 when Canada's armed forces confronted their people at Kanasetake and Kahnawake. That experience, which occurred

just before I entered the doctoral program, reaffirmed my commitment to documenting the history of Canadian colonization and to working to restore First Nations to their rightful place in this country. For their friendship and comradeship in that time, I thank Susan and Karen in their people's tongue: *nia:wen*.

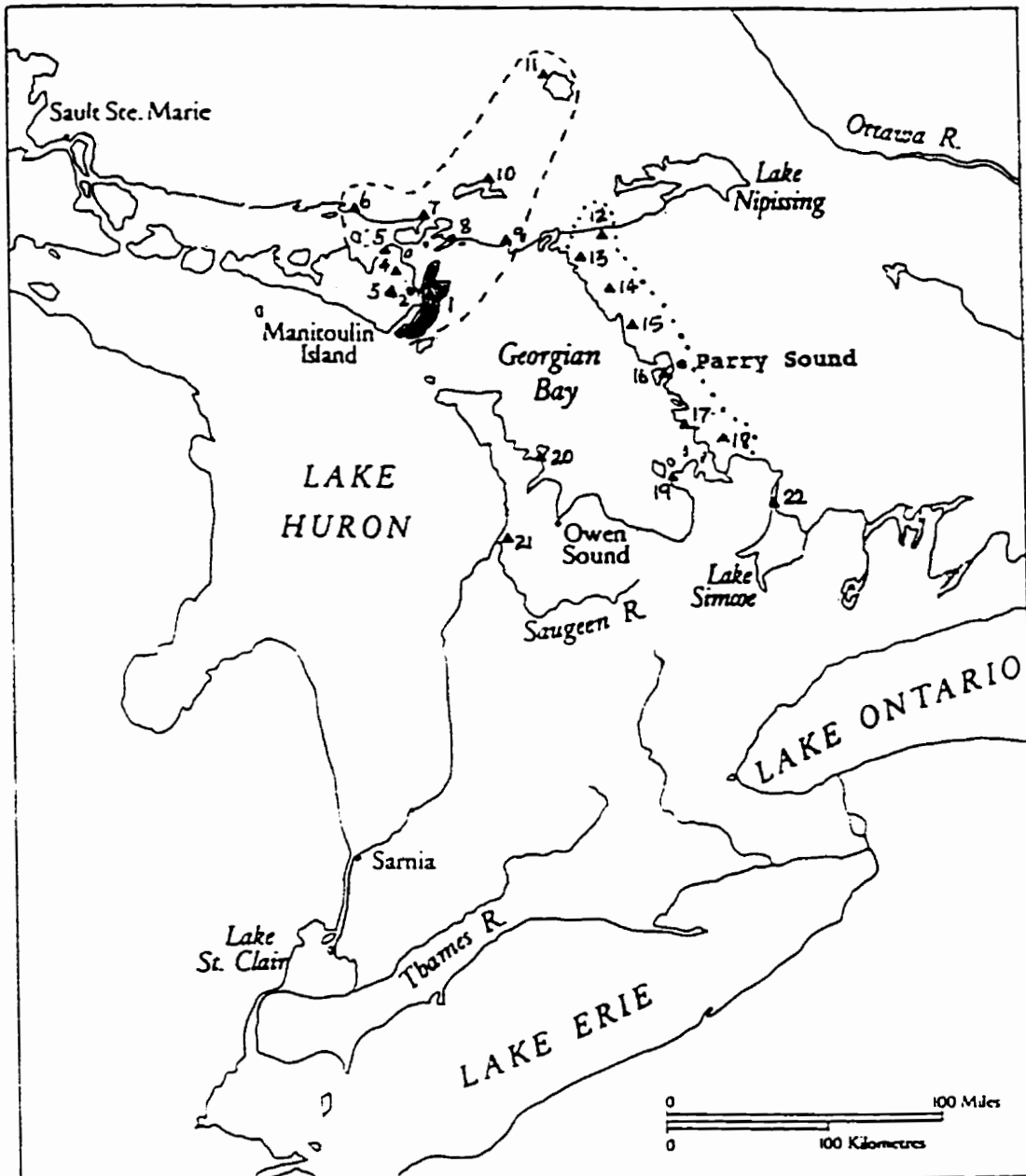
All the women in the Inter-Library Loan department at Robart's Library have earned my gratitude for their good humour and patience in processing dozens of microfilm reels from the National Archives. The staff at Wasauksing Community Centre showed equal goodwill in photocopying reams of paper from Franz Koennecke's collection. And Father Patrick J. Boyle, S.J., of the Jesuit Archives, has been unfailingly helpful and interested in my project.

I wish to acknowledge the generous support of the Social Sciences and Humanities Research Council of Canada while researching and writing this thesis. I would also like to thank the University of Toronto Press for permission to use the map from P.S. Schmalz' *The Ojibwa of Southern Ontario* (1991), in a form modified to suit my area of study.

Many other people aided me in less direct but equally important ways. Mary-Ellen Kelm shared laughs, late nights and earnest debates with me in the beginning, and we worked together in developing our approaches to and understanding of the history of Native-white relations. More recently, the camaraderie, commiseration and humorous interludes I enjoyed with Elsbeth Heaman and Valerie Korinek were a crucial

counterbalance to the trials and tribulations of writing a thesis. My housemate Elizabeth Amerongen lifted my spirits many a time in her own inimitable fashion, and her humorous inspirational cartoons are probably responsible for at least a whole chapter's worth of writing. I cannot refrain from mentioning my cats Soraya and Sassafras as well - any cat lover knows how important these sublime beings are in periods of solitary study, and especially during the agonies of composition.

Finally, I would like to thank brass for far more than I could hope to express. Her caring heart, big soul, unfailing sense of perspective, and enthusiasm for zany misbehaviour carried me through the difficult times and helped me sustain the momentum I needed to complete this project. She witnessed my tantrums with a sly grin, heard my tales of woe, negotiated my time constraints almost without complaint(!), and collaborated in my efforts to balance diligence with exercise, relaxation and rest. This thesis is dedicated to her.



1. Wikwemikong 2. Manitowaning 3. Sucker Lake 4. Shequiandah 5. Sucker Creek 6. Spanish River 7. Whitefish River 8. Killarney 9. Point Grondin 10. Whitefish Lake 11. Wahnapiatae 12. French River 13. Henvey Inlet 14. Maganetawan 15. Shawanaga 16. Parry Island 17. Moose Deer Point 18. Gibson 19. Christian Island 20. Cape Croker 21. Saugeen 22. Rama

----- approximate boundary of Manitowaning agency

..... approximate boundary of Parry Sound agency


 Manitoulin Island Unceded Territory

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Introduction

In the study of Native-white relations in Canada, tracing the development of federal Indian policy has absorbed a great deal of scholarly attention. Through the work of such scholars as John L. Taylor, John L. Tobias, Sally Weaver, and others,¹ the development of Canadian Indian policy has been well documented. This body of literature analyzes the intentions of the policy makers, the increasing degree of coercion which was embodied in the federal Indian Act, and the specific provisions which were designed to overcome resistance to the government's plans. An important theme in Native-white relations is the inherent contradiction between certain aims which the Indian Department had established: between, for instance, the intent to "protect" aboriginal people from the influence of Euro-Canadian society by

¹ John L. Taylor, "Canada's North-West Indian Policy in the 1870s: Traditional Premises and Necessary Innovations," D.A. Muise, ed., *Approaches to Native History in Canada: Papers of a Conference held at the National Museum of Man, October 1976* (Ottawa 1977); John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," *Western Canadian Journal of Anthropology* 6 (2) (1976); Robert Surtees, "The Development of an Indian Reserve Policy in Canada," *Ontario History* 61 (2) (June 1969); Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-1970* (Toronto 1981); John Leslie, "The Bagot Commission: Developing a Corporate Memory for the Indian Department," *Canadian Historical Association, Historical Papers*, 1982; John Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change," in Ian A.L. Getty & Antoine A. Lussier, eds., *As Long As the Sun Shines and Water Flows: A Reader in Canadian Native Studies* (Vancouver 1983); J.R. Miller, "Owen Glendower, Hotspur and Canadian Indian Policy," *Ethnohistory* 37 (4) (Fall 1990).

segregating them on reserves, and the overall goal of assimilating First Nations and absorbing them into that society. The existing scholarship has amply demonstrated the failures of Indian policy, and advanced convincing explanations for them.

Once this essential groundwork was laid, historians such as Ken Coates and Sarah Carter began to point to the necessity of examining the implementation of federal goals as well.² How was Indian policy actually applied in practice? It is clear that aboriginal people were opposed to some of its objectives, in particular to the cultural assimilation which was the ultimate aim. What was the impact of Native resistance? Moreover, in the attempt to put contradictory policies into practice, decisions would have to be made which gave priority to one goal over another. How did Department officials negotiate the contradictions in concrete situations? It is useful to examine which goals were prioritized, what considerations proved decisive, and whether or not there were discernible patterns. The persistence of reserves, for instance, is a clear failure in Indian policy. The Indian administration had envisioned their gradual dissolution as Native people renounced their Indian status, received portions of reserve land to hold in fee simple,³ and

² Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal & Kingston, 1990); Ken S. Coates, *Best Left As Indians. Native-White Relations in the Yukon Territory, 1840-1973* (Montreal & Kingston, 1991).

³ Holding land "in fee simple" meant possessing it as one's private property, in the manner in which non-Natives owned land.

thus withdrew their property from the land held in trust for First Nations. Instead, most bands proved tenacious in maintaining their land base intact. This policy failure thus stems in part from the resistance of the overwhelming majority of Native people. But how did the field officials respond to Native rejection of assimilation - did they urge enfranchisement⁴ on a reluctant aboriginal population, or neglect this goal and concentrate on the everyday tasks of administration?

As Ken Coates noted in his study of Native-white relations in the Yukon, a focus on government objectives can give the misleading impression that aboriginal people were treated alike all over Canada: "The policy-oriented analysis ... has resulted in a characterization of Native policy as unwavering, highly centralized, and goal-oriented. Indian agents in the field, who handled the actual implementation of the federal programs, are described by implication as adhering without question to Ottawa's policies."⁵ Yet Coates, Carter, and others have found that the reality was not so simple. In her study of the policy of "peasant farming" which

⁴ Enfranchisement was a process whereby individuals who were recognized as "Indians" under the terms of the Indian Act could renounce this status. Those who chose this course ceased to be wards of the state and became full citizens of Canada, enjoying the right to vote and to drink alcohol. In its original conception, the program foresaw that enfranchisees would receive a piece of reserve land as their private property. Enfranchisees also lost band membership, the right to live on a reserve, the hunting and trapping privileges they enjoyed as status Indians, and the protections accorded to Indians under Indian Act. One of the Indian Department's primary goals was to induce every status Indian in Canada to enfranchise. See chapter three for a full discussion of this policy feature.

⁵ Ken S. Coates, *Best Left As Indians* (Montreal & Kingston, 1991), p.159.

was applied to aboriginal farmers in the Northwest, Sarah Carter revealed that some Indian agents directly defied their orders. The "peasant farming" approach, enforced from 1889 to 1897, demanded that Native people work their land without the assistance of any labour-saving machinery. Both agents and their aboriginal clients objected to the policy; eventually, in 1896, they disregarded it and used modern technology.⁶

In fact, policies were frequently adapted in the implementation process. Federal Indian policy established a set of goals for the entire aboriginal population, without taking regional distinctiveness into account. From the beginning, however, field officials were faced with varying local conditions which they were compelled to take into account. Coates has demonstrated that there was considerable flexibility in the approach taken by officials in the Yukon, who often "sought to modify national directives to suit territorial realities"⁷ Coates also uncovered evidence of Native resistance not only to policy goals, but to any involvement with the government, noting that "the Natives were often reluctant to accept government services and programs."⁸ Similarly, Frank Tough has shown that some officials in Manitoba favoured the maintenance of the aboriginal way of life, citing the "demoralizing" effects of "civilization." In a study of the Indian Department's

⁶ Sarah Carter, "Two Acres and a Cow: 'Peasant' Farming for the Indians of the Northwest, 1889-1897," in J.R. Miller, ed., *Sweet Promises. A Reader on Indian-White Relations in Canada* (Toronto 1991), p.368.

⁷ Ken Coates, *Best Left As Indians* (Montreal & Kingston, 1991), p.159.

⁸ *Ibid.*

economic policies after 1870, Tough found that "[b]y the early 20th century, Indian agents were suggesting that Indians should follow the hunt and avoid the vices of civilization."⁹ In 1907, for instance, the Inspector of Indian Agencies for the Lake Manitoba Inspectorate wrote approvingly that the Native people under his jurisdiction followed "their mode of life," hunting and fishing. He considered this an "easy living" and argued that "their isolation from the whites has been their salvation."¹⁰ This attitude was a radical departure from federal Indian policy, which viewed isolation from non-Native society as a temporary measure. The hunting and fishing lifestyle was supposed to be replaced with settled habits of agriculture, and eventually with integration into the Euro-Canadian population.

While the main tenets of Indian policy remained unaltered until well into the twentieth century,¹¹ the officials who implemented the policy were faced with changing conditions. The Indian Department's objectives were established between roughly 1830 and 1885. This period witnessed the founding of the reserve system, the first legal definition of an "Indian," the development of the policies of enfranchisement and assimilation, the codification of the Indian Act, and the

⁹ Frank Tough, "Buying Out the Bay: Aboriginal Rights and the Economic Policies of the Department of Indian Affairs after 1870," in David R. Miller et al., *The First Ones: Readings in Indian/Native Studies* (Piapot Reserve #75: Saskatchewan Federated College Press, 1992), p.406.

¹⁰ Ibid.

¹¹ The "White Paper" of 1969, drafted by the Liberal government of Prime Minister Pierre Trudeau, continued to embody the aim of assimilating Native people by eliminating all cultural and legal distinctions between First Nations and the non-Native majority.

establishment of the Department of Indian Affairs as a separate government body.¹² The objectives which were set out in this era were informed by the pre-eminent ideologies of the nineteenth century: evangelical Christianity, cultural imperialism, and laissez-faire economics.¹³ They were also based on a certain set of assumptions, including the belief that aboriginal people were a "waning race," doomed to ongoing numerical decline and perhaps eventual extinction.¹⁴ One of the central features of the Indian Department's program was its temporally limited character: the program was designed to eliminate the Native population by means of assimilation, and in the process to absorb reserve lands, dissolving them into privately owned properties which were indistinguishable from the lands Natives had previously surrendered. There would ultimately be no Native people, no Native land, and no Indian Department required to administer them.¹⁵

¹² The closing date of 1885 refers to the Northwest Resistance of 1885, which inaugurated an era of repression for the First Nations in western Canada, including the invention of the pass system and the control of the Native economy through the permit system.

¹³ E.B. Titley, *A Narrow Vision. Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver, 1986), p.201.

¹⁴ See, for example, Duncan Campbell Scott's poem "The Onondaga Madonna:" "She stands full-throated and with careless pose/ This woman of a weird and waning race ..." Scott was an amateur poet and Deputy Superintendent General of Indian Affairs from 1913 to 1932. [Poem excerpted in R.P. Bowles et al., eds., *The Indian: Assimilation, Integration or Separation?* (Scarborough, Ont., 1972), p.110]. Native population figures showed an absolute decline until approximately the second decade of the twentieth century. See Daniel Francis, *The Imaginary Indian. The Image of the Indian in Canadian Culture* (Vancouver 1992), pp.53-60.

¹⁵ This is a paraphrase of Duncan Campbell Scott's well known summary of the Department's objectives: "Our object is 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 ..."

By the beginning of the twentieth century it was clear that the Indian Department was not achieving its objectives. Moreover, the conditions which had obtained during the elaboration of its policy had changed substantially. The aboriginal population began to recover, and then increase, in the second decade of the twentieth century.¹⁶ A large proportion of Native people still lived on the reserves which had been established for a shrinking population. These reserves had, in any case, never been intended to serve as a permanent land base, or to provide a livelihood for the groups who occupied them. Yet Indian agents in the twentieth century were charged with promoting the economic self-sufficiency of reserve residents. The Indian Department did not change its policy, nor did it give much guidance in dealing with the resultant economic difficulties on many reserves. It was thus left to the Indian agents to accommodate to the new conditions as best they could. The ways in which they did so bear closer investigation.

Finally, Indian agents were the Department's "front line" in imposing and maintaining federal control over Native people. Indian policy imposed on First Nations a state of tutelage in which they were deprived of the right to manage their own affairs. Many Native people rejected tutelage and sought to assert their right to control their own lives and communities. As the most visible and accessible

[Cited in J.R. Miller, *Skyscrapers Hide the Heavens. A History of Indian-White Relations in Canada* (Toronto 1989), p.207].

¹⁶ E.B. Titley, *A Narrow Vision* (Vancouver, 1986), p.58.

representatives of outside control, the agents faced a good deal of resistance in their work. The forms which this resistance took, and the responses which agents developed to counter it, are an important element in the history of Native-white relations. Case studies of specific agencies are well adapted for an analysis of this ongoing struggle.

These are some of the considerations which inform this study. Previous scholars have outlined the coercive measures which were available to Indian Department officials in their attempt to realize federal goals. An examination of the activities of local officials enables us to discover how Native people actually experienced federal policies in their everyday lives. For this reason, the present study focuses on the role of Indian agents in applying policy. In particular, it seeks to determine the extent to which these individuals adhered to federal objectives, and the means they adopted in their day-to-day work. How much did agents utilize the existing coercive devices, and what means did Native people develop to resist them? How did agents deal with the unforeseen situation of a growing aboriginal population which was not interested in leaving the reserves and integrating into mainstream Canadian society? This investigation examines the types of *ad hoc* measures that Indian agents employed to deal with the challenges posed both by aboriginal resistance and by the demographic and economic realities of their era.

The choice to focus on Ontario stems in part from the recognition that Native-white relations in this region of

Canada have received relatively little attention, particularly the developments in the twentieth century. A number of articles have been published which detail the early history of reserves in the nineteenth century,¹⁷ including a recent issue of *Ontario History* concentrating on Manitoulin Island.¹⁸ Basil Johnston, an Ojibwa writer and researcher, has recorded his memories of life in the Spanish Indian Residential School in *Indian School Days*.¹⁹ He has also compiled some of the traditions of his people in a series of books.²⁰ P.S. Schmalz has produced two fine works, *The History of the Saugeen Indians* and *The Ojibwa of Southern Ontario*, which provide a good deal of information on the interaction between the Indian Department and the Ojibwa.²¹ Donald Smith's biography of Methodist missionary Peter Jones, *Sacred Feathers*, deals with government actions, but is focused primarily on Jones himself, who lived in the nineteenth century.²² A useful anthology of historical articles was recently published, *Aboriginal Ontario*, which provides an

¹⁷ See, for example, R.J. Surtees, "The Development of an Indian Reserve Policy in Canada," *Ontario History*, vol.61, no.2 (June 1969); Ruth Bleasdale, "Manitowaning: An Experiment in Indian Settlement," *Ontario History*, vol.66, no.3 (September 1974); Donald B. Smith, "The Dispossession of the Mississauga: A Missing Chapter in the Early History of Upper Canada," *Ontario History*, vol.73, no.2 (June 1982); James T. Angus, "How the Dokis Indians Protected Their Timber," *Ontario History*, vol.81, no.3 (September 1989);

¹⁸ *Ontario History*, vol.86, no.1 (March 1994).

¹⁹ Basil Johnston, *Indian School Days* (Toronto 1988).

²⁰ Basil Johnston, *Ojibway Heritage* (Toronto 1967); *Moose Meat and Wild Rice* (Toronto 1978); *Tales the Elders Told; By Canoe and Moccasin*.

²¹ Peter S. Schmalz, *The History of the Saugeen Indians* (Ottawa 1977); *The Ojibwa of Southern Ontario* (Toronto 1991).

²² Donald B. Smith, *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and the Mississauga Indians* (Toronto 1987).

overview of the various indigenous peoples in what is now Ontario from before contact to the present.²³ In addition, some theses have examined particular Native communities, including Walpole Island in southern Ontario, and Parry Island near Parry Sound.²⁴ Writings of Native leaders relating to contemporary political issues frequently include historical backgrounds which lend valuable insights into the oral tradition.²⁵

Much of the history of Native-white relations in Ontario remains to be written. This area is interesting because so much of federal Indian policy was developed and pioneered in Upper Canada: the practice of making treaties to obtain the surrender of Native land; the reserve system with its emphasis on settlement and agriculture; and the program of Christianizing aboriginal people and assimilating them into Euro-Canadian society.²⁶ Aboriginal people in this region of Canada have a long history of interaction with non-Natives: first with the fur traders and missionaries who were the advance guard of the European invasion, and later with

²³ Edward S. Rogers and Donald B. Smith, eds., *Aboriginal Ontario. Historical Perspectives on the First Nations* (Toronto 1994).

²⁴ Sheila Van Wyck, "Harvests Yet To Reap: History, Identity, and Agriculture in a Canadian Indian Community" [a study of Walpole Island], Ph.D. dissertation, University of Toronto, 1991; Franz Koennecke, "Wasoksing. The History of Parry Island, an Anishnabwe Community in the Georgian Bay, 1850 to 1920," M.A. thesis, University of Waterloo, 1984.

²⁵ See, for example, Boyce Richardson, ed., *Drumbeat. Anger and Renewal in Indian Country* (Assembly of First Nations 1989), and Diane Engelstad and John Bird, eds., *Nation to Nation. Aboriginal Sovereignty and the Future of Canada* (Citizens for Public Justice 1992).

²⁶ The idea of converting First Nations to Christianity is, of course, almost as old as European contact with them. The missionaries also frequently attempted to settle their intended converts and induce them to take up agriculture. The adoption of these principles as government policy, however, first occurred in Upper Canada.

government officials. Yet in spite of this extended period of Euro-Canadian influence, cultural assimilation was as unsuccessful in Ontario as elsewhere in Canada.

In the work which follows, the application of Indian policy is examined in the form of two case studies of Ontario Indian agents, John Daly and Robert Lewis, who served in the interwar period. John McLean Daly was appointed to the Parry Sound agency, on the eastern shore of Georgian Bay, in 1922 and remained there until his retirement in 1939. Robert J. Lewis, of the Manitowaning agency on Manitoulin Island, was agent from 1915 to 1939. Both occupied their postings for relatively long periods - seventeen years and twenty-four years, respectively - and served in a single agency throughout their tenure.²⁷ Although Lewis began his work earlier than Daly, their careers essentially cover the same time span. Their agencies were not far apart - almost across from each other on opposite sides of Georgian Bay - and were very similar in topography and climate. These similarities make the two agents appropriate subjects for comparison. At the same time, Lewis and Daly were very different in character, which permits an analysis of the varying styles which could be brought to the work, and of the effect of personality differences on policy implementation and on Native people themselves. Moreover, political conditions were

²⁷ The typical pattern for an Indian agent was to remain in the same agency throughout his entire career, but there were exceptions. A.D. Moore, for instance, began his career as agent at Cape Croker in 1922, was transferred to Caradoc agency in 1929, and moved once more, to Tyendinaga, in 1941, retiring in 1947.

quite different in the two agencies, and provide interesting contrasts. The body of this work, then, pursues the theme of Indian Department fieldwork on its most basic and practical level. It details the decisions, actions and attitudes of two individual field officials who operated in Ontario in the interwar period, and demonstrates their impact on the Native communities under their jurisdiction.

The information contained in this study is primarily based on the records of the Indian agents themselves and their superiors in Ottawa. An attempt to employ Native oral history did not prove fruitful, largely due to the relative shortage of elders of sufficient age to have lived in the 1920s and '30s.²⁸ Younger individuals seemed to have little memory of Indian agents, and I found little evidence of a strong collective tradition regarding these officials (an interesting fact in itself).²⁹ I also experienced difficulty in accessing potential interview candidates as an outsider who was not directly involved in Native communities. The

²⁸ For example, only one member of Parry Island (Wasoksing) band is still living who remembers events of the 1920s and '30s. This woman, Flora Tabobundong, is a very important and engaged elder who was unable to find time to meet with me in the period in which I was conducting research. Verna Johnston, of Cape Croker, was experiencing health problems in this period, and I was only able to interview her briefly by telephone. I also interviewed an 84-year old non-Native of Parry Sound, Lyle Jones, who spent a good deal of time with Parry Islanders in the 1930s. Mr. Jones shared many memories of the Anishnabe men who were his friends, but had had no contact with agent Daly, nor did he know much about him from rumour or report.

²⁹ I visited Parry Island (Wasoksing) several times and spoke with people there about my project. Although they generally expressed interest, they did not seem to recall hearing stories about the agents. I interviewed Aileen Rice of Wasoksing and Donald Fisher of Wikwemikong. Both these individuals spent much of their lives off the reserve and in spite of their best attempts to help, had little directly relevant information about the officials themselves.

absence of oral history in this work thus does not indicate a dismissal of its relevance or validity; rather, it is indicative of the challenges which confront researchers in the attempt to integrate oral testimony into traditional, document-based historical scholarship.

The documents which form the primary source base for this study are those produced by officials of the Department of Indian Affairs. The letterbooks of Robert Lewis, agent at Manitowaning on Manitoulin Island, are available for the years 1915 to 1934 in Record Group 10 at the National Archives. The original agency records of John Daly of the Parry Sound agency apparently no longer exist.³⁰ The bulk of the information on Daly contained in this study is derived from the extensive material collected by historian Franz Koennecke, who examined Daly's correspondence at the Department of Indian Affairs and Northern Development in the 1970s. Mr. Koennecke very kindly allowed me access to his photocopies and notes, which are housed on Wasoksing (Parry Island) reserve.³¹ In addition, I consulted a wide variety of Department records: reports of Inspectors of Indian Agencies;

³⁰ The National Archives has never received these records, and the current Department of Indian and Northern Affairs has informed Franz Koennecke that they cannot be located in its files.

³¹ These documents will be referred to as the Franz Koennecke Collection (FK Collection). It is also important to note that this collection represents a selection of the original agency records. Mr. Koennecke did not photocopy every paper he found. In some cases it has been possible to supplement his records with those found in the National Archives. However, the Parry Sound agency documents which have been transferred to the National Archives are dispersed throughout files organized by topic rather than agency. There was thus a strong element of happenstance in the research process.

departmental circulars; the case files of the Soldier Settlement program; files organized according to different topics, such as "Roads and Bridges," "Minutes of Band Council Meetings," etc.

These materials provide an abundance of information, but they have obvious shortcomings which should be noted at the outset. Above all, they were generated as official documents which would become part of the public record. Although some of the letters in Franz Koennecke's collection are exchanges with people who were not employees of the Department of Indian Affairs, all of the letters relate to agency matters, and Daly had included them in his files in the agent's office. Lewis' available letters are also exclusively official correspondence. Moreover, in his case they include only the letters which he wrote himself, not those sent to him by others. It is safe to assume that information which would reflect badly on Department officers would be omitted from such communications. The agents constructed their accounts to the Department in such a way as to justify their own position. Information which would contradict their own viewpoint was not likely to find its way into their correspondence. Although Daly frequently recorded the actions and statements of his Native clients in his letters, these are naturally very selective, biased portrayals of events, and must be read with great caution and scepticism. When analyzed with care, they offer some evidence about the Native side of interactions. They are, however, at best very

partial, fragmented depictions of the aboriginal point of view; at worst, they might be egregious distortions.

In the case of the Parry Sound agency, some documents generated by Native individuals have been preserved. These include letters written to Daly and to the Department by some of the agent's most active opponents. Daly's accounts are supplemented, then, to some extent by information stemming from the people themselves. For the most part, these communications correspond quite well with the agent's portrayal of conflict situations. They also provide a fuller picture of the interactions between Daly and his clients. Lewis' correspondence, by contrast, is limited to the agent's own writings, but some conclusions may be drawn through comparisons of his letters to aboriginal people themselves, to the Department, and to other individuals who contacted the agent. It has been possible in some instances to supplement Lewis' correspondence with the records of the Jesuit missionaries at Wikwemikong. Generally, it has been necessary to analyze the sources judiciously and with due regard to their bias and incompleteness. Unfortunately, the records contain gaps which have meant that it was not always possible to discover the outcome of specific situations.

Finally, this study's account of the Parry Sound agency concentrates heavily on one reserve in this agency, Parry Island (now known as Wasoksing). This focus is again a consequence of the available sources, for Mr. Koennecke collected his records in the course of conducting research on

the Parry Island reserve.³² Other bands receive mention from time to time in these documents, so they are not entirely absent. However, they are significantly underrepresented. At the same time, Daly's agency diaries reveal that this reserve, which was located very close to his home, occupied a substantial portion of his time. Parry Island was one of only two reserves in the agency that Daly could reach in a single day, and he visited there often.³³ Moreover, political opposition to the agent seems to have been particularly strong and persistent among this band, as well as among the Shawanaga band, which was not far distant from Parry Island and had close links with its residents. A letter written by Daly in 1924 suggests that the agent himself perceived these two bands as his most vigorous opponents. He submitted the minutes of a Parry Island band council meeting to the Department and complained, "I would like to take this opportunity of drawing the attention of the Department to the tone of these minutes, and to state that the same feeling exists at Shawanaga. In other words, these two bands have the idea that what is passed by the Council should be accepted by the Department."³⁴ There is no indication that the focus on Parry Island creates a distorted picture of Daly's activities

³² Parry Island is the subject of Mr. Koennecke's Master's thesis, "Wasoksing. The History of Parry Island, an Anishnabwe Community in the Georgian Bay, 1850 to 1920," M.A. thesis, University of Waterloo, 1984.

³³ The other reserve which lay close by was Shawanaga.

³⁴ Franz Koennecke Collection, John Daly to the Department of Indian Affairs [DIA], 8 February 1924.

as agent, but it should be remembered that the present account is partial in this respect as well.

It is necessary to say a few words about the use of language in this study. Every historian who writes about aboriginal people must make choices about language, particularly in selecting the preferred terms to use when referring to Native people themselves. To a large extent these decisions must be personal, since there is no term which is universally accepted or obviously superior to others. Many non-Native writers have settled on the word "Indian," or have used varied expressions including "Indians." This word, however, seemed a difficult one to use in this dissertation, because of the way it has been constructed in the correspondence of the officials of the Indian Department. As the analysis in chapter three demonstrates, the term "Indian" carried a whole complex of meanings, of largely pejorative, stereotyped ideas about Native people and their characters, which detract from the word's suitability as a generic term. In addition, many Native people from Ontario seem to have a preference for "Native" or "First Nations." Finally, a word which is derived from the navigational difficulties of a European explorer 500 years ago, and which more accurately refers to people of the Indian subcontinent, seems ill suited to the Canadian context. For this reason, I have employed "aboriginal," "Native," and "First Nations" as interchangeable terms. The word "Indian" appears only in direct quotations from the

sources, or when referring specifically to questions of status under the Indian Act. As for the rest of the Canadian population, I have most often used Euro-Canadian or non-Native, despite the awkwardness of both terms. To paraphrase Daniel Francis' remarks on this subject, the difficulties with terminology in Canada stem directly from the colonial situation.³⁵ Euro-Canadians invented all these terms and invested them with their own meanings, which haunt the language to this day.

A brief overview of the structure and theoretical underpinnings of this study is in order. Chapter one provides the necessary historical background, tracing the development of the Indian agent's role, along with the powers, duties and responsibilities assigned to this official. In the second chapter the two agents themselves are introduced, as well as the constituencies in which they operated. Chapter three examines the ideologies which prevailed in the period, including the state of federal Indian policy and attitudes toward Native people both among administrators and the general public. This section also outlines the theoretical approach that informs the thesis as whole, adapting theorist Michel Foucault's insights about relations of power and "disciplinary power" to the context of Indian Affairs administration. The remainder of the study seeks to demonstrate these power negotiations. Chapters four and five

³⁵ Daniel Francis, *The Imaginary Indian. The Image of the Indian in Canadian Culture* (Vancouver 1992), p.9.

look at the conflicts between agents and Native people which arose out of agents' attempts to control the lands, funds, and resources of their clients, as well as to exercise surveillance, curtail protest, and enforce conformity to Euro-Canadian social and moral standards. The final two chapters, six and seven, investigate the aspects of Indian administration which could be of benefit to Native people. These included the agent's ability to intercede on behalf of his clients with the non-Native world, and to mediate disputes both within and outside the Native community. In addition, the agent was empowered to provide assistance of various kinds, such as "relief" (rations to those in financial difficulty) social services, and educational support. These forms of assistance were useful to Native people, but also supplied the agent with additional means of exercising power and control.

This study, then, attempts to provide an overview of the interaction between the field officials of the Department of Indian Affairs³⁶ and their Native clients. It is an in-depth examination of policy implementation on the local level, and of the ways in which Indian agents applied the measures available to them under the Indian Act. Using the theories of Michel Foucault as an analytical frame, it also investigates the negotiations which took place around power, the practical

³⁶ The Department of Indian Affairs ceased to be a separate body in 1936, when it was transferred to the Department of Mines and Resources and became the Indian Affairs Branch. In this study, except when specifically discussing the period after 1936, it is generally referred to as the Indian Department or Indian Affairs.

limits which could be placed on the agents' authority, and the means which Native people adopted to counter, evade, or make use of the agent's power. Concisely stated, Foucault's theory includes the recognition that power is contingent and relational, that it is not "possessed," but rather "exercised" by those who are in a strategic position to do so. Everyone is thus capable, to some extent at least, of manoeuvring so as to exercise power and to resist the imposition of hierarchical authority.³⁷ The interactions of field officials and their aboriginal clients provide an excellent illustration of such strategic manoeuvrings on the "micro-level," a more or less constant negotiation with and for power.

The power contest between Indian agents and their Native clients stands at the heart of this study. Agents Lewis and Daly were both committed to fulfilling the primary mandate of their office: namely, the exercise of control over Native lands, resources and communities on behalf of the Department of Indian Affairs. In pursuit of this goal, they adopted a number of measures. These agents, particularly John Daly, undermined the authority of elected band officials and actively defended the Department's prerogative to approve or veto band council resolutions as it saw fit. Band councils were held to the subordinate position assigned to them under the provisions of the Indian Act. The agents jealously

³⁷ See, for example, Michel Foucault, *Discipline and Punish. The Birth of the Prison* (New York 1979), pp.26-7.

guarded their own position as sole mediators between the Department and its wards, since their own power was based on this hierarchy. Daly also attempted to punish Native leaders who defied his authority or who sought to organize collective resistance. Both agents exercised hierarchical surveillance over their clients and made efforts to ensure their adherence to the Euro-Canadian values which federal policy was designed to inculcate in them, including Judeo-Christian morality and habits of industry, sobriety and thrift. Finally, while these officials used their power at times in the interest of Native people, their ability to do so was an additional source of power which they employed or withheld according to their own calculations.

It should be clear that the agents were in a strong strategic position to exercise power, and that Native people at times found themselves without effective means to oppose federal authority. When it came to contests over central political and economic issues, the agents were bound to prevail under the conditions of the time. Control of band resources, for instance, and disputes over jurisdiction were matters in which the field officials could rely on solid backing from the Indian Department, which in turn possessed the necessary legal and administrative authority to impose its will.

Nevertheless, an equally important finding of this study is that aboriginal people did not simply resign themselves to government domination. Rather, they regularly disputed

Ottawa's authority and resisted the agents' attempts to control their affairs. Native people's contests with their Indian agents lend strength to Foucault's depiction of the power relationship as one "which is at the same time reciprocal incitation and struggle," an interaction which can be seen as "a permanent provocation."³⁸ The intent here is not to romanticize the struggle: most often, its outcome was the frustration of Native aspirations for autonomy. But aboriginal people continued to contest the prevailing power relations, to defy the representatives of federal authority, and to act on their own behalf.

Within the constricting framework of the Indian Affairs system, Native people negotiated for power, attempting to advance their interests and turn the agent's power to their own account. And although they were unable to throw off the yoke of federal domination, Native people successfully thwarted the policy aims of their administrators. In the face of a comprehensive program intended to absorb First Nations into the mainstream Canadian population, aboriginal people retained their land base, their communities, and their separate identity. No power available to Indian agents or the Indian Department could alter the fundamental distinctiveness of First Nations people, in fact their actions undoubtedly helped solidify it. The power negotiations of this period, then, operated to maintain federal control and simultaneously

³⁸ Michel Foucault, "The Subject and Power," in Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault. Beyond Structuralism and Hermeneutics* (Brighton, 1982), pp.221-2.

to frustrate the achievement of its central purpose, that of eliminating First Nations as distinct Canadian peoples.

Chapter One

The Role of the Indian Agent

The Indian agent was a field officer of the Department of Indian Affairs whose role and responsibilities began to be defined in the early nineteenth century. Since the seventeenth century Britain had employed men, referred to as Indian agents or superintendents, to maintain diplomatic relations with First Nations and implement Britain's policy with respect to indigenous peoples. Their role, however, was essentially that of ambassador, distributing presents to Native people in order to retain military alliances. After the War of 1812, this role became obsolete, since the British no longer needed Native military support to defend their North American territory. As a result, the aims, and indeed the very existence of the Indian Department in its contemporary form, began to be questioned. In the course of these discussions, Britain developed a new approach to First Nations, in consultation with its officials in Canada. The resultant reframing of Indian policy inaugurated a campaign of settlement and "civilization" (directed acculturation)¹ of

¹ By directed acculturation I mean the concerted attempt to induce aboriginal people to adopt Euro-Canadian culture in its entirety. This meant endeavouring to convert them to Christianity, settling them on

aboriginal people, with the aim of integrating them into the now-dominant Euro-Canadian society. The nineteenth-century British, and their colonist cousins in North America, envisioned a homogeneous society in Canada modelled on the mother country. The ultimate aim of Indian policy became the gradual elimination of Native people as a distinct group, an aim which persisted long past the inter-war period with which this study is concerned.² Duncan Campbell Scott, the Deputy Superintendent General of Indian Affairs from 1913 to 1932, summarized this unchanged aim in 1931: "the government will in time reach the end of its responsibility as the Indians progress into civilization and finally disappear as a separate and distinct people, not by race extinction but by gradual assimilation with their fellow-citizens."³

In pursuit of this policy, the Indian Department established experimental Native settlements in Upper Canada

relatively small pieces of land, and teaching them to make their living through agriculture. Further, it was hoped that Native people would abandon their own languages, learn English, adopt the Euro-Canadian style of dress, and accept the social, economic, and cultural values of the English.

² At least as late as 1969 Prime Minister Pierre Trudeau elaborated it, when he and other Liberals drew up the "White Paper," a policy paper which proposed abolishing the Indian Affairs Branch and transferring responsibility for Native people from the federal government to the provinces. Trudeau advocated that Native people be treated as Canadians, as equals, and that this would involve jettisoning the idea of aboriginal rights and handling the treaties as contracts that "shouldn't go on forever." See, for instance, the excerpt of a speech delivered by Trudeau, re-printed in Richard P. Bowles et al., *The Indian: Assimilation, Integration or Separation?* (Scarborough, Ont., 1972), pp.71-2.

³ Duncan Campbell Scott, in *Proceedings of the Fourth Conference of the Institute of Pacific Relations* (Canadian Institute of International Affairs, 1931), quoted in Richard P. Bowles et al., *The Indian: Assimilation, Integration or Separation?* (Scarborough, Ont., 1972), p.112.

in the 1830s, with the goal of inculcating Western values and habits into aboriginal people. Responsibility for this acculturation was divided between Christian missionaries and Indian agents (generally referred to as Indian superintendents at this point). The latter were, for the most part, individuals who had already been involved with First Nations, making Britain's annual distributions of presents and reporting on conditions. Since they were considered to have invaluable experience in dealing with aboriginal people, they were retained in their positions upon the founding of the reserve system.⁴ The nature of their tasks, however, underwent a substantial transformation, from maintaining alliances to promoting "civilization."

Early nineteenth-century Indian superintendents functioned in a context of administrative confusion and disorganization. The policy and personnel of the Indian Department were the responsibility of the Colonial Secretary in Britain. From the Colonial Secretary, the hierarchy extended downward through the Lieutenant Governor, the Chief Superintendent who was his immediate subordinate, to the Indian Superintendents in the field. Other government bodies controlled both Indian lands and the funds which paid for the Indian Department's operations. The Lords of the Treasury were in control of the Parliamentary Grant of £20,000 which paid for salaries, annual presents, rations and relief for

⁴ This and the ensuing discussion is derived from R.J. Surtees, "The Development of an Indian Reserve Policy in Upper Canada," *Ontario History*, vol. 61, no. 2 (June 1969).

aboriginal people, as well as (before 1834) annuities to those Native groups which were already under treaty. The Commissioner of Crown Lands was in charge of Indian lands, and also of annuities after 1834. This decentralized administration created endless bureaucratic confusion, and forced Superintendents to spend much of their time dealing with correspondence instead of tending to the material and educational needs of their charges. On the other hand, Indian superintendents enjoyed much greater freedom from supervision than their counterparts in later years, largely because of the undeveloped state both of the civil service and of the colony's communications.

In 1860 the Indian Affairs Branch was transferred from Britain to the Crown Lands Department of the Province of Canada. At Confederation in 1867 it moved to the office of the federal Secretary of State, and in 1873 to the newly established Department of the Interior. It was not until 1880 that the Branch received independent status, when the Department of Indian Affairs was established. By this time Ontario was already divided into seven superintendencies, each with its own superintendent presiding over a number of reserves. The Department of Indian Affairs grew quite rapidly, acquiring new branches and larger numbers of employees as it went. In 1889 it had six separate Branches: Correspondence; Registry; Technical; Accountant's; Land and Timber; and Statistical, Supply and School. A year later the outside service boasted 460 employees. With the federal

electoral victory of the Liberals in 1896, the Department faced a major campaign of reorganization and downsizing, reducing the six branches to three. By this time there was also an Inspector of Indian Agencies - apparently only one for the whole country - whose job was to visit agencies and evaluate the work of the agents and farming instructors. In 1911 a new requirement was instituted for Indian agents, that of submitting a monthly diary detailing each agent's activities day by day.⁵ This is symptomatic of the growing degree of supervision and control which the Department was attempting to exercise over its employees. Already the agents were expected to submit a bewildering variety of monthly and annual reports, as well as keeping in regular touch by mail.

By 1913, when Duncan Campbell Scott was appointed Deputy Superintendent General of Indian Affairs, the Department had become a highly centralized bureaucracy, with power concentrated in the hands of a select group of officials at headquarters.⁶ Scott was known for his insistence on thrift, hierarchical authority, and the obedience of agents to departmental instructions. By the 1920s and 1930s, the period with which this study is concerned, the supervision and control exercised over field officers had reached a high

⁵ This was undoubtedly an innovation of the newly elected Conservative government under Prime Minister Robert Borden. This government was committed to honesty and efficiency, and undertook to reform the civil service to ensure its conformity to these principles. See R. Douglas Francis, Richard Jones, Donald B. Smith, *Destinies. Canadian History Since Confederation*, Second Edition (Toronto · Montreal, 1992), 158-9.

⁶ E. Brian Titley, *A Narrow Vision. Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver, 1986), p. 37.

level of elaboration. Agents reported their activities in detail, accounted for every penny spent and every decision they made, and carried on a regular correspondence with headquarters to keep their superiors up to date. The agent occupied one of the lowest positions in the departmental hierarchy - only farming instructors, field matrons,⁷ and school teachers wielded less authority. Between agents and the internal officials stood an agricultural representative and an inspector of Indian agencies. Both of these officials were responsible for a number of agencies and visited only occasionally to report to Ottawa on the conditions they found. Among other things, they reported on the efficiency and competence of the agents, although the agricultural representative's primary responsibility was to assist Native farmers and promote agriculture. The Indian agent was responsible primarily for carrying out the decisions and instructions of others. The functions of the Indian agent were to implement the policies of the Department of Indian Affairs, to inculcate in Native people Euro-Canadian values and culture, and to keep government officials informed of conditions and developments on the reserves. In addition, the agents were entrusted with the task of enforcing the provisions of laws relating to First Nations. These were encoded by the Canadian Parliament in 1876 as the "Indian

⁷ Farming instructors were employed almost exclusively in western Canada. Field matrons were relatively rare in Ontario - the few I found in the records were almost invariably wives of either the agent or the school teacher, considered temporary employees, and generally served only for very short periods.

Act," and grew in number and complexity as time went on. Nineteenth-century Indian agents were frequently missionaries, but this tendency gradually decreased until, in the twentieth century, most were political appointees who took the job as a livelihood rather than an opportunity to "help" Native people. While the missionaries had had their own agenda and sometimes opposed the Indian Department's methods in ways which could benefit Native people, the bureaucrats who succeeded them were primarily interested in pleasing their superiors in Ottawa and thus obtaining career advancement. The job became largely a bureaucratic position much like any other government posting. This shift left most aboriginal people without any mediator between themselves and the Department. Where Native and government interests conflicted, the agents were almost certain to throw their weight behind the government's plans. In this they were aided by a steadily increasing set of powers assigned to the Superintendent-General, but exercised to a great extent by the agents on his behalf.

It is no simple matter to determine precisely how Indian agents were selected, or to divine many common characteristics. The records give little indication of the factors which determined selection, or of the procedures that were followed in appointing these officials. They were almost

exclusively male⁸ and all were of Euro-Canadian, primarily British, descent. In the nineteenth century they obtained their positions as a result of undisguised political patronage, through connections with the local branch of the political party which was in power in Ottawa. It is not clear exactly when the direct patronage system ceased to determine appointees: around 1931 the records begin to refer sporadically to "competitions" for appointments, but the nature of these is unclear.⁹ It appears likely that patronage continued to operate, albeit in a somewhat more covert form, up to the Second World War. Following a postwar commission of inquiry into the Civil Service, an examination process was put in place for all civil servants which was supposed to prevent nepotism and favouritism in appointments.¹⁰

The "Establishment Books" of the Department of Indian Affairs, which cover the period from 1880 to 1955, lend some limited insights into the agents' backgrounds.¹¹ These books

⁸ I have found only two women who served as Indian agents in all of Canada, both for brief periods during the Second World War when men were in very short supply. At least one of them was the wife of the former agent.

⁹ In his study of the administration of Indian Affairs under Duncan Campbell Scott, historian E. Brian Titley states that "political patronage continued to play a role in appointments" of Department officials. [E. Brian Titley, *A Narrow Vision. Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver, 1986), p.39]. The entries in the Department's "Establishment Books" contain notations such as, "Succeeded by G.M. Taylor [in January 1939] pending result of competition. Samuel Devlin qualified as result of competition." [RG 10, vol.9182, "Establishment Books (Outside Service, "A" through "G"), 1880-1955," entry for John McLean Daly].

¹⁰ John Leslie of Indian and Northern Affairs Canada, Historical Research Centre, personal communication, Sept. 13, 1994. Mr. Leslie suggested that patronage was a very important factor in the appointment of Indian agents until after the Second World War.

¹¹ RG 10, vols.9181 - 9187 (inclusive), "Establishment Books (Outside Service), 1880-1955."

contain data about departmental employees - their religion, place and date of birth, nationality, marital status, whether or not they served in a war, as well as their starting salaries and all increases, with amounts and dates.

Unfortunately, these records are incomplete in that they do not include all the agents who served in Ontario in this time period. They do, however, provide information on 70 Ontario Indian agents who served between 1880 and 1955. The following discussion is based on the information compiled in this source.

One might suspect that local officials would be drawn from the local area. As far as can be judged from the Establishment Books, this tended to be true. Of the 70 agents mentioned, 29 (42%) were from the immediate area in which their first agency was located, while a further 12 (17%) came from the same general area, 17 (24%) were born somewhere in Ontario, and a final 13 (17%) had been born outside the province.¹² These statistics refer to birthplace, and it seems likely that most of those who were born far from their first agency had moved to the area before being appointed as the local agent. This is, for example, the case for one of the Indian agents who will be examined in this study: John Daly, of the Parry Sound agency, was born in the Scottish Highlands, but had moved to Parry Sound before being appointed Indian agent.

¹² Of the latter category, 6 hailed from England, 4 from Quebec, and 1 each from New Brunswick, Nova Scotia, the United States, Ireland, Scotland; one agent is of unrecorded origin.

As far as religion is concerned, Protestants of various sorts made up the vast majority, with only 7 Roman Catholic agents recorded as serving in Ontario between roughly 1880 and 1950 (this is 10% of the agents listed in the Establishment Books). The remaining officials were Protestants, with the possible exception of five men whose religion was not stated : there were 21 Presbyterians (30%); 11 Anglicans (16%); 8 Protestants of unspecified denomination (12%); 8 United Church members (12%); 5 Baptists (7%); and 3 Methodists (4%). In terms of nationality, there were 23 Canadian-born men, mostly of mixed British heritage (33%); 12 Scottish Canadians (17%); 11 English Canadians (17%); 9 Irish Canadians (13%);¹³ 6 men of English birth (9%); 5 French Canadians (7%), 2 Scots, an Irishman and an American.

Age appeared to be largely irrelevant in the selection process, with ages at appointment ranging widely between twenty-three (which was unusually young) and sixty-three. Another consideration, which was applied after the First World War, was the preference given to returned soldiers. This preference was government policy in the first years after the war, and the Establishment Books note for each agent whether or not he had served in a war. Stan Cuthand has stressed this factor in an article on Native political

¹³ "Scottish Canadian" and "English Canadian" are terms which are used in the records. It appears that the term "Canadian" means Canadian-born, while the adjective refers to ancestral origin. In other cases the agent is designated "Scotch" or "Irish" but the birthplace given is in Canada. In these cases I have used the terms "Scottish Canadian" or "Irish Canadian."

organizing in Western Canada, and he felt that the policy meant, in some cases, engaging men for the job who were unqualified or incompetent: "many of the Indian agents were politically appointed, poorly educated white soldiers recently returned from overseas service."¹⁴ This may well be true, although it did not necessarily mean that they neglected their duty. Captain Ross Garland, for example, agent at the Cape Croker reserve from 1919 to 1922, was a returned soldier whose military service was doubtless a factor in his appointment. He was a very active agent who clearly worked very hard to help his clients become successful farmers. His letters do, however, indicate a rather moderate degree of education: they are written in relatively unsophisticated language with little attention to technicalities of sentence structure. On the other hand, John Daly of the Parry Sound agency, one of the agents examined in this study, was also a returned soldier. His letters indicate substantial education, judging from the vocabulary he used.

Education levels for agents as a group are a matter of guesswork, but certainly the Department's inspectors complained on occasion about a lack of accounting knowledge and an inability to organize files so as to facilitate ready reference.¹⁵ The style and language of the agents' letters

¹⁴ Stan Cuthand, "The Native Peoples of the Prairie Provinces in the 1920s and 1930s," in J.R. Miller, ed., *Sweet Promises. A Reader on Indian-White Relations in Canada* (Toronto 1991), p.385.

¹⁵ For example, a report on agent Timothy Maxwell of the Sarnia agency in 1918 noted that Maxwell lacked a systematic filing system, that agency letterbooks were not indexed, and "letters are put on file but with no regard to system and it is almost impossible to find any any

give some clues, and in a number of cases they do seem to indicate no more than a moderate degree of education. On the other hand, both John Daly and Robert Lewis, the two agents in this study, were evidently well educated, judging from the style of their correspondence. Given the volume of reports and other communications demanded from these officials, basic literacy was an absolute necessity for the job.

Where Indian agents in the nineteenth century were often clergymen, by the 1920s this tradition seems to have died out. Superintendents at the Grand River Superintendency (which included the Six Nations reserve) were military men at least from 1907 to 1952.¹⁶ Otherwise there are no discernible common characteristics among the agents. It is apparent from the correspondence of some agents that they had no previous experience in working with Native people, or even acquaintance with band members, prior to taking up their duties. Others - those who lived near the reserves - knew some of the men from hunting with them, and there were agents who clearly had some knowledge of the Native language.¹⁷ There is no indication, however, that understanding of Native languages or culture, or experience in aboriginal communities, were in any way a factor in the selection of candidates. The qualities sought were those related to the

particular letter wanted." [RG 10, v.8461, f.471/23-17, Pt.1, Report of C.C. Parker, 21 March 1918].

¹⁶ "Notes on Organization," RG 10, vol. 11190.

¹⁷ Duncan Fraser Macdonald, who served in the Parry Sound agency from 1907 to 1912, was an avid sportsman who hunted with men from Parry Island. John Daly and Robert Lewis both mentioned that they understood some Ojibwe.

Department's plans for the individual agencies. Where the establishment or improvement of agriculture was a goal, experienced farmers were chosen (apparently even in cases where there was little interest in this vocation among the band members).¹⁸ In lumbering areas, knowledge of this industry was prized. On the whole, however, it appears likely that the primary qualification for an aspiring Indian agent was acquaintance with individuals connected either to the Department of Indian Affairs or to the larger system of political patronage. One thing is clear: the selection of candidates was made on the basis of the Department's interests and objectives, without regard for the preference of aboriginal people.

On one occasion, in 1884, a band council passed a motion proposing a candidate for agent when the position was open. This resolution was ignored, and a former superintendent explicitly suggested that it would be unwise to appoint any man put forward by the Native people themselves.¹⁹ The agents were, after all, servants of the Indian Department, hired by its bureaucrats, paid from its funds, and dependent for their livelihood on satisfying their superiors and complying with instructions. All of them were well aware of these facts and

¹⁸ In 1924, for instance, Inspector of Indian Agencies C.C. Parker submitted a report on his inspection of the Sarnia reserve. He found that the people had largely abandoned farming in favour of wage labour, and added: "The lessened activities in agriculture is unfortunate especially, as the present Agent was selected largely because of his knowledge of farming." [RG 10, v.8461, f.471/23-17, Pt.1, Report of C.C. Parker, Sarnia and Walpole Island, 3 November 1924].

¹⁹ P.S. Schmalz, *The Ojibwa of Southern Ontario* (Toronto 1991), pp. 209-210.

made repeated statements of commitment to the Department's program in their correspondence. The most striking description of the agent's loyalties was penned by John Daly, retorting to a condemnation of his administration published by his Native opponents in a local newspaper. In an angry letter to the editor, Daly exclaimed, "I am very grateful that I have never been called upon to serve an Indian, [t]he Indians do not pay my salary, the Dominion of Canada does. If I were called upon to work for Indians, I would sack myself before I started, I belong to the Civil Service of Canada, and I am proud of it ..."²⁰ Where agents cherished any particular interest in the welfare of aboriginal people, this was not a factor in their selection, and was purely coincidental as far as the Department was concerned.

The position occupied by Indian agents allowed them to exercise many of the powers which were legally vested in the Department of Indian Affairs. This extensive range of powers was codified and elaborated in the Indian Act, a piece of federal legislation which was originally promulgated in 1876 as an amalgamation of all previous laws related to First Nations and their lands and resources. As a federal bureaucrat would later note, this Act covered an immense range of issues, and affected nearly every aspect of aboriginal lives:

²⁰ Franz Koennecke Collection, John Daly to The Editor, *Parry Sound Canadian*, 14 January 1935.

The Indian Act is a Land Act. It is a Municipal Act, an Education Act and a Societies Act. It is primarily social legislation, but it has a very broad scope; there are provisions about liquor, agriculture and mining as well as Indian lands, band membership and so forth. It has elements that are embodied in perhaps two dozen different acts of any of the provinces and overrides some federal legislation in some respects... It has the force of the Criminal Code and the impact of a constitution on those people and communities that come within its purview.²¹

This comprehensive act was supplemented and amended almost yearly from the date of its promulgation. It supplied Indian agents, as representatives of the Superintendent General of Indian Affairs, with broad powers to shape individual lives, to exert political control over Native affairs, and to apply sanctions to those who dared to defy their authority.

On the political level, agents were expected to exercise authority over band councils. According to the Indian Act, it was this official's role to call council meetings, act as the chair, and express his own views in deliberations. He was excluded only from the voting process. All band council resolutions were subject to the approval of the Superintendent General, who thus enjoyed a veto over the political activities of these bodies. Resolutions were conveyed to the Department of Indian Affairs by the agents, and were generally approved or rejected based on their

²¹ *Warton Echo*, Aug. 22, 1879; quoted in Peter S. Schmalz, *The Ojibwa of Southern Ontario*. Toronto · Buffalo · London, 1991, p.196.

recommendation. As historian Noel Dyck assessed the system in his analysis of tutelage and resistance in Indian administration, "Band councils were intended to serve as a pliable instrument that would advance the general aims of federal tutelage and support the particular day-to-day objectives of field officers."²² Indian agents typically made an effort to ensure that the councils in fact fulfilled this purpose. John Daly frequently expressed his views on the subordinate position which he felt band councils ought to occupy. In 1934, for example, when he was attempting to depose Chief John Manitowaba of the Parry Island band, Daly remarked of the proposed deposition that "[t]his was an opportunity for the Department to show that the Department rules the Band and not the Chief."²³

Besides controlling the council's deliberations and recommending for or against its resolutions, the agents could exercise authority over the individuals who composed it as well. From 1884 on, the Superintendent General was empowered to depose chiefs and councillors for "incompetence, intemperance or immorality." Again, it was typically the Department's local representative who advised the Department as to the "competence" of uncooperative chiefs and council members. His assessment, of course, would tend to reflect his personal relationship with the individual in question.

²² Noel Dyck, *What is the Indian 'Problem'?. Tutelage and Resistance in Canadian Indian Administration* (St. John's, 1991), p.91.

²³ FK Collection, Daly to Department of Indian Affairs, 21 November 1934. The Department decided not to depose John Manitowaba; see chapter 4.

Moreover, since many bands were internally divided for reasons of religion or unequal access to resources, field officers could often marshal the support of some band members in an effort to have fractious council officials deposed.²⁴ Although actual depositions were relatively rare, the threat of removal from office could be employed as a means of placing limits on the leadership exercised by elected band officials. Daly actually recorded one such threat in a letter to the Department. The agent had confronted Francis Pegahmagabow, at this time band councillor on the Parry Island reserve, about his annoying propensity to write letters to the Department. Pegahmagabow was unrepentant, and Daly attempted to intimidate his opponent: "I told him that I was going to write to the Department explaining all he said, and [that he] understood about defying an order from the Dept., and that I thought perhaps the Dept. would not continue to put up with his studied disregard of their orders"²⁵

The Indian Act gave the agents opportunities for exerting economic power over their charges as well, ostensibly in the interest of teaching Native people to

²⁴ This was notably the case on Parry Island, where the band was apparently quite divided. This was apparently due to differences of status (band members and non-members) and religion - the band was almost equally divided between Roman Catholics and Methodists, with the Catholics slightly in the minority. Daly recommended the deposition of two chiefs here, Francis Pegahmagabow and John Manitowaba. In both cases part of the band supported the proposed depositions. See chapter three.

²⁵ FK Collection, Daly to DIA, 18 April 1933. Francis Pegahmagabow, who had a long history of defying the Indian agent, was evidently not cowed. Daly reported his response to the threat: "He said nothing but gave me an impish grin."

handle money and other resources responsibly. Money from the trust funds held in Ottawa for the collective benefit of the band could be spent only for limited, specific purposes, upon the passage of a band council resolution which was approved by the Department. The specified amount was then released to the agent, who spent it on the band's behalf; even small sums were never handled by aboriginal people themselves. Since reserve land could not be mortgaged or sold, Native people who needed capital for any undertaking could only turn to band funds or to the Department for a loan. Here again, the council could agree to make such a loan, but if the agent recommended against it, the individual in question was usually out of luck. The same conditions applied when a group of people wished to use band funds to make a purchase of large machinery, perhaps a grain thresher or portable sawmill: the final decision effectively lay with the agent. Thanks to a 1918 amendment to the Indian Act, the Superintendent General also had the power to spend band funds against the band's expressed will:

In the event of a band refusing to consent to the expenditure of such capital moneys as the Superintendent General may consider advisable for any of [a number of] purposes²⁶ ... and it appearing

²⁶ These purposes were named in the preceding section: "the purchase of lands as a reserve for the band or as an addition to its reserve, or ... the purchase of cattle for the band, or ... the construction of permanent improvements upon the reserve of the band, or such works thereon or in connection therewith as, in his opinion, will be of permanent value to the band, or will, when completed, properly represent capital." *Revised Statutes of Canada, 1906*, chapter 81, section 90, in Sharon H. Venne, ed., *Indian Acts and Amendments 1868-1975. An Indexed Collection* (University of Saskatchewan, 1981), p.205.

to the Superintendent General that such refusal is detrimental to the progress or welfare of the band, the Governor in Council may, without the consent of the band, authorize and direct the expenditure of such capital for such of the said purposes as may be considered reasonable and proper.²⁷

In practice, Department officials do not seem to have applied this provision, at least in the agencies and time period examined here. This was an instance in which federal officials abstained from the full use of their powers.

The natural resources located on reserves were intended by the Department to be exploited, under the watchful eye of its field officers. In much of Ontario, the chief resource was timber, which long served as the mainstay of many reserve economies. Each winter, band councils would submit resolutions requesting permission to cut pulpwood, lumber, or whatever type of wood might fetch a price on the local market. Generally speaking, the agents recommended for or against such permission based on their perception of other available employment opportunities. If wage labour off the reserve was deemed to be plentiful, permits to cut wood products on the reserve were denied. Such authority could be applied in individual cases as well, for band members who wished to cut wood for any purpose, even cutting stovewood for their own use on their own property, were sometimes required to secure a permit. This was not necessary according

²⁷ *Statutes of Canada, 1918*, chapter 26, section 4, in Sharon Venne, ed., *Indian Acts and Amendments* (University of Saskatchewan, 1981), p.206.

to the Indian Act,²⁸ but Native people's lack of knowledge regarding the exact provisions of the Act often allowed agents to enforce their own regulations. An agent was thus enabled, if he so chose, to prevent individuals from securing fuel for their stoves, cutting lumber to repair houses and barns, or using wood from the reserve for any other project which might require lumber. Francis Pegahmagabow claimed, for example, that Daly had denied him permission to cut stovewood around his home on Parry Island. Writing to the Department in 1930 to raise a number of grievances, this man stated that he had not been granted land for which he had applied in 1920. Pegahmagabow had built a log cabin on the site, but the agent had issued permits to others to cut wood on it: "Mr. John M. Daly issue[d] a permit to Adam or Paul Judge, who cut down all the best timber around my cabin and I could not even get a permit to cut the tops in to stove wood or clear the land."²⁹ The range of powers available to field officers allowed them to wield an influence beyond their actual authority, because opposing their will could lead to countless annoyances for an individual band member.³⁰

²⁸ "Under the said section 119 of the Indian Act an Indian has the implied right to cut timber on a reserve without a licence, for building, fencing, and fuel; but, in cases where larger quantities are applied for, it would be desirable to have the consent of the band in council by way of resolution." "General Instructions to Indian Agents in Canada," 1 September 1933, p.20.

²⁹ RG 10, v.7927, f.30022-5B, Francis Pegahmagabow to DIA, 15 November 1930.

³⁰ This was the conclusion reached by Noel Dyck as well, in his study of Canadian Indian administration: "Since so many aspects of Indians' lives have been controlled by tutelage agents, the options available to those who would resist too openly or vigorously have not been appealing." [Noel Dyck, *What is the Indian 'Problem'* (St. John's, 1991), p.27].

In the distribution of annuities and interest payments lay another avenue for an agent's exercise of authority. The Indian Act provided for these funds to be withheld from a deserting father or mother and applied to the support of the abandoned children. In addition, if an agent felt that the money might be "unprofitably" spent, he could withhold from parents the annual payments owed to their minor children, ordering the money to be placed in trust until the children came of age. Robert Lewis applied this measure in the case of two women who he claimed were "leading an immoral life." Justifying his decision to withhold the Robinson Treaty payments of the two women's children, the agent remarked that "the mothers only spend it travelling around on the railways between Espanola and Little Current and the children do not reap any benefit."³¹ Given the extremely limited resources and employment opportunities of most aboriginal people, the annuities and interest payments they received on behalf of dependent children were counted on as an essential factor in the family economy, and their loss was no doubt felt keenly.³²

A final crucial source of the agent's economic power lay in the distribution of rations and relief. In the parts of Ontario examined in this study, the precarious seasonal

³¹ RG 10, v.10591, R.J. Lewis to Rev. B.P. Fuller, Shingwauk Home, Sault Ste. Marie, 20 June 1921, and v.10593, R.J. Lewis to DIA, 15 November 1921.

³² One of the women whom Lewis thus penalized wrote to the Department about this action. Lewis, however, simply informed the Department in response that the woman was leading an immoral life, had had two children since her husband died, and was 'living immorally with a whiteman at Willisville.' [RG 10, v.10593, R.J. Lewis to DIA, 15 November 1921].

economy of many reserve residents left them perennially short of funds at certain times of the year. When the vagaries of weather prevented such important activities as hunting, trapping, and lumbering, periods of severe scarcity set in. The game resources which had traditionally sustained aboriginal people were, in any case, so depleted by this time that other sources of income were necessary to survive. In addition, many reserve residents were unable to work for extended periods due to poor health, a difficulty experienced by aboriginal people across Canada since contact with Europeans. The only recourse for those in need was to the Department's representative, who enjoyed wide discretionary powers in choosing whether to extend assistance or not. As Native leader George Manuel has noted, the agent's control of welfare was experienced as a very significant form of power: "What really made the agent more powerful than the chiefs was that he was now empowered to dispense welfare"³³ Ironically, the only apparent check on an official's ability to deny aid was public opinion in the non-Native community. As John Daly wrote to a fellow agent, "you know how it is with the general public, when they see a case like this [an impoverished Native elder], they think the Indian Agent should be able to look after him"³⁴ In practice, the destitute clearly were afforded a minimal level of relief

³³ George Manuel and Michael Posluns, *The Fourth World. An Indian Reality* (New York 1974), p.54.

³⁴ FK Collection, Daly to H.J. Eade (agent at Christian Island), Nov.29, 1930.

when absolutely necessary. Others who suffered periodic shortages received varying responses to relief requests, based largely on the agent's subjective impression of their characters and of the options open to them.

A small but significant amount of patronage was available to agents with which they could reward people who cooperated with them. As a rule, jobs such as school janitor, fire ranger and foreman during road work seem to have been filled at the discretion of the agent. Reserve constables were also appointed on the agent's recommendation in some cases, although the power to appoint and depose reserve constables was hotly contested terrain. The band policemen were set apart from other reserve residents by the nature of their duties, and there are numerous instances of attempts to have them replaced. While band councils did sometimes succeed in having unpopular constables removed from office,³⁵ more frequently the agents recommended their retention, claiming that lawbreakers were seeking to rid themselves of effective policing on the reserves.³⁶ As a result, a patron-client

³⁵ The Parry Island band, for instance, voted band constable David L. King out of office in 1923. King was apparently unpopular with the band, but was a great favourite of Daly's. The agent was unable to prevent his dismissal, but arranged instead to have King appointed as Constable for the Georgian Bay District, under the auspices of the Royal Canadian Mounted Police. [FK Collection, Daly to DIA, 13 July 1932]. See chapter four.

³⁶ Lewis, for example, successfully warded off an attempt of the Manitoulin Island Unceded band to reduce the salary of the currently acting constable by \$200 and use the money to pay an assistant. He claimed that this action would cause the incumbent constable, Dominic Odjig, to resign his position, and that this would 'please the majority of the Indians - as they would have more liberty in the way of carrying on the liquor traffic under the newly proposed constable John Jackson.' [RG 10, v.10609, Lewis to DIA, 15 December 1926, and Lewis to William

relationship seems to have developed between certain agents and the band constables on reserves under their charge.³⁷ A constable who held his job only through the support of the agent would tend to exercise his power in the agent's interest, and not on behalf of those who wished to see him out of office.

In addition to controlling the political and economic affairs of the bands under their charge, the Department's representatives were expected to exert moral and cultural influence over the people. Predictably, the primary area of moral concern was that of sexuality, in particular the women's choice of companions. Being seen frequently with white men, or with more than one different man, was sufficient for a woman to acquire the reputation of being an "immoral character." This label could have serious consequences, including the withdrawal of rations if she had been receiving them, and being deprived of the annuity and interest payments which were normally her due. Until 1924, the widow of a Native man who died intestate had to be judged

Kinoshameg, Secretary, Manitoulin Island Unceded Band, 22 December 1926].

Daly claimed that some members of the Shawanaga band had complaints about their constable as well. He wrote in 1935, 'The other night I was at Shawanaga and various members of the Band were insistent that the constable should be dismissed. I listened to the evidence and everything they said about the constable and concluded that he is fulfilling his duties better than any constable I have, and the only fault I could find with him was that he did not arrest more of them.' [FK Collection, Daly to DIA, 9 January 1935].

³⁷ This was notably the case between Daly and constable David King (see note 46). A similar relationship seems to have developed between Daly and Stephen Partridge, King's successor as Constable for the Georgian Bay District.

"of good moral character" in order to inherit.³⁸ The Department also used all available means to separate men and women who lived in heterosexual partnerships outside wedlock. If both belonged to one band and lived on their own reserve, there was little the agent could do to them, besides denying them any of the privileges and assistance extended to the more "respectable" people. When one or more of the parties belonged to another band, however, they were subject to ejection from the reserve.³⁹ In practice, it was often the other band members who called for such action, having internalized the Judeo-Christian moral code preached by generations of missionaries. Nevertheless, the enforcement of moral standards had been transferred from the community to an outsider backed by the authority of the federal government.

Perhaps the most striking instance of the Indian agent's powerful position lies in the area of the dispensing of justice. In 1881, an amendment to the Indian Act made these officials justices of the peace for the reserves under their charge. An 1894 amendment specified that this jurisdiction extended to Indian Act offences as well as certain sections

³⁸ John Leslie and Ron Maguire, eds., *The Historical Development of the Indian Act* (Ottawa 1978), p. 120.

³⁹ Daly removed David King (not the one who served as band constable) from Parry Island for an adulterous relationship. [FK Collection, Daly to H.J. Eade (agent at Christian Island), 14 October 1933]. Lewis attempted to expel a number of individuals from reserves in his agency for cohabiting outside the marital bond. See, for example, RG 10, v.10593, Lewis to DIA, 20 December 1921 and Lewis to Mrs. Charlotte Wabegijig, 20 December 1921; v.10597, Lewis to DIA, 9 January 1922 and Lewis to Mr. Francis Omizirzhequtwai, Secretary, Sheguiandah Band, 17 January 1922.

of the 1894 Criminal Code.⁴⁰ This meant that for minor offences (most often for the consumption of alcohol) the agent frequently laid the charges himself, then investigated them, examined the evidence, pronounced the verdict and, if applicable, assigned a penalty. From 1930 on, such an appearance before the justice of the peace could have remarkable consequences. In that year a new section in the Indian Act provided that a Native person who was summoned before a court, where evidence made it appear that s/he was "misspend[ing] or wast[ing] time" by "inordinate frequenting of a poolroom,"⁴¹ could be banned from the poolroom for a year. No application of this provision came to light in my research, but its existence is a fine example of the lengths to which agents were empowered to go if they so chose. John Daly mentioned on one occasion that he had patrolled the local poolroom to discover which men spent time there, and was much gratified by the flight which his appearance precipitated. He then informed the men "that if they can pay for playing pool, they can pay for something to eat, and they need not come to me for relief I would not give it to them."⁴²

Above all, the agent enjoyed a position of strength because First Nations people always had limited credibility at the Department when attempting to state their grievances or appeal the decisions of the agent. In disputes between

⁴⁰ Leslie and Maguire, eds., *The Historical Development of the Indian Act* (Ottawa 1978), p. 97.

⁴¹ *ibid.*, p. 123.

⁴² FK Collection, Daly to DIA, 25 March, 1933.

agent and council, or in instances where powers were not clearly allocated, the officials at headquarters acted as arbitrators. Their decisions in such cases were based largely on their assessment of the arguments presented by both sides. Here the agents were at a double advantage: first, they were generally viewed in Ottawa as being impartial observers, in contrast to band representatives ; and second, they understood the preconceptions and values of their superiors, and were better able to frame their arguments accordingly. Thus, where the Indian Act did not specifically place a particular power in the agent's hands, any resulting power contest between the agents and band councils was arbitrated by bureaucrats in Ottawa who were predisposed to favour the agent's account.⁴³

Moreover, the Department had developed something of a fortress mentality with regard to complaints from its Native clients. In her study of Indian Affairs policies in the Canadian west, Sarah Carter has described the official attitude which had taken root by the 1890s: "By this time a formula response to all Indian grievances was well

⁴³ In 1934, for instance, Daly received support from the Department when he attempted to prevent chief John Manitowaba from appointing his son Stanley to chair a band council meeting. Both Manitowabas were long-standing opponents of Daly, and at the time Daly was engaged in an effort to have John Manitowaba deposed as chief. Daly apparently argued that he himself, not the chief, had the right to appoint a substitute chairman, and the Secretary of the Department supported this position: 'under Part 1 of the Indian Act it is the duty of the Indian Agent to be present at all Council Meetings to act as Chairman, and that in the absence of the Agent he may appoint any member of the Council to act in his place. It is not considered, therefore, that the Chief has any power to appoint his son to act as Chairman in his stead.' [FK Collection, A.F. MacKenzie to Daly, 16 July 1934].

entrenched. Indians were dismissed as chronic complainers and lazy idlers willing to go to any lengths to avoid work. At the same time, nefarious 'outside agitators' -- usually unnamed -- were blamed for any discontent."⁴⁴ Most grievances expressed by Native people could be discounted using this set of explanations, and were therefore disregarded. The Department always showed considerable reluctance to enter into direct communication with its wards, preferring to engage its outside employees as intermediaries. From 1933 on, this became official policy.⁴⁵ Henceforth, no person of Indian status could communicate directly with headquarters, either in person or by mail - all inquiries, requests and complaints had to be made through the Indian agent.⁴⁶ Those who ignored this regulation and wrote directly received a letter back advising them of their transgression. The letter was sent to the Indian agent (along with a copy of the original letter) to be handed to the offender. There is an obvious element of humiliation in this procedure. More importantly, the policy ensured aboriginal people's exclusion from any avenue of redress in their relations with their overseer.

⁴⁴ Sarah Carter, 'Two Acres and a Cow: 'Peasant' Farming for the Indians of the Northwest, 1889-1897,' in J.R. Miller, ed., *Sweet Promises A Reader on Indian-White Relations in Canada* (Toronto · Buffalo · London, 1991), p. 370. The article was originally published in the *Canadian Historical Review*, vol. 70, no.1 (1989).

⁴⁵ 'The Politics of Indian Affairs,' in Ian A.L. Getty and Antoine S. Lussier, eds., *As Long As The Sun Shines And Water Flows* (Vancouver 1983), p.169; abridged from H.B. Hawthorn, ed., *A Survey of Contemporary Indians of Canada, Part 1* (Ottawa 1966), Chapter 17.

⁴⁶ RG 10, vol. 7141, file 1/ 3-7, pt. 1.

Many resourceful people found ways around this system - by complaining to the local inspector of Indian agencies, for example, or engaging a lawyer or member of parliament to intervene. Such persons could sometimes increase the leverage of Native people with the Department. As a rule, however, the Department made every effort to protect its exclusive jurisdiction over Native affairs. When, for example, Chief Frank Judge of Parry Island wrote to the Royal Canadian Mounted Police to suggest that they investigate John Daly's administration as Indian agent, the Mounties immediately informed the Indian Department. The latter informed Daly of the incident and wrote back to the Police Commissioner that the Department did not wish the police to take action on requests from Native people.⁴⁷ The Department's policy thus embodied and enforced the subordinate position in which the Department intended Native people to remain. Historian Helen Buckley, analyzing the failure of Indian policy in the prairie provinces, described the overall position of Native people with respect to the administration: "The role assigned to the people for whose benefit the system was designed consisted largely of following instructions and refraining from making trouble."⁴⁸

⁴⁷ RG 10, v.7540, f.29022-5, Chief Judge to RCMP, Toronto, 12 March 1931; FK Collection, A.F. MacKenzie to Col. Cortlandt Starnes, Commissioner, Royal Canadian Mounted Police, 25 March 1931, and A.F. MacKenzie to Daly, 25 March 1931. See chapter five for a fuller account of this episode.

⁴⁸ Helen S. Buckley, *From Wooden Ploughs to Welfare. Why Indian Policy Failed in the Prairie Provinces* (Montreal · Kingston · London · Buffalo, 1992), p.43.

It is clear, then, that field officials were in a position to exercise numerous forms of power over their clients. On the other hand, the agent's job was in many ways frustrating and unappealing. Outside the reserve the position was relatively low in prestige, and it involved immense amounts of patience and paperwork. The Department of Indian Affairs maintained active surveillance over all those within its purview, both Native people and employees in the field, demanding strict accounting of their activities, expenditures, and decisions. The voluminous correspondence from headquarters had to be answered promptly, at the risk of censure and sometimes (if delays were persistent) of dismissal.⁴⁹ At the same time, the Department itself was often none too hasty in making decisions and paying bills, even where time was of the essence. Some agents felt compelled to pay tradesmen and shopkeepers with their own money after months of waiting for a cheque from Ottawa; their debts from this source could run into the hundreds of dollars.⁵⁰ Most agents avoided exerting pressure on their superiors, however,

⁴⁹ "...any Agent or other official who fails to give prompt attention to letters from the Department will render himself liable to dismissal." [Departmental Circular issued by Frank Pedley to all Inspectors, Superintendents, Agents and Principals of Industrial Schools in the Dominion, 1 March, 1909; RG 10, vol. 3086, file 279,222-1].

⁵⁰ For example, Capt. Ross Garland of Cape Croker Agency advanced substantial sums of his own money while helping returned soldiers to establish farms: "Sir, I wish you would try and send back some money for vouchers I sent in sometime ago they are bothering the life out of me asking when their money will come I have now advanced about 5 or 6 hundred dollars of my own money. They are all demanding interest. I need my money why are bills not being paid." [R.G. Garland to Sec. Dept of Indian Affairs, 8 Apr., 1920. RG 10, vol. 7489, file 25008-1, Pt. 1].

for any suggestion of reproach, or of an attempt to usurp the Department's decision-making prerogative, resulted in sharply worded replies. The comments of H.B. Hawthorn after investigating the Indian Affairs Branch in the 1950s and '60s apply equally well to the Indian Department in its earlier incarnation: "The Branch was, and had a widespread reputation for being, a particularly authoritarian organization ... [being] characterized by a concentration of decision-making at the top."⁵¹

One of the agent's most onerous chores was dealing with prodigious quantities of correspondence, not only that received from or required by headquarters, but also from a bewildering variety of other sources. In 1926 agent Daly of the Parry Sound agency wrote a letter explaining his need for office help. He conveyed a vivid sense of the extent of clerical work he was compelled to perform:

The Band Correspondence -- that is, letters from Indians from the various Reserves in the Agency and other Reserves, is very numerous. I consider this correspondence important in keeping the Indians content. All Band correspondences are replied to and filed. ... The General Correspondence -- that is, from Agents, clergymen, boarding-schools, tradesmen, etc. -- is quite considerable and it is all replied to and filed. ... The Departmental Correspondence is of greatest importance and

⁵¹ "The Politics of Indian Affairs," abridged from Chapter 17 of *A Survey of Contemporary Indians of Canada, Part 1*, edited by H.B. Hawthorn (Ottawa, 1996), in Ian A.L. Getty & Antoine S. Lussier, eds., *As Long As the Sun Shines and Water Flows, : A Reader in Canadian Native Studies*. Vancouver, 1983, p.173.

requires immediate attention to in replying and filing. ... Besides the above-mentioned correspondence, there is also the various reports to make out, such as the monthly and quarterly reports, bills for expenditures, labour returns etc. which are all filed.⁵²

The officials at headquarters had an insatiable appetite for information, which led to a proliferation of reports to be submitted by field officers on every conceivable aspect of agency administration. An 1897 schedule of documents required from agents in the West shows four different kinds of monthly reports, four kinds of quarterly reports, and cites further : annual estimates; vouchers, accounts, bills and invoices; requisitions for supplies; and store returns, all common forms of paperwork to attend to.⁵³ This is by no means an exhaustive list. Most of these had to be filled out in duplicate or triplicate, with a copy kept on file at the agency office, along with copies of all correspondence with the Department - and this last was a steady and unrelenting stream. In addition to these files, the agent had to keep records of all financial transactions, payments made on loans, letters and circulars received from the Department, and so on. Little wonder that Departmental inspectors often had to spend much of their time on agency inspections helping

⁵² Franz Koennecke Collection, John Daly to Department of Indian Affairs, 9 September, 1926. Daly was rewarded for his eloquence and tact with a new secretary.

⁵³ "Schedule, showing reports, returns & c., required after 1st June, 1897, and their disposal," RG 10, vol. 3086, file 279,222, Part 1.

agents organize their filing systems, setting up new ledgers, and sometimes giving instruction in basic accounting.

In order to fill out his reports the agent had to make regular visits to all the reserves in his agency, or arrange in some way to be informed of conditions and developments. Here there was considerable variation in the workload according to the size and location of the agency. The Rama agency near Orillia, for instance, contained only one small reserve and was usually tended by a nearby farmer who did not need to devote full-time attention to his duties. A number of other agencies in the Georgian Bay area also consisted of a single reserve. Even the Nawash (Cape Croker) and Saugeen bands, which were located at no great distance from each other, each had their own agent.⁵⁴ These agents lived in nearby towns, so that their work did not require much travel.

By contrast, the Parry Sound and Manitowaning agencies, which will be examined in depth in this study, each contained numerous reserves and embraced considerable territories.⁵⁵ The Parry Sound agency contained seven reserves spaced more or less in a line along the shore of Georgian Bay, measuring ninety miles (150 kilometers) from north to south.⁵⁶ The Manitowaning agency was even larger, consisting of twelve different bands scattered over the eastern portion of

⁵⁴ Cape Croker is situated on the eastern shore of the Bruce Peninsula. Saugeen lies on the western side of the same peninsula, approximately fifty kilometers away. See map, p.i.

⁵⁵ See map, p.i.

⁵⁶ Franz Koennecke Collection, Daly to Department of Indian Affairs, 5 September 1926.

Manitoulin Island and the northern shore of Georgian Bay. The most distant reserve in this agency was Whitefish Lake, which lay over 100 miles (170 kilometers) away from the office in the town of Manitowaning.⁵⁷ Travel was still arduous and time-consuming in these areas during the period, so that the physical extent of these agencies significantly affected the agent's routine. When Daly travelled to Gibson (Wahta), for instance, the southernmost reserve in his agency, he had to catch a morning train and return at 4 a.m. the following day.⁵⁸ Moreover, some of the reserves were accessible only by water. When Lewis visited Whitefish Lake he had to write the chief in advance requesting that a canoe be sent to meet him at the portage.⁵⁹ The Moose Deer Point reserve in Daly's agency could also be reached only by canoe. Both men kept in touch partly by mail, but this did not relieve them of the need to make personal visits to each reserve.

At times this could mean almost constant travel. Daly's agency diary for the month of October, 1925, shows that he made fourteen trips to the different reserves on a variety of errands. He went to Pickerel [French River reserve], Maganetawan, and Gibson twice, each of these two-day journeys; at Maganetawan he stayed over two nights and

⁵⁷ RG 10, v.10613, R.J. Lewis to the Registrar-General, Toronto, 25 May 1928. As the map shows, Wahnapiatae reserve was even further away, but technically this reserve did not belong to the Manitowaning agency. Lewis had responsibility for many of this band's members because they lived on the Manitoulin Island Unceded territory which he administered.

⁵⁸ Franz Koennecke Collection, John Daly to Department of Indian Affairs (DIA), 24 July 1934.

⁵⁹ RG 10, v.10597, R.J. Lewis to Chief Joseph Petahtegoose, 20 October 1922.

visited Henvey Inlet as well to pay interest money. He went to Shawanaga three times, staying the night on one trip; and to nearby Parry Island five times. This catalogue includes all but one of the reserves in his agency.⁶⁰ Daly spent only four whole days in his office in October, and four afternoons after returning from trips; the rest of the time he was on the road.⁶¹ This was a particularly busy month, since it was the time for fall interest payments, but it was by no means exceptional.

Another reason for regular visits to the reserves was the fact that the agent was held accountable for practically every economic activity which took place on them. In addition to issuing permits for the cutting of wood, the agent was expected to police the fulfillment of any contract made on behalf of the band for the delivery of pulpwood, lumber, or other products to a buyer. The agent sought out potential purchasers, bargained for the best price, monitored the actual cutting process, engaged a scaler to determine the volume produced, and ensured that the buyer paid both the men's wages and the timber dues owed to the band.⁶² When band loans were made to individuals for the purchase of horses,

⁶⁰ Moose Deer Point is the only reserve that Daly did not visit in this month. This reserve received infrequent visits from Daly. See below.

⁶¹ Franz Koennecke Collection, Diary for the Parry Sound Agency, October, 1925.

⁶² See, for instance, RG 10, v.10595, Lewis to DIA, 5 May 1922, in which Lewis describes the current state of a contract for pulpwood on the Manitoulin Island Unceded territory. The timber purchaser had not yet paid the full amount owed to the Native workers, who had complained to the Department. The agent was up to date on the quantity of timber which had been cut, how much remained in the woods, the condition of the timber market, and the financial affairs of the purchaser.

cattle, or other livestock, the Department's officer was charged with the duty of locating a suitable animal, paying for it and arranging for transportation to its new home. Due to the need for economy, some agents travelled long distances and spent several days in search of sound livestock priced within the limits set for them. Collection on all Department loans was also the agent's responsibility, and the cause of much fruitless travel, argument, cajolery and bad feeling. The debtors were typically struggling farmers with very little surplus - many did repay their loans when they could, but others found demands for repayment unreasonable or simply impossible.⁶³

When sowing time came, those reserve farmers who wished to obtain a loan for seed registered their wish with the agent.⁶⁴ The latter was then required to obtain the Department's sanction, find seed for the lowest price, arrange for its delivery to the reserve, and distribute it to the farmers. Some agents made it their business to establish beforehand which applicants had already ploughed their land,

⁶³ This entire set of duties was more typical of agents in southern Ontario, particularly those who had 'soldier settlers' in their agencies. 'Soldier settlers' were veterans of the First World War who had received loans from the federal government to establish farms. Lewis had only one such settler, while there were none in Daly's agency. However, there were a number of other farmers in the Manitowaning agency, and Lewis was involved in matters related to seed and hay. For more on soldier settlers, see Robin Brownlie, 'Native Veterans and the Soldier Settlement Program in Ontario After World War One,' in Franca Iacovetta and Wendy Mitchinson, eds., *On the Case* (University of Toronto Press, forthcoming). See also the case files on the Soldier Settlement program maintained by the Department of Indian Affairs, RG 10, vols.7485-7504 (microfilm reels C-14779-14790).

⁶⁴ Such loans were typically repaid by subtracting the value of the seed from subsequent treaty or interest payments.

a precaution which might necessitate a visit to each reserve.⁶⁵ Similar responsibilities ensued each winter when farmers ran out of hay, which was a regular occurrence. After receiving applications for hay loans, the agent advised the Department of the needs of each candidate, enumerating the number of animals owned by each, their condition, and the degree of effort each (in his view) had made to secure a sufficient hay supply in advance.⁶⁶ In practice, refusals were rare, since it was considered cruel to let an animal starve due to the alleged negligence of its owner. This process involved, again, locating, purchasing, and distributing hay to the different reserves. In the course of preparing their various reports, agents formed impressions as to the diligence of individual farmers and gardeners throughout the year, which informed their decisions as to who was worthy of participating in the following year's seed and hay distribution.⁶⁷

⁶⁵ Lewis, for instance, wrote in 1922, 'Any Indian who has his land ready and cannot purchase seed he has been furnished with the same, and I will continue to do so as the land is prepared, but will not hand out seed to feed their stock as some of them desire.' [RG 10, v.10595, Lewis to DIA, 4 May 1922].

⁶⁶ In the Manitowaning agency, for instance, there were hay shortages on many reserves in 1921 and 1922. Lewis refused to arrange a hay distribution for the Sucker Creek band in 1921, which passed a resolution asking to use band funds for the purpose, on the condition that the recipients would repay the amount. The agent claimed that only some farmers needed more hay, and the rest were unwilling to use band funds for the purpose. He also noted, however, that he was not prepared to 'undertake to collect Indian notes' (i.e. to pressure people for repayment). The following year he arranged for fodder for people of the Tahgaiwenene, Spanish River No.3, South Bay and Manitoulin Island Unceded bands. These were loans to be repaid from interest and annuity monies. [RG 10, vols. 10591 to 10595].

⁶⁷ Lewis claimed, for instance, that some people obtained seed and then did not plant it, which he was determined to prevent: "In past years some of the Indians have received seed that they did not plant, and I am

The condition of band and agency buildings was another sizeable responsibility for the field officer. Since these were numerous and invariably constructed of wood, their maintenance was an ongoing concern. When the time came for their repair or replacement, the agent examined the buildings, determined the minimum extent of work required, estimated the cost of materials and labour, and obtained a corresponding band council resolution for the expenditure. If the Department chose to approve this resolution, the agent ordered the necessary materials, arranged for payment to suppliers, oversaw the work, made out labour returns to be submitted to headquarters for payment of the labourers, and inspected the finished work to ensure that it was properly done. For major construction projects, where outside contractors were needed, tenders had to be called for and the most capable and economical bidder selected and engaged.

The areas of responsibility enumerated so far, substantial as they are, comprise only part of the work performed routinely by an Indian agent. The travels of agent Daly in October, 1925, for instance, were occasioned by a variety of responsibilities. In addition to making treaty payments to the different bands, Daly also inspected school repairs, a council hall, and other buildings; investigated a case of intoxication; obtained measurements for a furnace;

going to take every precaution that it does not occur this spring as seed in this section is very scarce and expensive." [RG 10, v.10595, Lewis to DIA, 4 May 1922].

prepared estimates for a teacher's residence; made inquiries about a political opponent who lived on Parry Island;⁶⁸ inquired into an outhouse which had "blown up" at Gibson reserve; and performed a number of other sundry tasks. Any matter that entailed the expenditure of money, or that caused disruption on the reserves, had to be closely supervised and investigated. In most cases this meant the agent's personal attendance on the spot.

In addition to such matters, the job involved spending a great deal of time attending to the everyday needs and difficulties of Native people. Due to their legal disabilities, poverty, the provisions of the Indian Act, and poor education, as well as a lack of English language proficiency in many cases, Native people turned to the agent for assistance in a broad range of activities. Cases of sickness, poverty, desertion, orphanhood, and other vicissitudes were submitted to the agent as a matter of course; in fact he functioned as a kind of general social worker. Difficulties in dealing with the world outside the reserve, such as applying for fishing and hunting permits, cashing cheques, inability to pay debts, trouble in securing payment of wages earned, etc., might be carried to the agent as representative and mediator of the dominant society. Internal disputes and discord, especially those among family members, were frequently handled by him as well. Some officials acted at times as job brokers, in part because it

⁶⁸ This opponent was Kelso Ritchie; see chapter four.

was a way of avoiding paying out relief. Further, when a member of his agency was in trouble anywhere the agent was likely to be informed either by non-Native authorities or by the individual concerned. Sometimes storekeepers, police or clergymen would contact the agent about cases of destitution on a distant reserve, which necessitated immediate investigation. It is, indeed, almost impossible to convey the range and variety of situations into which these officials could be drawn, and for which they were expected to find a solution.

A fur trader for the Hudson's Bay Company, writing in 1939, gave a striking (and somewhat tongue-in-cheek) account of the kinds of assistance requested of him by the Native people with whom he traded:

I have to read most of their letters, write most of their letters, give them their licences, look after their interests, write for them for relief, work, fishing licences, wolf bounty and even sign their time certificates for work done. If they work on a fire [firefighting], I get their time and payment slip. If they work on the road or other work they never bother about what they have [earned], but the lists are sent to me. With their cheques they often tell me they don't know anything about it and I do, so they leave it to me. When they commit an offence, as J.P. I try [them] and fine them and then I pay their fine. When they have to go to hospital, if I tell them they have to go they go, and I see that they get there. When they want dogs or horses I get them and pay for them. When they vote, they vote for whom I tell them. If they have

a fight with their wives I settle the argument and reinstate the wife, and very often decide to whom the child belongs. If they don't get their cheques when they should they blame me, and if they want something from the government and they don't get it then they blame me. If their child dies while in hospital they blame me. ...⁶⁹

Allowing for a certain degree of exaggeration and self-aggrandizement, this portrayal accords well with the testimony of agents in their correspondence. No doubt many Native people were able to run their affairs themselves without an outsider's assistance. But others turned out of necessity to the local representative of Euro-Canadian society. Unfortunately, mediators such as fur traders and Indian agents were men who were already in a position to exercise power over them. The words of the fur trader quoted above convey a distinct impression of disrespect, clearly stemming from the position of tutelage in which the aboriginal people found themselves. Agents, too, were subject to this sense of superiority after years of maintaining a hierarchical relationship with their charges (assuming they did not begin their work with such an attitude). A superior attitude, combined with the powers attached to their position, could create an unhealthy climate for the interaction of agents with First Nations people.

⁶⁹ R.B.G. Bonnycastle, "The Role of the Trader in Indian Affairs," in C.T. Loram & T.F. McIlwraith, eds., *The North American Indian Today*. Toronto, 1943, p.72.

It should be clear from the discussion in this chapter that the Indian agent's role was strongly paternalistic in nature. The quote from agent Daly which serves as this study's epigraph neatly summarizes some of the central beliefs of Department officials: "Its [sic] a great work, its [sic] a thankless task, but behind all the seeming indifference of the Indian for the officials of the Department, I am glad to say that in their heart, they know the Department is watching with a fatherly eye to their care and protection."⁷⁰ The reference to a paternal role is explicit here, and it is constructed in terms of offering protection. The language does not suggest paternalism as guidance in the maturation process, to be followed by independent adulthood. These remarks were, in fact, penned with reference to seventy-three-year-old elder John Manitowaba, who was attempting to address the issue of treaty rights.⁷¹ Regardless of their age, Native people were regarded as permanent minors who never reached the stage of assuming responsibility for their own lives. Daly's next sentence framed Native people clearly as immature dependants: "I notice this when they are sick, and in need of help, they depend as little children on the officials of the Department to see them through."⁷²

A similar approach is perceptible in the words of Deputy Superintendent General Harold McGill, contained in a circular

⁷⁰ FK Collection, John Daly to Duncan Campbell Scott, 18 March 1930.

⁷¹ See chapter four on John Manitowaba's activities.

⁷² FK Collection, John Daly to Duncan Campbell Scott, 18 March 1930.

sent to field officials in 1933. This circular, which was entitled "General Instructions to Indian Agents in Canada," set out the duties of agents in a systematic fashion. Its preamble noted, "The officers of the Department are reminded of their responsibilities as guardians of the Indians entrusted to their immediate care." After a century of guardianship over First Nations, Department officials had come to see this relationship as open-ended, rather than as a temporally limited, goal-oriented process leading to Native independence. The task of the Indian agent was to provide care and protection to his clients and manage their affairs on their behalf. He was the eye, ear, and mouthpiece of the Indian Department on the reserves, relaying information to Ottawa and implementing its instructions and programs. In the overall scheme, he stood low in the Department hierarchy, but was ranked above his Native clients, who had no authority. The agent was the local representative of federal authority and a servant of the bureaucrats at headquarters. His role as mediator between the Department and its wards also provided him with power in his own right. The manner in which he chose to exercise his power was to some extent a function of personality. Accordingly, we will turn next to a description of the two agents whose careers are examined here, along with an account of the agencies which they administered.

Chapter Two

The Agents and their Constituencies

This dissertation undertakes an analysis of the careers of two Indian agents, both serving on Georgian Bay in the 1920s and 1930s. Robert John Lewis occupied the Manitowaning Agency on Manitoulin Island from 1915 until 1939, a career spanning twenty-four years. John McLean Daly, of the Parry Sound Agency on the eastern shore of Georgian Bay, was appointed in 1922 and retired seventeen years later in 1939. These two men differed widely in their personal style and character. The agencies they managed also present contrasts which make them interesting subjects for comparison. As noted in the previous chapter, an agent's temperament was an important factor in determining the approaches he developed in his work. The characteristics and constituents of an agency were equally critical in shaping the agent's administrative practice. This chapter is therefore devoted to introducing the two field officials and the constituencies with which they interacted.

John Daly was born in the Highlands of Scotland in 1873, an only son with eight sisters.¹ In 1904 he moved to Canada, where his wife and two children² joined him later. After settling initially in North Bay,³ he worked from 1909 to 1914 for the Transcontinental Commission, apparently in some kind of supervisory capacity.⁴ When World War I broke out, Daly (aged forty-one) volunteered along with his eldest son, and served for three years and three months as a Quartermaster in the Canadian Expeditionary Force. By 1922 he was working in the Customs Department, where he was employed for only three months before being named to the position of Indian Agent in Parry Sound. It is not clear how he obtained the posting, but since his previous known employment in Canada was all government-related, it seems likely that he was politically active in some way and connected to the local patronage network. He was President of the Canadian Legion of the British Empire Service League in Parry Sound for some time, and was later nominated for mayor of the town, which suggests some prior experience with politics. In addition, he seems to have known the Secretary to the Deputy Minister in the Department of Indian Affairs, A.F. McKenzie, to whom he

¹ Personal communication with Daly's granddaughter, Nonie Bristol, 15 November 1992.

² Two of the couple's four children died in Scotland when Daly was already in Canada.

³ Personal communication with Daly's granddaughter, Nonie Bristol, 15 November 1992. His employment between 1904 and 1909 is unknown.

⁴ In one letter he wrote, "For seven years, during construction of the Transcontinental, I kept law and order from Cochrane to Doucet, with all nationalities on the construction." [FK Collection, John M. Daly to the Secretary, Department of Indian Affairs, 17 October, 1934]

appealed in 1924 in an unsuccessful effort to obtain a job as Indian agent in British Columbia. Daly himself later advised an acquaintance against accepting a post as Indian agent, in part because, "very few who are recommended from a political point of view are liable to last for [more than] four years, so it is not worth a man's time particularly if he has a small family. Even returned soldiers holding these positions are at the mercy of politicians and unless you are very well posted, you are better to keep clear of it."⁵ These remarks clearly suggest that most appointments were gained through political connections.

They also imply that the job as Indian agent was a livelihood to Daly - a means of feeding his family and perhaps of experiencing social mobility. He was an ambitious man who aspired to attain a certain socioeconomic status, as he wrote to an acquaintance in the hope of obtaining a raise in salary: "I would appreciate very much if you could assist me in any way by having The Powers That Be, consider the grading of this Agency on a little higher basis, so that I might be able to draw at the rate of \$2000.00 per year, not including the bonus... Thanking you for your interest in me and your desire to help me to a position financially to which I really belong."⁶

⁵ FK Collection, John M. Daly to Rev. F. Reed, Toronto, 5 February, 1929. There is no indication in the records that Daly's own position was ever threatened, and dismissals of agents were relatively rare. This remark therefore remains somewhat mysterious, but should not be summarily discounted.

⁶ FK Collection, J.M. Daly to E.J. Graham, 28 January, 1924. In fact Daly had to wait until 1927 to achieve the salary of \$2040 per year.

In personal character, John Daly was a man of great energy and determination, raised in the high era of British imperialism and steeped in its paternalistic and patriarchal notions. He raised a large family, having been widowed once and then remarried.⁷ He attached great importance to his family, as his self-description in 1933 indicates: "I am the father of ten children, and four grandchildren. My youngest son is 8 months old, and my oldest boy living is over thirty years of age. My wife is a good looking girl crazy about her returned soldier husband, and her daughter and son."⁸ As noted above, he was politically active in the Euro-Canadian community. He was apparently an educated man of literary tastes, writing rather sentimental poetry which he shared with friends and later had published privately at his own expense.⁹ In his correspondence with the Department of Indian Affairs Daly revealed an intense Canadian patriotism and made frequent reference to his optimism about his adopted country's future, in remarks such as, "there is no man in this grand and glorious country realizes the possibilities of this country, more than I do ..."¹⁰

⁷ Daly's first wife, whom he married in Scotland, died while he was away during the First World War. In 1927 he was married to Edith Smiley, formerly a schoolteacher on Parry Island reserve. [Interview with Nonie Bristol, 15 November 1992; Franz Koennecke Collection, Agent's Diary for the Month of July, 1927].

⁸ FK Collection, J.M. Daly to Arthur C. Poste, 22 March, 1933. His first wife died while he was away during the Great War. The second, Edith Smiley, was a teacher at one of the Indian schools in his agency.

⁹ Personal communication with Nonie Bristol, Daly's granddaughter, 15 November, 1992; also interview with Lyle Jones of Parry Sound, 7 October, 1993.

¹⁰ FK Collection, J.M. Daly to Department of Indian Affairs, 24 January 1931.

Daly took a generally proactive approach to his job, sometimes arranging jobs for Native men, writing to various government departments to make requests on their behalf, and agitating with road work supervisors for work quotas for the men of his agency. He visited most of the reserves under his jurisdiction regularly and closely monitored band council activities. As agent, Daly appears to have been a tangible presence in Native communities; he could be very helpful, but he could equally be very controlling. He felt that he had done a great deal for Native people, an assessment which was passed down in his family.¹¹ His motivations in this ongoing activity appear complex: in part, he was genuinely concerned for the welfare of his charges, as he defined it. His own prestige and credibility with the Department of Indian Affairs were increased by a low rate of unemployment in his agency. Perhaps most of all, such an approach was in keeping with his paternalist value system and enabled him to exercise an influence over the lives of others. He fully embraced the heavy responsibilities of the paternalist's role, which meant that he worked a good deal more than he needed to, in fact he appears to have been quite tireless in his schemes and activities to bring money into the reserves.

Daly's attitude toward First Nations was generally one of superiority, which took a patronizing but benign form toward those who appeared to accept his authority, and led to outrage when his right to rule was questioned. Daly

¹¹ Personal conversation with Nonie Bristol, 15 November, 1992.

considered himself to be the benefactor of a people who were not capable of running their own affairs; he expected to be acknowledged as such. In 1935, for instance, he reported to Ottawa that young men at Shawanaga had been drinking and complained, "It hurts me very much when I am doing what I can for the Indians to have them persist in their bad conduct"¹² Nothing made him angrier than the suggestion made by some Native people that his services were not wanted, that they did not require a white man to administer their reserves. He wrote angrily of a Parry Island band council, "Chief Frank Judge and his councilmen are so independent that they think all the Agent has to do is run after them."¹³

At times Daly romanticized his charges, as a picturesque people deprived of their formerly independent way of life. Nevertheless, far from denouncing the changes that had brought them to this point, he felt that the solution for aboriginal people was to embrace the new dispensation, adopt the culture of the invaders, and assimilate into mainstream Canadian society. In a revealing passage, he once compared the situation of Canada's indigenous people to that of the Scottish highlanders, summarizing his (and the Department's) long-term strategy as he did so:

Being born and raised in the west Highlands, Argyleshire Scotland where the history of the clans is told over the peat fires, on the long winter nights, I can understand somewhat of the thoughts

¹² FK Collection, Daly to DIA, 9 January 1935.

¹³ FK Collection, Daly to DIA, 11 July 1932.

that pass through John Manitowaba's head and heart, and for that reason I sympathize with him and with all the Indians who live in the past, such as he does, like the Highlanders with their traditions of past glories. I do not know of anything that can be done with this Indian except that the Indian does the same thing as the highlanders of Scotland have done, and that is get out and hustle around, accept conditions as they are, and prepare themselves to take a place in their country and its affairs.

This seems to be the only thing they wont [sic] do, and the only hope I see for this is to educate the young and din into the heads and hearts of the older people the pressing need of their children attending school, so that when they have to get out and make a living they will be able to compete with their white brethren.¹⁴

This comparison of aboriginal people to Highland Scots suggests that Daly identified to some extent with their dilemma. He was himself proud of his Scottish heritage and apparently maintained elements of the culture in which he was raised. Yet he had no difficulty in embracing the program of assimilation for Native people, for he felt that this solution had worked for his own people. There is a complacent ethnocentricity in his writings, a casual assumption of superiority over Native people, and a presumption of his right and capacity to determine what was best for them. But such an attitude was essentially indistinguishable from that commonly espoused by Canadians as a whole. Indeed, Daly may well have been less racist than most of his contemporaries:

¹⁴ FK Collection, John M. Daly to Duncan C. Scott, 18 March, 1930.

he was apparently on very good terms with a few people in his agency, and spoke with marked respect of those whose aspirations and values matched his own. Daly's racism was not of that virulent kind, sometimes referred to as "scientific racism," whose proponents believe in the genetic, biological inferiority of non-white "races." As the quote cited above suggests, he considered Native people essentially intelligent and capable of successful adjustment to Euro-Canadian norms. He spoke contemptuously only of those who were unable to support themselves, or who opposed him in his position as their overseer.

John Daly was of the type often referred to as a "character." He was known to appear on Parry Island Reserve dressed in cavalry boots and breeches, carrying a riding crop.¹⁵ He was an amateur poet who was not ashamed to share his work with friends. He wrote letters brimming with passion to the Department of Indian Affairs, including a delightful, long, decidedly unbureaucratic epistle in which he defended himself against the Department's charge that he took "too gloomy a view" of the economic situation in 1931:

You state ... that I am taking a gloomy view of the situation, (That is not so). I am President of the Sunshine Club here in Parry Sound¹⁶ and the aim and

¹⁵ Interview with Lyle Jones of Parry Sound, 7 October, 1993.

¹⁶ Daly made the same remark about being President of the Sunshine Club in a rather playful letter to the principal of the Chapleau Indian Residential School: "What's the use of worrying, It never was worth while, So pack up your troubles in a big snow ball, and Smile, Smile, Smile." Talking about smiling, I forgot to tell you folks that I am the President of the Sunshine Club. Being Scotch, I find it easy, no fees to pay. The aims and objects of the Club, are to smile and speak first; "How do you do" then smile.' {FK Collection, Daly to Rev. Canon Vale and

object of the Sunshine Club is to smile and speak first. In other words, when all other people are frowning and cannot see sunshine, we see sunshine and look on the bright side of life. ... Please dont [sic] think on me as gloomy, because I am not, I can always see the sun breaking through even the darkest cloud¹⁷

Daly had a controlling nature and attempted to enforce his own conception of proper behaviour on others - indeed, he did so with Natives and non-Natives alike. On one occasion he wrote the Liquor Control Board of Ontario in an attempt to have a (non-Native) man denied a liquor licence "because if he does [receive one] he will neglect his family."¹⁸ Daly was particularly concerned that men support their families on the patriarchal model. While this could make him meddlesome and sometimes harsh in his judgments, it was also a realistic approach in a period when women were hard pressed to feed themselves and their children without male support. Moreover, it was the accepted model of gender relations in his time.

By contrast with the energetic Scottish immigrant, Robert John Lewis appears a quiet, moderate, more bureaucratically inclined sort of man. Lewis was born in Manitowaning in 1880, of Irish Protestant descent. He began his departmental career in 1913 as agency clerk in Manitowaning. Unlike Daly, he did

Everybody, 25 January 1932]. Apparently it was a little joke he liked to make.

¹⁷ FK Collection, J.M. Daly to Department of Indian Affairs, 24 January 1931.

¹⁸ FK Collection, J.M. Daly to A.K. Coulthard, Director of Permits, L.C.B.O., Toronto, 26 December, 1933.

not enlist in the armed forces in the First World War.¹⁹ In 1915 the incumbent agent, William McLeod, died and Lewis, then thirty-three years old, was chosen to succeed him. This was the start of a twenty-four year term in office, which ended with the amalgamation of the Gore Bay and Manitowaning agencies into a single agency serving all of Manitoulin Island. Lewis began his work as agent at a much younger age than Daly,²⁰ with a good deal less life experience than his contemporary. It is also possible that he received the appointment without resort to political patronage - he was the agency clerk when his predecessor as agent died, and may have been chosen simply because he was acquainted with the area and with conditions on the various reserves. There is, in any event, no indication in his correspondence of how he obtained the posting. This is in large measure the result of his personal style. Where Daly wrote letters that were full of personal references and expressed his opinions freely, Lewis confined himself strictly to the issue at hand. Like Daly, he was married and had children, but other details of his personal life practically never appeared in his official

¹⁹ Thomas Peltier of Wikwemikong later claimed that Lewis was unsympathetic toward war veterans. In 1934 Peltier wrote to C.G. Power, the minister of pensions, requesting help in supporting his sick wife and six young children. He stated that he was unable to get help from his agent, and that "there is no use asking for help from a man who had never enlisted during the war, and has no sympathy for returned men." [Peter S. Schmalz, *The Ojibwa of Southern Ontario* (Toronto 1991), p.233].

²⁰ Daly was forty-nine at the time of his appointment, while Lewis was thirty-three.

correspondence. On the whole, he conveyed the impression of a reserved, very private individual.

Lewis' career as Indian agent was spent in the town of his birth. He developed a very comfortable, familiar tone in his correspondence with the chiefs and band secretaries he came to know well. The following courteous letter to the chief of the Sucker Creek band is a typical example:

"Enclosed you will find [a cheque from the Department] in your favour ... for firewood furnished to the Sucker Creek School. It appears that this cheque was made out on the third of the month, but I did not receive it until today. Sorry to keep you waiting so long."²¹ Another chief, who was overseeing the construction of a bridge on his reserve, received a letter from Lewis about the hiring of horses for the project. Lewis concluded his letter on a casual, friendly note: "Will be up to see you whenever you send me word."²²

Lewis expressed himself in a much more temperate tone than Daly, revealing little of his general opinions. Unlike Daly, he adopted the formalities and niceties which were used by the Department's secretaries, phrases such as "I beg to say" and "I have the honour to report," although he rarely fell into the patronizing passive voice so typical of the secretaries.²³ He was careful, often non-committal, content to

²¹ RG 10, v.10601, Robert Lewis to Chief Charles Obotossaway, 12 April 1924.

²² RG 10, v.10599, Lewis to Chief Joseph Petahtegoose, 17 November 1923.

²³ Departmental decisions were always rendered in the passive voice, which tidily concealed the source of the actual opinion. Phrases such as 'it is thought' and 'it is considered' were the standard style in which such decisions were explained.

leave much of the decision-making to the officials in Ottawa. Particularly when addressing questions which were not clear cut, his approach was often to summarize possible arguments on both sides of an issues and leave it entirely to headquarters to resolve the problem. Indeed, at times his depiction of matters was so ambivalent that he failed to obey the departmental injunction to give a clear recommendation.

In describing the circumstances of a man who applied for enfranchisement, for instance, Lewis gave a good deal of detail about the applicant's employment history and outlined his plan to undertake farming if he received his enfranchisement. He noted that the man "appear[ed] to have a fair education and [was] fairly intelligent," and felt that he might succeed at farming. On the other hand, the agent expressed his fear that the money drawn from the band funds might be squandered. Without having made any recommendation, Lewis concluded, "I will leave the case of this Indian to the decision of the Department before making any recommendation, whether he who is fairly clever but has not made any success of life financially and has not supported his family to any great degree of comfort should be enfranchised or not."²⁴ In another instance, Lewis gave very little information about an enfranchisement applicant, stating only that the man had "never appealed to [him] as an energetic Indian," that he had little money, but was "anxious to take the status of the White man" The agent ended with the recommendation that

²⁴ RG 10, v.10603, Lewis to DIA, 17 October 1924.

the Department "consider his application" - a suggestion which really did not amount to a recommendation either way.²⁵

Lewis' administrative style was also markedly different from that of his fellow agent Daly. Lewis appears less controlling, less intrusive, seemingly more trusting of the judgment of others. Where Daly generally insisted on investigating every relief request himself, Lewis often left such decisions to band representatives or local storekeepers. Lewis seems to have relied more on the mail to keep in touch with the bands under his care, although this did not spare him from travelling extensively in the course of his work. His preference for corresponding may have been due in part to the physical extent of his agency, but the Parry Sound agency was also large, which did not prevent Daly from visiting the reserves constantly. Daly was actually fond of travelling, as he informed another agent: "I am a son of a gun to get around if I have the transportation."²⁶ Lewis, on the other hand, seemed to have no such love for travel. His presence was probably felt less strongly on the reserves than Daly's presence in the Parry Sound agency. While his clients may have enjoyed a greater sense of autonomy as a result, there is some evidence that their needs were also attended to less promptly. For instance, Lewis commonly left it to chiefs and band councils to report cases of destitution and request

²⁵ RG 10, v.10599, Lewis to DIA, 8 December 1923.

²⁶ FK Collection, Daly to Arthur C. Poste (agent at Cape Croker), 5 October 1933.

relief, even though he stated on some occasions that he had been aware of the cases.²⁷

Lewis was much less prone than Daly to make derogatory remarks about Native people in his correspondence - there are some, but they are rare, and usually refer to individuals rather than to First Nations as an undifferentiated group. Much more than John Daly, he seemed to adopt a "live and let live" approach. It is not clear, however, that his more casual attitude stemmed from greater respect for Native people or from a desire to grant them autonomy. Since he made practically no general statements about First Nations in his correspondence, Lewis' overall attitude can only be inferred. It is quite evident that he was not a true paternalist, as Daly was. He showed as much concern as his fellow agent for the welfare of elders and children, but he was not very interested in intervening in the lives of anyone else. His mildness of tone and non-interventionist practice make him appear, on the surface, more sympathetic to Native people than Daly. But there are moments when a different Lewis appears in the records, when the mildness gives way to a kind of sharpness. Lewis reserved this tone for only a few individuals, apparently those whom he considered responsible

²⁷ In 1921, for example, Chief Joseph Petahtegoose of the Whitefish Lake band reported that a number of individuals on his reserve needed relief. Lewis relayed this information to the Department and recommended in favour of extending assistance to all the named individuals, since he '[knew] for a fact that all these Indians [were] in trying circumstances and in need of relief ...' The agent had not taken any steps on his own initiative to assist these people, but left the matter to the council. [RG 10, v.10593, Lewis to DIA, 7 December 1921].

for their own difficulties. Nevertheless, at these moments the reader senses a man who seems relatively lacking in compassion.

The example of Joseph Pinea, constable of the Whitefish Lake band, may be used to illustrate this phenomenon. Pinea, who had served as the band constable on the Whitefish Lake reserve for forty years, faced dismissal by the band in 1921. He engaged R.R. McKessock, a Sudbury lawyer, to write to the Department on his behalf, in an effort to obtain relief. When the Department solicited information from Lewis about the case, the agent responded in tones of contempt. He noted first that the lawyer's statement that Pinea had received no pay for his services as constable was inaccurate: his remuneration was to be a portion of any fines which were imposed on offenders whom he apprehended. Lewis then stated forcefully, "Any work Joseph Pinea has done in the Whitefish Lake Reserve in the capacity as constable he has been paid for it, and as far as I can learn from his fellow Indians the reason they desire that he be discharged from his duties as constable is for dishonesty."²⁸ Lewis went on to cast aspersions on Pinea, claiming that if the man and his family were facing poverty "it is a disgrace to them, as they are young and well able to earn a good livelihood for themselves ..."²⁹ Lewis went on to note that there were other Native

²⁸ RG 10, v.10591, Lewis to DIA, 1 August 1921.

²⁹ Ibid. Given that Pinea had been band constable for forty years, he cannot have been very "young"; even if he commenced his duties at the age of eighteen, he would have been approximately fifty-eight by this time. Lewis' statement that men "twenty-five years older" than Pinea

people on the same reserve "twenty five years older than Joseph Pinea who are earning a livelihood for themselves and families."³⁰

It seems that Lewis' major grievance against Pinea was his belief that the man was lazy, and perhaps dishonest. The agent acknowledged that Pinea's house had burned down the previous winter, but stated that the man had travelled through the district with a petition and received "considerable money to assist in building a new house"³¹ He had then installed himself and family in the church residence on the Whitefish Lake reserve, where he remained, and he had not begun to build the new house. As further proof of Pinea's inadequacy, the agent offered the following: "I might say that on the last three occasions I visited the Whitefish Lake Reserve, I left Sudbury each morning and travelled to Whitefish Lake, and after getting there I had to root Pinea out of bed in order to see him."³² Finally, Lewis concluded that he would not hesitate to recommend relief for the man if he were "in destitute circumstances through illness or his advanced age," but that Pinea was, in fact, "a big strong healthy Indian, in fact the most healthy looking Indian on the Whitefish Lake Reserve," and therefore he could not

were supporting themselves and family members would seem to refer to individuals in their eighties.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

recommend that the Department "encourage indolence in this case."³³

Pinea, however, was a resourceful individual. Two years later the Department received another letter from lawyer R.R. McKessock, who was now the Crown Attorney for the District of Sudbury. McKessock expressed concern about the alleged manufacture and consumption of "moonshine" on the Whitefish Lake Reserve and proposed the appointment of two constables to counter the problem. Once again Lewis was asked for his views. He stated that, on his visits to the reserve, he had never noticed any signs that liquor was being made there, nor had he received any complaints from the reserve's residents. He had heard that "some of the foreigners" who lived in the area were manufacturing and selling alcohol. Lewis then recommended that, if the two men proposed by McKessock were appointed as constables, no salaries should be paid them. It is clear that one of the men put forward had been Joseph Pinea, for Lewis ended his letter by drawing the Department's attention to the ulterior motive which he believed was behind McKessock's letter: "I might say for the information of the Department that for sometime past Mr. McKessock has been making an effort to have Mr. Joseph Pinea re-appointed as constable on the Whitefish Lake Reserve at a respectable salary, or have him granted a pension"³⁴

³³ Ibid.

³⁴ RG 10, v.10599, Lewis to DIA, 12 June 1923.

The case is useful as an illustration of Lewis' attitudes and methods. In contrast to Daly, Lewis did not openly condemn Pinea or directly denigrate his character. The striking negative statements which pepper some of Daly's livelier letters, casting contempt on Native individuals and on First Nations in general, are noticeably absent in Lewis' correspondence. Nevertheless, Lewis held a low opinion of Joseph Pinea and let this be known through his insinuating remarks about the man. He did not state explicitly that Pinea was dishonest; he merely informed the Department that the man had collected money for a house which he had not yet begun to build. He did not state overtly that Pinea was lazy; he simply noted that he had repeatedly had to "root him out of bed" late in the day in order to speak with him. He compared Pinea unfavourably to older members of the Whitefish Lake band who were still supporting themselves. And in his quiet, unobtrusive way, Lewis adamantly opposed Pinea's attempt to receive more substantial compensation for his long career as constable.

This analysis should not be read as an assertion that Lewis was acting unjustly. The records do not provide sufficient evidence to assess Pinea's circumstances and judge whether or not the agent was treating him with undue harshness. The case does, however, reveal a number of Lewis' character traits. It shows the cautious, understated manner in which he expressed himself and explained his view of a situation. This habit of understatement has meant that his

correspondence is not rich in detail about his life or his overall opinions. His views can only be reconstructed by careful attention to implication and inference.

Pinea's case also demonstrates one of Lewis' overriding concerns, and one of the primary reasons for his non-interventionist approach. More than anything else, Lewis emphasized the importance of Native people providing for their own needs and avoiding resort to the Department for assistance. He did not endeavour to control Native people because he did not seek responsibility for their lives; this was a responsibility which he wished Native people to assume for themselves. Daly took the paternalist approach inherent in federal Indian policy, which meant regarding First Nations as essentially child-like and in need of guidance. Lewis avoided paternalism as much as possible, and left Native people to their own devices. It is symptomatic of the obstacles which confronted aboriginal people in this period that Lewis' approach, which was often more consonant with the values of today, did not always serve Native people well in practice. Many people in Daly's agency chafed under his autocratic administration and endeavoured to assert a greater level of personal and community autonomy. Yet when the hard times of the depression struck, Daly showed a good deal more sympathy for his clients than Lewis. Daly remained paternalistic, imperious and controlling, and the experience cannot have been enjoyable for some of the individuals

concerned.³⁵ In practice, however, the people of the Parry Sound agency received more concrete help in time of need than those in Lewis' charge.

These two men thus complement each other well for a study of the effects of personal character on the functioning of the agent system. Each had his own approach to fulfilling his responsibilities, based on the values which were most important to him, and on his personal character. Each adapted differently to the requirements of the job and to the pressures to which they were subjected from both sides - from the Department of Indian Affairs and from First Nations. Lewis' non-interventionist style allowed band councils to exercise a good deal of authority over the community's affairs, and left Native people freer to choose their own course. On the other hand, Lewis' attitude also meant that aboriginal people had more limited access to assistance when they were in economic need. Daly's paternalistic views caused him to exercise strict controls over elected band officials and intervene in internal affairs. Although he allowed Native people less autonomy as a result, he was also much more active in assisting his clients, especially when the economic depression set in. The legal disabilities and social and economic marginalization of aboriginal people in this period meant that a paternalistic agent could play a positive role in their lives. On the other hand, for many in the Manitowaning agency in the 1930s, the agent's faith in their

³⁵ See chapter six.

ability to look after themselves must have seemed of dubious benefit.

The two agencies these men managed are also well suited to comparison. They are quite close together geographically, essentially facing each other on opposite sides of Georgian Bay, so that climatic and soil conditions were comparable. As noted, both were a good deal larger than many other agencies in southern Ontario. It is clear from the agents' reports that many Native people here had limited knowledge of English, and remained relatively unacculturated to Euro-Canadian ways. While they frequently had a lot of contact with the outside world - many of the men and some of the women worked off reserve and travelled extensively - they retained a strong Native identity, which was a barrier to understanding between themselves and the agents.

The two agencies show strong economic similarities. These areas were far removed from major urban centres, without access to the manufacturing jobs available to reserve residents in southern Ontario.³⁶ The land here was poorly suited to cultivation, so that few Native people made their living from agriculture. By the 1920s, game and fish were too depleted, and competition from commercial sportsmen too

³⁶ Residents of Sarnia reserve and Walpole Island, for example, had a number of options. A departmental inspector described the Sarnia people's occupations in 1924: "They are finding employment at the Oil Refinery, Lumber Yards, Round House and the Salt Works at Point Huron, Michigan." [RG 10, v.8461, 4.471/23-17, Pt.1, Report of C.C. Parker, Sarnia and Walpole Island, 3 November 1924].

intense, to allow aboriginal people to support themselves entirely in their traditional fashion. Hunting, fishing and trapping retained a significant place in the people's diets, and these skills were also used by many men to earn money as guides for seasonal hunters and fishermen. In addition to income from guiding, reserve economies were generally based on a mixed subsistence pattern, the men often working off reserve much of the time in lumber camps and sawmills, loading ships with lumber, or cutting timber on the reserve under permits from the Department of Indian Affairs. Women made and sold baskets and other handicrafts, took in laundry, and sometimes "worked out" as domestics for the local non-Native population.³⁷ These economies were precarious and very susceptible to economic downturns - during the Depression both agents spent much of their time supplying relief to the unemployed in their agencies, who at times represented a substantial portion of the adult reserve residents.

The Manitowaning agency was populated by members of the Anishnabek people, which was originally a confederacy of three distinct nations, the Ottawa, the Ojibwa and the Potawatomi. These groups had lived spread over a wide territory around the upper Great Lakes, but experienced territorial disruptions as a result of the advent of

³⁷ Lewis wrote in his 1917 annual report to the Department, "Quite a few [of the men] fish, hunt, work in saw-mills, load boats with lumber and ties in the summer, act as guides to surveyors and prospectors, and make railway ties and work in lumber camps during the winter. The women make fancy sweet grass and birch bark work, baskets, knit socks and mittens, and pick berries." [Canada, *Sessional Papers*, Annual Report of the Department of Indian Affairs for the year ... 1917 (Ottawa 1917), p.9].

Europeans. By Lewis' time they had intermingled to a large extent, sharing the various reserves on the island.

Manitoulin Island is subject to land arrangements which are unique in Canadian history, and which influenced conditions in our period. The first treaty regarding Manitoulin Island was made in 1836 at the instigation of Francis Bond Head, who was then Lieutenant Governor of Upper Canada. After a whirlwind tour of Upper Canada, Bond Head had concluded that Native people were incapable of adapting to the conditions created in their land by the British settlers. Consequently, he concocted a plan to induce all the First Nations of Upper Canada (particularly those south of Georgian Bay whose lands were coveted by the settlers) to move to Manitoulin Island, where they could live out their "final days" in peace. In 1836, Bond Head met with a number of representatives of the Ottawa and Ojibwa nations, whom he recognized as the rightful owners of the great Island, and signed a treaty with them. This treaty essentially stated that the Ottawa and Ojibway relinquished their claim to the island to the British crown, which would hold it in trust for all Native people who wished to live there. Since Bond Head believed that Manitoulin Island was of no economic value to non-Natives, the treaty promised that the crown would prevent their encroachment on this land.³⁸

³⁸ David Shanahan, "The Manitoulin Treaties, 1836 and 1862: The Indian Department and Indian Destiny," *Ontario History*, vol.86, no.1 (March 1994), p.20.

Following the 1836 treaty, many Natives from the mainland moved to Manitoulin Island, along with Potawatomi seeking refuge from the expansionist United States. In 1838 two religious groups established settlements to vie for converts: the Anglicans at Manitowaning, officially supported by the Upper Canadian government, and the Roman Catholics at Wikwemikong.³⁹ There was serious rivalry between the two, but the Roman Catholics were far more successful in gaining Native adherents: in 1918 there were 252 Anglicans in the Manitowaning agency, and 1,886 Roman Catholics.⁴⁰ The island was, however, not destined to remain a haven for Native people as Bond Head had promised them. By the 1850s there was increasing pressure on the government to obtain the surrender of the island, partly to gain more land for settlement and partly to clear the way for commercial fishing interests to exploit the area's resources. Negotiations began in 1861, and revealed that the people were strongly opposed to ceding their land. In 1862, however, treaty commissioners were able to obtain the surrender of most of the island, except the portion occupied by the Wikwemikong group. The people of Wikwemikong were adamantly against the treaty, and succeeded in retaining their part of Manitoulin Island, which has been known ever since as the Manitoulin Island Unceded Territory.⁴¹

³⁹ Ibid., p.24.

⁴⁰ Canada, *Sessional Papers*, Annual Report of the Department of Indian Affairs, Tabular Statements (Ottawa 1918).

⁴¹ David Shanahan, 'The Manitoulin Treaties...', *Ontario History*, vol.86, no.1 (March 1994), pp.25-8.

The remaining First Nations gave up their land, retaining reserves like their fellows elsewhere in Ontario.

The distribution of the bands in this agency had become somewhat problematic by the time Lewis became agent. There were officially ten bands in this jurisdiction: Manitoulin Island Unceded, Point Grondin, Sheguiandah, South Bay, Spanish River #3, Sucker Creek, Sucker Lake, Tahgaiwenene, Whitefish Lake, and Whitefish River. They were scattered over a large territory, which was not restricted to Manitoulin Island. Spanish River #3 and Whitefish River were on the north shore of Georgian Bay, across from the Island. Whitefish Lake was also on the mainland north of Manitoulin, but situated inland, and very remote. Point Grondin was fifty miles by boat from Manitowaning. In addition to these bands, Lewis was also responsible for the members of Wahnapiatae band, which owned a very isolated reserve located on the mainland north of Manitoulin, far inland. The reserve was no longer occupied, but its members lived scattered about Ontario, and were also under Lewis' charge.

Roughly half the population of the agency lived on the Manitoulin Island Unceded territory, which had attracted substantial numbers of Natives from other bands. Lewis stated that four bands occupied the Manitoulin Island Unceded Territory. These bands were apparently: Manitoulin Island Unceded band itself, South Bay, Spanish River #3, and

Tahgaiwenene.⁴² In 1921, a conflict emerged between the Manitoulin Island Unceded band and the members of Spanish River #3 who lived on the unceded territory. The members of Spanish River band wished to remain a separate entity, while the Manitoulin Island Unceded [M.I.U.] band wished to amalgamate into one band. When the Spanish River people refused to transfer to the M.I.U., the latter band announced that it had the sole right to use the valuable timber resources of the territory, and the other bands would be excluded from cutting wood even for their own building purposes.⁴³ The power disputes which occurred in the period were principally the result of this curious anomaly. One of its primary effects was to focus conflicts over resources not on the Department and its officials - as was the case in Parry Sound - but on the privileged band which was deemed to own the timber.

In 1918, Lewis reported a population of 2,138 for his agency. This was almost four times as large as the figure of 565 which Daly reported for his own jurisdiction the same year. More than half of the population of the Manitowaning agency was made up by the Manitoulin Island Unceded band, with 1,136 people. Spanish River #3 accounted for a further 214 persons, all of whom lived on the unceded territory.

⁴² The Spanish River band had its own reserve on the north shore of Georgian Bay, but the majority of the members lived on Manitoulin Island Unceded Territory. Tahgaiwenene was a small band, with 131 members in 1918. It appears that the majority of them lived on the unceded territory.

⁴³ See chapter four.

Tahgaiwenene band counted 131 members, also residing on the unsurrendered lands. The territory was also home to fourteen adult members of Wahnapitae, while the remainder of this band "reside[d] on private property at Killarney and different points in Ontario."⁴⁴ A majority of the Native clients for whom Lewis was responsible thus lived a short distance from the Indian office, at Wikwemikong and the other settlements on the unsurrendered portion of Manitoulin Island. The other bands were relatively small in size, and spread over a sizeable area. Although Lewis' diaries indicate that he managed to spend less time on the road than Daly, he was still forced to undertake long journeys to administer the affairs of the large and widely scattered population for which he was responsible. The distances involved must have made it quite simple for those who so wished to avoid contact with the agent.

The people of the Manitowaning agency were, as noted, a group with varied histories. They were descended from three separate nations which had effectively merged into one. Many of their forebears had been forced to take refuge on Manitoulin Island as a result of settlers' encroachments on their ancestral lands. Those who belonged to the Manitoulin Island Unceded band had the distinction of successfully resisting government pressure to surrender their territory.

⁴⁴ RG 10, v.10627, Lewis to DIA, 28 November 1932. It may be that the population figure given for Manitoulin Island Unceded included all the residents of the area, not just band members, which would subsume a good portion of Wahnapitae and possibly West Bay as well.

This group, which was concentrated at Wikwemikong, was also strongly attached to the Catholic faith and to their resident Jesuit priests, who enjoyed a good deal of influence.⁴⁵ Then there were the Sheguiandah and Sucker Creek bands, which were predominantly Anglican.⁴⁶ The remote Whitefish River band was almost equally divided between the two denominations, with 31 Catholics and 45 Anglicans in 1918.⁴⁷ Their agent Lewis was a Protestant⁴⁸ of Irish descent who never disparaged Catholics in writing but crossed swords more than once with Rev. Gaston Artus, the Jesuit priest at Wikwemikong, who he felt should "be satisfied in looking after the mission spiritually instead of trying to dominate the Chief of the Manitoulin Island Unceded Band ..."⁴⁹

First Nations people on Manitoulin Island pursued a subsistence strategy based on a mixed economy. Men earned wages working in lumber camps off the reserve during the winter, and in saw mills in the summertime. Members of bands which had timber resources earned income during the winter

⁴⁵ The Jesuit missionaries contacted the Indian agent and the Department on a number of occasions, interceding for their parishioners.

⁴⁶ In 1918 Lewis reported 124 Anglicans and 10 Roman Catholics in the Sucker Creek band, 83 Anglican and 38 Roman Catholics at Sheguiandah. [Canada, *Sessional Papers*, Annual Report of the Department of Indian Affairs, Tabular Statements (Ottawa 1918)].

⁴⁷ Canada, *Sessional Papers*, Annual Report of the Department of Indian Affairs, Tabular Statements (Ottawa 1918).

⁴⁸ The records do not state the specific denomination to which Lewis belonged, nor does he make reference to his religious affiliation in his correspondence.

⁴⁹ RG 10, v.10591, Lewis to DIA, 27 April 1921. It is true that Father Artus was a domineering character. One biographer referred to him as an "unbending nobleman." Another noted that Artus "exhibited a certain rigidity and lack of sensitivity to the Indian people regarding what he considered to be their failures to meet Christian moral standards and religious practice." [*Dictionary of Jesuit Biography. Ministry to English Canada 1842-1987* (Toronto 1991), p.2].

months by cutting pulpwood, lumber, railroad ties, or whatever kinds of wood products were in demand. These were sold to the highest bidder, who purchased the wood and also paid timber dues which were added to the band funds. Women could generate income by picking berries and through the sale of bark work, baskets and other handicrafts.⁵⁰ Gardens of potatoes and vegetables seem to have been maintained by most people, while many also grew wheat and hay, which made a substantial contribution to the total income of the agency.⁵¹ Finally, the traditional pursuits of fishing, hunting and trapping contributed to the diet, as well as bringing in income through the sale of fish and pelts.

In the annual report of the Department of Indian Affairs, figures on the total earnings of each agency were published. Although the numbers are undoubtedly approximate, they lend some insight into the local means of subsistence, as well as giving a sense of developments throughout the period. For Manitowaning, the figures show that the two most significant forms of income were wage labour and the sale of farm

⁵⁰ Lewis noted in 1932, for instance, that "there [was] not any sale for bark work to enable the Indian women to buy a few groceries." [RG 10, v.10627, Lewis to DIA, 5 September 1932]. See also Lewis' annual report for 1917, quoted in note 37.

⁵¹ Describing the economic difficulties of the Manitoulin Island Unceded band in 1932, Lewis ran through a catalogue of the means which had been available to the band members in the past. He noted that they had been unable to obtain wage labour, which was clearly an important source of income. He stated further that "a number of them have potatoes and vegetables at present, in fact I may say all of them, and after harvest and threshing is over a number will have a supply of wheat to be manufactured into flour, but at present a large percentage of these Indians are in need of this necessary of life and have not funds to procure the same ..." [RG 10, v.10627, Lewis to DIA, 5 September 1932]. See also next paragraph.

produce. For instance, of a total income in 1919 of \$267,235.57, the value of farm products amounted to \$88,615.00, while wages earned totalled \$93,780.00.⁵² A third important category was "Earned by other Industries and Occupations," which in 1919 brought in \$29,585.00. The value of beef produced in this year was \$14,130.00, while fishing, hunting and trapping had contributed \$16,330.00. The remainder of the income was made up of \$4,450.00 from land rentals and timber, and \$20,345.57 in annuities and interest payments from band funds. On a per capita basis, the total figure of \$267,235.57 works out to \$125.00 per person - hardly a princely sum. This would mean that a family of four would have, on average, an income of \$500.00 for the year, or about \$41.00 a month. By comparison, the Veterans' Allowance Act accorded \$40.00 a month to a single veteran and \$70.00 to one who was married.⁵³ Lewis himself received an annual salary of \$1,440 in 1919, or \$120.00 a month, in addition to rent-free accommodation in the agency house.⁵⁴

The people of Manitoulin experienced shifting fortunes in this period. 1920 and 1921 were banner years in which wage

⁵² Canada, *Sessional Papers*, "Report of the Department of Indian Affairs," Tabular Statements (Ottawa 1919). The column for farm products is labelled "Value of Farm Products including hay," which leaves the question open as to whether this was the total value produced, including what was used for personal consumption, or the amount gained through sale. The next column is headed "Value of Beef Sold, also of that used for food," which suggests that the figure for farm products might also have included crops which were consumed by the farmers themselves.

⁵³ P.S. Schmalz, *The Ojibwa of Southern Ontario* (Toronto 1991), p.233.

⁵⁴ The house was valued at \$240.00 a year for superannuation purposes (i.e. for the calculation of the agent's pension). [RG 10, vol.9183, "Establishment Books (Outside Service, "H" through "M"), 1880-1955," entry for Robert John Lewis].

earnings suddenly peaked, presumably as a result of the brief postwar boom: Lewis reported wage earnings of \$266,100.00 for 1920 and \$284,000.00 for 1921. These figures were approximately three times the earnings of 1919. Combined with the statistics for the other categories, which changed very little, wage labour raised per capita incomes to roughly \$195.00 and \$206.00, respectively. Thereafter wage income dropped back almost to the 1919 level, while the value of farm products plunged from \$63,180.00 in 1921 to \$23,259.00 the following year. The category of "Other Industries and Occupations" never regained its 1919 level: between 1922 and 1929 earnings in this column fluctuated slightly, but averaged about \$17,000.00 annually, compared to the much higher figure of \$29,585.00 reported for 1919.⁵⁵

On the whole, the interwar period shows a marked and steady downward trend in the total incomes of the Manitowaning bands. After the peak of 1921, incomes plummeted in 1922 to about 53% of the previous year's level. Thereafter, apart from a slight recovery in 1927 and 1928, they slid inexorably downward, to the nadir in 1932 when the total income reported was \$74,850.04. This represents 28% of the 1919 total, and a mere 17% of the bountiful year of 1921. In per capita terms, the earnings of 1932 meant that there were approximately \$35.00 for each man, woman and child for

⁵⁵ This paragraph and the one that follows it are based on the annual reports of the Department of Indian Affairs for the years 1919 to 1939 [Canada, *Sessional Papers*, Report of the Department of Indian Affairs (Ottawa)].

the entire year, or less than \$15.00 per month for a family of five.⁵⁶ By comparison, the city of North Bay provided a maximum monthly relief allowance of \$21.66 for a five-person family (for food only; additional amounts were allowed for fuel and rent) in the depression year of 1936.⁵⁷ Although the Department's figures for the Manitowaning agency moved gradually upward again from 1933 on, the increases were quite slight, and can hardly be designated as a recovery. By 1938 they were recorded at \$131,954.56, still only half of the 1919 total. The shortfalls occurred in all categories, except annuities and interest payments, which remained constant. This was the economic picture facing the people of the Manitowaning agency in the years with which this study is concerned.

Although Parry Sound was a large agency compared to those in southern Ontario, all its dimensions appear relatively small in comparison to Manitowaning. It contained seven reserves: French River, Gibson (Wahta), Henvey Inlet, Magnetawan, Moose Deer Point, Parry Island, and Shawanaga.

⁵⁶ This figure is derived using the population reported in the census of 1934, since population statistics for 1932 are not available. The number of people reported as living in the agency did not vary greatly from one census to the next: Lewis reported 2,138 in 1918, 2,253 in 1924, and 2,113 in 1934. [Canada, *Sessional Papers*, Report of the Department of Indian Affairs, 1918, 1924, 1934].

⁵⁷ James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State 1914-1941* (Toronto 1983), Appendix IV (not paginated) "Maximum monthly relief allowances for a family of five, selected Canadian cities, September 1936." The salary of the agent had peaked in 1927 at \$2040.00 per year, or \$170.00 a month. It remained unchanged from then until his retirement. [RG 10, vol.9183, "Establishment Books (Outside Service, "B" through "M"), 1880-1955," entry for Robert John Lewis].

None of the bands occupying these reserves was particularly sizeable: the largest population at any time was that of Parry Island in 1924, which was home to 292 people. The total agency population in 1924 was 878, compared to the 2,253 reported by Lewis for the Manitowaning agency in the same year.

Reserves here were also quite widely scattered, strung out along the eastern shore of Georgian Bay. The distance of the agency from north to south was 90 miles, and not all of the reserves could be reached by road. Moose Deer Point, a small band with a total of 45 members in 1934, was apparently accessible only by boat, and Daly visited there twice a year.⁵⁸ Gibson reserve, the most southerly in the agency, was a long rail journey away: Daly wrote to Ottawa that it was sometimes necessary for him to leave at 11:06 one morning and return the following morning at 4 a.m.⁵⁹ Parry Island, on the other hand, was very close to the agency office, since it lay just off the shore by Parry Sound. Shawanaga was also a short distance from the town.

Like Manitowaning, this agency was largely populated by Anishnabek descended from the nations of the Three Council Fires, Ottawa, Ojibwa and Potawatomi. French River, Henvey Inlet, Magnetawan, Moose Deer Point, Parry Island, and

⁵⁸ "There is one trip I make down the South Channel to Moose Deer Point Reserve, and to Honey Harbour Combined School, which I endeavour to make in the form of a picnic about twice a year, usually before the school closes in June, and after it takes up in September." [FK Collection, Daly to Prof. C.B. Grant, Dept. of Anatomy, University of Toronto, 2 May 1933].

⁵⁹ FK Collection, Daly to DIA, 24 July 1934.

Shawanaga were all Anishnabek communities which had received their reserve lands following the signing of the Robinson Huron treaty in 1850. These reserves had been settled gradually in the decades before the turn of the century. Many Anishnabek who were officially members of bands further south, especially Christian Island and Cape Croker, had moved to Parry Island in the late nineteenth century and settled there permanently. This created the inequitable situation on Parry Island of a large resident population which did not enjoy band membership - an application to accept them into the band had been disallowed by the Department of Indian Affairs.⁶⁰ As a result, of the 292 people reported by Daly in 1924 as residents of Parry Island, a majority of 170 were non-members, outnumbering the 122 members.⁶¹

The exceptional reserve in the Parry Sound agency was Gibson, which was an isolated outpost of the Mohawk nation. The Gibson (now called Wahta) people were Methodists who had been resident at Oka (Kanasetake) until 1881. In that year a group of Mohawks elected to accept an offer from the Sulpician order which legally owned the land they occupied at Oka. The Sulpicians had provided money for the Department of Indian Affairs to purchase a 25,582-acre plot of land from the Ontario government, in the hope that all of the people of Kanasetake would move there. A wholesale transfer of

⁶⁰ Franz Koennecke, "Wasoksing. The History of Parry Island an Anishnabwe Community in the Georgian Bay. 1850 to 1920," M.A. thesis, University of Waterloo, 1984, p.160.

⁶¹ Ibid.

Kanasetake's population did not occur, but thirty-two of its families moved to the Gibson reserve in 1881.⁶² In 1924 the Gibson band counted 192 members.⁶³

As on Manitoulin Island, fish and game resources underwent a rapid decline following the settlement of the area by non-Natives. Complaints about diminishing stocks of food animals, particularly the fish which were a very important item in the Native diet, are recorded as early as the mid-nineteenth century.⁶⁴ By the time of Daly's administration, this means of subsistence was insufficient to meet the Native people's needs. Agriculture was not a viable alternative: this land is very hilly and rocky, unsuited to the growth of substantial crops, although many people maintained gardens as a supplement to their diet. Livestock production was never undertaken to any great extent.

The main features in the local economy were tourism and lumbering. Native men cut lumber both on their own reserves and in the lumber camps north of Parry Sound. The scenic country around Georgian Bay attracted tourists from as far away as the United States, some of whom bought property and built summer cottages.⁶⁵ Some Natives made extra money looking after these properties when the owners were away. But the more important contribution of the tourists was their payment

⁶² Canada, *Sessional Papers, 1881*, Annual Report of the Department of Indian Affairs (Ottawa 1882), pp.liv-lv.

⁶³ Canada, *Sessional Papers, 1924*, Annual Report of the Department of Indian Affairs (Ottawa 1924).

⁶⁴ *Ibid.*, p.97.

⁶⁵ Interview with Lyle Jones of Parry Sound, 7 October, 1993.

for the services of Native guides, whose knowledge of the terrain and aboriginal skills were valuable to hunters and fishermen alike. According to Franz Koennecke, historian of the Parry Island reserve, this industry was lucrative enough that it was a significant reason for the migration of non-band members to Parry Island: "the railroad and convenient opportunities in the tourist business as guides, had attracted many Indians from other reserves."⁶⁶

The movements of the local economy appear to have been quite different from those recorded for Manitowaning, at least in the 1920s. Unfortunately, these statistics must be regarded with great suspicion. It appears that John Daly found the collecting of such data unappealing, for after the first year of his tenure he reported identical figures in most categories from 1923 to 1931. Moreover, he consistently left the column for "Earned by other Industries and Occupations" blank - obviously earnings which fell outside the Department's specific categories were not captured by these records. The only figures which varied from year to year were the receipts from land rentals and timber sales, and payments of annuities and interest from band funds, statistics which Daly's other duties forced him to track regularly.⁶⁷

⁶⁶ Franz Koennecke, "Wasoksing ...," M.A. thesis, University of Waterloo, 1984, p.235.

⁶⁷ A final caveat must be registered about the total income he reported for 1925. In this year the total is shown as \$56,003.87, only half of the previous year's amount. This is almost certainly a mistake. In the "Wages earned" column, where Daly annually noted the figure of \$36,000.00, the sum of \$3,600.00 appears instead. If the figure

These records can thus be used only in certain ways. The figures given for wage earnings are practically useless, except that they changed after 1931. The same may be said of the statistics on farm produce, which likewise remained unchanged, at \$7,450.00, from 1923 to 1932. However, from 1932 to 1937 the agent reported the value of farm produce at an unchanging \$1,500.00, which suggests at least that Native farmers' fortunes declined drastically some time around 1932. In 1932 Daly's new figures claimed that there was no income at all from wage labour, and thereafter he reported varying totals, all of them very low. His own correspondence indicates that the collapse of wage labour in fact occurred in 1931. Throughout most of the 1930s income from wage labour remained miniscule, and must have been largely restricted to earnings from the road labour which Native men performed as part of the relief work instituted by the federal government.⁶⁸ In 1938 there is an indication of a slight improvement in conditions, for the sum reported as wage income was \$15,850. In 1922, before Daly began to send in the same figures every year, the agent reported earnings of \$38,500, over twice the amount for 1938.

Daly's statistics may be assumed to be quite accurate in their reporting of income from land rentals and timber, as

\$36,000.00 is substituted for \$3,600.00, the yearly income rises to a much likelier \$88,403.87. This amount lies between the 1924 total of \$110,977.66, and the total for 1926 of \$76,608.69. [Canada, *Sessional Papers*, Report of the Department of Indian Affairs, Tabular Statements (Ottawa 1925)].

⁶⁸ See chapter six.

well as the figures for annuity and interest payments. The agent was, after all, responsible for the collection of land rental fees, timber dues and wages, and for the distribution of annuity and interest payments. The latter payments rose more or less steadily from 1923 to 1931: where \$12,245.57 was paid out in 1923, there was a fifty per cent increase by 1931, when Daly recorded the sum of \$18,315.57. On a per capita basis, these amounts correspond to \$17.30 per person in 1923 and \$25.72 per person in 1931.⁶⁹ Land rentals were a trivial item which never exceeded \$560.00. The figures for timber sales are significant, and they show an extraordinary fluctuation. While no timber sales are reported until 1922, in that year the agency as a whole gained \$15,371.00 from this source. In 1923 the sum more than doubled, to \$38,648.97, and leaped again the following year, to \$52,903.64. In 1925 timber sales began a decline from which they apparently never recovered; by 1929, before the depression had hit the area in earnest, such sales were already down to \$3,660.03, and by 1931, the meagre figure of \$137.98 is recorded. Throughout the 1930s the timber industry remained an unimportant contributor to the agency's income.

By 1932, the poorest year recorded for the people of the Parry Sound agency, the total earnings were reported as

⁶⁹ These figures are based on the populations reported in the censuses taken in 1924 and 1934, and corrected for the discrepancy in the Parry Island population. That is, the non-band members who swelled the numbers reported for Parry Island in 1924 have been subtracted, since they would not have received interest payments from Daly, nor was he responsible for paying their annuities.

\$20,358.36. In per capita terms, this corresponds to approximately \$28.00 per person for the entire year. The average family of five in the Parry Sound agency in 1935 thus had an income of approximately \$160.00 for the year, or just over \$13.00 per month.⁷⁰ Once again, a comparison with North Bay is revealing. In North Bay, a city not far from the Parry Sound bands, the maximum monthly food relief allowance for a family of five was \$21.66. Like Lewis, Daly was earning \$2040.00 at the time, or \$170.00 a month.⁷¹ No doubt the Native people in both the Parry Sound and the Manitowaning agencies made up the shortfall as much as possible by hunting, fishing and trapping. But income from wage labour and timber sales had been very important to both economies, since fish and game stocks had long been insufficient to feed aboriginal people. The impact on their livelihoods was severe.⁷²

Such, then, were the constituencies in which Lewis and Daly performed their duties in the period. They show the general problem alluded to at the outset, namely that aboriginal people in these agencies faced significant economic difficulties. While practically all were "self-supporting" before the depression set in, as the Department wished, their income levels were very low. Almost all the

⁷⁰ This calculation uses the population figures from 1934, since the Indian Department did not conduct a census in 1935. The year 1935 was chosen because the 1936 annual report of the Department did not give income statistics.

⁷¹ RG 10, vol.9182, "Establishment Books (Outside Service, "A" through "G"), 1880-1955," entry for John McLean Daly.

⁷² This is discussed more fully in chapter six.

First Nations in these regions had been converted to Christian religions, but in other respects they retained many features of their traditional cultures. English was a second language for a great many, and some were unable to write it. This presented the people with obstacles in dealing with the non-Native world which had settled on their former lands. Their relative poverty and economic marginalization, in particular, were factors which could lead easily to dependence on departmental assistance. This became very clear in the depression of the 1930s.

The Indian agents were charged with the task of promoting self-support and assimilation among these people. Field officials were equipped with a number of powers which allowed them to exercise control over Native people in many ways. Indeed, the Department encouraged its field officials to exercise control - over band councils, over band funds and resources, and over the people themselves. It also encouraged the agents to view Native people as their wards, as child-like individuals who were in need of guidance, and as "Indians" who were imbued with a set of characteristics regarded as "Indian character." Ottawa had not adjusted either its policies or its racial ideology since the nineteenth century. Native people, on the other hand, by this time had long experience in dealing with the non-Native world and the bureaucracy which that world had established to manage their affairs. Many had not accepted this system as legitimate or just, and they continued to contest the

constraints which it imposed on their lives. These realities are the subjects of the next chapter: the policies pursued by the Department in this period, the ideas officials held about their charges, and the relations of power which operated between federal officials and First Nations.

Chapter Three

Interwar Realities: Policy, Prejudice and Power

In order to gain a full picture of the context in which agents Lewis and Daly worked, it is necessary to examine the ideological framework of the period. Agents were charged with the task of implementing federal Indian policies which were an inheritance from the generations which preceded them. Yet awareness had been growing since the beginning of the twentieth century that the Department's assimilative programs were not working. Administrators adapted to this reality in two ways. On the one hand, head bureaucrat Duncan Campbell Scott secured increased coercive powers through amendments to the Indian Act. On the other hand, most of his fellow officials appear to have resigned themselves to a more or less permanent state of tutelage for Native people. This resignation contributed to a hardening of racist attitudes, since the character failings attributed to First Nations people were blamed for the defeat of Indian policy as well as for Native economic difficulties. Older attitudes, which saw Native people as intelligent and capable of adaptation to "civilization," persisted, but there was a parallel current of scapegoating. As Daniel Francis found in his study of the "Imaginary Indian" created by non-Natives, the frustration

experienced by Indian Affairs officials led them to conclude that "Indians were by nature lazy, intellectually backward and resistant to change."¹ This conception served to explain the low success rate of assimilation: the administrators "blame[d] the Indian for not becoming a White man fast enough."² This chapter examines Indian policy emphases of the interwar period, the attitudes toward Native people which underlay administrative practice, and the power dynamics which operated between Indian Affairs, field officials, and First Nations themselves.

Agents Lewis and Daly were faced in their work with a dilemma confronting most of their fellow agents in the period. The federal program of assimilation and enfranchisement had not been achieved. The Department of Indian Affairs had envisioned a gradual diminution of its client base, as individuals enfranchised and reduced the physical extent of the reserves by receiving parcels of reserve land as their private property. Instead, the vast majority of Native people chose to retain their Indian status. In addition, the nineteenth-century decline in the aboriginal population due to disease - which had led to the popular assumption that First Nations would die out - was reversed in the third decade of the twentieth century.³ Since reserves remained fixed in size, and sometimes even shrank

¹ Daniel Francis, *The Imaginary Indian. The Image of the Indian in Canadian Culture* (Vancouver 1992), p.204.

² *Ibid.*, p.205.

³ J.R. Miller, *Skyscrapers Hide the Heavens* (Toronto 1989), p. 213.

due to further surrenders of territory, this meant that a growing population had to be sustained by resources that were already substantially depleted by the early twentieth century.

This was a situation that had not been foreseen, and there were no plans in place to guide Indian agents in dealing with it. The long-term planning of the Indian Department had not included involvement in the economic development of the reserves, for the assimilation and enfranchisement programs were designed to make such development unnecessary. The reserves were not conceived as economically self-sufficient units, nor were they really intended to sustain even their original populations, never mind the growing numbers produced by natural increase. They were training grounds, from which Canadian citizens were to emerge and disappear into the general population. Instead, the Department found itself in charge of an increasingly impoverished people who clung tenaciously both to their Native identity and to Indian status. In the two agencies examined here, depletion of fish and game resources meant that Native people could no longer subsist solely by their traditional methods. Hampered by the inalienable status of their land holdings, which were held in trust by the federal government, aboriginal people were unable to raise capital by the means available to Canadian citizens, namely securing

bank loans with their real property as collateral.⁴ The government's iron control of band funds prevented access to capital which Native people might have used for their own projects. Yet Native people were only marginally integrated into the Canadian labour market, concentrated in seasonal and low-paid jobs, especially those which fitted the stereotype of "Indians" as inclining to a "state of nature" (guiding and lumbering were the prime categories).⁵ The result was ongoing poverty on the reserves.

A number of commentators have argued that the Indian Department adopted a "custodial" attitude toward its Native wards, although there is some disagreement as to when this attitude took root. In his survey of the conditions of Native people after World War Two, for instance, H.B. Hawthorn concluded that the custodial approach prevailed by 1945.⁶ John L. Tobias has reached similar conclusions with regard to the years from 1933 to 1945, citing the economic crisis and global war as factors which removed attention from Native issues. Indeed, Tobias maintains that Indian Affairs

⁴ Another source of banks' reluctance to lend money to Native people was their "protection from debt" under the Indian Act. The property of a status Indian could not be seized to pay debts, a provision which left creditors unable to take legal steps to enforce repayment of loans.

⁵ See the remarks of Harold W. McGill, then Director of the Indian Affairs Branch, later in this chapter. McGill spoke of encouraging Native people to seek employment in industries "more or less related to ... [their] former life." [H.W. McGill, "Policies and Problems in Canada," in C.T. Loram and T.F. McIlwraith, eds., *The North American Indian Today* (Toronto 1943) (Proceedings of a conference held 4-16 September, 1939), p.133].

⁶ "The Politics of Indian Affairs," excerpt from H.B. Hawthorn, ed., *A Survey of Contemporary Indians of Canada, Part 1* (Ottawa 1966), published in I.A.L. Getty and A. Lussier, eds., *As Long As the Sun Shines and Water Flows: A Reader in Canadian Native Studies* (Vancouver 1979), p.164.

essentially had no policy at this time: "in that period [1933-45] the government and the civil servants in what became the Indian Affairs branch appear not to have had any policy. They left this whole area of government-Indian relations in a state of flux and made only *ad hoc* decisions. ...there is an obvious lack of policy or policy goal in this period."⁷ Anthropologist Diamond Jenness believed that custodianship pre-dated the war and reached back at least as far as the 1920s. Writing of the 1920 to 1930 period, Jenness stated, "The Indian administration of that period was a 'holding' one, more concerned with preserving the status quo than with improving the economic and social status of the Indians or with raising their living standard. ... its job was simply to administer, and, like many a custodian, it was so involved in the routine of its administration that it forgot the purpose of its custodianship ..."⁸ This depiction accords well with the evidence of the Department's own records. On the other hand, in his survey of Native-white relations in Canada, J.R. Miller characterized the 1920s as a phase of "experiments with coercion."⁹

⁷ John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," in J.R. Miller, ed., *Sweet Promises: A Reader on Indian-White Relations in Canada* (Toronto 1991), pp.138-9. It is not clear why Tobias chose 1933 as the onset of this phase. The economic depression, which he cites as a major cause of government inattention to Native issues, began approximately in 1929-30.

⁸ Diamond Jenness, "Canada's Indians Yesterday. What of Today?", in I.A.L. Getty and A. Lussier, eds., *As Long As the Sun Shines* (Vancouver 1979), pp.161-2.

⁹ J.R. Miller, *Skyscrapers Hide the Heavens. A History of Indian-White Relations in Canada*, Revised edition (Toronto 1991), p.220.

Thus, while commentators agree that the Department faltered in the 1930s, portrayals of the 1920s conflict. The differing opinions regarding the 1920s may be reconciled by distinguishing the activities of policy makers from the approach taken by the Department's lower-ranking officials, who made most of the decisions on implementation. The main policy maker, Deputy Superintendent General Duncan C. Scott, was engaged in these years in a vigorous campaign to silence Native protest and enforce compliance with the goal of assimilation, primarily through a simplified enfranchisement procedure and an amendment to the Indian Act which allowed the Department to revoke Indian status against an individual's will.¹⁰ At the same time, the Indian agents and lower-ranking internal officials seemed to pay little attention to the policy of promoting enfranchisement. Rather, they were absorbed in the day-to-day tasks of administration and confronted daily with evidence of Native cultural persistence and segregation from the mainstream of Canadian society. The agents, who were in close contact with Native communities, made no visible effort to urge enfranchisement on their clients, and expressed doubt about the wisdom of the procedure. Their immediate superiors in Ottawa constantly

¹⁰ Scott engaged the Royal Canadian Mounted Police to spy on Native leaders and organizations, and attempted to discredit the most successful. He also drew up an amendment to the Indian Act, section 141 which was passed in 1927, which forbade anyone to collect money from Native people for the pursuit of claims against the government, unless they received prior authorization from the Indian Department. See E. Brian Titley, *A Narrow Vision. Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver 1986), pp. 59, 94-110.

emphasized the importance of promoting self-reliance, but never explicitly linked this strategy with the long-term objective of assimilation. There were thus strong contradictions between the stated objectives of the Department and the everyday behaviour of its staff.

Developments on the legislative and policy level in the 1920s represent a clear move towards greater coercion, driven by Duncan Campbell Scott. There were two significant changes made to the Indian Act's enfranchisement provisions immediately after the First World War. In 1918, a new section was added to the Indian Act which, for the first time, allowed individuals to enfranchise who owned no land in an Indian reserve. This measure was justified by the claim that the previous procedure had been too cumbersome, and further that many Native people were now "quite capable of conducting their own affairs, and in such cases the government should be empowered to free itself from the guardianship which is no longer necessary or desirable."¹¹ The new section, 122A, stated that an Indian man, or unmarried woman over the age of twenty-one, who held no reserve land, did not live on a reserve, and did not follow the "Indian mode of life," could apply to be enfranchised. Successful applicants would have to satisfy the Superintendent General that they were self-supporting and fit to be enfranchised. They would also be required to surrender all claims to any interest in the lands

¹¹ Canada, *Sessional Papers, 1918*, Report of the Department of Indian Affairs, (Ottawa 1918), p.20.

and property of the band to which they belonged, and to accept their share of the band funds.¹² The patriarchal emphasis of the Indian Act greatly multiplied the efficiency of the process, for until 1924,¹³ the enfranchisement of a married man automatically carried with it that of his wife and minor unmarried children, even if the couple was not living together. The male head of a family received his wife's and children's shares of the band fund. Enfranchisees became, officially, ordinary citizens of Canada with full rights and responsibilities.

The 1918 amendment initially resulted in an unprecedented wave of enfranchisements. By 1920, 227 persons had become enfranchised under its provisions, 212 of them from the Six Nations Reserve. This was more than twice the total number from Confederation to 1918.¹⁴ Thereafter, however, Department figures show a considerable drop in enfranchisements.

Although the numbers vary from one year to the next, there were fewer than 200 each year in all of Canada, and often the figure was closer to 50. According to official statistics, the approximate average was between 100 and 115 persons

¹² Canada, *Sessional Papers, 1920*, Report of the Department of Indian Affairs (Ottawa 1920), p.31.

¹³ An amendment to the Indian Act passed in 1924 added the proviso, "Provided that where a wife is living apart from her husband, the enfranchisement of the husband shall not carry with it the enfranchisement of his wife except on her own written request to be so enfranchised." [*Statutes of Canada, 1924*, chapter 47, section 6, in Sharon H. Venne, ed., *Indian Acts and Amendments 1868-1975. An Indexd Collection* (University of Saskatchewan 1981), p.214].

¹⁴ Between Confederation and 1918, 102 persons (65 families) had become enfranchised. [E.B. Titley, *A Narrow Vision* (Vancouver 1986), p.97].

enfranchised per year from 1919 to 1939.¹⁵ It is not clear whether the low rate reflects a lack of interest among aboriginal people or a disinclination on the part of Indian agents to recommend the enfranchisement of their own clients. Judging from Lewis and Daly's correspondence, both factors were relevant. Neither received a great many requests for the procedure, and Daly considered most of his applicants unqualified. Lewis initially embraced requests for enfranchisement enthusiastically, but later adopted a much more sceptical attitude. He wrote to an applicant in 1927 that he would not recommend her for enfranchisement, explaining, "I have noticed that a number of the Indians who have received their enfranchisement are not making a very

¹⁵ These figures are taken from the Annual Reports of the Department of Indian Affairs. Most reports state the number of Indians enfranchised, the section under which they did so, and the total number of enfranchisements resulting when wives and unmarried children were included. On average, an individual enfranchisement resulted in a total of roughly 2.5 enfranchisements. For every two voluntary enfranchisees, in other words, there were three whose opinion may or may not have been consulted in the matter. The vast majority were enfranchised under Section 122A, later Section 114 of the Indian Act of 1927. This meant that they did not reduce the acreage of reserves, as had originally been intended. Enfranchisees under Section 107 (Section 110 of the Indian Act of 1927) received a parcel of land from the reserve to which they had belonged. The Departmental reports show only fifty-three such enfranchisements between 1919 and 1939.

The overall figures for the early years are in some doubt, since the report of 1923 fails to cite numbers for that year alone, but claims that 1,035 persons had been enfranchised to that point. Taking into account the figures given for the other years, this would imply that 450 persons enfranchised in 1923 alone. This, however, is highly unlikely; the largest figure cited for any other single year is 227, and this may have included both 1919 and 1920. Moreover, such an impressive success for the advocates of enfranchisement would hardly have gone unmentioned in the text of the report. It seems likelier that a clerical error led to the total of 1,035 claimed in the 1923 report. The average for the whole period, assuming the accuracy of the 1923 report, is 115 per year. However, if one assumes a likelier total of approximately 150 enfranchisements in 1923, the average for the whole period would fall to approximately 100 persons per year.

favourable success of life, therefore, now and in future I have to be more cautious."¹⁶

The procedure itself was somewhat elaborate, which may have discouraged some from beginning and others from persisting in applications. Prior to the enactment of Section 122A, enfranchising took six years. Thereafter it was simplified, but still involved a number of steps. Applicants were required to submit a release and surrender under seal by which they "release[d] all claims whatsoever to any interest in the lands or property of the band."¹⁷ Further, they had to supply a statutory declaration by a minister of their religious denomination, a justice of the peace or notary public, "to the effect that to the best of the knowledge and belief of the deponent the applicant has been for at least five years a person of good moral character, temperate in habits and of sufficient intelligence to hold land in fee simple and otherwise to exercise all the rights and privileges of an enfranchised Indian."¹⁸ Finally, a report was required from the local Indian agent concerning the individual's earning capacity, as well as the assurance that s/he did not live on a reserve or own any land on a reserve.¹⁹ Those who did own land had to sell it to qualify, a provision that was difficult to fulfill in cases where the reserve was already depopulated or impoverished enough that few could

¹⁶ RG 10, v.10609, Lewis to Miss Susan Nahwaikeshik, 13 May 1927.

¹⁷ Canada, *Sessional Papers, 1920*, Annual Report of the Department of Indian Affairs (Ottawa 1920), pp. 31-2.

¹⁸ Ibid.

¹⁹ Ibid.

afford to buy land. If all these conditions were fulfilled, the applicant was enfranchised by Order in Council and received a cheque for his/her share of the band funds.

In spite of the brief, early success of section 122A, Duncan Campbell Scott was not satisfied. In 1920 he succeeded in having an amendment to the Indian Act passed which allowed the Department to initiate enfranchisement proceedings unilaterally. First Nations leaders were outraged, and protested vigorously against this provision. They were able to obtain the support of Liberal politicians who were offended by the inherently anti-democratic character of the amendment. The Liberal government of William Lyon Mackenzie King repealed the compulsory enfranchisement provision in 1922. This was not the last gasp of the coercive approach, for the provision was reinstated in a slightly milder form in 1933. There is no evidence, however, that it was ever applied, no doubt because the Department was well aware of Native opposition to it. Long-serving Department secretary T.R.L. MacInnes wrote in 1946, "There is also a provision in the [Indian] Act for compulsory enfranchisement but its operation is complicated and restricted and it is never invoked."²⁰

At the top echelon of the Department, then, there was a strong policy emphasis on enfranchising every person of Indian status. In practice, however, the officials at

²⁰ T.R.L. MacInnes, "History of Indian Administration in Canada," in *The Canadian Journal of Economics and Political Science*, vol.12, no.3 (August 1946), p.393.

headquarters placed no pressure on agents to promote or approve enfranchisements, in Ontario at least. On the contrary, field officers were given almost complete control over the fate of applications - decisions in Ottawa were apparently based exclusively on the recommendation made by the applicant's local agent. This phenomenon may be linked in part to the custodial attitude which prevailed at the time, and to the emphasis placed on the guardianship aspect of Indian Affairs. For the Ottawa officials, Indian agents were the sole source of information as to the state of their wards, and the overall tenor of field reports was that Native people were impoverished, irresponsible, and dependent on the Department's protection. Since people who enfranchised were released from both the control and the protection of the Department, officials who still tended to see Natives as helpless and dependent seemed disinclined to impose such a measure.

The urgency of Deputy Superintendent General Scott in this matter, then, was evidently not shared by his fellow officials at the Department. An examination of Indian Affairs correspondence throughout the 1920s and 1930s suggests that, in practice, most officials paid little attention to the goal of enfranchisement. Directives from headquarters constantly emphasized the importance of promoting self-reliance, but never explicitly linked this strategy with the long-term objective of enfranchisement. Indeed, reading the routine correspondence between agents and headquarters in this

period, one might easily imagine that the goal of assimilation through enfranchisement had been completely forgotten. The issue was never broached except in the context of specific applications, and it seems clear that field officers were not well instructed in the matter. They were evidently told which factors were to be taken into account, for their recommendations in each case mentioned the same considerations and were couched in similar terms. But the agents displayed a very vague understanding of the implications of the process. Daly, for instance, once wrote the following: "... it is expected that if an Indian lives for five years apart from the Indian mode of life, then when he gets his enfranchisement he is not likely to come back on the Department of Indian Affairs."²¹ This statement implies that an enfranchised person could apply to the Department for help after renouncing Indian status. Legally, however, an enfranchisee would have no claim on Indian Affairs after completing the process - this was the whole point of the policy.

The question naturally arises, what goals were being pursued, if enfranchisement was largely neglected? In fact, it is difficult to discern any long-term strategy in the administrative practice of these years. The Department took no active initiative to improve economic prospects for Native people, which might have made enfranchisement a more attractive option. It did not employ trained economists who

²¹ FK Collection, John Daly to D.M. Grant, 18 February, 1932.

might have analyzed conditions and endeavoured to find solutions to Native poverty. Schooling was provided at the primary level, but the agents recommended only a few of their clients for assistance to achieve higher education.²² The agents were enjoined to encourage First Nations to support themselves and essentially left to muddle along as best they could. Inherent structural problems were met with ad hoc solutions - or rather, with no solutions at all. There is some suggestion that internal officials expected the agents to devise strategies on their own. In 1934, for example, a Department inspector reported unfavourably on Indian agent A.D. Moore of the Caradoc agency. Inspector Thomas McGibbon wrote that he found Moore's administration ineffective, since "[h]e has no constructive programme in mind for the betterment of conditions and appears to only visualize the Indians for all time to come as they are today."²³

At least one enterprising agent took an entrepreneurial approach and attempted to establish businesses to create employment for aboriginal people. J.G. Burk, agent in Port Arthur, was able to employ a number of men in his agency for several years by having them make canoes, snowshoes, skis, and camp stoves.²⁴ These were sold mainly to Indian Department officials in other parts of Canada, and for a time the

²² See chapter seven.

²³ RG 10, v.8461, f.471/23-17, Pt.1, Report of Thomas McGibbon re: Caradoc Agency, 26 March 1934.

²⁴ See RG 10, v.7552, f.41,009-2, Pt.2. Apparently there were at least two "factories," producing a similar line of products. One was started in 1936 at the McIntyre Bay reserve, on Lake Nipigon. The second was founded at Squaw Bay on the Fort William reserve in November 1937.

business seemed to go very well. Unfortunately, the quality control seems to have been inferior, and in the end the venture failed, in part because Burk's customers were dissatisfied with canoes which were too heavy for their intended uses. While the Department had been verbally supportive of the enterprise, it was not at that time able to offer any expertise, nor did it contribute in any other way to ensuring ongoing success. Such an enterprise could have provided a model for other groups to follow. Instead it ground miserably to a halt and left nothing behind from which to rebuild. Its story is emblematic of the Department's inability to devise new strategies or to provide field officials with support in their efforts to assist Native people.

The failures of Indian policy were demoralizing to officials, and often led to an unstated but implicit sense of dejection, combined with resentment toward Native people for thwarting their aims. Historian Noel Dyck has discussed the role of tutelage agents with thoughtfulness and sensitivity, and outlined the characteristic response of those facing the failure of the system: "In responding to aboriginal resistance and to changes in the broader social and economic environment, tutelage agents and institutions tend to lose faith in the likelihood of their official objectives ever being achieved, for despite their best efforts Indians have

stubbornly remained Indians."²⁵ In addition to blaming Native people for the poor conditions on reserves, officials had a tendency to perceive their clients as ingrates who did not appreciate all the efforts directed toward their welfare. Shortly after the Second World War, a senior official in the Indian Affairs Branch expressed this attitude vividly:

The biggest problem confronting the Indians in Canada is discovered in the lack of confidence on the part of the Indians in the Department, and in the intentions and sincerity of Departmental officials. If there is an Indian anywhere who speaks words of appreciation about the things we are attempting to do for him ... well, I have never met him. This mistrust and suspicion on the part of the Indian population is, to me, appalling, shocking and frankly, discouraging.²⁶

This depiction accords well with the available evidence about morale at Indian Affairs in the interwar period. By the 1930s, confusion and disunity seemed to reign regarding the primary objectives of Indian administration. At a conference held in 1939, three officials offered their views on the operations and goals of the Indian Affairs Branch: Deputy Superintendent General Harold McGill, who had replaced Duncan C. Scott in 1932; T.R.L. MacInnes, who had served for years

²⁵ Noel Dyck, *What is the Indian 'Problem'?* Tutelage and Resistance in Canadian Indian Administration.. St. John's, 1991, p. 31.

²⁶ "The Politics of Indian Affairs," abridged from Chapter 17 of *A Survey of Contemporary Indians Canada, Part 1*, edited by H.B. Hawthorn (Ottawa, 1966), published in Ian A.L. Getty and Antoine Lussier, eds., *As Long As the Sun Shines and Water Flows. A Reader in Canadian Native Studies* (Vancouver, 1983), p.172.

as secretary;²⁷ and D.J. Allan, who was in charge of reserves and trusts. While the three men chose slightly different topics for their speeches, they all addressed the central questions of policy. The paternalist impulse was clearly evident in the objectives and approaches cited by all three speakers, along with a continued conviction that Native people needed to be taught, guided, and shaped according to the vision of Branch officials. For public consumption, at least, there was a unanimous disavowal of compulsion, especially with respect to assimilation. Regarding immediate goals and methods, their accounts contradicted each other.

Harold McGill, the senior bureaucrat in Indian Affairs, spoke on the subject of "Policies and Problems in Canada." He sketched the "barest outline of [the Branch's] policy" in these terms: "It is simply this: so to treat our native races that they may become self-supporting and enjoy thereby some degree of economic security and increase their welfare and happinesss"²⁸ McGill added the cautionary note that "we do not permit ourselves to indulge in an evangelical spirit although restrained enthusiasm should always be encouraged." In his view there should be no expectation of "bringing about a complete regeneration in the course of a single life-time," and he emphasized the importance of "extreme patience and

²⁷ T.R.L. McInnes had served in the Indian Department for twenty-five years by this time, having been appointed as a clerk in 1914. [Canada, *Sessional Papers, 1916*, Annual Report of the Department of Indian Affairs (Ottawa 1915), p.178.

²⁸ H.W. McGill, "Policies and Problems in Canada," in C.T. Loram and T.F. McIlwraith, eds., *The North American Indian Today* (Toronto 1943) (Proceedings of a conference held 4-16 September, 1939), p.133.

consideration."²⁹ On the question of practical policy application, McGill described the Branch's policy toward Natives in areas where aboriginal food resources had been depleted. He spoke as though field officials took an active role in developing new strategies for Native subsistence, stating, "we attempt to direct the energies of the Indians into channels more or less related to those of his former life." These channels, according to McGill, were the primary industries: "logging, pulp-cutting, and industries of the forests, work in saw-mills, commercial fishing, stock-raising, agriculture, roughly in that order."³⁰ He also claimed that the Branch did not "urge Indians towards enfranchisement," although it gave them "every encouragement to take this step, providing that they show qualities that give promise of their being able to proceed under their own control."³¹ The last phrase is revealing: clearly, in McGill's view, Native people who chose not to enfranchise were not living "under their own control," but rather under that of the Indian Affairs Branch.

Secretary T.R.L. MacInnes chose as his topic "The History and Policies of Indian Administration in Canada." Much of his speech concerned historical and statistical information which is not relevant here, but he also ventured his opinion as to the purposes and operations of Indian administration. Among the "leading functions" of the Branch, MacInnes cited "the

²⁹ Ibid.

³⁰ Ibid., p.134.

³¹ Ibid., pp.134-5.

management of Indian reserves and lands, the management of Indian Trust Funds, relief, education, medical services, and agricultural and industrial supervision."³² Here again, the elements of control and training are apparent: the Branch managed the lands and funds of Native people, who were implicitly seen as incapable of doing so, and "supervised" them in agriculture and industry.

MacInnes also addressed policy issues, in particular the purpose of reserves. He asserted that the reserve system was "undoubtedly the only satisfactory one" in the "newer provinces" where Native-white contact was of relatively recent origin. In describing the function of reserves, he neatly but inadvertently summarized the contradictions inherent in the Branch's goals. He asserted that the reserve system was "intended to ensure the continuation of the tribal life and that of the individual as an Indian, and as well to render possible a continuous and consistent administrative policy directed toward civilization."³³ It is not clear by what means the conflicting ends of preserving "Indian" tribal life and promoting "civilization" were to be reconciled. MacInnes continued with a critique of the system's effectiveness in the older provinces, claiming that the great majority of the Natives there "[clung] to tutelage, apparently reluctant to forego the privileges and exemptions

³² T.R.L. MacInnes, "The History and Policies of Indian Administration in Canada," in Loram & McIlwraith, eds., *The North American Indian Today* (Toronto 1943), p.158.

³³ *Ibid.*, p.163.

that it affords."³⁴ This statement clearly implied a commitment to the goal of enfranchisement, but MacInnes concluded his speech by drawing a distinction between the long-term and immediate objectives of the Branch's policy: "While complete enfranchisement is visualized as the ultimate goal of Indian policy, the more immediate object of administration is to make the Indians self-supporting on their reserves under the varying degrees of supervision that local conditions may demand."³⁵

The third speaker from the Branch was D.J. Allan, head bureaucrat in the section responsible for reserves and trusts. Speaking on "Indian Land Problems in Canada Today," Allan concurred with his colleagues on the day-to-day emphasis of Branch activities, but his thoughts on the implementation of policy were noticeably different. In the short term, Allan stressed the importance of using Native land in ways which were "compatible with the Indian tradition and temperament," which meant "allow[ing] and teach[ing] him to make such use of his land as conforms to his natural instincts, desires, and training."³⁶ Paternalistic attitudes were particularly tangible in this speech. On the subject of Indian agents, for example, Allan highlighted the instruction and advice which these officials were supposed to furnish, and added, "A good agent is their guide, philosopher, and

³⁴ Ibid.

³⁵ Ibid.

³⁶ D.J. Allan, "Indian Land Problems in Canada," in Loram & McIlwraith, eds., *The North American Indian Today* (Toronto 1943), p.187.

friend."³⁷ Like his colleagues, Allan presumed Native people's inability to organize themselves and manage their own affairs, stating that "they are taught to organize themselves with the greatest possible measure of local autonomy under the direction of the local agent but with a minimum of interference."³⁸

In spite of the determinedly optimistic tone of his address, Allan's long-term prognosis for Native people appears to have been rather bleak. He cited improvements in health and literacy, along with aboriginal people's "natur[ally] law-abiding and peaceful" character, to indicate that "Indian maintenance need never develop into a problem of great consequence to a young and virile nation of whose population he constitutes little more than one per cent."³⁹ In other words, "Indian maintenance" would remain necessary, but a "virile" nation like Canada could withstand the expense. Perhaps the most striking feature of Allan's speech was his explicit rejection of the assimilation model, and the suggestion of Native inferiority which underlay it: "[The Indian] need be assimilated only as he wishes to be, and our object should be, and is, rather to make him a good Indian than a third- or fourth-rate imitation of a white man. This we will do if we try to force him into a stereotyped white mould for which he is not fitted, and which he may abhor."⁴⁰

³⁷ Ibid.

³⁸ Ibid., pp.188-9.

³⁹ Ibid., p.198.

⁴⁰ Ibid., pp.186-7.

Taken together, these comments of Indian Affairs administrators exemplify both the commonalities which united officials in the period, and the faltering of purpose which had set in by at least the 1930s. There was a unanimous belief that the "Indian problem" would persist for many years to come - perhaps indefinitely. There was also substantial unity on the character of "the Indian," who was seen as essentially different from non-Native Canadians. "Indians" were rather child-like, dependent individuals who were incompetent to manage their own affairs, and who were inclined "by nature" to certain pursuits. The officials could see no solution to this "Other-ness" of Native people, which had persisted in spite of roughly a century of Indian administration dedicated to its erasure. Harold McGill and T.R.L. MacInnes clung to the hope that time would somehow eventually achieve the desired transformation. D.J. Allan seems to have concluded that assimilation was unrealistic and unrealizable. Much of the pessimism about the Indian Affairs program centred around the officials' essentialist ideas about the nature of "the Indian." These ideas, which played such a significant role in both the formation of Indian policy and its application, need to be explored in depth.

The Idea of the "Indian"

The term "Indian" was associated with a varied set of meanings which were embedded both in Indian policy and in the practice of local administration. There are two distinct but

interrelated ways in which the category "Indian" can be analyzed: the racial ideas about an essential "Indian character," and the "Official Indian of law and regulation"⁴¹ defined in the Indian Act and embodied in federal policies. The first set of ideas were those current in Canadian society as a whole, ideas which took the form of images elaborated by artists, anthropologists, and social commentators. Department officials shared these notions with the rest of Canadian society. The second set were specific to the system of Indian administration, which had set itself the task of altering Native character and culture. Indian Affairs was technically responsible only for those who fitted the Indian Act's definition of an "Indian." Yet in spite of the precise legal definitions in the legislation, in practice the attribution of Indian status was fluid and arbitrary. Decisions about an individual's eligibility for the administration's services were generally based less on the Indian Act definition than on the prevailing notions about "Indianness." Native people whose lifestyles differed from the stereotyped "Indian mode of life" were viewed as non-Indian to some extent, regardless of their legal status or possession of band membership.

In theory, the definition of an "Indian" was laid down quite explicitly in Canadian law. The Indian Acts of 1906 and 1927 identified two categories of aboriginal people to whom

⁴¹ The phrase is Daniel Francis', borrowed because it so nicely captures the distinction between real aboriginal people and the image of them held by non-Native Canadians. See Daniel Francis, *The Imaginary Indian* (Vancouver 1992), pp.196-218.

the Act applied: those of Native ancestry who were recognized as belonging to a particular band, and "non-treaty Indians," who were defined as, "any person of Indian blood who is reputed to belong to an irregular band, or who follows the Indian mode of life, even if such person is only a temporary resident in Canada." An "irregular band" was "any tribe, band or body of persons of Indian blood who own no interest in any reserve or lands of which the legal title is vested in the Crown, who possess no common fund managed by the Government of Canada, and who have not had any treaty relations with the Crown."⁴²

The Act did not define the term "Indian mode of life." This concept, in fact, was apparently never defined either in law or in any Departmental document. Yet it was used continually in correspondence, without any specification of its meaning - officials clearly considered the expression self-explanatory. They applied it frequently in making judgments about an individual's right to the privileges attendant on Indian status, and also when making recommendations about applications for enfranchisement. The concepts involved can only be reconstructed by inference, but they were usually placed in opposition to a "white man's" way of earning a living. Living "like a white man" involved living off the reserve and supporting one's family through

⁴² *An Act respecting Indians*, Revised Statutes of Canada 1906, chapter 81, section 2 (g) and (e), cited in Sharon H. Venne, ed., *Indian Acts and Amendments 1868-1975. An Indexed Collection* (Saskatoon, 1981), p.174.

farming or paid employment. It implied self-reliance, self-support, and stability.

Presumably the core ideas about the "Indian mode of life" came from the prevailing image of how aboriginal people lived before the advent of Europeans. However, the typical mixed economy developed by many reserve residents, which retained only some elements of the traditional lifestyle, was also viewed as an "Indian mode of life." Judging from the characteristics that were most often mentioned, this included living either on a reserve or in the bush, and subsisting by some combination of hunting, fishing, and the sale of crafts, furs, and game. Wage labour might also belong to the picture, but, in contrast to the image of Euro-Canadian labourers, there were connotations of shiftlessness, lack of perseverance, and/or the intermittent resort to traditional means of subsistence. The idea that "white" and "Indian" economies were intrinsically different does not withstand close scrutiny - the seasonal labour in the lumber industry which many Native men performed was an important source of income for Euro-Canadian men as well, and Euro-Canadians around Georgian Bay also resorted to game as a supplement to their diet, particularly during the Depression.⁴³ Members of both groups often maintained gardens to supply basic foods such as potatoes and vegetables. Nevertheless, officials remained convinced that there was a profound difference -

⁴³ Personal conversation with Lyle Jones, Parry Sound resident, 7 October, 1993.

perhaps not so much in the means of livelihood as in the attitudes with which those in each group approached their work.

An implicit element in the idea of the "Indian mode of life" was the notion that Native people were not as industrious as "whites." In his analysis of the "Imaginary Indian," historian Daniel Francis has described the central ideas Canadians held about Native work habits: "It was part of the image of the Indian that he was by nature a hunter and a fighter, not a farmer. Conventional wisdom had it that the Indian was lazy, unstable, incapable of settling down to an orderly existence."⁴⁴ Francis cites fellow historian George Stanley to demonstrate this belief, who wrote in 1936, "Restlessness was inherent in the Indian disposition. His dislike of uncongenial labour was proverbial."⁴⁵ The constant official reiteration of the need to teach Native people to be self-supporting stemmed from this same conviction that they were naturally lazy. Duncan C. Scott once boasted that the Indian Department had "made these Indians self-supporting in two generations, a remarkable transition."⁴⁶ No notice was taken of the fact that aboriginal people had supported themselves long before Europeans came on the scene, and universally continued to do so as long as their aboriginal means of subsistence were available to them. The assumption

⁴⁴ Daniel Francis, *The Imaginary Indian* (Vancouver 1992), p.215.

⁴⁵ George F.G. Stanley, *The Birth of Western Canada* (Toronto 1936), cited in Daniel Francis, *The Imaginary Indian* (Vancouver 1992), p.215.

⁴⁶ Cited in Francis, *The Imaginary Indian*, p.210.

was always that federal officials must intervene in Native societies to teach them self-reliance, since this concept was supposedly lacking in their traditional cultures.

Industriousness in Native people was, of course, important from an economic standpoint because it would spare the government the expense of supporting them. Administrators nourished a conviction that First Nations were eager to resort to handouts, as Ken Coates discovered in his study of the Yukon: "A myth developed in the 1900 to 1950 period concerning the Natives' willingness to accept relief. The standard impression was that the Indians readily surrendered to the convenience of government assistance, abandoning more rigorous pursuits in favour of begging for scraps at the Indian agent's table."⁴⁷ This myth was ample cause for the Department's constant injunctions to the agents to encourage industry. But the deeper ideological reason was an equally important factor. Converting Native people to the virtues of hard work was a cultural imperative. The agents were always gratified when they saw their clients performing heavy labour such as farming, lumbering and road work. John Daly, for instance, wrote with relish of the hard labour he had forced on the men of his agency during the depression of the 1930s: "If the Department officials could see as I have seen often, and only yesterday, when it registered 89 in the shade, Indians sweating and working on the road, who have told me in

⁴⁷ Ken Coates, *Best Left As Indians. Native-White Relations in the Yukon Territory, 1840-1973* (Montreal & Kingston 1991), p. 171.

the past that they would not work at road work, I am sure they would admit a change for the better in the Indians also the youth of the Agency ... being broken to do an honest man's work."⁴⁸

Like "the Indian," the "Indian mode of life" was a gender-specific concept, employed exclusively with reference to men. Agents viewed aboriginal women in terms of the norms of Euro-Canadian society, and thus expected them to be economically dependent on men. Officials were not disposed to classify women according to their economic survival strategies. Provided that they required no assistance from the Department and satisfied Euro-Canadian notions of sexual propriety, Native women's manner of supporting themselves was of little interest to the agents. Strikingly, even those who were living with Euro-Canadian men in towns were not referred to as having adopted the "white mode of life," nor were others ever pronounced unqualified for enfranchisement on the grounds that they still followed the Indian mode of life.

The "mode of life" concept was applied more frequently than the other Indian Act definitions to decide who was an "Indian" and who was not. Natives who lived off the reserve and earned their living independently could find themselves penalized for their lifestyle through loss of the Department's services. Even those who were registered band members were liable to be placed outside the category "Indian" when it came to dispensing the benefits of Indian

⁴⁸ Franz Koennecke Collection, John Daly to DIA, 20 August 1935.

status. In 1923, for instance, a registered member of Wahnapitae band appealed to R.J. Lewis when his house burned down, asking for assistance from band funds to rebuild. Lewis passed this request on to the Department, but advised against granting it because the man and his mother had lived in Killarney for a number of years and earned their living "in the same manner as **other White people**,"⁴⁹ namely by farming and fishing. Significantly, the agent based his position not on these people's lack of need, but on his claim that they were essentially no longer "Indians." Both their means of support and their place of residence stood against their being considered "Indians" in Lewis' view, in spite of their undeniable Indian status (both were band members). The agent concluded that he could not recommend giving them assistance, "[a]s these people do not reside on any Indian reserve and **do not consider themselves Indians**, only in regard to what they receive financially, and when they rebuild it will not be on any reserve..."⁵⁰ The Department concurred, and these individuals were denied the help they had requested. Had they resided on a reserve they would almost certainly have been treated more generously - reserve residents who suffered losses due to fire were routinely given financial compensation from band funds.

Much of the official reluctance to classify people as "Indians" stemmed from a desire to limit expenditures. The

⁴⁹ RG 10, vol. 10599, R.J. Lewis to The Secretary, DIA, 24 April, 1923. Emphasis added.

⁵⁰ Ibid. Emphasis added.

government was under clear financial and moral obligations to "Indians," and the whole thrust of policy was to reduce these obligations by decreasing the number of individuals who could lay claim to Indian status. Of the two agents investigated in this study, Lewis seemed more inclined to question people's status, perhaps because more of the members of his agency were off the reserves working much of the time.⁵¹ Lewis appears to have been vague in his conception of the meaning of Indian status. After conducting a census in 1926, he wrote to Daly, "There are many other residents at Killarney who claim they should be on the Henvey Inlet⁵² pay lists, but I could not see my way clear to add them in as Indians as they do not draw annuity payments and do not follow the Indian mode of life."⁵³ The confusion here between the legal category of status and the conceptual one of "Indian" is obvious. If the Killarney residents were members of the Henvey Inlet band - which was determined largely by birth - they were "Indians" according to the Indian Act. Yet in this case Lewis is clearly judging solely by people's "mode of life," without investigating the question of their band membership. Apparently the Killarney people's choice of location and livelihood had led to an effective lapse of their Indian status.

⁵¹ Lewis corresponded with members of his agency who were scattered over a large area. In Daly's agency, on the other hand, reserve residence seemed to be the typical pattern. This was probably a result of the greater employment opportunities in the tourist industry, which allowed more Native people to earn an income while based on their reserves.

⁵² This was a reserve in Daly's agency.

⁵³ RG 10, vol. 10609, R.J. Lewis to J.M. Daly, 22 November, 1926.

Economic considerations were clearly a factor in Lewis' reluctance to classify the Native community in Killarney as "Indians." This was evident in another letter which he wrote to a doctor who was attempting to collect on an unpaid bill. The patients were a Native couple living off reserve, and Lewis promised to pay the doctor from band funds, attempting to recoup the amount later from the debtors. Explaining his actions to the doctor, Lewis remarked, "the Department has advised me that when an Indian leaves his reserve to earn his living as a Whiteman he must be taught to pay his own debts. If I would advise you to treat the Indians around Killarney the Department would have to pay for treatment to the greater number of inhabitants in Killarney as the majority of the population try to crawl in under the Indian Act at times."⁵⁴ Here again the conceptual confusion in the term "Indian" is apparent: the letter referred to "the **Indians** around Killarney," but implied that they had no right to the benefits of the Indian Act. These people, in Lewis' mind, were "Indians" in terms of a racial category, but not in a conceptual sense (following the "Indian mode of life") or in the legal sense which would entitle them to the privileges of Indian status.

Daly's approach to the question of status was markedly different, in fact, the two agents stood practically at opposite poles. Lewis, in discussing the extension of benefits, distinguished between aboriginal people quite

⁵⁴ RG 10, vol. 10599, R.J. Lewis to Dr. C.F. McLean, 13 October, 1923.

strictly according to their place of residence and means of livelihood. Such distinctions played a very minor role in Daly's calculations, no doubt in large part because the people of his agency generally pursued economic activities which fitted the "Indian mode of life" category. Daly's tendency was to see all aboriginal people generically as "Indians," and himself as "guardian of the Indians entrusted to his care." The Parry Sound agency attracted many aboriginal people from other bands, and the agent explicitly stated that they all received the same treatment: "The Department knows that there is a floating population of Indians continually around my Agency from other reserves. I make no difference [between] them in the granting of relief or giving out of supplies."⁵⁵ "Non-treaty Indians" were treated likewise.⁵⁶ While Daly did make judgments about Native people based on their degree of self-support, these judgments affected only his level of respect and liking for individuals, not his image of them as "Indians." To Daly, "Indian" was primarily a racial category.

Indeed, "Indian" was a racial category to most officials. Native people were seen as, literally, a breed apart, biologically different from non-Natives. Head bureaucrat Harold McGill implied this clearly in his 1939 speech discussed above, where he also addressed the question of

⁵⁵ Franz Koennecke Collection, John Daly to DIA, 24 July, 1934.

⁵⁶ For example, Daly more than once recorded that he had given out relief to "non-treaty Indians," an action which was entirely in keeping with the provisions of the Indian Act, provided that they pursued the "Indian mode of life."

miscegenation. McGill attempted to alleviate any concerns his listeners might have about interracial marriage, noting that "[t]here seems to be a certain blood compatibility between the Indian and white races, and we have not the evidence of biological shock exemplified in other instances of racial intermixture."⁵⁷ The sharp distinction between "Indians" and the rest of the population was enshrined in the Indian Act, where an "Indian" was defined in contradistinction to a "person." The definitions in the opening section of the Act include the following: "'person' means an individual other than an Indian"⁵⁸ This was not merely a legalistic distinction. Indian Department officials used language in a similar way when they wrote about aboriginal people. The discourse employed in official correspondence carefully distinguished between Natives and whites, and tended to reiterate the word "Indian" frequently, rather than referring to Native people generically as "people," as men or women. For instance, in recommending that a young man receive subsidies to continue his education, Lewis described him as "a clever Indian boy," instead of saying simply "a clever boy."⁵⁹ This tendency is significant, for it is indicative of the "Otherness" of aboriginal people in the minds of officials. Natives were not simply **people**, they were

⁵⁷ H.W. McGill, "Policies and Problems in Canada," in Loram & McIlwraith, eds., *The North American Indian Today* (Toronto 1943), p.136.

⁵⁸ *Indian Act, Revised Statutes of Canada 1906*, chapter 81, section 2(c), in Sharon Venne, ed., *Indian Acts and Amendments 1868-1975. An Indexed Collection* (Saskatoon, 1981), p. 174.

⁵⁹ RG 10, vol. 10599, Lewis to DIA, 28 September, 1923.

"Indians," with all the ideological connotations that the term conjured up. Native people were "saturated" with their "race," and each one was perceived in the context of the generally held stereotypes about the nature of "the Indian."

In his insightful study of the "coercive tutelage" to which Native people have been subjected, historian Noel Dyck has delineated the largely unstated but specific set of categories or stereotypes which officials applied to their clients. These stereotypes were based on prevailing notions about "Indians," with the addition of the Department's conception of the remoulded "Indian" who was supposed to merge into Canadian society. There were three categories: the well-worn concept of the "noble savage;" the ideal image of "civilized" Native people; and a "residual third category" which consisted of those Natives who did not fit either of the first two descriptions.⁶⁰ The "noble savage" is a well known archetype, which is conveniently summarized by the lines of Canadian poet Charles Mair: "There lived a soul more wild than barbarous/ A tameless soul - the sunburnt savage free/ Free, and untainted by the greed of gain/ Great Nature's man content with Nature's good."⁶¹ Dyck sketches the second category, the ideal image of what Natives were to become, with the following adjectives: loyal, patient, self-reliant, grateful, satisfied, sober, and industrious.

⁶⁰ Noel Dyck, *What is the Indian 'Problem.'* Tutelage and Resistance in Canadian Indian Administration (St. John's, 1991), p.78.

⁶¹ Charles Mair, *Tecumseh*, cited in Daniel Francis, *The Imaginary Indian* (Vancouver 1992), p.7.

Finally, the third group comprised the remainder of Native people, who were also the vast majority - those who were not "noble savages" but had not fallen into line with the Department's plans for them. Dyck lists for this group the ascribed qualities of ingratitude, laziness, improvidence, slyness, helplessness, and slovenliness.⁶² This set of categories served a specific purpose: "These images were ... key components of bureaucratic codes and systems of symbolic meanings that served as mechanisms for justifying the Department's exercise of control over Indians."⁶³

Agents adhered remarkably closely to this system in their correspondence, adopting a similar vocabulary and series of preconceptions. To the picture of the "noble savage," Native people as they had been before the arrival of Europeans, we might add the labels "pagan" and "wild." Daly, for instance, objected to the influence of a Methodist missionary on the grounds that he had instituted practices which brought out the "wild" side of the Anishnabe at Shawanaga and Parry Island: "... I am afraid that under the guise of religion, the Indians endeavour to work off the wild part of their natures in parading around in a very pagan-like manner."⁶⁴ On the other hand, the "noble savage" was also seen to merit special privileges. Both Lewis and Daly also felt that Native people had prior claims, or at least urgent needs, which entitled them to certain benefits and special status. Both, for

⁶² Noel Dyck, *What is the Indian 'Problem'* (St. John's 1991), p.78.

⁶³ *Ibid.*

⁶⁴ FK Collection, Daly to W.L.L. Lawrence, 1 September 1924.

example, objected to the application of game and fishing laws to First Nations, and to their being forced to pay for permits to pursue economic activities which were a part of their ancestral heritage. Daly wrote feelingly about "the injustice of the Indians having to pay a fee of \$2.00 for the privilege of guiding in the waters that their forefathers knew and paddled in a thousand years before the white men saw them. ...he is an Indian and should not be taxed in any way, and particularly so, for guiding in the waters of his native land."⁶⁵ While Lewis was generally less inclined to argue on the basis of principle, he also attempted to protect the Anishnabe in his agency from persecution by game wardens, mentioning treaty rights as part of his argument.⁶⁶ The Department itself had a policy of attempting to secure "special privileges" for Native people in regard to hunting and trapping regulations.⁶⁷

Neither Lewis nor Daly wrote much about individuals who belonged to the second category of Natives, those who had left behind their "Indianness." No doubt this was partly due to the fact that such individuals had relatively few dealings with Indian agents. Lewis did record his high opinion of a number of men who applied for enfranchisement and received his sanction. Of one man, for instance, he stated simply, "As this Indian is intelligent, a good worker and has mostly

⁶⁵ FK Collection, Daly to DIA, 8 November 1929.

⁶⁶ See chapter six.

⁶⁷ Canada, *Sessional Papers, 1920*, Report of the Department of Indian Affairs, pp.37-8.

always worked out and earned a livelihood for himself and family in the same manner as a white man, therefore, I would ... recommend that he and his family be granted their enfranchisement."⁶⁸ Daly made even fewer references to people who might have fitted into the second category; he clearly felt that most of his clients belonged to the third. He spoke highly of one man who had always avoided coming to him for assistance, indicating in the process his generally low assessment of the rest: "I have known Solomon King intimately since coming here ... and have found him to be a very independent Indian, one of the few Indians whom I respect."⁶⁹

It is not entirely clear that Dyck's residual third category actually subsumed the "vast majority" of Native people, but certainly this group received a substantial portion of official attention. Of all of their alleged failings, probably the least popular one among Indian Affairs officials was ingratitude. "Ungrateful" was one of the most damning epithets an agent could employ. The word appears to have functioned as a flag to officials in Ottawa, who were certain to respond with injunctions about encouraging self-sufficiency whenever "ungrateful Indians" were in need of assistance. This quality went along with another widespread stereotype, namely that First Nations were unscrupulous and manipulative. This inclination is much more pronounced in

⁶⁸ RG 10, vol.10597, Lewis to DIA, 26 January 1923.

⁶⁹ FK Collection, Daly to DIA, 8 January 1931. Taking Daly's correspondence as a whole, this statement appears to be somewhat exaggerated. Daly frequently made harsh statements of this sort, but he also made very positive comments about a number of his clients.

Daly's correspondence than in that of Lewis. Daly stated more than once that he regarded information from his clients as suspect: "I never believe an Indian, I might appear to, but I dont [sic]. ...when it comes to dealing with the Indians I am from Missouri, you have to show me."⁷⁰ He frequently implied that Natives misrepresented matters in order to claim assistance they did not really need. In Daly's correspondence, phrases such as "a very plausible Indian," and "He is a very s[ua]ve Indian" were used to mark the individuals whom he distrusted.⁷¹ Lewis also occasionally demonstrated such suspicions, as in the case of a man who was ill and requested relief through the Jesuit missionary at Wikwemikong. Lewis claimed that this man would feel better if he took some exercise, and that he was too much in the habit of obtaining assistance in the wintertime. He also stated that "a great number of the Indians who endure misery and hardship is brought on themselves by their own misbehaviour and I believe that this case is one of them"⁷² Those who were the authors of their own misfortune apparently did not deserve help when in need; they belonged to the time-honoured category of the "undeserving poor."⁷³

⁷⁰ FK Collection, Daly to H.J. Eade, 26 July 1933. The reference to Missouri is evidently to the state's motto, "The Show-Me State."

⁷¹ See FK Collection, Daly to H.J. Eade, 14 October, 1933 and Daly to DIA, 5 July, 1935.

⁷² RG 10, vol.10615, Lewis to Rev. Father Artus, Wikwemikong, 23 February 1929. In this case, as it happened, the band's doctor certified that the man was ill, and the family received relief.

⁷³ See, for example, James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State 1914-1941* (Toronto 1983), p.7.

Another characteristic assigned to members of the third category was that they were generally unreliable. When asked to name someone who could serve as postmaster for Birch Island,⁷⁴ a Native settlement in his agency, Lewis responded with an initial sweeping disparagement of Native people: "As the inhabitants at Birch Island ... are all Indians it is quite difficult to name a reliable person who could be appointed, and could do the work in a satisfactory manner."⁷⁵ In spite of this blanket statement, he then proceeded to recommend a man in rather favourable terms, concluding, "He is capable and can do the work, and as far as I am concerned I have found him honest."⁷⁶ These two statements directly contradict each other, and it is somewhat puzzling that Lewis felt the need to condemn the whole community. For Lewis, this remark was rather uncharacteristic, but certainly this type of generalized disparagement was commonplace among agents as a group.

The cynical statements which officials made about Native people can be traced to two factors. In the first place, Indian Affairs officials shared with their fellow non-Natives the sense of superiority which Euro-Canadians had long nurtured towards First Nations, in large part as a means of justifying their occupation of Native lands. Secondly, administrators were disappointed with the failure of Indian

⁷⁴ Birch Island was a settlement on the northern shore of Georgian Bay, across from Manitoulin Island, where a large portion of the Whitefish River band lived.

⁷⁵ RG 10, vol. 10625, Lewis to Mr. Geo. B. Nicholson, 15 February 1932.

⁷⁶ Ibid.

policy and found it convenient to blame the policy's defeat on their clients. Some of the qualities ascribed to Natives were simply the traditional putdowns developed by the settler society for the land's original owners: laziness, backwardness, and lack of stability belong to this group of ideas. Others stemmed almost inevitably from the position of field officials vis-à-vis their Native clients. The notions that aboriginal people wished to "get something for nothing," and that they were dishonest and manipulative in their dealings with officials, clearly arose from the Indian agents' position as dispensers of the benefits of Indian status. Agents frequently made the decisions that controlled Native people's access to band funds, resources, and Department assistance. Native people were, therefore, obliged to convince their agents of the validity of their needs and plans. The respective power positions of field officials and Native people were an ever-present factor in their interactions. The relations of power which operated in these interactions are the final subject of investigation in this chapter.

Power Dynamics

We have seen that the Indian agent, as representative of the Governor in Council, was equipped with a wide variety of powers with which to shape people's lives and implement the policies of the Department of Indian Affairs. The question arises as to the power dynamics which operated, in practice,

between the Canadian state, its representatives and aboriginal people. Theorist Michel Foucault has argued that power is not "possessed," but exercised; that it is not located in a single, centralized source, but is dynamic and situational, so that everyone is capable of exerting it in some form. One of Foucault's most important insights is that power is best understood not as a commodity, but as an effect of a certain strategic position which allows a person to exercise it. He analyzed power as operating in a field of relations where it is exercised potentially by more than one person and in multiple directions. In Foucault's theory power is contingent, conditional, a result of strategic manoeuvring, and capable of being exercised not only "from above," but also "from below." In his essay "The Subject and Power," Foucault distinguished power from mere physical force or violence by noting that **power** could be exercised only over individuals who had the freedom to act.⁷⁷ He defined power loosely as "actions on others' actions," a definition which is predicated on the agency of all parties involved. In other words, each individual has the capacity to use power, and therefore also to resist its exercise over them by others: "Hence, although power is an omnipresent dimension in human relations, power in a society is never a fixed and closed

⁷⁷ Michel Foucault, "The Subject and Power," in Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault. Beyond Structuralism and Hermeneutics* (Brighton, 1982), pp.221-2.

regime, but rather an endless and open strategic game."⁷⁸

Foucault stressed the human will and the desire for freedom:

At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential freedom, it would be better to speak of an 'agonism' - of a relationship which is at the same time reciprocal incitation and struggle; less of a face-to-face confrontation which paralyzes both sides than a permanent provocation.⁷⁹

Foucault's analysis thus emphasizes the relative and contested nature of power as it operates in human relations.

These observations about the nature and use of power inform this study's exploration of the interactions of agents and aboriginal people. In particular, Foucault's ideas about "disciplinary" power provide a useful framework. These ideas, elaborated in his influential work *Discipline and Punish*, were developed in the context of an analysis of prisons and the evolution of penal systems in Western societies. But while Foucault here examines "discipline" largely in terms of its evolution and application in prisons (as well as in the armed forces, hospitals, insane asylums, and so on), he also asserts that this form of power was increasingly generalized in techniques of governing: "'Discipline' may be identified

⁷⁸ Colin Gordon, "Governmental rationality: an introduction," in Graham Burchell et al., *The Foucault Effect. Studies in Governmentality* (Chicago, 1991), p.5.

⁷⁹ Michel Foucault, "The Subject and Power," in Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault. Beyond Structuralism and Hermeneutics* (Brighton, 1982), pp.221-2.

neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of application, targets; it is a 'physics' or an 'anatomy' of power, a technology."⁸⁰ Foucault identified three specific techniques which belong to disciplinary power, and which facilitate the process of individualization necessary to it: "hierarchical observation," "normalizing judgement," and the examination. Indian agents routinely applied the first two of these techniques in their work.⁸¹

Hierarchical observation involves a form of more or less constant surveillance which results in the "progressive objectification and the ever more subtle partitioning of individual behaviour."⁸² Modern prisons are particularly well adapted to this technique, since they are built to facilitate constant observation of prisoners by prison guards. The system of Indian Affairs in Canada was also designed to help the Indian Department keep tabs on its clients. Most aboriginal people were segregated on relatively small

⁸⁰ Michel Foucault, *Discipline & Punish. The Birth of the Prison* (New York 1979), p.216.

⁸¹ The examination, a concept which Foucault leaves somewhat vague, is not particularly useful for the analysis of the Indian agent system. One could make a case that the process of applying for enfranchisement represented a form of examination. Certainly some of Foucault's remarks on the examination are equally appropriate to a discussion of the enfranchisement process, and even, more generally, of Indian Department administration: "The examination that places individuals in a field of surveillance also situates them in a network of writing; it engages them in a whole mass of documents that capture and fix them. ... a system of intense registration and of documentary accumulation." However, it appears that Foucault is referring to a literal examination, that is, a written test, something to which Native people were not subjected. See Michel Foucault, *Discipline & Punish* (New York 1979), pp.184-191.

⁸² Foucault, *Discipline & Punish.*, p.173.

reserves, and one of the most important tasks of the agent was to keep headquarters informed of developments in these communities. Agents typically visited the reserves regularly, and also used other techniques to monitor affairs there. Both Lewis and Daly questioned Native people about other reserve residents, particularly about their economic circumstances and their obedience to Christian moral precepts (inquiring, for example, about the sexual behaviour of women). In Daly's case, it appears that he maintained a network of aboriginal contacts from whom he gathered information about their fellows.⁸³ Foucault's reflections on the consequences of hierarchical observation in prisons and other disciplinary institutions apply to the reserve context quite directly - at least to the individuals who spent most of their time there: "The disciplinary institutions secreted a machinery of control that functioned like a microscope of conduct; the fine, analytical divisions that they created formed around men an apparatus of observation, recording and training."⁸⁴

Foucault emphasized the systematic or machine-like character of this disciplinary technique: "The power in the

⁸³ In 1926, for instance, Daly was engaged in a battle for authority with a number of Native opponents. He was on unfriendly terms with the incumbent chief on Parry Island, Stanley Manitowaba, and had already expelled Kelso Ritchie, a non-treaty Native man, from the Island, apparently for activities in connection with the band council. Ritchie, however, continued to maintain contacts in the agency, while the agent tried to track his movements as best he could: "I have been kept posted by the better class of Indians on Parry Island, Shawanaga, Lower French [River] and Moose Deer Point Reserve, of the activities of the half-breed, Kelso Ritchie and the Solomon brothers." [FK Collection, Daly to J.D. McLean, 10 May 1926]. This list suggests a widespread network, although Daly was certainly not always able to find out everything he wanted to know.

⁸⁴ Foucault, *Discipline & Punish*, p.173.

hierarchized surveillance of the disciplines is not possessed as a thing, or transferred as a property; it functions like a piece of machinery."⁸⁵ It is the automatic functioning of this apparatus which produces power. It "enables the disciplinary power to be both absolutely indiscreet, since it is everywhere and always alert ...; and absolutely 'discreet', for it functions permanently and largely in silence."⁸⁶ This theoretical formulation finds its practical corollary for aboriginal people in their awareness that an agent might learn about their activities, a fact which could act as a constraint on their behaviour. Although this might not prevent someone from pursuing a particular course of action, it might well affect the manner in which s/he pursued it, or enforce secrecy and circumspection.⁸⁷

Part of the power of this technique lay in its "recording" aspect. In their correspondence with the Department, the agents recorded the actions and behaviours of their clients, especially those actions which were considered "undesirable." In so doing they constructed an image of each individual they discussed. These images generally corresponded to Noel Dyck's stereotypes discussed above: the "noble savage" which Native people were supposed to have been before contact with Europeans; the "ideal image" of what

⁸⁵ Foucault, *Discipline & Punish*, p.177.

⁸⁶ Foucault, *Discipline & Punish*, p.177.

⁸⁷ This was true, for example, in British Columbia, where the federal ban on the potlatch institution forced Northwest Coast Natives to hold potlatches in secret. Similarly, plains people held the outlawed sun dance in isolated places where they could not be surprised by Department officials.

Native people were intended to become; and the "dependent wards of the state" which they appeared to be in the meantime.⁸⁸ These stereotypes may be seen as part of the "normalizing judgement" which Foucault characterizes as a function of disciplinary power. Agents characterized each individual they discussed in ways which affected the responses of the Ottawa officials. Individuals with whom they had frequent dealings would gain a reputation at the Department as a result of this "recording." In 1935, for instance, the Parry Island band council induced the local member of parliament, Lieut.-Col. J. Arthurs, to intercede on their behalf with the Department. The secretary of the Department replied to Arthurs in writing, dismissing the council's complaints and the band officials themselves. His statements about these men suggest that they had been relegated to the category of "dependent [and troublesome] wards of the state." He made specific reference to prior knowledge of the individuals concerned, particularly Chief John Manitowaba: "This Chief is very well known to the Department. According to all reports he is quite incompetent and the same may be said of some other members of the council."⁸⁹ Although the officials at headquarters did not maintain case files for every status Indian, it appears that they did compile some for those who were perceived as

⁸⁸ Noel Dyck, *What is the Indian 'Problem'* (St. John's, 1991), p.78.

⁸⁹ RG 10, v.7927, f.432-22, Pt.3, letter [signature off copy] to Lieut.-Col. J. Arthurs, M.P., 12 February 1935.

troublemakers: a case file remains, for example, for Francis Pegahmagabow.⁹⁰

The second characteristic described by Dyck, the "ideal image" of the Native, may be portrayed in Foucaultian terms as the primary norm against which Native people were measured.⁹¹ This norm was a set of qualities which Indian policy was intended to instill in aboriginal people, including self-reliance, gratefulness, sobriety and industriousness. The "normalizing judgement" of agents tacitly assigned each aboriginal client to a place in a hierarchy based on the degree to which they displayed these ideal characteristics. Those who adhered relatively closely to the norm received sympathetic treatment and certain benefits from the agents, such as recommendation for a loan or for enfranchisement. The further a person strayed from this norm, the more s/he was likely to encounter suspicion, disapproval, and lack of cooperation from the agent. As Foucault points out, the disciplinary system both punishes and rewards, according to an individual's compliance with the norm: "[B]y the play of this quantification, this circulation of awards and debits, thanks to the continuous calculation of

⁹⁰ This file is entitled "Affairs of Chief Francis Pegahmagabow No.9, Parry Island Band," and may be found in RG 10, v.8021, f.475/37-7-8-9. For an account of Francis Pegahmagabow's dealings with the Department and his conflicts with John Daly, see chapter three.

⁹¹ The "noble savage" concept was not entirely absent in the agents' normalizing judgement. It included the belief that aboriginal people had been stoic, competent in their traditional skills, and self-supporting. These qualities were viewed favourably, but since agents believed that the old way of life was passing away, their goal for the younger generation, at least, remained that of reshaping them into the "ideal image."

plus and minus points, the disciplinary apparatuses hierarchized the 'good' and the 'bad' subjects in relation to one another."⁹²

In this system, it was not merely the behaviour, but the character of the individual which was subjected to judgement: normalizing judgement involved "a differentiation that is not one of acts, but of individuals themselves, of their nature, their potentialities, their level or their value."⁹³ Agents assessed the value or worth of their clients, made their judgements explicit, and applied these evaluations concretely in their decisions about how to treat people. Daly, for instance, wrote in strikingly slighting terms about a number of Native people, and he made it clear that his opinions shaped the treatment he accorded to people. Henry Jackson, for example, a Native activist who was expelled from Parry Island reserve,⁹⁴ was the subject of one of Daly's most vituperative outbursts. Outraged that Jackson had visited the Department and discussed Daly's administration with the officials there, the agent wrote: "Henry Jackson is not qualified to discuss me with the Department. I look upon Henry Jackson as a contemptible cur, and so far as I am concerned, as an official of the Department I will treat him as such."⁹⁵ Although Lewis was much less inclined to record such explicit judgements, he also occasionally described

⁹² Foucault, *Discipline & Punish*, p.181.

⁹³ Ibid.

⁹⁴ See chapter five.

⁹⁵ FKC, Daly to DIA, 2 January 1931.

individuals in very disparaging ways, such as the following comment about a Native man who owed someone money: "I have always found this Indian a worthless, good for nothing man that will not pay anything that he can get out of..."⁹⁶

By the same token, when agents wished the Department to aid their clients, they frequently justified the assistance by alluding to the special virtues of the individual in question. In recommending an increase in an older woman's pension, for instance, Daly stressed her industriousness, "... the old lady, although quite old, works in her garden. She is a credit to the Band... It is because of these personal observations on my part that I feel justified in recommending [that] her pension [be] increased to \$50.00."⁹⁷ Similarly, when Lewis advocated medical treatment for an older woman who was losing her eyesight he explained his recommendation partly on practical grounds, but bolstered his case with a reference to her character: "As this woman is a splendid type of her race and tries to be independent and helps to support her aging sister, it would be a crime if she were allowed to go blind..."⁹⁸ There is, of course, nothing particularly surprising in the fact that agents were more inclined to help those individuals whom they liked. It is worthwhile, however, to establish which characteristics awakened a field official's sympathy and approval. As men in a position to exercise power, the field officials acted in ways which

⁹⁶ RG 10, v.10589, Lewis to Mrs. Ellen Atkinson, 4 January 1921.

⁹⁷ FKC, Daly to DIA, 20 May 1932.

⁹⁸ RG 10, v.10593, Lewis to DIA, 9 December 1921.

reinforced Euro-Canadian norms by rewarding certain behaviours and punishing others. Moreover, it was not merely behaviour which was at issue, but character, a person's essence. An individual who did not conform to the norm was considered fundamentally inferior to those who conformed more closely, and less worthy of the agent's attention and assistance.

Given the system of "disciplinary power" which the Canadian Indian administration imposed on its clients, what possibilities did aboriginal people have to exercise power in their turn, and to impose limits on that of the state and its agents? There is no denying that federal officials were located in a strategically advantageous position vis-à-vis their aboriginal clients. The Canadian state used its legislative authority to frame laws which gave it substantial control over the lands and resources which had belonged to the First Nations. These laws vested legal title to reserve lands and their resources in the federal government, which held them and the revenues they generated in trust, to be disbursed only with its approval. Similarly, the payments owed to aboriginal people under treaty were controlled by the state, and withheld from some according to the rules framed by its legislators. Membership in the communities which occupied reserve lands and enjoyed the privileges of Indian status was established by federal law, and in case of doubt

government officials decided the question.⁹⁹ "Indians" were legally wards of the state, excluded from the elective franchise and denied the right to drink alcohol. In addition, they were subject to the provisions of the Indian Act, which involved further restrictions not imposed on the Canadian population as a whole. Native people thus lived within an economic and legal framework which accorded the federal government and its representatives significant opportunities to exercise power over them.

Nevertheless, aboriginal people were not merely powerless victims. As Foucault pointed out, the field of relations in which power can be exercised allows its employment in more than one direction. In many different ways aboriginal people exercised power, utilized the system to their own advantage, and resisted the extension of power over themselves - in short, they negotiated with and for power. This process is described well in Foucault's theoretical discussion of the "micro-physics" of power:

... this power is not exercised simply as an obligation or a prohibition on those who "do not have it"; it invests them, is transmitted by them and through them; it exerts pressure on them, just as they themselves, in their struggle against it, resist the grip it has on them. This means that

⁹⁹ According to the Indian Act of 1906, band membership was determined by the Indian Department: "The Superintendent General may, from time to time, upon the report of an officer, or other person specially appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band." [*Revised Statutes of Canada, 1906*, chapter 81, section 18, in Sharon Venne, ed., *Indian Acts and Amendments* (University of Saskatchewan, 1981), p.181].

these relations [of power] ... are not univocal; they define innumerable points of confrontation, focuses of instability, each of which has its own risks of conflict, of struggles, and of an at least temporary inversion of the power relations.¹⁰⁰

There were many possible points of confrontation and means of struggling against federal authority. Many Native people sought to exercise power through the band council; this body had very limited jurisdiction, but it could be used to express the wishes of the band, and to block some initiatives of federal officials. Another approach was to place pressure on the agents by securing the intervention of outside authorities, as the Parry Island council did when it engaged the local member of parliament. Some resisted the agent simply by ignoring his injunctions to do certain things, or persisting in conduct which he tried to prevent. Others kept their distance, either by avoiding contact with the Indian agent or by living off the reserves out of his sight. Finally, many endeavoured to exercise power **through** the agent, chiefly by effecting his intercession with other authorities on their behalf. This could take the form of acquiring departmental assistance, or of securing support in struggles with the world outside the reserve.

Many of the powers which aboriginal people could exercise were principally in the nature of either evasive tactics, resistance (passive or active), or strategies to maximize the benefits of Indian status within the limits set by the state.

¹⁰⁰ Foucault, *Discipline and Punish*, p.27.

The position from which they did so was dependent on their possession of or exclusion from "Indian status" - that is, on the standing accorded them by law or by the decision of the Indian agent. According to the Indian Act, an "Indian" was not simply a person of aboriginal heritage, but, specifically, one of the following: "(i) any male person of Indian blood reputed to belong to a particular band, (ii) any child of such person, (iii) any woman who is or was lawfully married to such person."¹⁰¹ Most such individuals acquired this status by being born to or marrying a recognized band member, but it was possible for "non-treaty Indians" to gain acceptance in a reserve community and lead a life very similar to the residents with official band status. By the same token, children born out of wedlock could be excluded from membership by the agent in spite of their parents' membership in the band.¹⁰² In any case of doubt as to an individual's status it was the Department, acting on information and opinions provided by the local agent, who decided whether an individual was an "Indian" or not, and whether she or he belonged to a particular band.¹⁰³

¹⁰¹ *Revised Statutes of Canada 1906*, chapter 81, section 2(f); cited in Sharon Venne, ed., *Indian Acts and Amendments* (Saskatchewan, 1981), p.174.

¹⁰² "Any illegitimate child may, unless he has, with the consent of the band whereof the father or mother of such child is a member, shared in the distribution moneys of such band for a period exceeding two years, be, at any time, excluded from the membership thereof by the Superintendent General." *Revised Statutes of Canada, 1906*, chapter 81, section 12, in Sharon Venne, ed., *Indian Acts and Amendments* (University of Saskatchewan, 1981), p.179.

¹⁰³ See note 97.

For an individual of Native descent there was some room for manoeuvre within these schemata. "Non-treaty Indians," who did not belong to any band, technically had no right to live on a reserve. Nevertheless, some of them lived for many years on the same reserve and were frequently treated as if they were band members, receiving relief and other assistance when in need.¹⁰⁴ Moreover, members of one band could move to a different reserve, make a life for themselves there, and be treated by the agent very much like members of the local band.¹⁰⁵ We have seen, for example, that John Daly did not distinguish among Native people in his agency, whether they belonged to a local band or not.¹⁰⁶ The exceptions to this rule were people who ran afoul of the agent. Non-band members were legally required to secure permission from the Superintendent General to reside on a reserve to which they did not belong, so that their expulsion was an easy matter if the agent wished to be rid of them.¹⁰⁷ On the other hand, in at least one case Daly stepped in to protect a non-member who he believed was in danger of expulsion by the council.¹⁰⁸ In

¹⁰⁴ Daly, for example, wrote of one non-treaty family during the economic depression, "As Adam King is a Non Treaty Indian I gave him and his family one ration which amounts to \$5.00. - I figure on giving them this until such times as they can get along without assistance." [FK Collection, Daly to A.S. Anderson (agent of the Rama band), 10 January 1934].

¹⁰⁵ A number of families who lived for many years on Parry Island were actually members of the Christian Island band. However, as Daly indicated, in most respects they were treated as though they were Parry Island band members.

¹⁰⁶ FK Collection, Daly to DIA, 24 July 1934.

¹⁰⁷ See the case of Kelso Ritchie, chapter five.

¹⁰⁸ Louis Lamorandiere, a Cape Croker band member, had made his home on Parry Island for years. In 1932 he moved his home without obtaining permission from the council, and Daly believed that the council might

either case, the position of these individuals was precarious and tended to involve heightened dependence on the good will of the agent.

Native people might also opt to live off the reserve. This effectively removed them from the sphere of the agent's direct control. Those who elected to reside on a reserve could minimize contact with the state's representative by avoiding politics and eschewing Department assistance. Finally, one might embrace the role of "ward of the state" wholeheartedly and seek to gain the maximum advantage from it, engaging the agent as mediator for the dominant society, as supplier of assistance and relief, as provider of loans, information, and social services. Any one individual might employ one or all of these tactics, selecting the most suitable one depending on the goal to be achieved. In all likelihood, most people varied the approach from one situation to the next.

A final method of escaping the limitations of wardship status was to enfranchise, thus removing oneself altogether from the control of Indian Affairs. As we have seen, enfranchisement carried with it the right to vote¹⁰⁹ and to drink alcohol, as well as all the other rights and

respond by expelling him. The agent therefore wrote Ottawa seeking the Department's permission for Lamorandiere to remain: "the possibilities are, with the council that is in these days, that he will not be granted permission [to stay at the place he had moved to], so I would very respectfully request that the Department grant Louis Lamorandiere permission to live on the Parry Island Reserve during the pleasure of the Superintendent General." [FK Collection, Daly to DIA, 14 July 1932].

¹⁰⁹ Native people who lived on reserves were excluded from the federal franchise until 1961.

responsibilities of Canadian citizens. The lump sum of money received by enfranchisees was a considerable incentive in the difficult years of the 1920s and '30s. On the other hand, the procedure also conferred liabilities such as paying taxes and having goods and chattels seized for nonpayment of debts. Moreover, the resultant loss of Indian status meant permanently losing band membership, which deprived one of the right to live on a reserve, the right to share in the band's resources and decisions, aboriginal hunting and trapping privileges, and the exemption from taxation enjoyed by reserve residents. While this option was exercised by very few Natives before 1918, it became more popular in the period after the First World War. At least six individuals enfranchised in Lewis' agency under his administration, while another eleven applied and were refused due to unfitness.¹¹⁰

The power relations which operated between officials of the Indian Department and aboriginal people were complex and involved a good deal of strategic manoeuvring. Foucault's insights about power are very useful for an understanding of this process, for he highlights the ability of individuals to strategize about power, to resist its application, and to exercise it in their turn. Indian Department officials were equipped with legal authority which placed them in a strong position to assert their will over Native people. This was particularly true of the internal officials who made the actual decisions. Indian agents, the field officials, were

¹¹⁰ RG 10, vols.10591 - 10609.

largely dependent upon their superiors in Ottawa for their power. Although the agents' recommendations carried a good deal of weight in Ottawa, the internal bureaucrats could ignore their advice and override their decisions. This was a relatively rare occurrence, but it happened frequently enough that all Indian agents were well aware of the possibility and extremely concerned to retain the favour and backing of their superiors.

Field officials also found themselves forced at times to mediate between conflicting imperatives, between the demands of policy and their superiors in Ottawa, on the one hand, and the needs of the Native population on the other. They were in frequent contact with many of the members of their agencies, and often sympathized with their position. As Daly once wrote, "You know the Agent is placed in a very awkward position sometimes between the Department and the Indian and the 'I' in him. He has quite a job to size up the situation so that the game will be played as men should play the game of life."¹¹¹ To a greater extent even than their clients, Indian agents were strictly controlled by the procedures and policies of Canadian Indian administration. In order to exercise power, they had to keep manoeuvring to maintain a strategically advantageous position with respect to Native people. Remaining in charge and maintaining some semblance of control over affairs on the reserves was a central preoccupation for both agents examined in this study. They

¹¹¹ FK Collection, Daly to Rev. Canon Vale, 25 January 1932.

were, after all, only cogs in a system much greater than themselves - whatever their intentions, they could have done little as individuals to alter the larger realities of Native people's lives. They had not created racism, they had not laid out the reserves, they certainly had no influence on the worldwide economic conditions which caused the depression of the 1930s. Nevertheless, their persistence in upholding the agent's office and the authority of the Department of Indian Affairs did have an influence on aboriginal people.

Robert Lewis sought to avoid wholesale intervention in his clients' affairs; he fulfilled his basic responsibilities and otherwise left people largely to their own devices. John Daly applied paternalist notions in performing his job and seized on every lever of influence available to him to put the Department's policies into effect. But, like aboriginal people, the agents were themselves bound within a tightly controlled hierarchical structure in which each person played his or her assigned part. The outcome of a specific agent's activities could not differ greatly from that of any other, for those who diverged from the methods imposed on them by headquarters soon found themselves out of a job.

John Daly's domineering tendencies make him an easy target for those who wish to single out culprits in the ongoing subjection and oppression of First Nations. But all of his actions should be interpreted in the light of the mandate designed for him by federal Indian policy. The Department of Indian Affairs approved and encouraged his

approach, in fact it considered him a fine field officer. And it is not without significance that some of the Native people in his agency liked Daly, and held him in fond memory years after his passing.¹¹² In his own cultural context, Daly was a "decent" man who sought to embody the masculine ideal of the time. To perceive him as a villain would do both Daly and history an injustice. Daly's effect on the Native people around Georgian Bay was probably often demoralizing. But the reason for this lay less in the character of this agent than in the system of which he was merely a servant. The Indian agent system placed a sociocultural outsider in a position to exercise power over a people faced with economic marginality, social exclusion and racist stereotyping in the dominant society. It operated on the premise that Native people were incompetent to manage their band funds, their own lands, and other economic affairs. It assumed that they were as yet "uncivilized," that they were easy prey for unscrupulous businessmen, that they were still unfit for the elective franchise. Above all, by the time Daly and Lewis joined the Department's staff, the Indian administration had become a system which worked largely to sustain itself.

In the battle over the determination of aboriginal people's destinies, the Indian Department and First Nations were essentially at a stalemate in the 1920s and '30s, neither group able to impose its ultimate goal on the other. The Department successfully retained its hold over aboriginal

¹¹² Personal conversation with Franz Koennecke, 27 July, 1994.

people's affairs, it denied them the self-determination many of them sought, it imposed difficulties in upholding valued old traditions and cultural practices. But it could not force a non-Native identity on its "wards" - no matter how hard the civil servants, missionaries, Indian agents and teachers tried, "Indians stubbornly remained Indians."¹¹³ The agents were a force to be reckoned with in Native people's lives - but then, Native people were equally a force for the agents to reckon with. And much of the time, the agents struggled as much with the Department of Indian Affairs and the requirements of the Indian Act as with their aboriginal clients. If they were "top dog" on the reserves, as aboriginal writer Burton Jacobs has recently designated them,¹¹⁴ they were still chained in the Indian Department's yard. Held at bay in Native communities, the agents were relatively humble individuals in white society, and reminded constantly of their lowly status with respect to higher-ranking, "Internal Service" Department staff. Moreover, one should not overestimate the extent to which agents affected their Native clients; when asked about former agents, Native people often know little of them.¹¹⁵ The agents, on the other

¹¹³ Noel Dyck, *What is the Indian 'Problem'*. (St. John's, 1991), p. 31.

¹¹⁴ Burton Jacobs, "The Indian Agent System and our Move to Self-Government," Diane Engelstad & John Bird, eds., *Nation to Nation. Aboriginal Sovereignty and the Future of Canada* (Concord, Ont., 1992), p. 114.

¹¹⁵ As noted in the introduction, the emphasis of this study on the records of the Department of Indian Affairs stems in large part from the difficulty of finding Native elders who are willing and able to shed much additional light on the subject. The author spoke with a number of individuals on the Parry Island (Wasoksing) reserve, including elder Aileen Rice, with Donald Fisher of Wikwemikong, and with Verna Johnston

hand, were constantly affected by Native people. The moves and countermoves of their interactions with Natives dominated the field officials' lives more than the lives of anyone else.

It should be clear that First Nations people were faced with a very limited range of options in this period. No one who was visibly of Native heritage could escape the stigma of racism that attached to them in the broader Canadian society, regardless of their strategies or their official status under the Indian Act. Their options were tightly structured by the network of laws and customs in which they were bound by the Canadian state, but they could make choices and exercise power within this system. The persistence of aboriginal communities and cultures in Canada shows, in fact, that aboriginal people did exert their power and wage effective resistance against the aims of the federal government. Federal policy since roughly 1830 has been directed towards the elimination of First Nations as an identifiable group within Canadian society. It is due to the determination of aboriginal people to preserve their distinctiveness, their culture, their lands and their communities that the government's plans were foiled. Native survival has been secured through the often subtle but ceaseless resistance offered by generations of individuals to an elaborate machinery of state power. In this they demonstrated a power

of Cape Croker. With the exception of Mrs. Johnston, no one recalled hearing a great deal about agents, either from their own experience or from their elders.

of their own which could not be overcome by all the force and ingenuity of the modern nation-state.

Chapter Four

Conflicts Over Land and Resources

One of the prime areas of concern to Native people was access to resources: the use of their lands, timber, game resources, band funds, and so on. Band councils had the authority to pass resolutions regarding the expenditure of band funds and the cutting of timber, as well as to distribute land within the reserve as they saw fit. Except in the latter case, the real control in all of these areas lay with the Indian Department, a fact which was repeatedly brought home to Native people. The administration's control of aboriginal resources was of great significance, for these resources were central to Native people's livelihoods. Moreover, it was a matter of principle: particularly in Daly's agency, Native people deeply resented the government's assumption of the right to determine resource use, and they also felt that this represented an abrogation of the treaties they had made. In the case of the Manitowaning agency, resources were an equally important question, but the most visible conflicts concerned the exclusion of certain bands which occupied the Manitoulin Island Unceded territory from access to the area's timber. Both agents fulfilled Ottawa's expectations of them

by exercising strict control over the exploitation of timber and the expenditure of band funds. Daly faced significant opposition from a number of men in his agency over band council authority, the depletion of timber, and the ongoing grievances of the Parry Island and Shawanaga bands regarding lands in the Parry Sound area which these two groups believed had never been surrendered. This chapter will examine conflicts over resource use in the two agencies.

The respective strategic positions of agents and Native leaders were extremely unequal. Natives who acted outside of band councils in an attempt to express grievances stood very little chance of making themselves heard. As we have seen, the officials at headquarters did not believe in corresponding directly with their wards, and they generally had the full cooperation of Indian agents in preventing or censoring attempts at direct communication. Natives who wrote to other government bodies typically found that these communications were simply passed on to the Indian Department.¹ In some cases members of parliament or non-government groups such as the Canadian Legion could be persuaded to intervene on Native people's behalf. Several men of the Parry Sound agency attempted to achieve organized

¹ John Manitowaba of Parry Island wrote to the King of England, for example, and his letter was forwarded to the Indian Department for its consideration. He also wrote to the Royal Canadian Mounted Police, but this communication ended up at Indian Affairs as well.

Native protest by uniting leaders of the different bands. In this period, however, such efforts bore little fruit.²

The other option was to seek election to band council and pressure the Department from that position. This was an equally frustrating process from the perspective of band officials. Band councils had been conceived as an approximate equivalent of municipal governments, and their areas of jurisdiction were commensurate with this intention. Besides, they were intended to teach democracy to aboriginal people, but not by permitting self-government. The Indian Act included safeguards to ensure that the councils could not in fact act autonomously, including the most effective measure, namely that band council resolutions were invalid unless Ottawa approved them. As Daniel Francis has noted, elected band governments were primarily designed to destroy Native people's own forms of government: "The elected councils were

² There was, of course, the Grand General Indian Council of Ontario, which had been founded in the 1870s and continued to operate for much of this period. Indian Affairs tolerated this body's existence for a long time because it had no means of making its voice heard. It met roughly every two years, discussed current issues and passed resolutions which were sent to the Department. In the 1930s Indian Affairs contributed to the demise of the Indian Council by refusing to allow band funds to be spent to send delegates to its meetings. See chapter five for Lewis' part in this latter development. Another organization was founded in 1919, the League of Indians, which was the brainchild of the Mohawk, F.O. Loft. The League showed promise in its early days, attracting a great deal of interest among Native people in Ontario and the West. It was unable to fulfill its goal of uniting Native people, primarily because Loft was forced to withdraw from politics in a critical period due to the illness of his wife. No one was able to fill the gap left by his absence. See Peter Kulchyski, "'A Considerable Unrest': F.O. Loft and the League of Indians," *Native Studies Review*, vol.4, nos.1 & 2 (1988).

intended to replace traditional forms of Native government over which federal officials lacked control."³

Matters related to band councils were an important part of the Indian agent's duties. As we saw in chapter one, the agents managed both nominations and elections for the positions of chief and band councillors. In theory, at least, agents were supposed to call council meetings as well, attend and chair them, and present the Department's opinion on questions under discussion. Although the field officials did not participate in voting, they were expected to take part in deliberations, and generally seem to have shown little hesitation in doing so. It was commonplace for the agents to receive instructions from Ottawa to "have the band pass a resolution," either to accommodate a band's request or to authorize actions desired by federal officials. Resolutions passed by councils were submitted to headquarters by the agent, where higher-ranking officials decided whether to approve them or not. The Department thus enjoyed an absolute veto over decisions of the band councils. A single line in the Indian Act made the priorities of federal policy abundantly clear: "In the event of any conflict between any regulation made by the Superintendent General and any rule or regulation made by any band, the regulations made by the Superintendent General shall prevail."⁴ Thus, while band

³ Daniel Francis, *The Imaginary Indian. The Image of the Indian in Canadian Culture* (Vancouver 1992), p.204.

⁴ *Revised Statutes of Canada 1906*, Chapter 81 (Indian Act), Section 92, Paragraph 2, Sharon H. Venne, ed., *Indian Act and Amendments 1868-1975. An Indexed Collection* (Saskatoon 1981), p.207.

councils presented an appearance of democracy, the political process was carefully structured to prevent any independent action on the part of reserve communities.

The areas of jurisdiction assigned to band councils were, in any event, strictly limited. They included making rules and regulations for the care of public health, for "the observance of order and decorum at assemblies," and for the "repression of intemperance and profligacy;"⁵ rules about trespass by domestic animals, for the establishment of pounds and the appointment of pound-keepers, for the construction and maintenance of roads, bridges, ditches, and so on; the construction and repair of schools and other public buildings; and the repression of noxious weeds. The councils also controlled the "locating of the band in their reserves, and the establishment of a register of such locations."⁶ These bodies had been conceived as the equivalent of municipal governments, and the powers they were assigned were commensurate with this status.

The most contentious issue between the councils and the Department was the expenditure of band funds, a matter which both desired to control. In disputes about this the Department was in a far stronger position, since the funds were actually in its hands, and the law allowed it to use the

⁵ This last provision was amended in 1926-7 to "the prevention of disorderly conduct and nuisances." *Revised Statutes of Canada 1906.*, Section 98, Subsection 1, paragraph (c), in Venne, ed., *Indian Acts and Amendments* (Saskatoon 1981), p.209.

⁶ *Revised Statutes of Canada, 1906*, section 98, Venne, ed., *Indian Acts and Amendments* (Saskatoon 1981), p.209.

funds more or less as it pleased.⁷ In practice, decisions about band moneys were a matter of negotiation. Although officials in Ottawa did not hesitate to forbid expenditures, it was rare for them to spend funds against the will of a band. In fact, the Department's general tendency was simply to hold the funds untouched as much as possible.

The opportunities for agents to exercise control over the councils were many and varied. There was, first of all, the level of personal influence. The overall range of powers available to an agent meant that he could exact petty sorts of revenge on chiefs or councillors whose actions or attitudes displeased him. For instance, since band officials were not well paid, those who filled them sometimes found themselves in financial need. An agent could refuse rations or relief if he chose. There were myriad other small ways in which an agent could be uncooperative with band officials and impose inconveniences on them. Writing of Native attempts to organize politically in the 1920s, Harold Cardinal discussed the reaction of Indian agents:

The Indian agent, dead set against any successful Indian organization, actively worked against the leaders of the day. ... He had many weapons and never hesitated to use them. Sometimes he openly

⁷ An amendment of 1918 stated: "In the event of a band refusing to consent to the expenditure of such capital moneys as the Superintendent General may consider advisable for any of the purposes mentioned in subsection one of this section [purchasing land, cattle, implements or machinery], and it appearing to the Superintendent General that such refusal is detrimental to the progress or welfare of the band, the Governor in Council may, **without the consent of the band**, authorize and direct the expenditure of such capital for such of the said purposes as may be considered reasonable and proper.' Emphasis added.

threatened to punish people who persisted in organizational efforts. More often he used more subtle weapons such as delaying relief payments or rations to show which way the wind was blowing. ... It was made quite obvious to people on the reserve that it was not wise to talk to certain Indians.⁸

Native people who wished to pursue a course which the agent opposed had to consider the possible personal ramifications of their actions.

In addition, if an agent chaired a meeting he was in a position to exercise some control over the direction of discussion, and, depending on his personality, to set a particular tone. This is the kind of area in which the character of individual agents made a significant difference. Lewis typically displayed little interest in the activities of band councils, and frequently missed their meetings. Even when he was present, he may well have taken a relatively passive role in the proceedings. Men like Daly, on the other hand, with forceful personalities and a desire to influence reserve politics, might well constrain the activities of a band council. On the other hand, vigorous attempts to control the council might equally well provoke resistance. This appears to have been the case in many instances under Daly's administration, particularly on Parry Island and to some extent at Shawanaga, the reserves closest to Daly's home.

⁸ Harold Cardinal, "Hat in Hand: The Long Fight to Organize," in J.R. Miller, ed., *Sweet Promises. A Reader on Indian-White Relations in Canada* (Toronto 1991), p.395.

In an interview, Verna Petronella Johnston, an elder of the Cape Croker band, maintained that council meetings were controlled to a large extent by the Indian agent. Judging from her testimony, it seems that agents are remembered on this reserve as acting very imperiously in the meetings. Mrs. Johnston related that one of these officials arrived at a session with literature from the Department of Indian Affairs, which he placed on the table. Although no one read the material, the agent later claimed that it had been read by all. She also stated that the agent would tear up the minutes if he was displeased with their contents. Naturally, Department records would be unlikely to document such conduct, and it would be difficult for band members to counter it. Although Daly once admitted in official correspondence that he was not including all of the resolutions made at one meeting because they were "too frivolous and nonsensical to send forward,"⁹ most agents would be disinclined to mention an omission of this sort. Mrs. Johnston felt that the members of her band were unable to stand up to the agent until after the Second World War.¹⁰

Finally, the Indian Act allowed for a chief or councillor to be deposed by order of the Superintendent General "on the ground of dishonesty, intemperance, immorality or incompetency," and to be declared ineligible to stand for

⁹ Franz Koennecke Collection, J.M. Daly to DIA, 6 December 1934.

¹⁰ Telephone interview with Verna Petronella Johnston, conducted by the author, 20 June 1993.

office for as long as three years.¹¹ The qualities named are somewhat intangible, especially that of "incompetency," and it was the agent who advised the Department as to the competence and morality of band officials. As far as the ground of intemperance was concerned, aboriginal people were forbidden by law to drink alcohol, so that in theory they could be deposed for consuming any quantity of liquor. Interestingly, the deposition procedure was rarely invoked. Decision makers at headquarters proved reluctant to depose chiefs or councillors; they refused to do so on at least three occasions in the period, in spite of requests from band members for such removals.

The one instance of a deposition in Lewis' agency is worth examining here, since it illustrates the different points of view at work.¹² Jonas Odjig was a councillor of the Manitoulin Island Unceded band in 1917, when the council voted to depose him. The grounds named were immorality (it was alleged that Odjig was having an affair with a married woman) and incompetence, since he was apparently not attending to his duties.¹³ Lewis recommended in favour of the

¹¹ *Revised Statutes of Canada 1906*, Section 96, Venne, ed., *Indian Acts and Amendments* (Saskatoon 1981), p.208.

¹² Daly was much more actively involved in deposition attempts, and they were part of his struggles with various opponents. These incidents are examined later in this chapter.

¹³ The council cited several incidents to prove the charge of immorality. Odjig's neglect of duty concerned his responsibility to oversee the cutting of ties, posts and sawlogs on the reserve and see that the workers were paid, which he evidently did not do. [RG 10, v.7926, f.32-19, Pt.1, Chief Joseph Wabegijig, Joseph Eshkakogan, Joseph Jabokwaam, John Atchitawims, Daniel Wemigwance to R.J. Lewis, 25 August 1917].

deposition, stating that Jonas Odjig was "an immoral character and not any to [sic] honest in the performance of duties entrusted to him, and has always caused a great deal of trouble among the Indians since he was elected ..."¹⁴ The agent's recommendation was not accepted on this occasion, as Department secretary John D. McLean responded that the man must be warned first.¹⁵ Odjig retained his office and was elected band chief on 20 August 1918.

In May, 1920, the council again voted to remove Odjig from office on the grounds of immorality. The agent supported this resolution a second time, noting that Odjig had been warned more than once, and further stating that the chief was "against everything that would help the progress of the Indians." Among other things, Lewis claimed that Odjig opposed "the Indians going into farming extensively, as he maintains that Indians are Indians and should live as Indians, and if the Indians wish to live as Whitemen they should leave the reserve."¹⁶ This achieved the desired effect: Jonas Odjig was deposed by Order in Council 24 May 1920. Perhaps the most intriguing element of this story is the fact that Lewis himself never initiated proceedings against Odjig, even though he clearly considered Odjig a troublemaker and an opponent of "progress." The Department also demonstrated hesitation to depose a band official, at least on the grounds of incompetence. As will be seen from events in Daly's

¹⁴ RG 10, v.7926, f.32-19, Pt.1, Lewis to DIA, 31 August 1917.

¹⁵ Ibid., J.D. McLean to Lewis, 5 September 1917.

¹⁶ Ibid., Lewis to DIA, 10 May 1920.

agency, failure to attend to duties was not a strong argument in Ottawa's view. Judging from the four depositions which took place in the period, there were two primary reasons which moved the officials at headquarters to recommend a council member's removal from office: intemperance and active opposition to federal policies.

Lewis experienced much less conflict than Daly with the bands in his agency. As far as band councils were concerned, Lewis tended to leave them to their own devices and avoid interference. He was not confronted with the kind of overt, ongoing protest against federal policies which occurred in Daly's agency. He also took little interest in land questions in general. For instance, two bands in Lewis' agency were asked during his tenure if they wished to cede small areas of their reserves. In each case, the agent made no visible attempt to influence the band's decision, and showed no consternation when they refused to surrender. The first instance concerned the Whitefish Lake reserve, where a Mr. McGuire applied to buy a small piece of land. When the Department informed Lewis about this application, he dutifully wrote to the Whitefish Lake chief, Joseph Petahtegoose, informing him that the question of surrender was to be submitted to the band. The agent requested the chief to advise his band of the proposal and let the people know that a meeting would be held on the 31st of May, 1921 (10 days from the date of Lewis' letter) to decide the question. His language was entirely neutral: "Kindly inform

all the Indian members of the Whitefish Lake Band in order that they may be at the meeting to vote for or against the surrender, and also be good enough to post this notice on the outside of the school house."¹⁷ The community met the night before the meeting set by their agent, agreed that they were opposed to the proposal, and every member of the band voted the next day against ceding any of their land. Lewis then wrote back to Ottawa relaying the decision and the reasoning on which it was based: "I might inform the Department that the Indians informed me that they would not surrender that portion of their reserve under any consideration as they considered there is a lot of rich mineral on that portion of the reserve."¹⁸ This was apparently the end of the matter.

In a similar instance in 1923, Lewis again demonstrated little interest in the outcome, even when the band members were divided on the issue. A Mr. Mader, an employee of the Algoma Eastern Railway, wished to purchase two parcels of land on the Whitefish River reserve, adjacent to the railway's right-of-way through the reserve. Lewis submitted the question to the band and the members were unable to agree on a decision. Mr Mader wrote Lewis again about this, and received the simple response, "you had better arrange your conference with the chief of the Band."¹⁹ Of course, Lewis had no stake in the outcome, and therefore no reason to take any

¹⁷ RG 10, v.10591, Lewis to Chief Joseph Petahtegoose, 21 May 1921.

¹⁸ RG 10, v.10591, Lewis to DIA, 7 June 1921.

¹⁹ RG 10, v.10597, Lewis to Mr. Mader, General Freight and Passenger Agent, Algoma Eastern Railway Co., Sudbury, 13 April 1923.

particular action himself. Since the land parcels were small, the purchase price would probably not have been high enough to make a great difference to the band funds. Lewis was willing to step out of the way and let the two parties sort things out for themselves, an approach which Daly rarely took.

The only noteworthy conflicts which occurred during Lewis' administration revolved around the issue of unequal access to resources on the Manitoulin Island Unceded reserve. Instead of being focused on the Indian Department and its policies, these disputes occurred between bands, particularly between the Manitoulin Island Unceded [M.I.U.] band and the other bands whose members occupied the unsurrendered territory. The point of contention was apparently the fact that those bands which had adhered to treaties received annuities, while M.I.U. members did not. This had already led to a decision in 1912 to exclude those who did not belong to M.I.U. band from council elections at Wikwemikong, in which they had previously participated.²⁰ At this time the threat was also made that non-band members would be forced to return to their original reserves, or to add their revenues to the common fund of the M.I.U. band.²¹ The threat of expulsion was never implemented.

²⁰ According to the Indian Act, of course, these people would not have had the right to take part in these elections.

²¹ The Rev. Julien Paquin, S.J., "Modern Jesuit Indian Missions in Ontario" (unpublished manuscript, n.p., n.d., located at the Jesuit Province of Upper Canada Archives at Regis College), p.158. Father Paquin states that this exclusion involved 600 members of other bands who lived on the unceded territory.

In 1921 there was a fresh wave of agitation about the issue. The M.I.U. band council made the decision that everyone who lived on their territory ought to transfer their membership to the M.I.U. band and merge their funds. According to the diary of the Jesuit Superior at Wikwemikong, Father Gaston Artus, the conflict was chiefly with the South Bay band. On January 3rd there was a council at Wikwemikong, of which Father Artus wrote, "Beaucoup de gens de South Bay sont ici. On discute de leur droit de faire bande à part et d'avoir des fonds qui leur soient propres."²² The council concluded that the South Bay people should transfer to M.I.U. and add their annuity fund to the band fund of the M.I.U. If they did not comply, they would be excluded from use of the wood resources of the territory: "... ceux d'entre eux qui ne voudraient pas transférer leurs annuités dans le fonds commun de Wikwemikong, étaient menacés de perdre le droit non seulement de vendre du bois, mais d'en couper pour leurs propres constructions."²³ The South Bay people were outraged, and engaged Father Artus to intercede on their behalf with the Department.²⁴ The M.I.U. band, meanwhile, sent a delegation

²² Entry for 3 January, 1921, "Wikwemikong Diary 1919-1937," photostat (Jesuit Archives 1951). (Translation: "Many people from South Bay are here. [The council] is discussing their right to be a separate band and to have funds of their own.").

²³ Entry for 4 January, 1921, *ibid.* (Translation: "those of them who do not wish to transfer their annuities into the common fund of Wikwemikong were threatened with losing the right not only to sell wood, but to cut it for their own building purposes.").

²⁴ Father Artus was convinced that the M.I.U. band was in error, not only in their "un-Christian" attitude, but also according to the treaty. He argued that the 1836 treaty gave the South Bay people "le premier droit de propriété sur l'île -," and wrote the Department to this

to Ottawa in June of 1921 to explain the situation, and evidently won the officials there to their side.²⁵ The Department approved the M.I.U. council's resolution and confirmed its right to determine the use of the territory's timber. Despite further protests from the members of other bands, the decision was upheld both by M.I.U. band and by the Department.²⁶ This dispensation resulted in continuing inter-band tensions and attempts on the part of the resourceless bands to gain access to the timber.

Initially, Lewis was sympathetic to the plight of the excluded bands,²⁷ and asked permission from the Department for a member of the Spanish River band to cut timber. This was, however, refused due to the lack of consent from the M.I.U. band.²⁸ From this point on, the agent maintained the position that he could not authorize any but M.I.U. band members to cut timber. Lewis advocated the same resolution to the problem as the M.I.U. band, namely the absorption of the other resident bands into the Manitoulin Island Unceded Band.

effect. [Father Artus, "Wikwemikong Diary 1919-1937," photostat (Jesuit Archives 1951), entries for 4 January and 7 February, 1921.

²⁵ RG 10, v.10591, Lewis to DIA, 7 June 1921.

²⁶ In July 1922, at the request of the Jesuit Provincial, Inspector Charles Parker was sent from the Department to investigate the dispute. Parker was not impressed with the claims advanced by the excluded residents and stated that the M.I.U. council's decision was legal and justified. [Father Artus, "Wikwemikong Diary 1919-1937," photostat (Jesuit Archives 1951), entry for July 6, 1921].

²⁷ According to Father Artus, Lewis had declared in conversation that the M.I.U. band did not have the authority to forbid other residents to cut timber: "L'agent vient pour le recensement de la maison. Le père a avec lui une longue conversation sur les difficultés entre les gens. Il déclare au père qu'il n'y a ni acte ni loi qui autorise à refuser de couper du bois ..." [Father Artus, "Wikwemikong Diary 1919-1937," photostat (Jesuit Archives 1951), entry for June 18, 1921].

²⁸ RG 10, v.10591, Lewis to Rev. G.A. Artus, 8 July 1921.

When the intrepid Father Artus got involved again, he received a definitive statement of the agent's refusal to counteract Ottawa's decisions. Artus wrote to Lewis to complain that the M.I.U. Band had refused Michel Tredeau, a member of Spanish River Band No.3, permission to cut timber "for his own use," that is, not for sale. Lewis replied briefly: "I have asked permission from the Department in behalf of Michel Tredeau to cut timber ... and the reply I received was that permission could not be authorized without the consent of the Manitoulin Island Unceded Band. I cannot issue any permits without authority from the Department."²⁹ This statement summarizes the agent's final position on this matter.

Lewis chose to minimalize the issue's importance in his correspondence with Ottawa. In 1921, Father Artus wrote to the Department inquiring about the rights of the various bands, apparently representing the inequitable resource distribution as a source of serious tension. When asked for a report, Lewis acknowledged that the different bands could not agree, but added that "all the trouble" was caused by "a few members of the Spanish River Band No.3," who he felt should be transferred to the M.I.U. Band. He portrayed the M.I.U. Band in favourable terms, stating that they "[did] not wish for any of the Indians of other bands occupying the reserve to leave or to deprive them of any rights to cut timber or voice in elections, all they want is for all the Indians now

²⁹ RG 10, v.10591, Lewis to Rev. G.A. Artus, 8 July 1921.

occupying the reserve in question to unite into one band and all work together and develop their reserve."³⁰ As for Father Artus, the agent remarked sarcastically that there was "not any danger of effusion of blood" among the people "as represented by the Reverend Gentleman, and if he would be satisfied in looking after the mission spiritually instead of trying to dominate the Chief of the Manitoulin Island Unceded Band there would not be much trouble between the Indians of the Spanish River Band and the Manitoulin Island Unceded Band."³¹

This presentation was an oversimplification of the matter. The trouble in 1921 had evidently begun between the M.I.U. band and members of the South Bay band, not the Spanish River band. The South Bay people continued their attempts to participate in the exploitation of the timber resource. In August of 1921, the South Bay band council passed a resolution that they be granted permission to cut and sell seven thousand ties from timber on the M.I.U. reserve. Lewis pointed out that the M.I.U. band had already refused to agree to the South Bay band's proposal to cut timber, and commented simply, "As there is a certain amount of hard feelings among the different bands who occupy this reserve over the right to cut timber, therefore, I cannot recommend that they be given [such] permission ... until this

³⁰ RG 10, v.10591, Lewis to DIA, 27 April 1921.

³¹ RG 10, v.10591, Lewis to DIA, 27 April 1921.

matter is settled."³² The South Bay band's first attempt was thus defeated by bureaucratic inaction.

The next strategy adopted by the discontented was to attempt to gain voting rights in the M.I.U. band. While an election was being held for the council of the latter band, a resident of Manitowaning (apparently a non-Native) entered the council hall, accompanied by two members of the Spanish River band, and attempted to assert voting rights for a list of resident non-band members. Lewis reported this incident to the Department, stating that they had requested "that a number of Indian members of Spanish River #3, Point Grondin Band, Tahgaiwenene Band, Nipissing Band, Dokis Band, Cockburn Island Band and Sucker Lake Band, be allowed to vote at the election for the Manitoulin Island Unceded Band..."³³ The agent concluded laconically, "his request was refused as the election was held ... to elect a chief and council for the Manitoulin Island Unceded Band."³⁴ Again, Department procedures forbade participation in band affairs by non-members, and they were enforced without exception, despite the fact that all the residents of Wikwemikong had apparently voted in band council elections until 1912.

³² Ibid., Lewis to DIA, 1 August 1921.

³³ Ibid, Lewis to DIA, 20 September 1921. Spanish River #3, Point Grondin, Tahgaiwenene, and Sucker Lake are all reserves in the Manitowaning agency. Cockburn Island is part of the Manitoulin Island cluster, but was located in the Gore Bay agency which occupied the western portion of Manitoulin. Dokis and Nipissing are located on the eastern shore of Georgian Bay and belonged to the Nipissing agency.

³⁴ Ibid.

In the absence of any action on Lewis' part to resolve this dispute, individual band members made their own arrangements. Those who belonged to the M.I.U. band hired their friends and relatives to cut timber, thus including them in the industry's profits. When other band members raised objections to this course in 1923, Lewis ordered one man, Dominic Tredeau, to cease hiring outsiders, threatening to seize the timber if it was cut by anyone but band members. In this he was overstepping his authority, and complaints to the Department resulted in his being required to justify his actions. The agent acknowledged that he had forbidden Tredeau from employing his brother Michel, stating that,

there are around four hundred men, and boys over sixteen years of age, of the Manitoulin Island Unceded Band, who can assist in taking out the two thousand cords of pulpwood [authorized by the Department]. If Dominic Tredeau cannot get out his wood and is in need of help, it is thought that he should give employment to members of the Manitoulin Island Unceded Band who are in need of work.³⁵

It is not clear if Lewis had intervened in such cases before, but his action against Dominic and Michel Tredeau appears to have been, in part at least, a disciplinary action. We saw above that Michel Tredeau had been trying for two years to regain access to the wood on the unceded territory, and the agent clearly considered him a troublemaker: "... Michel Tredeau is the most troublesome Indian I have to contend with in this agency. He maintains

³⁵ RG 10, v.10597, Lewis to DIA, 12 March 1923.

that the Spanish River Indians #3 are the rightful owners of the unceded portion of Manitoulin and he has the right to cut timber as he is a member of that Band..."³⁶

The incident was one occasion on which the agent was forced to concede the limits of his authority. When the secretary of the M.I.U. band wrote later asking Lewis to prevent the hiring of outsiders, the latter replied that he had previously attempted to do so, and threatened to seize timber, but that he "ha[d] been informed by the Department that there is not anything in the timber regulations to warrant such action on my part, and if I had made such threats I should withdraw such warning to the Indians concerned."³⁷ Lewis could only suggest that the people work this problem out among themselves: "If it is the desire of the chief and council that no outside labour should be employed in connection with the cutting of timber, all the members of the Band will have to assist also, and not employ Indians of other Bands, as I have been informed by the Department that I have not any authority to prevent it."³⁸

The only further development in this issue during the period was the voluntary transfer of some members of the South Bay band to the M.I.U. band in 1926. Judging from population statistics published in the Department's annual

³⁶ Ibid.

³⁷ RG 10, v.10601, Lewis to Secretary of the Manitoulin Island Unceded Band, 10 March 1925.

³⁸ Ibid.

report, roughly thirty people were involved in the move.³⁹ Their decision to transfer was bitterly opposed by another faction within the band, and the South Bay band remained in existence, still deprived of any right to share in the timber resource. This was a problem created by the regulations of the Indian Department and by the anomalies in the treaty-making process on Manitoulin Island. Here, as in so many other respects, the agent was faced with difficulties which stemmed from federal policies established long before his arrival on the scene. Lewis dealt with these issues within the existing framework and on an *ad hoc* basis, rather than attempting to alter the conditions which were the underlying causes. The people who were affected by the issue were unable to manoeuvre successfully so as to gain a share in the island's resources.

All of the parties to this problem were bound by the structure imposed on them by the Indian Act and the anomalous status of the bands which did not occupy their own reserves. Lewis was not in a position to alter this structure, and restricted his activities in the matter to enforcing the Indian Act. The M.I.U. band, for its part, had the power to prevent non-band members from exploiting its land, and it used this power. The excluded individuals were in a very poor

³⁹ The South Bay band's population in 1924 is recorded as 75, but only 45 in 1934. Of course, the reduction in numbers may have had more than one cause; Lewis reported only that the chief and "a certain fraction of the band" had transferred their capital fund to the account of the M.I.U. band. [NA, RG 10, v.10609, Lewis to DIA, 24 November 1926. Population statistics from Annual Reports of the Department of Indian Affairs, 1924 and 1934 (Ottawa, 1924 & 1934, respectively)].

strategic position, unable to move the Department to grant them access to the timber or make other land on Manitoulin Island available. These individuals tried a number of strategies, first passing resolutions of their own to cut the timber, which were declared invalid in Ottawa, then resorting to attempts to regain their voting rights in the M.I.U. Band. They had the assistance of one outsider, Father Gaston Artus, who attempted to intercede on their behalf. Unfortunately for them, the Jesuit did not have sufficient influence to change the Department's stance. This was an instance in which the policies imposed by the British government in the nineteenth century had established disparities between aboriginal people according to their assignment to bands. Native people in the twentieth century were bound by this constricting framework, and divided among themselves over funds and resources.

Despite his relatively neutral stance in the conflicts just described, Lewis was generally not hesitant to exercise control over resources. The M.I.U. Band itself did not have unimpeded access to its own timber at times, because Lewis felt the members should be working elsewhere. In January of 1921, for instance, the M.I.U. Band council requested permission from the Department to cut and sell 15,000 railway ties and 15,000 posts. The agent advised Ottawa against granting wood permits, noting that the band had already received permission to cut and sell 500 cords of pulpwood. Moreover, there was other work available to them, in the form of wage labour for others: Lewis stated that there was

"sufficient work in the lumber camps in this district with wages at the rate of \$75.00 per month and board to employ these Indians ..."⁴⁰ The choice of how to earn a livelihood and make use of collective resources was not left to the community itself, but was made on their behalf by their guardians. Similarly, in 1923 Lewis informed the secretary of the same band that the Department had approved permits to cut 5000 cords of pulpwood. He added, however, that the band was not to begin cutting timber until after Christmas, "as there is ample work for all Indians at the saw mills and in the lumber woods before that date."⁴¹ Clearly Department officials considered it their duty to conserve aboriginal resources for the future. Aboriginal people themselves were not viewed as capable of taking the needs of future generations into account.

Lewis exercised control in individual cases as well. There were instances in which he effectively vetoed council decisions, either through his recommendation to the Department or, occasionally, simply through a direct refusal. In one case, for instance, Lewis received a band council resolution granting permission to a man to cut timber on the reserve and trade it for lumber, presumably for building purposes. Apparently he did not submit the question to the Department at all, but wrote back to the chief: "I cannot recommend this request, but if [Ben] Keshikgobness wishes to

⁴⁰ RG 10, v.10589, Lewis to DIA, 10 January 1921.

⁴¹ RG 10, v.10599, Lewis to William Kinoshameg, 21 August 1923.

take out 200 saw logs and draws them to a mill, and [has them] manufacture[d] into lumber for his own use I am agreeable, but will not allow him to cut and trade logs."⁴² No justification was given for this unilateral decision, nor did Lewis consult with the Department in this instance.

Keshikgobness' request, to use the timber owned by his community in a manner which the band council had formally approved, was simply denied.

In another case, the agent submitted a loan application to the Department and summarily dismissed it in his remarks on the matter: "... in regard to the case of Peter McLeod making application for the purchase of a team of horses and harness under the Soldier Settlement Act, I ... would most certainly recommend against granting the loan."⁴³ Again, Lewis gave no reason for this recommendation, nor did he supply background information to explain or justify it. The Department inquired no further, but did not approve the application. This was a case in which band resources were not at issue: the loan in question would have been granted from federal funds as part of a government program to assist

⁴² RG 10, v.10599, Lewis to Chief William McGregor, 11 May 1923.

⁴³ RG 10, v.10589, Lewis to DIA, 14 January 1921. The Soldier Settlement program was devised during the First World War as part of federal plans for reintegrating war veterans into civilian life. The program involved extending loans to qualified returned soldiers so that they could purchase land, livestock and equipment, and establish farms. Native veterans were included in the program, but their loans were handled separately by the Department of Indian Affairs, and they generally received smaller loans than their non-Native comrades. For more about Native veterans and the Soldier Settlement program, see Robin Brownlie, "Native Veterans and the Soldier Settlement Program in Ontario after World War One," Wendy Mitchinson and Franca Iacovetta, eds., *On the Case* (working title; to be published by University of Toronto Press, forthcoming).

returned soldiers in establishing farms. McLeod received a very brief letter from the agent informing him that the loan would not be granted.

As a rule, officials were extremely cautious about spending money from band funds, sometimes even quibbling about very small amounts. Lewis placed less emphasis than many of his fellows on avoiding small expenditures of these funds. On more than one occasion he counselled in favour of releasing relatively minor sums chiefly on the grounds of encouraging people. When, for instance, the Whitefish River Band resolved to spend fifty dollars on road repairs, Lewis supported their decision as a morale-boosting measure: "As these roads are in bad condition and the Indians are busy trying to improve them, I would most respectfully recommend that they be granted their request as they require some encouragement."⁴⁴ Similarly, he approved a teacher's purchase of prizes for schoolchildren, and recommended that she be reimbursed for them, notwithstanding the fact that she had not secured permission in advance: "Miss Fagan did not have any authority through this office to purchase the rewards, but I would most respectfully recommend that she be paid for them, as the few small rewards given to the pupils [have] encouraged them at their studies."⁴⁵ Lewis was not a stickler for formalities, and frequently supported similar requests for reimbursement when he considered them reasonable.

⁴⁴ RG 10, v.10591, 7 June 1921.

⁴⁵ RG 10, v.10591, Lewis to DIA, 20 May 1921.

On the other hand, on at least one occasion this agent prevented a band from investing its funds in a venture which he himself believed would have been profitable to them. In 1925, the Sheguiandah band council passed a resolution to invest band funds in the purchase of a steam engine. The engine was to be used to drive the band's threshing outfit, which could be rented out to local non-Native farmers at a profit. In making his recommendation to Ottawa about this proposal, Lewis highlighted the fact that the Sheguiandah community already owned a threshing separator equipped with a gasoline engine, which "has given fairly good satisfaction and is still in good working order ..."⁴⁶ He was convinced that the impetus for the new purchase had come from the local non-Native farmers: "the Indians have been induced by their white neighbours to ask the Department to purchase steam power in order that they could do extensive threshing outside of the reserve which would be profitable to the Indians."⁴⁷ Despite the apparent investment value of the band's proposal, the agent blandly opposed it on the grounds that they had "an outfit with ample power to perform all the threshing required by the members of the Band ..."⁴⁸ The implication was clear: band funds could be used only for purposes which the agent perceived as necessities, not to undertake a profitable business venture. Here was an instance in which a band had identified a potentially lucrative investment opportunity,

⁴⁶ RG 10, v.10605, Lewis to DIA, 29 July 1925.

⁴⁷ Ibid.

⁴⁸ Ibid.

and the field official simply vetoed it. Although Lewis' recommendation in this instance was not necessarily in the best financial interests of the people, this was apparently the end of the matter. There is no record of attempts on the Sheguiandah band's part to overturn the agent's decision, perhaps because they believed such an effort would be futile. Lewis was able to shelve the project with a single letter to Ottawa.

Matters were very different in Daly's agency, where resentment about resource issues was directed at the Department, not focused internally among the bands. As a result, Daly faced substantial opposition to federal policies, which largely centred around lands and resources. The leaders of this opposition operated both outside and within the context of band council politics. Regardless of their approach, Daly was a passionate defender of the Department's (and, by extension, his own) right to control Native lands and resources. It is clear from some of his letters that Native people openly rejected the Indian agent system. Of one council on Parry Island the agent wrote, "Chief [Frank] Judge has shown over and over again, also his councillors Peter Judge and James Miller, that they do not consider it necessary to have a white man looking after the business of the Reserve, and they have stated in public that they are quite capable of looking after their own affairs."⁴⁹

⁴⁹ FK Collection, Daly to DIA, 13 July 1932.

Daly made his overall attitude toward his opponents abundantly clear in his correspondence. He spoke repeatedly of the importance of maintaining the authority of the Department, and waxed indignant about any Native attempts to show "independence" or to circumvent him and deal directly with the Department. The flavour of his approach toward band councils is nicely captured in the following excerpt from a letter to Ottawa: "I have explained to the Band, in a nice kindly way that so far as the Parry Island Band, or any other Band in this Agency is concerned, this office is the Department of Indian Affairs to them..."⁵⁰ Similarly, he tried to bring home to his clients the insignificance of their elected representatives: "I have always explained to these deputations [complaining about actions of their chief] that so far as they were concerned they did not have to worry[,] that the Department of Indian Affairs would function, it did not matter who was Chief."⁵¹

This portrayal of the situation was, in fact, not entirely accurate, for the decisions taken by the council could affect Daly's work. Daly referred more than once to his inability to persuade a council to pass motions approving his plans - his efforts were often stymied in this way, at least temporarily. In 1934, for instance, Daly was trying to convince the Parry Islanders to allow a road through their reserve to be taken over by the Department of Highways. Daly

⁵⁰ FK Collection, J.M. Daly to DIA, 11 July 1932.

⁵¹ Ibid., Daly to DIA, 3 March 1934.

justified the move on the grounds that the Department of Highways would thereafter shoulder the expense of the road's upkeep, and save expenditures from band funds for the purpose. His ulterior motive, however, was to make the road available for the use of the townspeople of Depot Harbour, a non-Native community which lived on a surrendered portion of Parry Island.⁵² The Parry Islanders had always resented their obligation to pay for this road, which was the only road access to Depot Harbour, and constantly in use by the townspeople. The latter were willing to pay fees for the use of the road, but the Department had curtly refused to allow this.⁵³ Hence Daly's resort to the scheme of handing over this thoroughfare to the Department of Highways.

The people of Parry Island were sceptical, no doubt because they feared this was a prelude to their loss of control over the road once it was finished. The agent was obviously lobbying among individual band members on behalf of his plan, but initially he could not achieve a favourable council vote: "In conversation with the Band privately, they

⁵² A piece of land on the Parry Island Reserve had been surrendered to the Canadian National Railway, which traversed the reserve, so that the company could establish a port on the island. A small community named Depot Harbour had developed on the spot, and was inhabited largely by non-Natives who worked for the railroad. Among these were Polish immigrants, who nurtured economic and some social ties with the people of Parry Island. Daly consistently referred to them as 'polocks.'

⁵³ Secretary A.F. MacKenzie wrote to Daly in 1932, "I have your letter ... regarding the proposed payment by the residents of Depot Harbour for the use of the road on Parry Island. On July 12th, last, you were advised that the Department did not approve of the proposal to exact a stated fee from Depot Harbour residents who owned automobiles ... I am at a loss, therefore, to understand your reference to the delicate position in which you find yourself." [FK Collection, A.F. MacKenzie to Daly, 22 July 1932.]

seem to be in favour, but when it comes down to the meeting of the Band, these agitators seem to be able to sway them."⁵⁴ When the people were united, their veto power did give them some leverage to resist the agent. In this case, however, they were unable to sustain their unanimity. Daly's scheme meant that the people would receive wages for road work from the Department of Highways in a time of severe economic need, and in the end Daly prevailed and the takeover was approved.

In only one instance did the Parry Island band successfully block an initiative by the agent. This case involved an American mining operation which approached Daly in 1923, requesting to explore the reserve for garnet, and seeking a land surrender or rental agreement to do so. Daly was ardently in favour of the proposal, and corresponded with his American contact, W.F. Greene of Buffalo, New York, in conspiratorial tones: "I was on the Island yesterday on business and looking after your interest."⁵⁵ The agent sounded out the band members to find out "what is likely to be accepted by them," and made specific proposals to the American: "They must have a rental per year, and for the quantity of ground specified \$100.00 is very small to offer, but I have stressed the importance of you starting operations immediately, and the royalty of five cents a ton which again is not too much to offer. I am working hard to get this through"⁵⁶

⁵⁴ FKC, Daly to DIA, 10 January 1934.

⁵⁵ FK Collection, Daly to W.F. Greene, 23 May 1923.

⁵⁶ Ibid., Daly to W.F. Greene, 25 May 1923.

The band was clearly suspicious that the American's offer was unreasonably low. Daly quickly became frustrated with the hesitation of the Parry Islanders, and wrote Greene again describing his clients' attitude in belittling terms: "The Band have a mistaken idea of the value of the stuff, and have all kinds of ideas of mineral wealth in gold, silver and precious stones. (once an Indian, always an Indian) ... to say the least I was hot under the collar at the ignorant stupidity of the Band."⁵⁷ Two months later, an agreement had still not been reached, but Daly continued to press his point with both the mining interest and the Parry Islanders. By now, the agent had decided that the band should make a long-term arrangement with the mining company and accept a plant on their land. He wrote again to Greene, "I am trying to persuade them to sell outright, as I think there is enough stuff to warrant you going ahead with a plant."⁵⁸ Apparently he was pressuring his clients to sign a ninety-nine year lease, with a yearly rental of \$10 per acre: "I am busy seeing the various members of the band and explaining matters to them."⁵⁹ This information was followed with another gratuitous disparagement of the people: "Individually, I can get them to see the point, but when in a bunch, they are like a lot of cattle on the rampage."⁶⁰ In this instance, the Parry Islanders waged effective resistance, refusing to accept the

⁵⁷ Ibid., Daly to W.F. Greene, 2 June 1923.

⁵⁸ Ibid., Daly to W.F. Greene, 21 August 1923.

⁵⁹ Ibid.

⁶⁰ Ibid.

garnet proposal. Daly's contact, W.F. Greene, died in January, 1924, and his partners apparently lost interest in the island. The agent wrote once more in an attempt to re-establish communication, but the project was not to be revived.⁶¹

Another issue that surfaced repeatedly on Parry Island was the use of the band's resources by outsiders, including those who lived in the town of Depot Harbour. Some people in the Native community had economic links of various kinds with the townspeople, which aroused the resentment of other Natives. In 1931 two members of the Parry Island band, one of them a band councillor, travelled to Ottawa to complain to the Department about non-Natives from Depot Harbour hunting and trapping on Parry Island Reserve. These two men were ongoing opponents of the agent: the band councillor was James Miller (mentioned above as one of the councillors who felt the agent was unnecessary), and the other man was John Manitowaba, whose political activities will be analyzed in greater detail later in this chapter. Daly pursued a consistent and generally effective strategy to neutralize the impact of any band members who approached the Department directly. This instance provides a fine illustration of Daly's tactics, and of his ability to use his influence with the Department to construct an unfavourable image of opponents and thus discredit their charges against him.

⁶¹ FK Collection, Daly to F.M. Ely, Toronto, 22 January 1924.

Daly began his dismissal of the two men's visit to Ottawa by denying that they had any authority to speak for the band: "I do not believe that Councillor James Miller and John Manitowabe [sic] were a delegation from the Parry Island Band."⁶² He then dealt at some length with the charges cited, beginning with the observation that he had "made enquiries into this matter but [couldn't] get any proof of polocks [sic] trapping on Parry Island Reserve."⁶³ A long account followed of the presence of Polish men on the reserve, who rented houses from some of the band members and had been there for some years. Daly's position here was somewhat delicate, because he had to acknowledge that he was aware of the situation, and that he had in fact allowed property on the reserve to be rented to non-Natives. He took two contradictory positions, on the one hand justifying his own actions, and on the other suggesting that the Department send him instructions to evict the Poles. Evidently the band had given its permission for the property rentals, and Daly remarked that "as it is a means of revenue for both of these Indian families, I could not see much wrong in it, although I have advised [the owners] that it was against the Indian Act..."⁶⁴

Interspersed with these explanations, Daly cast aspersions on the character of his accusers. John Manitowaba had already aroused his ire by writing to the King of

⁶² FK Collection, Daly to DIA, 5 August 1931.

⁶³ Ibid.

⁶⁴ Ibid.

England, an act which Daly considered self-evidently outrageous, for he began by noting simply, "This is the John Manitowaba [sic] who wrote to the King." Moreover, Manitowaba's financial status apparently rendered his views irrelevant, since he was dependent on the Department's support: "He is in receipt of a Pension and receives relief during the winter months." Daly also waxed sarcastic about Manitowaba's previous declarations that the treaty with his people had been improperly conducted and implemented: "I trust John Manitowaba has had everything cleared up, for I do know it has been an awful worry to him, how his lands have been given away and without his consent, and that he never received any rent or money for same." The agent could safely assume that the officials at headquarters would appreciate his wit, and share his view that Manitowaba's claims were not only inaccurate, but also evidence of his insubordination and ingratitude for the Department's benevolence.⁶⁵

Having disqualified Manitowaba, Daly moved to discredit Miller, using innuendo and the stereotype of the "improvident Indian":

Councillor James Miller I am sure I need not refer to him. The Department I presume, heard as well as saw him. He was in the office about two weeks ago trying to get me to consent to accept his order on his fall [interest] payment for the purpose of buying a second hand car. I refused to do so,

⁶⁵ All the quotes in this paragraph are taken from FK Collection, Daly to DIA, 5 August 1931.

knowing that he owes money for food which he got some time ago.⁶⁶

These were, of course, *ad hominem* attacks which had nothing to do with the allegations the two men had made. Miller was presented as a frivolous, irresponsible character who wished to buy a car rather than pay his debts. Manitowaba appeared as a meddler, a troublemaker who dared to question the validity of the treaties, and an ingrate who bit the proverbial hand that fed him.

Finally, Daly stated that he would be submitting a census return soon, which would show the number of non-band members residing on the reserve. He intimated that he expected to receive instructions to evict the Poles, which he had felt unable to do before. Here, however, he left the decision entirely to the Department, stating that evictions would cause hardship to the men who rented to the Poles, "but if the Department says they [the Poles] have to go, I will see to it that they will go." He also reiterated his inability to prove the charge of illegal hunting: "I have had complaints in a vague way about the Polocks hunting and fishing, but when I asked the Indians for proof, no proof was brought." Daly concluded with the remark, "If there is any other matter they brought before the Department which I can do anything to explain I will be delighted to do so, and I am sure I can explain anything they may have said to the satisfaction of the Department."⁶⁷ Apparently he had succeeded in explaining

⁶⁶ Ibid.

⁶⁷ Ibid.

everything to the Department's satisfaction, for the matter ended there.

Daly was faced with dogged resistance from a number of band members, and his contests with them spanned his entire career in the Parry Sound agency. The two most persistent and active were Francis Pegahmagabow and John Manitowaba, both of whom became band chiefs during Daly's administration. The agent participated actively in an attempt to have Pegahmagabow deposed as chief, and made strenuous attempts to have Manitowaba removed from office as well. He also had serious conflicts with John Manitowaba's son Stanley, who succeeded Pegahmagabow as chief until he was deposed for being intoxicated.⁶⁸ He later served as a band councillor, but was again deposed on the ground of intemperance, having been convicted more than once of intoxication.⁶⁹ This man's convictions for drinking made his removal from office practically inevitable, for the Department took a severe view of this issue. On the other hand, he also offended the agent through his beliefs about the powers of the band council. Daly's comments in recommending his second removal from office are worth noting - the agent objected to Manitowaba's political approach much more than to his drinking patterns: "Stanley Manitowaba is an apparently intelligent fellow, until you get talking to him, and when acting as a councilman he has peculiar ideas as to his powers. I would therefore,

⁶⁸ FK Collection, Daly to DIA, 31 January 1934.

⁶⁹ FKC, Daly to DIA, 31 January 1934.

recommend that a new Council be appointed to take his place as he is not fit to be a councilman of the Band."

Francis Pegahmagabow was a lively and dynamic character, a decorated war hero, and seemingly a sort of lone crusader personality. Pegahmagabow had excelled as a sniper in the First World War, receiving a military medal and two bars in token of his valour.⁷⁰ Not surprisingly, he placed enormous value on these accomplishments, and no doubt much of his tenacity in opposing Daly came from the pride and honour he had achieved through his military endeavours. His rebellion against the Department was certainly not solely a response to Daly himself, for Daly's predecessor, Alexander Logan, and successor, Samuel Devlin, both expressed annoyance about Pegahmagabow as well. All three agents attempted on occasion to dismiss this man as mentally unstable, although Daly stressed his obstinacy more often than any alleged instability.⁷¹

⁷⁰ P.S. Schmalz wrote of Francis Pegahmagabow, "Enlisting in 1914, he, as a sniper, bears the extraordinary record of having killed 378 of the enemy. After participating at Amiens, he led his company at Passchendaele through an engagement with only one casualty, and subsequently captured 300 Germans at Mount Sorrell." [P.S. Schmalz, *The Ojibwa of Southern Ontario* (Toronto 1991), p.229.

⁷¹ Logan, to whom Pegahmagabow had applied for a Soldier Settlement loan, remarked, "This man is very hard to handle as he suffers from dementia and takes very strange notions." [RG 10, v.7502, f.25022-5, Alexander Logan to DIA, 8 January 1920]. Daly was much less inclined to question Pegahmagabow's sanity, and generally spoke of him more as a troublemaker. However, on one occasion he seems to have weighed the possibility of taking revenge on the man by having him declared insane: "... Pegahmagabow has shown me that he is the most ungrateful piece of humanity that I have ever run across, and I am seriously considering the advisability of writing to the Pension Commission asking that he be examined mentally." [FK Collection, Daly to DIA, 14 September 1935]. Later agents also complained of their difficulties with Pegahmagabow. He served another term as chief in the 1940s, and agent Samuel Devlin wrote when his term ended, "... I am personally very pleased that he is not

It is, in fact, no simple task to do justice to the complexities of Francis Pegahmagabow's character. He was certainly not "insane," but he did have his idiosyncracies. When he applied (unsuccessfully) for a loan under the Soldier Settlement program, for instance, he requested a very large sum, which was the same figure as his regimental number in the army, 6846. He was an avid letter writer, and also penned documents which were essentially manifestos, in which he portrayed himself rather in the image of a messianic figure.⁷² While he did battle with the Department and its representatives, he also had his disagreements with other members of his band, and with non-members resident on Parry Island. In such instances he was prepared to collude with the agent. In short, Francis Pegahmagabow was a complex man, an energetic campaigner, a man with big ideas, and not one to fear confrontation. In fact, he had a good deal in common with John Daly himself. Reading between the lines, it is clear that Daly, for all his exasperation with Pegahmagabow, also respected and liked the man. They were well-matched opponents, both proud veterans of the First World War, and they waged their verbal and ideological warfare with gusto.

continuing as Chief of the Parry Island Band, as during his term of office, his time was largely taken up with quarrels and a succession of ridiculous charges against the Indian administration." [RG 10, v.8021, f.475/37-7-8-9, Samuel Devlin to Indian Affairs Branch, 1 February 1945]. Secretary T.R.L. MacInnes, who had been hearing about the man's exploits for several decades, had completely dismissed Pegahmagabow by 1945: "It is my personal opinion that the man is a mental case." (Ibid., T.R.L. MacInnes to J.J.S. Garner, Office of the High Commissioner for the United Kingdom, 13 April 1944).

⁷² See Parry Island Reserve Papers, MS 137, Archives of Ontario.

In the first round, Pegahmagabow suffered a defeat, though Daly could not take much credit for it. When Daly took over the Parry Sound agency in 1922, Pegahmagabow was chief of the Parry Island band and had already alienated part of the community by writing a letter to the Department in which he suggested that certain individuals be removed from the reserve. The council passed a motion to censure the chief and asked him to resign, but he refused.⁷³ Pegahmagabow was re-elected chief in February, 1924.⁷⁴ At this time Daly wrote a letter about his rival which gives a good sense of the relationship between the two men: "This young man is a problem I try to explain to him that he must get in line. He is of the opinion, that is the Council passes a resolution, it should be carried out by the Department. To mention the Department to him, is like tossing a red rag to a bull."⁷⁵ The agent even went so far as to intimate that if he had not had "a little experience with the disgruntled returned men," he would be "nervous" around the chief.

Meanwhile, the Parry Islanders were divided on the subject of their re-elected chief. Clearly there was a faction which approved of Pegahmagabow, for he had received a majority of the votes cast. Another group, however, was determined to be rid of him. By April of 1925, a movement was

⁷³ RG 10, v.7927, f.32-22, Pt.2, Alex Logan (agent) to DIA, 19 June 1922.

⁷⁴ RG 10, v.7927, f.32-22 Pt.2, Memorandum from Henry Fabien to the Deputy Superintendent General, 15 April 1925. Pegahmagabow was chief when Daly took over the agency, and given that the term of office was three years, he was probably first elected in February, 1921.

⁷⁵ Ibid., Daly to DIA, 8 February 1924.

afoot among the band to depose Pegahmagabow. Minutes from a band council meeting held on 2 April 1925 give some indication of what happened.⁷⁶ A motion was made and seconded "That the present chief is utterly incompetent well known by all members of the band." Someone else then moved that Pegahmagabow be retained for the term, but no seconder is recorded for this motion. Two other men spoke against the chief, and then a vote was held on the motion to depose Pegahmagabow, with fourteen in favour, four opposed and three abstentions. This resolution was forwarded to the Department by Daly, with his recommendation in favour of the chief's removal.

The next development reveals the depth of the divisions among the Parry Island band. A petition was sent to the Department, signed by seventeen band members, opposing the removal of the chief. The accompanying letter, written by band councillor John Miller, asserted that this petition was a response to an earlier one "forwarded through the Indian Agent at Parry Sound asking for the removal of Chief Pegahmagabow."⁷⁷ According to Miller, many of the signatures on this first document were fraudulently obtained: he claimed that the men had signed a blank paper. This assertion is rather unconvincing, for in the same breath Miller stated that "at the time of their signing they were unaware of any

⁷⁶ The minutes were taken by Pegahmagabow himself, and are somewhat sketchy. [RG 10, v.7927, f.32-22 Pt.2 (a Department file on Francis Pegahmagabow)].

⁷⁷ RG 10, v.7927, f.32-22 Pt.2, John Miller to DIA, 14 April 1925.

specific charges or reasons for the Petition"⁷⁸ - a statement which implies that they did know what kind of document they were signing. Seven of the signatories to the first petition appeared on the second as well, the one which opposed the deposition of the chief. Miller further noted that a band council meeting had been held since the original petition (presumably this was the April 2nd meeting), and stated that, "the question of the removal from office of Chief Pegahmagabow was brought up, but when a request was made by the Indian Agent for specific charges to be sworn against the Chief no charges were brought forward."⁷⁹ This accords with the council minutes mentioned above - although a majority voted in favour of deposition, the reasons given for removing the chief were entirely vague and unspecific.

The Department had its own reasons for complying with the Parry Island band's resolution. Pegahmagabow had been a thorn in Daly's side from the beginning, and the Department was well aware of his oppositional stance with regard to its policies. It knew, for instance, that in 1923 the chief had contacted other bands in the agency in an attempt to unite them against the Indian Affairs administration in general. In a letter to Chief Samuel Noganosh of the Maganetawan band, written in July of 1923, Pegahmagabow stated that he was planning to go to England to press for rather unspecific changes: "... I am now ready to visit your principal men of

⁷⁸ Ibid.

⁷⁹ RG 10, v.7927, f.32-22 Pt.2, John Miller to DIA, 14 April 1925.

your reserve [and] propose to inform you how we should act to press our claims and complaints and that I am about to go to England."⁸⁰ The following year this letter made its way into Daly's possession, and he wrote the Department to inform them of the chief's activities, suggesting that measures be adopted to stop his "seditious campaigning among the various bands of Indians, in the Georgian Bay District."⁸¹ The letter to Noganosh, according to Daly, "clearly shows the bent of this Indian's mind, and his actions and talk show that he spurns the authority of the Dept. of Indian Affairs."⁸² The Department responded at this time with the advice that Daly should warn Pegahmagabow that his persistence in such conduct might result in an investigation and a subsequent deposition. The agent had requested that an official letter be sent to the chief, but the Department's secretary felt that such a direct communication "might convey to him an exaggerated conception of the importance of his activities."⁸³ This remark was a clear statement of the Department's low estimation of Native people, and its determination to convince them of their insignificance in Ottawa's eyes. Deputy Superintendent General Scott also made a practice of ignoring Native political organizers in this period, hoping to discourage them from further activities.⁸⁴

⁸⁰ RG 10, v.8021, f.475/37-7-8-9, Francis Pegahmagabow to Chief Noganosh, 9 July 1923.

⁸¹ Ibid., Daly to J.D. McLean, DIA, 28 May 1924.

⁸² Ibid.

⁸³ Ibid., J.D. McLean to Daly, 10 June 1924.

⁸⁴ Scott took this approach with "Chief Thunderwater," an American organizer, and with F.O. Loft, founder of the League of Indians. When

Once the band had passed its resolution to remove Pegahmagabow, the Department went into action. An internal Department memorandum of 15 April 1925 summarized the agent's charges against the chief and supported his recommendation of dismissal on the grounds of incompetence.⁸⁵ It stated that the agent had complained several times about the chief, alleging that he "ha[d] been ever since [his election] causing trouble on the reserve by agitating an uprising of the Indians against the Department's method of running the reserve." Moreover, Daly had convinced his superiors that Pegahmagabow was "of very lazy disposition" and was thus "setting a bad example to the other Indians." The proof offered for this contention was that he had requested relief after being elected chief, and had initially turned down a paid position as fire ranger of the reserve (which he later accepted). The memo stated that Pegahmagabow had been warned "that if his conduct did not improve he would be deposed." His conduct had not improved, the agent recommended deposition, and "practically all the Indians of the band voted for a motion asking for his dismissal."⁸⁶

both men began to receive favourable media attention and appeared to be attracting Native support, Scott moved to the offensive, adopting various measures to hamper and discredit these leaders. See E. Brian Titley, *A Narrow Vision* (Vancouver 1986), pp.94-110.

⁸⁵ RG 10, v.7927, f.32-22 Pt.2, Memo from Henry Fabien, 15 April 1925. Unless otherwise noted, the background information in this paragraph is based on the memo.

⁸⁶ There were 122 band members on Parry Island in 1924. Fourteen votes in favour of Pegahmagabow's removal were recorded at the council meeting of 2 April. The claim that "practically all the Indians of the band" voted for the chief's dismissal is thus clearly an overstatement.

Daly and Pegahmagabow's Native detractors had nearly achieved their goal. But the arrival of the counter-petition caused the Department to halt the process, without informing Daly. On 30 April, 1925, the agent wrote Ottawa to inquire about the results of the resolution to remove the chief. Secretary J.D. McLean replied that the counter-petition had "caused a great deal of confusion in the matter." He therefore stated that "unless a specific charge can be laid against the Chief in accordance with Section 96 of the Indian Act and substantiated by proofs, the Department will not take any further action regarding this question."⁸⁷ The Ottawa officials were unwilling to go so far as to depose a chief unless a band displayed substantial unanimity in favour of the move (except in cases of intemperance, when they showed no such hesitation). Pegahmagabow was spared removal from office by the Department, but within a short time he chose to resign of his own accord. In August Daly reported that the Parry Island band council had passed a resolution to approve Pegahmagabow's resignation, moved by Pegahmagabow himself.⁸⁸ Ottawa demanded a written resignation from the chief's hand, which it duly received. Thus ended Pegahmagabow's second term as band chief.

This, however, was far from the end of his political activities. Although he was not re-elected chief under Daly's

⁸⁷ RG 10, v.7927, f.32-22, Pt.2, J.D. McLean to Daly, 6 May 1925.

⁸⁸ RG 10, v.7927, f.32-22, Pt.2, Daly to DIA, 3 August 1925.

administration,⁸⁹ Pegahmagabow served on the band council for several terms in subsequent years, and was as active as ever in his opposition to the Indian Affairs bureaucracy. One of his principal concerns was the government's handling of the Robinson Huron Treaty of 1850. Like succeeding generations on Parry Island, he disputed the government's claim that all the neighbouring islands in Georgian Bay had been surrendered: as Daly put it, Pegahmagabow had been "trying to stir up trouble about the Indians owning all the Islands in the Georgian Bay."⁹⁰ The islands were being used for cottage sites, and Pegahmagabow, John Manitowaba, and others felt that the Parry Island band should at least receive rent for these properties. In 1925, just before he resigned as chief, Pegahmagabow was apparently involved in an inter-band organizing effort to re-open the question of these islands. Daly reported that he had spoken with Chief Wesley Jacobs of the Shawanaga band, a former president of the Grand General Council of Indians of Ontario who had been advocating aboriginal rights for years.⁹¹ Jacobs stated that a delegation was preparing to go to Ottawa in an effort to negotiate about the islands in Georgian Bay which the organizers believed had not been surrendered under the Robinson Treaty. They were also approaching the local member of parliament, Col. J. Arthurs, to secure his support. Daly attempted to dissuade

⁸⁹ As indicated above (note 76), Pegahmagabow was elected chief again in the 1940s, serving from approximately 1942 to 1945.

⁹⁰FKC, Daly to DIA, 15 July 1932. The Wasoksing (formerly Parry Island) band is presently preparing a land claim relating to the islands.

⁹¹ P.S. Schmalz, *The Ojibwa of Southern Ontario* (Toronto 1991), p.230.

Jacobs from his course, explaining that "the Dept. would not like paid officers of the Dept. like [Joseph] Jones [a band constable] and himself, stepping over the head of the Dept. to go to Parliament"⁹² Jacobs was unmoved, stating that "they were about all ready to go to Ottawa now and he thought they would go."⁹³ Daly was convinced that Natives "all over Georgian Bay" had been approached about the unsurrendered islands, citing a letter he had received from a Native man at Collin's Inlet,⁹⁴ who asked "if it was so that the Indian lands are being taken from them."⁹⁵

Evidently there was further agitation about this same issue in 1932, involving then-chief of the Parry Island band, Frank Judge. In this year there was correspondence between Daly and the Department about how to retrieve a number of documents held by Francis Pegahmagabow, including a copy of the Robinson treaty itself. Chief Judge had been trying to obtain these papers from Pegahmagabow, who refused to return them (they apparently belonged to the band). Daly had already tried to secure them from his rival, but had then come to the conclusion that, for the time being, they were better where they were. His reasons were entirely political, and show his

⁹² RG 10, v.1982, f.6174, Daly to DIA, 8 June 1925. The depiction of chiefs and band constables as "paid officers of the Department" is certainly interesting! The contention would be hard to defend, given that they were paid from band funds. More strikingly, the phrase suggests a belief on Daly's part that such officials were accountable not to their constituencies, the band communities, but to the Department of Indian Affairs.

⁹³ Ibid.

⁹⁴ Collin's Inlet was at the northernmost end of the Parry Sound agency.

⁹⁵ Ibid.

calculation that it suited his purposes to keep band officials in ignorance:

I have come to the conclusion that it is a good thing for him to have these books, for in the past Pegahmagabow tried to make trouble with his knowledge of these Treaties, and according to the recent actions of Chief Judge, he seems to me to be of the same ilk as Pegahmagabow. I cannot see that it would do the Chief any good to have these papers.... I have advised him not to bother about the papers, and have told them that any information they want to get, can be obtained at this office.⁹⁶

In fact, there had apparently been a good deal of recent agitation about the treaties, carried on by Parry Islanders and at least one other member of the Shawanaga band, Henry Abetung. The latter had become involved with a group Daly called the "Union Council of Ontario Indians." The agent again linked this political activism with Native people obtaining the treaty documents: "It is because of men such as Pegahmagabow and Henry Abetung of the Shawanaga Band, having a knowledge of these treaties, that Henry Abetung has been acting in the 'Union Council of Ontario Indians.'"⁹⁷ Daly had settled on a strategy of containment: "There has been a great unrest among the Indians and I have endeavoured to explain to them that these treaties are past and done with." He was alarmed enough about the "unrest" to take a cautious approach to the issue of securing the documents from Pegahmagabow: "Because of this feeling, I have refrained from taking these

⁹⁶ FKC, Daly to DIA, 11 July 1932.

⁹⁷ Ibid.

Huron treaties and other documents from Pegahmagabow forcibly." But his calculation here was probably that ignoring the agitation would be the most effective way to prevent it from spreading.

It was a not an opportune moment for political activism against the Department: by 1932 economic depression had struck the Parry Sound area in earnest, and aboriginal people were hit even harder than non-Natives in the region. Daly's position as dispenser of relief meant that few Native people could afford to challenge him. This may have been the cause of Daly's confidence in reassuring the Department: "I have to state that so far as the Band is concerned, that is, all the Band, they do not give a hoot for these treaties, it is just this contemptible sneaking representative, in the meantime, of the Parry Island Band, who would like to make trouble."⁹⁸

This portrayal clearly understated the extent of Parry Islanders' interest in the ownership of the nearby islands, an issue that has resurfaced regularly right up to the present time.⁹⁹ The agitation about it in the early 1930s was apparently a contributing factor in the election of Daly's other significant challenger, John Manitowaba, as chief of the band in February of 1933. According to Daly, Francis Pegahmagabow later declared that Manitowaba had won the election because he had promised action on the issue of the unsurrendered lands:

⁹⁸ Ibid.

⁹⁹ See note 90.

Councillor Pegahmagabow states, "We made a mistake because some of the young men believed John Manitowaba when he told them he would make the Department pay back a large sum of money to the Band funds for the islands and other land around Parry Sound, which has [sic] been sold to the tourists."¹⁰⁰

Daly had very little sympathy with the movement to regain the islands in Georgian Bay, and even less sympathy with Manitowaba himself. The agent adopted an exceedingly patronizing attitude toward this rival. Manitowaba was about seventy years old when his political conflicts with Daly began,¹⁰¹ and he clearly perceived himself as an elder whose opinion both the agent and the Department ought to respect. When attempting to assert his right to limit the exploitation of timber on Parry Island, for example, Manitowaba cited his seniority: "I am the oldest people on Parry Island and I want this to be settled right!"¹⁰² In dealing with the Indian Affairs bureaucracy, Manitowaba seemed to operate on assumptions which no doubt stemmed from Ojibwe culture, but which were ill adapted to the context of Canadian federal politics, and particularly of Indian Department politics at the time. He assumed that the views of an individual Native elder, who bore the knowledge of previous generations and responsibility for the welfare of those to come, should carry

¹⁰⁰ FKC, Daly to DIA, 30 October 1934.

¹⁰¹ Manitowaba was born around 1857, Daly in 1873. (At the bottom of a letter written to the Department, he signed his name, followed by "Age 73," - FKC, "Copy of John Manitowaba's Letter to the Department," undated, but sent to Department by Daly April, 1930).

¹⁰² FKC, Daly to DIA, quoting Manitowaba, 4 April 1930.

weight with government officials. Thus, unlike some of the younger men, he tended to take on the agent and the Department single-handedly. This strategy made it easy for the agent to dismiss and outflank Manitowaba, initially by making it appear that the elder's concerns were being heard, when in fact he was being portrayed to the Department as a nostalgic, ignorant, foolish individual of no importance. Daly made a point of mentioning his challenger's age, but used it as a means to dismiss him: "He is an old man and [is] not taken very seriously by any of the members of the Band, but I have found him to be quite a trouble maker and his wife is a good second to him in this respect."¹⁰³

These two divergent views of Manitowaba's status largely reflect a cultural clash. Daly employed his own society's stereotype of the hidebound, backward-looking, senile old man to discredit his challenger. John Manitowaba seemingly adhered to the traditional Anishnabe culture, which considered its elders important community members and sources of wisdom. Each man believed that the other owed him deference due to his position in the community. Daly clearly relegated John Manitowaba to the third of the categories outlined by Noel Dyck, the Department's image of the dependent, ungrateful "Indian." Due to his age, he was not expected to alter his views, so he was simply written off. He would be kept from starving, but that was all the Department felt it owed him. Daly's conception of the lifestyle for

¹⁰³ FKC, Daly to Duncan Campbell Scott, 13 March 1930.

which Manitowaba was fitted was based on a class consciousness in which the "dependent Indian" was placed at the very bottom of the hierarchy. When Manitowaba wrote to Ottawa to complain of the unsatisfactory condition of his house, for instance, Daly retorted, "John Manitowaba's house is nothing to be proud of, but owing to circumstances and taking into consideration what John Manitowaba is, his house is good enough for him."¹⁰⁴ Moreover, on this occasion the agent employed one of his favourite techniques to dismiss complaints from his clients, namely the claim that they would never be satisfied, regardless of any steps the Department might take: "He is one of those Indians, who although he is old and deserving of sympathy, if you [gave] him a handful of stars he would want a chip off the moon."¹⁰⁵

The rivalry between the two men pre-dated Manitowaba's election to the Parry Island council. It first appears in the records in 1927, when Daly learned that Manitowaba had been cutting stovewood on someone else's property. The proper procedure for procuring stovewood under Daly's administration was to apply to the agent for a permit - Manitowaba had not done so, and moreover he had trespassed on someone else's property to cut wood. The agent took Manitowaba to task publicly for this transgression, and Manitowaba freely admitted to taking the wood. As Daly wrote in his account to the Department, "I then asked him if he understood and he

¹⁰⁴ FKC, Daly to DIA, 18 December 1930.

¹⁰⁵ *ibid.*

said, 'Oh yes!' in a very insolent manner adding that he had to get wood to burn." In Daly's eyes, this action was a direct challenge to the agent's authority to determine the use of resources on Parry Island, especially since Manitowaba was quite public about his actions. Daly attempted to humiliate his adversary and frighten him into compliance: "Owing to his attitude and tone of speech I warned him again in a kindly manner that it would mean jail for him if the incident occurred again."¹⁰⁶

The agent's attempt at intimidation was apparently unsuccessful, for Manitowaba continued to cut wood on the same property intermittently for the next four years, causing repeated complaints from the owner of the land. The agent reported in 1931 that he had warned Manitowaba and others "over and over again" to stay off this lot. In 1931 he implemented his threat of legal action, writing the Department that he would "have John Manitowaba up before the magistrate in the near future, with two of his boarders, for trespassing on the lot of Mrs. Joe Partridge."¹⁰⁷ Daly considered Manitowaba's actions "proof of the disregard that John Manitowaba has for white men's property in this section of the country."¹⁰⁸ Although Daly undoubtedly followed through on his threat to take his opponent to court, it is worth noting that the elder had continually ignored the agent's blandishments over a period of four years before the agent

¹⁰⁶ RG 10, v.7540, f.29022-5, Daly to J.D. McLean, 18 January 1927.

¹⁰⁷ *ibid.*, Daly to DIA, 3 March 1931.

¹⁰⁸ *ibid.*

finally took any action. Despite his threats, Daly appears to have been hesitant to implement legal action - a fact which was presumably not lost on the people of his agency.

Manitowaba's private activities were only a part of his challenge to Daly's authority. In addition, he attempted to intervene more generally in the exploitation of natural resources on Parry Island. In 1930 he wrote to the King of England complaining about timber cutting on the island, which he felt was excessive and would rob future generations of this resource. Predictably, the letter was forwarded to the Department of Indian Affairs to be dealt with, which immediately turned to Daly for an explanation. The agent was thus provided with an opportunity to discredit his opponent and neutralize his potential future influence.

Daly responded with his usual dismissal of his clients' right to speak out, asserting that Manitowaba "does not know what he is talking about, and does not know anything at all about the timber operations on Parry Island." Daly employed his own culture's prejudice against elders to imply that Manitowaba was ignorant and not worth listening to, although his age did not prevent him from causing inconvenience. Manitowaba's financial status also disqualified him, once again, from offering criticism of the Department: "He has every reason to be grateful to the Department of Indian Affairs for their kindness and consideration in granting him

relief all winter."¹⁰⁹ The agent promised, however, that he would speak to Manitowaba and report further on his views.

Daly's next letter on the subject was an account of his interview with the elder. His words clearly expressed his outrage at the audacity of an aboriginal person circumventing the agent and addressing such a high-ranking personage as the King of England. Manitowaba had signed his letter "Chief John Manitowaba," which Daly took pleasure in ridiculing:

It appears to me that John has had an ambition to be Chief of the Band all his life, and never having been elected as Chief by the Band, he has elected himself Chief in his own mind and because of this self imposed elevation, he feels he has a duty to perform for his Band and feeling himself perfectly qualified to address any official of the Government, or for that matter, His Majesty the King, he has written to you direct, as he considered the Agent here did not understand the importance of the situation....¹¹⁰

The agent then proceeded to describe the grievances Manitowaba had explained to him, in a clear and relatively unbiased fashion. Most were objections to specific forestry practices which Manitowaba considered wasteful. The elder's concern for future generations was vividly conveyed: "If they keep on cutting as they are doing, my people or my children will have no bush left." Daly made it clear that he considered Manitowaba's opinions outdated and backward. He claimed to "sympathize with him [Manitowaba] and with all the

¹⁰⁹ FKC, Daly to Duncan C. Scott, 13 March 1930.

¹¹⁰ FKC, Daly to Hon. Duncan Campbell Scott, 18 March 1930.

Indians who live in the past, such as he does...," comparing their supposedly romanticized vision of an earlier era with that cherished by the Highlanders of Scotland. But he advocated that First Nations should forget the past, "get out and hustle around, accept conditions as they are, and prepare themselves to take a place in their country and its affairs." The solution for this problem, in Daly's eyes, was the education of the young.¹¹¹

In a further letter shortly after this one, the agent continued his list of the issues that Manitowaba wanted addressed. In addition to resources, the elder was concerned about land in general, and made what amounted to land claims against the government. He had a detailed conception of which land and islands around Parry Island had belonged to his own family: this knowledge had clearly been passed down from one generation to the next. Manitowaba maintained that his family had never sold these areas, some of which were now occupied by non-Natives as cottage sites, and that no rent was paid for this land. Manitowaba also asserted, as did a number of other members of his band, that the islands around Parry Island belonged to the band and had never been surrendered. Having reported on these matters, Daly went on to record his own views of aboriginal land rights and the meaning of the treaties between Canada and First Nations. It is a most revealing passage, a characteristic combination of

¹¹¹ FKC, Daly to Hon. Duncan Campbell Scott, 18 March 1930.

sentimentality and hard-nosed pragmatism, along with his own diagnosis of an aboriginal traditionalist's psychology:

As I sit and listen to John Manitowaba telling his story I can see the tragedy of it all, from his point of view, and his point of view, is this, that the white man is taking advantage of him and will always take advantage of him, taking away his land and giving him nothing in return. I feel very sorry for him, ... because there is no living man able to explain to him the meaning of the treaties that were passed, the reason for this is that he does not wish it to be explained to him. He does not want to know, and in his heart he wishes to have a complaint.¹¹²

In his two letters to the Department Daly prescribed several remedies for John Manitowaba's political intervention, means of pacifying the man and reconciling him to his fate as a ward of the government. These strategies involved impressing on the elder both his dependence on the Department's benevolence, and the supposed advantages he received from federal wardship. First Daly proposed that the Department write a letter back assuring Manitowaba of his protected status as a subject of the British Empire, "so that I will be able to read it to John and comfort him in the knowledge that the Department, like the flag of the empire, floats over the Indian with a protecting assurance that they will see to it that no one will take advantage of them."¹¹³ Second, he pursued the theme of Manitowaba's dependence on

¹¹² FKC, Daly to DIA, 4 April 1930.

¹¹³ FKC, Daly to Hon. D. C. Scott, 18 March 1930. The ambiguous antecedent of the final word, "them," is no doubt unintentional!

relief from the Department, which he clearly felt should discourage the elder from criticizing his benefactors. There is also an implicit suggestion that these payments contradicted Manitowaba's view that the "white man is taking ... away his land and giving him nothing in return." Daly related, "As we sit and look one another in the eye, he asks me about his relief ration for the month of April. I tell him, 'Yes, John, you will get your relief for the month of April. The Department has said so, and the Department will keep their word.'"¹¹⁴

Finally, the agent proposed to silence his critic with meaningless assurances. Here his patronizing attitude was displayed without disguise:

As he goes out being assured that he will get his ration, he turns back and says, "You will send my letter to the Department?" and I say, "Yes, John, your letter will go to the Department and the Department will put it on file and keep it there for all time." It is pathetic to see the look of content at the knowledge that his letter will be put on file. ... [I] go to the cabinet and take out a file and show him how it will be filed.¹¹⁵

Daly was actually making an ironic comment on bureaucratic inaction, and the fact that a filing cabinet was a place to store the records of grievances which were never pursued! He concluded with a reference to John Manitowaba's powerlessness to interest the Ottawa officials in his concerns, suggesting

¹¹⁴ FKC, Daly to DIA, 4 April 1930.

¹¹⁵ FKC, Daly to DIA, 4 April 1930.

that Manitowaba be sent a letter acknowledging receipt of his own communication. This, remarked Daly, would "cause a little thrill to John Manitowaba knowing ... that he was in personal touch with the Department. This may not appear to be of very great importance to the Department, but to John Manitowaba it is a real live issue."¹¹⁶

With that the episode ended. The agent had dutifully transmitted Manitowaba's concerns to the Department; they had been duly noted, acknowledged, and filed. The elder may have believed for some time that results would be forthcoming, but by the time he was elected chief in 1933 he must have abandoned any such hope, and he clearly had less faith in Daly's usefulness as a conduit to the Indian Department. As noted above, Manitowaba evidently campaigned for election on a platform of securing redress for the loss of unsurrendered lands. It would appear, therefore, that he had maintained a steadfast purpose, but altered his tactics. Above all, by this time he was taking an overtly adversarial position vis-à-vis the agent. Unfortunately for him, the band council system was carefully designed to preclude political influence on the part of aboriginal officials, so Manitowaba's election as chief did not improve his strategic position. While the elder continued to voice his concerns, Daly easily convinced the Department to disregard the Parry Island chief.

Daly and Manitowaba had widely diverging views on the nature of the chief's office, the powers it conferred, and

¹¹⁶ *ibid.*

the reciprocal duties of chief and agent. Chief Manitowaba quickly became disillusioned with the delays involved in bureaucratic procedure. In May of 1933, three months after his election, he wrote the Department to convey his frustrations. He began by asserting that he had "always done all I am supposed to do," but that he was not receiving replies from the Department, and questioned the agent's claim that resolutions were being submitted to Ottawa:

any Resolutions that are passed in our general council meetings [we] get no reply either from him [Daly] or from the Dept. He never explains in any way in Regards to answer of same if any although the Agent stoutly maintains he fo[r]wards all Resolutions to the Dept.¹¹⁷

The chief further complained that although he and the council had been in office since February and had first met on 2 March 1933, they had received only two answers from the Department in that three-and-a-half-month period. This was in no way unusual - presumably there had been responses to the resolutions passed at the March and April council meetings. To Manitowaba, however, it appeared that Ottawa was dragging its feet, or that the agent was not duly submitting the council's decisions. He believed that the agent was responsible for the situation: "I rather suspect that communications are being sent to you with out [sic] my knolage [sic] if so please enlighten me.... I would be very much obliged if you could possibly send me the original

¹¹⁷ *ibid.*

letter if any you have received."¹¹⁸ Clearly the chief expected a certain level of reciprocity in his interactions with the agent, and also the maintenance of regular contact with Ottawa. These expectations were not met by the system that was in place.

The following spring the regional Inspector of Indian Agencies, Thomas McGookin, visited the Parry Sound agency and the chief met with him in person. The only available information on this interaction comes from Daly, who wrote about it half a year later in response to a Departmental query which followed a letter from Manitowaba. The agent's account was by this time coloured by his campaign to expel Manitowaba from office. He stated that Manitowaba and McGookin had had one interview, apparently without the agent being present: "I see by my diary that Mr. McGookin had a pow-wow with John Manitowaba and his interpreter 'White'."¹¹⁹ McGookin was himself a former Indian agent, and showed a visible bias in favour of Daly. The latter, knowing very well that his opponent was dissatisfied, had laid the groundwork with the inspector before he came into contact with Manitowaba: "I remember stating to Mr. McGookin that John Manitowaba might have something to say to him which he might

¹¹⁸ *ibid.*

¹¹⁹ FKC, Daly to DIA, 1 October 1934. The records are confusing here. Daly's official diary - the one sent in to the Department every month - shows that McGookin arrived on 22 October, and that the two visited Gibson Reserve together. Since this reserve lies at some distance from Parry Sound, it is difficult to imagine that the two men were on Parry Island the same day. Yet the diary also records that the inspector left the next day on the early morning train. It is therefore unclear when McGookin and Manitowaba would have had an opportunity to talk.

not want me to hear, and Mr. McGookin said, 'Sit where you are.'..."¹²⁰ According to the agent, the inspector then informed the chief that he would come to see him later if he had the time, but this visit never took place. Since then, Manitowaba had inquired more than once when the inspector would return, but on these occasions Daly tried to impress on him his insignificance: "I explained to him that the Inspector did not have time to call on him, and that Inspectors are not expected to do that unless there is something serious the matter."¹²¹ Manitowaba's attempts to register his complaints about reserve administration were thus effectively thwarted.

The first serious conflict between Daly and Manitowaba occurred when Stanley Manitowaba, the chief's son and a band councillor, was deposed for drunkenness. At the council meeting where Stanley's removal was announced, held in early March 1934, John Manitowaba apparently displayed his anger at the decision. Only Daly's side of the story has been recorded - he portrayed the chief's behaviour as an undignified outburst of temper, going so far as to claim that "the saliva was running out of his mouth."¹²² This council meeting culminated in the first open attempt to remove Manitowaba as chief. Manitowaba was in some ways a less than ideal representative from the band's point of view: he apparently spoke little English, could not read or write, and was

¹²⁰ *ibid.*

¹²¹ *ibid.*

¹²² FKC, Daly to DIA, 3 March 1934.

already on bad terms with the agent before his election. These characteristics placed him in a poor position to negotiate with non-Natives in general, and particularly with the Department's officials. For these reasons, and probably due to internal divisions as well, a group of Parry Islanders wrote the Department immediately after his election in an unsuccessful attempt to have him deposed at once.¹²³ The attempt was clearly in part a reflection of internal band politics. Francis Pegahmagabow was one of the main advocates of deposition, and he had his own scores to settle with Manitowaba, including Manitowaba's active role in the effort to depose Pegahmagabow himself in 1925. Joseph Partridge, the band secretary, also supported the resolution to remove the chief. Partridge was a favourite of Daly's, whom the agent later selected as the foreman for road work on the reserve.¹²⁴ Perhaps he also resented Manitowaba's former habit of cutting wood on property owned by Partridge's wife. The resolution to depose Manitowaba was put to the meeting and carried unanimously, although Daly did not state how many band members were actually present at the time.¹²⁵

In his letter to the Department describing this meeting, Daly seemed concerned to present himself as impartial. He was anxious to see Manitowaba deposed and, while he included a damning account of the chief's outburst, he wished to avoid

¹²³ NA, Rg 10, v.7927, f.32-22 Pt.3, Alfred Tabobondung, Edward Judge, Joseph Partridge to DIA, 20 February 1933.

¹²⁴ FKC, Daly to DIA, 22 June 1935.

¹²⁵ *ibid.*

giving the impression that deposition was an act of revenge on his part. In structuring his recommendation, he stressed the sentiments of band members, claiming that from the start he had had a number of deputations which sought to rid the band of the chief. He detailed Pegahmagabow's charges against Manitowaba, including that he "did not know how to run the council meeting, did not know how to put a resolution to the Band, never tried to do anything for the welfare of the council, all he was interested in was himself..."¹²⁶ Above all Daly stressed the chief's character, as he saw it: "He is an old man, stupid, vindictive, and abusive, in his treatment of an official of the Government" This phrase appeared twice in the letter, the words almost identical each time. Daly concluded by recommending "that Chief John Manitowaba be deposed for the good government and welfare of the band."

The Department, however, saw fit to veto the resolution, and stated that Manitowaba would be allowed to remain in office.¹²⁷ Although the band passed another resolution asking the Ottawa officials to reconsider, and Daly "strongly recommended" deposition this time, the Department stood firm. It apparently felt that Manitowaba posed no threat to the administration and was only an annoyance to Daly. Where Francis Pegahmagabow had been seen as an agitator who opposed federal policy and was attempting to instigate widespread resistance to it, Manitowaba was not involved in organizing.

¹²⁶ *ibid.*

¹²⁷ FKC, Daly to DIA, 10 March 1934.

Daly himself had asserted that he could function regardless of Manitowaba's activities, and apparently the Department felt that he should do just this. The agent was exceedingly annoyed at its decision, but had no means at his disposal to alter it.

Daly continued to seize on every possible excuse to have John Manitowaba removed from office. The chief, for his part, persisted in the belief that his office empowered him to make decisions on behalf of his community. The two men had an altercation about the visit to Parry Island of a certain Henry Jackson, who was a known political activist. The agent had the band constable expel this individual, over the strenuous objections of the chief, who felt that the agent had no right to ban anyone from the island.¹²⁸ Daly's next move in the campaign to rid himself of Manitowaba was to show that the chief was exercising executive powers he did not possess under the Indian Act. The agent obtained sworn statements from band members, recording that two women had been located to land on the Parry Island reserve by the chief alone, without consulting either the council or the Department. Moreover, the chief had given them permission to cut wood, also without seeking permits. According to the Indian Act, the chief was not authorized to give such permission in either case. Manitowaba, for his part, acknowledged having done these things, and asserted in a signed statement, "I think as the Chief of the Parry Island

¹²⁸ See chapter five for a full account of this incident.

Band, that I have a right to do so."¹²⁹ In the letter which accompanied the sworn statements, Daly quoted Francis Pegahmagabow as stating that the chief was incompetent. He concluded with yet another recommendation for deposition, declaring that Manitowaba was "utterly impossible as a Chief or head man, and is causing dissatisfaction in the Band by his autocratic actions, and utter disregard to this office or the wishes of the Department of Indian Affairs."¹³⁰

But this effort was as fruitless as Daly's earlier attempts. In spite of the agent's proofs that the chief had overstepped his authority, the Department would not budge from its position: "Chief John Manitowaba will be allowed to finish his term as chief, provided that he does not give any further cause for complaint of a nature to bring him within the provisions of the Indian Act with respect to deposal [sic]."¹³¹ The Department's attitude seemed to be that Manitowaba's actions were harmful only to the band, and that leaving him in office would teach the community a lesson. Daly implied as much in one of his letters from this period: "as the Department has suggested let the Band stew in their own fat, they have elected him, let him stay..."¹³² Daly could only fume impotently and remind the Department of the frustrations of his work:

¹²⁹ All the sworn statements were submitted to the Department by Daly, along with a letter, found in the Franz Koennecke Collection, Daly to DIA, 13 November 1934.

¹³⁰ Ibid.

¹³¹ FKC, T.R.L. MacInnes to Daly, 20 November 1934.

¹³² FKC, Daly to DIA, 1 October 1934.

I am exceedingly sorry that the Department sees fit to ignore my recommendations in this matter. ... I think it is just too bad when I am trying to do my best here to keep down costs and place the various Indians on road work that I have to be pestered with a man like John Manitowaba as Chief of his Band, who is no use to his Band and no use to me as Agent here.¹³³

Moreover, he tried to impress on his superiors the political importance of controlling Manitowaba and showing that federal officials could not be defied with impunity: "This was an opportunity for the Department to show that the Department rules the Band and not the Chief."¹³⁴ But it was all to no avail: Manitowaba remained in office and this was the end of the matter.

The Department's refusal to implement John Manitowaba's deposition raises interesting questions. In repeatedly vetoing the band council resolutions to remove the chief it was disregarding the united opinion of its own representative and of the band itself. In contrast to the situation of Francis Pegahmagabow in 1925, who enjoyed the confidence of a sizeable portion of the band, John Manitowaba did not appear to have any defenders among his own people. The available evidence suggests that the Ottawa officials conceived their actions as a form of disciplinary measure against the Parry Island band, which would show the band members that they had erred in electing Manitowaba in the first place. Perhaps the

¹³³ FKC, Daly to DIA, 21 November 1934.

¹³⁴ *ibid.*

Department also intended to reinforce its own authority by providing an unmistakable reminder that the ultimate decision-making power lay in Ottawa, which could disregard a band's wishes with impunity. The Department was prepared to do this at the expense of the local agent's authority. Since the band could not fail to be aware of Daly's desire to rid himself of Manitowaba, the Department's failure to support its agent must have been apparent to all. This, then, was a significant defeat for Daly, and must have undermined his own prestige among his clients.

The conflicts discussed in this chapter show the determination of many Native people to assert their own will in the use of their lands and resources. The agents displayed equal tenacity in enforcing federal policy and the provisions of the Indian Act, which reserved authority in such matters for the officials of the Indian Department. The treaty-making process had created grievances which remained unresolved in the period, for the simple reason that Ottawa refused to consider any adjustments to the treaties or to discuss the possibility that errors had been made. In both agencies, the struggles over issues of resource exploitation and the loss of lands were based on arrangements that had been made long before these agents assumed office. Lewis' response to the trouble on the unceded territory was to hold aloof from the issue as much as possible, although to some extent he took the part of the Manitoulin Island Unceded band against the

other resident bands. In his bureaucratic, non-interventionist style, Lewis contented himself with enforcing the decision of Ottawa. Daly faced a different kind of opposition, one which at times seemed to be aimed at himself personally. His aggressive approach was in part a response to this factor. It is not, however, the only explanation for the disparity between the two agents' administrations. Daly's impulse to assert authority was also a character trait, which was revealed in his approach to land and resource questions, as well as in other areas.

The handling of these issues shows that Indian agents exercised a great deal of control over Native communities, over the activities of band councils, and over the funds and resources which belonged to the bands. A number of individuals contested the agent's position of control, especially his authority over the use of band funds and resources. Conflicts of this sort are a classic illustration of Foucault's theories about power, and its operation in a "field of relations" which allows for many points of confrontation and attempts to invert the power relations.¹³⁵ Native people repeatedly tried to invert the power relations and resist the exercise of federal power over the resources which had belonged to their ancestors and which provided part of their livelihood.

¹³⁵ Michel Foucault, *Discipline and Punish. The Birth of the Prison* (New York, 1979), p.27.

The outcome varied little from one situation to the next. Aboriginal people's wardship status and the provisions of the Indian Act ensured that authority over lands and resources remained firmly in Ottawa's hands. The agents were merely Ottawa's instruments, and in reality they had little power to alter the dispensation. It is instructive, however, that neither intervened on their clients' behalf. In Daly's case, such a move was unthinkable, given the nature of the grievances in his agency. An attempt on the part of an agent to re-open the issue of land surrenders would have exposed him to severe reproach, and perhaps the danger of losing his position. Affairs in Lewis' agency were different. Here it would appear that the agent's sympathies initially lay with the bands who had lost their access to the timber resource. Yet he never pressed the issue with his superiors: rather, he accepted their decision and then proceeded to execute it faithfully. Matters of lands and resources were, after all, the pre-eminent concern of the Department of Indian Affairs. In making treaties with First Nations, Britain and then Canada had had a certain protective impulse toward aboriginal people, and they made provisions for some level of compensation. The primary intent, however, was to ensure that resources which had been in the possession of the land's original owners could be exploited by the newcomers. There was never any question of leaving decisions in such important matters to low-level officials such as Indian agents, much less to Native people themselves. In these questions the

Indian Department employed its powers to the fullest possible extent to retain control.

Chapter Five

Surveillance and Control

An examination of conflicts over resource and land issues has revealed the agents' persistent assertion of control in the face of Native resistance. These matters were particularly important to the Department, but they were not the only instances in which officials sought to exert control. On the contrary, the assertion of authority was part of the daily practice of Indian agents. Foucault's observations about "disciplinary power" are useful in this context as well. In particular, his concepts of "hierarchical observation" and "normalizing judgement" are admirably suited to the context of day-to-day relations between field officials and Native people. Monitoring conditions among aboriginal people was one of the major functions of Indian agents, since it was Ottawa's only source of information about its wards. Such surveillance was inherently hierarchical, given the authority which the Department bestowed on its local officials. In conveying information to the Department, the agents were also supposed to communicate their own assessment of the situation. The term "normalizing judgement" fits this process very well. Native people themselves were acutely aware of the control exercised over

them by Department officials. Writing of the West, for example, Harold Cardinal has written, "Indians wryly joke that a native can't even get sick without written permission of the Indian agent. It isn't quite that bad, but the reality is not far from the jest."¹ This chapter will examine the everyday surveillance and control which these officials exercised over their clients.

The hierarchical observation performed by Indian agents took the form of careful monitoring of people's activities, along with the attempt to enforce observance of both the Indian Act and Euro-Canadian norms of sexual, social and economic behaviour. The agents' surveillance of aboriginal people is a classic example of hierarchical observation. It was goal-directed in the sense that it was conducted not merely to collect data, but more importantly so that field officials could identify situations in which they wished to intervene. In monitoring the members of their agencies, agents concentrated on certain specific issues, with a strictly gender-based approach: they intervened in the lives of women and men for different reasons, according to the norms of gender behaviour which they were trying to enforce. In the case of women, field officials were most often interested in gathering information on their sexual

¹ Harold Cardinal, *The Unjust Society. The Tragedy of Canada's Indians* (Edmonton 1969), p.43. First Nations in the West were subjected to even more stringent controls than those in Ontario. They included the infamous pass system, which required that Natives obtain a pass from the agent to leave the reserve, and the permit system which strictly controlled the sale of farm produce. Most historians agree that the pass system could not be enforced, but its existence remains significant.

behaviour. When women's activities attracted their attention, it was almost invariably the result of perceived sexual misconduct. They paid attention to the economic position of their female clients as well, and extended assistance to those with financial difficulties. But this, too, was contingent on the women's adherence to the prevailing code of sexual respectability.

In the case of men, sexual issues were of almost no importance (although the agents endeavoured to punish men as well as women when they formed adulterous liaisons). Instead, field officials focused on a man's economic activities, his ability to support himself, and the degree to which he supported his family if he had one. John Daly also took a great interest in establishing his own authority over men, and attempted to discipline those who questioned his administration. Finally, both agents exercised certain kinds of control over reserve communities. For example, they attempted to determine the appointment of reserve constables and to protect such constables when band communities sought to dismiss them. They were also vigilant in regard to political organizing among First Nations, which was seen as a threat to the Department's authority and an unacceptable form of insubordination.

In addition to the agents' efforts to impose control over aboriginal people, this chapter reveals the limits of these officials' authority. One factor which restricted the agents' sphere of control was the inadequacy of policing at the time:

band constables were not always effective, particularly on isolated reserves where their services were remunerated only by a portion of any fines collected from successful prosecutions. Daly had difficulty in securing reimbursement for the constables in his agency when they incurred costs in performing their duties, since both the Indian Department and the provincial Attorney General's office denied responsibility.² In frustration, the agent noted, "The constables are very leery about making arrests for the simple reason that they are put to the cost of paying transportation of the prisoners and witnesses, and they cannot collect the money. It puts this office in a very peculiar situation in this way, that the constables are not sure of their fees, and I cannot guarantee them their fees."³ Provincial constables of the Royal Canadian Mounted Police were not very active in policing reserves, and on their infrequent visits were apparently easily avoided. Jesuit historian Father Julien Paquin noted of Wikwemikong, for instance, that constables from outside the reserve were ineffective in policing the

² Daly had consulted a lawyer, Walter L. Haight, about the province's responsibility for constables' fees. Haight wrote the agent that he had written to the Attorney General's office, "and received word that in regard to major offences they are quite willing to bear the burden of all costs of prosecution, but in regard to minor offences such as assault, where the matter is handled by the Indian constable on the reserve, they do not feel called upon to assume the burden." [FK Collection, Walter L. Haight, K.C., to Daly, 17 October 1934].

³ FK Collection, Daly to DIA, 17 October 1934.

territory: "the highly paid constable at Manitowaning was easily avoided whenever he appeared on the scene."⁴

Another significant check on the power of the Indian agent was the Department of Indian Affairs itself. This Department was a highly centralized body, and its internal officials jealously guarded their prerogative as the arbiters of band affairs. The agent's power stemmed, for the most part, directly from the officials at headquarters, for he was only the executor of Ottawa's will, exercising the powers assigned by the Indian Act to the Superintendent General. When the Department chose not to accept an agent's recommendations, he was severely restricted in his capacity to exercise power effectively. Both Daly and Lewis were well aware of the contingent nature of their authority, and assiduously cultivated good relations with Ottawa. Daly in particular took care to frame his arguments to show that his actions were designed to safeguard federal authority, not his own. The following is a typical statement from Daly: "I have been trying to impress on all the Chiefs of this Agency that their business should be done through this office, not because I am anxious for power. I am not anxious for power, but it is necessary for the Chiefs and Councils in this Agency to realize the authority of the Department of Indian Affairs"⁵ On the whole, it was in the Indian Department's

⁴ Jesuit Province of Upper Canada Archives, Regis College, Father Julien Paquin, S.J., "Modern Jesuit Indian Missions in Ontario," unpublished manuscript, n.p., n.d., p.170.

⁵ Franz Koennecke Collection, Daly to DIA, 15 July 1932.

interest to support the authority of its agents, since they were the immediate representatives of federal authority. There was thus a symbiotic relationship between headquarters and field officials in terms of supporting each other's goals and presenting a united front, in the interest of overall federal authority. For the most part, Daly's superiors assisted him in exercising local control. When they failed him, as they occasionally did, there was little Daly could do about it.

An examination of Lewis' correspondence reveals a relatively relaxed system of surveillance and limited intervention in the personal lives of his clients. There is little evidence that this agent sought to monitor the activities of members of his agency very closely, much less that he maintained a regular network of contacts who kept him informed. Most of the information he passed on to headquarters apparently came either from band officials (principally chiefs and secretaries) or from the individuals in question. His interventions were practically always solicited, either by someone in need of help or by an outside party who either wished to help them or objected to their behaviour. When no one called his attention to them, Lewis generally took little notice of the personal details of other people's lives. For instance, as we will see below, Lewis' investigations into the alleged sexual misconduct of women were consistently the result of complaints by a band council or a local cleric. Similarly, Lewis looked into the economic

affairs of men only when they were reported to be indigent or when he received complaints that their dependants were in need.

Lewis took matters very seriously when he heard that a man was leaving his dependants without adequate support. Failure to provide for wives and/or children was, of course, seen as an indication that a man had not adopted the habits of industry and the sense of patriarchal responsibility which the Department wished to inculcate in Native men. More immediately, it usually left women in dire financial straits, since their opportunities to earn income were extremely limited. Cases of non-support provoked a strong verbal response from Lewis. In 1921, for instance, one man received the following letter from the agent:

... a complaint has been made to this office that you have not sent your wife any money for over four months and consequently she and her child are in trying circumstances. Now ... I want you to understand that failing to support your family leaves yourself liable to prosecution, and I wish to bring this fact to your personal attention. Unless you do at once take steps to provide for your wife and family I will consider the question of having you prosecuted ...⁶

The agent cited the section under which he proposed to prosecute the man, but did not name the actual crime of which he would be accused. It seems highly unlikely that this man would have been familiar with the law to which Lewis

⁶ RG 10, v.10589, Lewis to Mr. Frank Roy, 8 January 1921.

referred, but no doubt the intent was mainly to frighten the erring husband into compliance. In a similar case, the agent received a letter from the band chief to the effect that a man was not supporting his sick wife. He wrote in response that he had warned the man "of the serious offence it is for [him] to not support his family," and asked the chief to let him know if matters did not improve. In the latter case he promised to send the Provincial Constable after the miscreant.⁷ There is no evidence that Lewis actually engaged police officers to enforce men's obligation to support their wives. The police force was, in any event, not in a position to extract payments from the men. The legal system could perhaps have found some reason to jail non-compliant husbands, but this punitive measure would not have helped the wives. In such instances agents could only resort to threats, for they lacked effective means of compulsion.⁸

It appears, moreover, that Lewis insisted on men supporting their wives only as long as they were receiving the benefits men were trained to expect from marriage. In 1923 Lewis described the circumstances of a man who had applied for his enfranchisement, and reported that he considered the applicant personally qualified, but that he had a wife and child who would not wish to be enfranchised.

⁷ RG 10, v.10593, Lewis to Chief Willima McGregor, 11 January 1922.

⁸ The Indian Act provided one measure that could be taken, namely withholding the man's share of interest or annuity payments and paying them to the deserted family. This measure could be applied only to men who were members of bands which received such payments. In any case, these were small sums and insufficient in themselves to support a family.

The woman lived with the child on the unceded portion of Manitoulin Island, separate from the husband, and "[would] not leave the reserve."⁹ Lewis did not intend to disparage the man for not supporting his family; on the contrary, he apparently felt that the wife's behaviour justified non-support: "His wife has not been a very good character, therefore, he does not live with her and as far as I can learn he does not assist the woman and child in any way in providing food or clothing."¹⁰ The main point Lewis was making was that enfranchisement would have the effect of enfranchising the woman and her child as well, which the agent felt she would not welcome.

Summarizing the situation, the agent seemed to favour the man's application, provided that the enfranchisement would not affect the status of the other two parties: "I will leave the matter with the Department to decide whether this Indian should be enfranchised separately from his family. He is a good smart industrious Indian."¹¹ The officials in Ottawa dismissed the application, both on the grounds of non-support and because the wife did not wish to be enfranchised.¹² Lewis clearly sympathized with the man. He wrote him back to the effect that the Department did not intend to proceed with the matter and added, "but possibly you may have some further facts to submit to the Department that would have some

⁹ RG 10, v.10599, Lewis to DIA, 7 May 1923.

¹⁰ Ibid.

¹¹ Ibid.

¹² Until 1924, a man's enfranchisement automatically enfranchised his wife as well.

b[e]aring in your case."¹³ When the applicant communicated with him again, the agent restated the grounds on which the application had been refused, but advised him to write the Department himself, explaining "your family affairs while overseas" Lewis suggested that this might move the Department to grant the man's enfranchisement, and stated that he would be "pleased to assist" with a recommendation regarding the applicant's character and ability.¹⁴

Another issue on which Lewis took a relatively relaxed view of matters was that of drinking. The prevention of alcohol consumption among First Nations was a pre-eminent duty of Indian agents, but Lewis did not display much concern about the issue. In one case he did write to a returned soldier, threatening to punish him for repeated bouts of drinking. The letter reveals, however, that this man had been reported a number of times in the past without any admonishment from the agent:

... it has been again reported that you have been intoxicated at Wikwemikong. Now, Edward, on account of you being a returned soldier I have been very lenient with you in the past, and have not had you fined for being intoxicated, but it seems that you are taking advantage of this, and therefore, I will have to be more strict in future.

¹³ RG 10, v.10599, Lewis to Mr. Andrew Tredeau, 7 June 1923.

¹⁴ Ibid., Lewis to Mr. Andrew Tredeau, 4 July 1923. Judging from the reference to "family affairs while overseas" and the use of the term "not a very good character," it is likely that the wife was believed to have had an extramarital affair. See below for the significance of the term "character" when Lewis applied it to women.

I am going to give you one more chance, and this will be the last. If you are found intoxicated again within the next year I am going to have you placed in the Gore Bay jail for a term, as I will not stand for this kind of thing any longer.¹⁵

Here Lewis was clearly asserting his authority, making the rather severe threat of incarceration. The language of the letter implies a consciousness of extensive power: the power, as justice of the peace, to have someone jailed. On the other hand, there is no indication in Lewis' correspondence that he actually utilized this power against the man. There were few cases of incarceration under his administration, and in no case does it appear that the agent had imposed such a penalty himself.¹⁶

The alcohol issue was a source of tension between Lewis and Father Gaston Artus, the Jesuit missionary at Wikwemikong. Fortunately for Lewis, Artus was not the Superior at the Wikwemikong mission throughout the agent's entire tenure, since the Jesuit was moved around frequently.¹⁷

¹⁵ RG 10, v.10591, Lewis to Edward Roy, 15 March 1921.

¹⁶ There are two recorded cases of men from Lewis' agency who had been jailed. In both instances Lewis received letters requesting their early release, and stated that he was in favour of the measure. He wrote to one of the men that he had "paid dearly," which seems to imply that he found the sentence harsh. [RG 10, v.10599, Lewis to Mr. Louis Shawinibin, 28 December 1923; and v.10625, Lewis to DIA, 4 May 1932].

¹⁷ Personnel File, Gaston Artus, S.J., Jesuit Province of Upper Canada Archives, Regis College. Artus was Superior at Wikwemikong from 1897 to 1903, and returned in 1914 for a brief period. He returned there again in 1921, just in time for the dispute over timber. His handling of this issue further divided the community and undermined his influence, which led to his transfer again in 1922. [Father Julien Paquin, S.J., "Modern Jesuit Indian Missions in Ontario," unpublished manuscript, n.p., n.d.]. Father Paquin also described Father Artus' practice of policing the reserve himself: "He had assumed the duties of a policeman day and night, and often made a round of the village to discover and stop disorders. He would order the arrest of anyone caught drunk in the

Artus was a zealous temperance advocate, and wrote to the Department about the manufacture of home-brewed liquor on the Manitoulin Island Unceded [M.I.U.] Reserve, which he claimed Lewis was not countering effectively. The Department wrote Lewis about this communication, asking for his comments on the matter. The agent responded that there were "some cases of drunkenness and manufacture of liquor among the Indians" on this reserve, but contended that conditions were no worse than those among the local non-Natives, and "not quite as bad as the Reverend Gentleman would like to make them appear."¹⁸ He asserted that the only way to stop the manufacture of alcohol altogether would be to hire two full-time non-Native constables at attractive salaries - a prohibitively costly proposition. In conclusion, he observed drily that "it would be quite a difficult task for the Indian Department or the Indian Agent, to undertake to educate the Indians in teetotalism and obedience to the approval of the Reverend Father Artus."¹⁹

Interestingly, developments the same year seem to contradict Lewis' soothing portrayal of the alcohol issue. In December the M.I.U. band voted to dismiss their constable, and the agent supported the motion, "[a]s I know that [the constable] is not performing his duties as constable in

village. Whenever he heard of a dance held in some house, he would proceed to it, and enter it sometimes to find the birds had flown to another house." [Ibid., p.107].

¹⁸ RG 10, v.10591, Lewis to DIA, 18 April 1921.

¹⁹ Ibid.

connection with the liquor traffic among the Indians ..."²⁰ It is striking that it was the band and not the agent who took the initiative to dismiss the constable for failing to perform his duties, even though the agent was aware of his inaction. Lewis' reference to "teetotalism" in his earlier letter about Father Artus suggests that the agent was not overly concerned about the consumption of alcohol as long as it did not cause other problems. At any rate, Lewis' failure to dismiss the constable himself implies that he did not avidly pursue the enforcement of the Indian Act's ban on aboriginal alcohol consumption.

The only other behaviour which caused Lewis to interfere in the personal lives of men in his agency was their adulterous or non-marital co-habitation with women. It is noteworthy that all his recorded interventions were instigated by other Native people or by local clerics who disapproved of adultery. In Foucaultian terms, such cases were instances of other individuals seeking to exercise power through the agent's person. For his part, Lewis often left cohabiting partners alone even when he was aware that they were unmarried.²¹ Moreover, when his hand was forced he was less than avid in his pursuit of these individuals, and perhaps for this reason his attempts were frequently unsuccessful. More than once he wrote of unmarried couples who continued to live together in spite of his orders to

²⁰ RG 10, v.10593, Lewis to DIA, 7 December 1921.

²¹ See below.

separate. It appears that the practice of non-marital cohabitation was relatively widespread in the region in this period, in spite of the efforts of the Jesuit missionaries to counter it. In a study of his order's Indian missions, Jesuit historian Julien Paquin asserted that marriages among the Anishnabek were often concluded hastily, and consequently did not always last. He wrote that "separated wives and husbands living in concubinage [adulterous relationships] were a common feature in the parish."²² Missionaries had little success in countering this practice, and Lewis apparently found himself in a similar position.

In 1922, for example, the chief of the Whitefish River reserve wrote to Lewis about a couple who were living in adultery there, a female band member cohabiting with a man from a different band.²³ The agent was aware of the case, and responded that he had "already instructed [the man] to leave the reserve but it appears that he has not done so."²⁴ At this point Lewis wrote three letters: one to the chief, requesting that the band pass a resolution to have the man expelled; one to the Department seeking permission to expel him; and one to the woman involved. The latter was threatened with economic and legal sanctions if she did not compel her partner to leave: "If you do not send this man away immediately I will take your case up with the Department and in future you will

²² Father Julien Paquin, S.J., "Modern Jesuit Indian Missions in Ontario," unpublished manuscript, n.p., n.d., p.134,

²³ RG 10, v.10595, Lewis to Mr. Gus McGregor, 9 August 1922.

²⁴ Ibid.

not be paid interest or Robinson Treaty payments. ... I would now advise you to take timely warning as I am placing your case before the Department for authority to prosecute both you and [your partner]."²⁵ The final threat is interesting, for Lewis had not in fact requested authority to prosecute the two, nor did he ever initiate any legal proceedings. Within a week, however, Lewis was writing the band chief that the Department had assented to the man's expulsion, and that he would "take action at once."²⁶

It is unclear what action Lewis took, but it did not have the desired result. Nine months later the situation had not changed, and Lewis resorted to another letter addressed to the man: "I have been informed that you are still residing on the Whitefish River Reserve with [your partner] after being notified on the sixth of July, last, to leave the said reserve. ... If you are not off the reserve within one week from date I will take proceedings against you."²⁷ Since there is no further correspondence on this matter, its outcome is difficult to determine. In September of the same year the agent informed the chief of the Whitefish River band that he was sending a police officer to deal with "the different Indians living in adultery" on the said reserve: "I have put the matter before the Provincial Constable and he has assured me that he will visit the ... Reserve within a short period and

²⁵ RG 10, v.10595, Lewis to Mary Jane Esquimaux, 9 August 1922.

²⁶ RG 10, v.10597, Lewis to Chief William McGregor, 25 August 1922.

²⁷ RG 10, v.10599, Lewis to Mr. James Nagum, 15 May 1923.

have these offenders removed."²⁸ The results of this measure are not recorded, but the individuals concerned may well have eluded capture. This particular reserve was quite isolated, and provincial constables were generally not known for their persistence in making repeated trips to distant locations for such purposes.²⁹

Such cases were difficult to handle due to the agency's large geographic area and the mobility of many aboriginal people. In addition, when the couple in question both belonged to one band and were living on their own reserve, there was no means by which they could be forced to separate. As Lewis wrote the secretary of a band which had passed a resolution to remove two offenders from the reserve, "the Department is not aware of any law or regulation under which these people could be removed from the reserve."³⁰ This same couple moved soon after to the Whitefish River Reserve. At this point, as non-band members, they became liable to expulsion, and Lewis wrote the man threatening to take this step: "Complaints have been made to this office that you are again trespassing on the Whitefish River Reserve and you have been asked to leave but have refused to do so. ... if you do not remove from there immediately, I will have to take steps to have you removed. So take timely warning and save yourself

²⁸ RG 10, v.10599, Lewis to Mr. Gregor McGregor, 10 September 1923.

²⁹ See below for an instance of the Provincial Constable investigating a case of alleged prostitution and abandoning the attempt when he found that the woman in question was ill.

³⁰ RG 10, v.10601, Lewis to William Kinoshameg, Secretary of the Manitoulin Island Unceded Band, 16 May 1924.

both trouble and expense."³¹ The agent's actual words are worth highlighting: he threatened simply to "take steps," without specifying any particular action. Moreover, he gave no time frame, but merely ordered the couple to move immediately. The pair had obviously visited or resided on this reserve before. Lewis does not appear to have moved to reinforce his verbal threats with actions.

A final example, which occurred in 1933, merits attention because it provides evidence that this agent had been aware of an adulterous liaison for some time but had ignored it. Lewis reported on this relationship to the Department, but only because the latter requested him to provide information following a letter from the man involved. The agent had apparently been tolerating the adulterous relationship for at least two years, and possibly much longer. His description of the circumstances shows his overriding concern for the welfare of the family which had ensued from the relationship. According to Lewis, the man in question had originally married a woman from Wikwemikong, and had two children with her before their marriage ended. The woman had then left the area and "remarried." The man had since formed a nine-year relationship with a second woman from Wikwemikong and the pair had four children together. For much of this period they had resided in Killarney, a town which Lewis sometimes visited in the course of his duties. He did not mention having attempted to part the two at any point. In 1931, two

³¹ RG 10, v.10601, Lewis to Mr. Joseph Adawish, 12 August 1924.

years prior to his communication with the Department, they had returned to Wikwemikong, their home reserve. Here they were not welcomed, according to Lewis:

Since their return the Indians have made life disagreeable for them and have made threats to the effect that they would be put out of the reserve... [The man] was brought up in court for his actions, and it was decided that he should be given another chance to live away from this woman who is not his wife...³²

Far from condemning this couple's arrangement, Lewis expressed his sympathy with them, and stressed both the upright intentions of the man and the difficulties which would result from their forced separation:

It is difficult to know what steps to take in a case of this kind as this fellow is anxious to marry the woman he is living with but cannot as he has another wife living somewhere. If they are parted the woman cannot possibly support herself and family, and there is not any place outside of the Reserve ... that they can eke out a livelihood at present.³³

The implication was clear: in the midst of the depression, when relief rations were already being distributed to a sizeable portion of Wikwemikong's population, the enforcement of Christian morality would saddle the Department with five more mouths to feed. The records do not show how the Department reacted to Lewis' letter, but on the whole the likeliest outcome is that this family was left together. In

³² RG 10, v.10627, Lewis to DIA, 15 January 1933.

³³ Ibid.

the hard times of the 1930s the Department placed a clear priority on cost reduction. When it came to a choice between principles, the first principle of Indian policy took precedence, namely ensuring the self-sufficiency of Native people, or - put another way - spending as little money as possible.

When it came to the surveillance of aboriginal women, Lewis was no more stringent than with men. As noted, sexual behaviour was essentially the only area of women's lives which attracted much attention from field officials. In the economic sphere, it was assumed that they should be supported by men, and the earning activities of women who did not receive male financial support were of little interest. But even where women were rumoured to be sexually active outside marriage, Lewis took action only when approached by others on the subject, and he was not inclined to resort to punishment.

In this Lewis' attitude diverged from that taken by other officials of the same period. H.J. Eade, for instance, the agent for Christian Island, advocated rather harsh punitive measures for a widow merely because of hearsay that she was associating with more than one man. Since the woman was living in Daly's agency, Eade wrote the latter to report that she had complained about the insufficiency of the relief she had been granted. Her unwillingness to accept her lot silently was seemingly the cause of Eade's irritation with her: she had written to a band councillor about her economic need, and Eade remarked, "I think this woman is getting more

than her share now in comparsion [sic] with other Indian women...." He continued insinuatingly, "further I hear she is doing some running around with other men, I would ask you to watch her very closely and if this is the case please stop her relief altogether. I am getting very tired of this woman's constant complaints and I think she is trying to put one over us."³⁴ The suggestion here is that a woman's associations with more than one man, regardless of the nature of these relationships, were sufficient justification for depriving her of support. No comparable assertion is found anywhere in Lewis' correspondence.

That said, some women were in fact penalized for their sexual behaviour during Lewis' tenure. Those who were granted Mothers' Allowances were particularly vulnerable in this respect. Here Lewis was bound by the conventions of an outside organization, and one which took an overtly moralistic, controlling approach in administering its allowances. As political scientist Margaret Little has demonstrated, the Mothers' Allowance Commission made a practice of closely monitoring the behaviour of its beneficiaries. The Commission's investigators were under instructions to conduct "careful, painstaking investigation ... over the health of the family, the proper feeding and clothing of the children, housing conditions and the moral atmosphere of the home."³⁵ In 1924 the Commission wrote to

³⁴ FKC, H.J. Eade to Daly, 14 September 1933.

³⁵ "First Annual Report of the Ontario Mothers' Allowance Commission, 1920-21," p.18, cited in Margaret Hillyard Little, "The Muted Voices of

Lewis informing him that a woman had been granted a monthly allowance of \$35.00, and asking his cooperation in administering it "on behalf of the children" to help enforce the Commission's standards. Lewis responded with thanks and the assurance that he "[would] be only too pleased to administer this Allowance on behalf of the children in order that an effort may be made to improve the standard of living to meet the Commission's requirements."³⁶ Shortly thereafter he wrote to the Jesuit priest at Wikwemikong, enclosing the woman's allowance cheque. He requested cooperation in supervising this woman and her home, in the interest of "improv[ing] the standard of living which appears to be considerably below the Commission's requirements."³⁷ Lewis involved the priest in this surveillance because of his proximity to the family, and presumably also because he could rely on the Jesuit to apply standards similar to his own and those of the government body. It is unclear what measures were actually taken, besides providing the allowance, to raise the family's living standards. This cheque's very circuitous route to its recipient is worth highlighting: it travelled from the Commission, through the Indian agent responsible for the recipient, to the local Catholic missionary, who presumably delivered it to the woman herself.

Single Mothers: Ontario Mothers' Allowance Case Files, 1920-29" (paper presented at case files conference, University of Toronto, April 28-30, 1995), p.6.

³⁶ RG 10, v.10601, Lewis to Mothers' Allowance Commission, 7 March 1924.

³⁷ RG 10, v.10601, Lewis to Rev. T.A. Desautels, S.J. [Society of Jesus], 29 May 1924.

The missionary thus had the opportunity, while handing over the cheque, to advise the mother regarding her duties and the proper spending of her allowance - a classic instance of hierarchical surveillance.

The case of another woman from Wikwemikong illustrates the risk a woman ran if she demonstrably failed to obey Christian moral precepts. This woman received a Mother's Allowance in 1924 after her husband died. She bore a child the following year (too late to have conceived it before her husband's death), and the allowance was consequently withdrawn.³⁸ Her visible sexual transgression thus resulted in the loss of financial support. This penalty was not imposed by the agent, but by the government body which administered the Mother's Allowance program.

On the other hand, Lewis made it clear that he considered this punishment justified. In 1933, when the woman contacted the Department in an attempt to get relief, he wrote her:

It is regrettable with regard to your present condition, as it is your own fault. When your husband died and you had three children, you were granted an allowance monthly by the Mothers' Allowance Commission ... which would have supported you and your family in a certain degree of comfort, but as you did not act as a mother should, therefore, your allowance was discontinued, and now you are requesting that the Department of Indian Affairs support your family.³⁹

³⁸ RG 10, v.10629, Lewis to DIA, 3 August 1933.

³⁹ RG 10, v.10629, Lewis to Mrs. Eli McDougall, 18 August 1933.

Moreover, Lewis felt that the woman should live with her second husband, even though the latter had been convicted in court of assaulting her. In his letter to the Department the agent reported that this woman had remarried in 1931, but that there had been discord between the two, and "during a discussion which took place she laid a charge against her husband to the effect that she received injuries from being hit, and for which the husband ... received a short jail sentence."⁴⁰ Since the man's release the couple had not been on good terms, and consequently the family lived with the grandmother, receiving no support from the husband. Lewis had arranged for two of the four children to be sent to residential school, and maintained that the couple should live together and raise the other two without the Department's assistance: "As [this man] and his wife are both enjoying good health and [are] well able to work I cannot see any reason why they cannot support the other two children if they would only live and work together as man and wife should."⁴¹

In this case, then, Lewis supported the imposition of Christian moral standards even if it led to the poverty of the children concerned. Further, he was prepared to insist that a woman return to a man who had assaulted her. Yet, as we saw above, he made no attempt to convince a man to return to his wife or contribute to her support when the wife had

⁴⁰ RG 10, v.10629, Lewis to DIA, 3 August 1933.

⁴¹ Ibid.

been an "undesirable character." The term "undesirable character" was a code that Lewis used to denote women who were sexually active outside the confines of marriage. Such transgressions apparently liberated husbands from any obligation to support their wives. By contrast, a husband's physical attack on his wife did not, in Lewis' view, free her from the obligation to live with him. While he did not actually try to force this woman to live with her husband, the agent was prepared to refuse her the government relief which would have facilitated her decision to live separately from her spouse. Lewis' approach was entirely in keeping with the attitudes of his time: the standard of "honest womanhood" was based on sexual propriety, while that of "honest manhood" was based on economic self-sufficiency.

When there was no husband who could support a woman with children, Lewis adapted his principles to the circumstances. As a general rule, children were not permitted to suffer from the perceived transgressions of their parents. In 1932, for example, Lewis received a relief request from a young single woman who had three children, all born out of wedlock. He took the opportunity to reproach the young woman: "It seems lamentable for a girl to become in a position that you are in, unmarried with a large family of children without any means of support, and now I think it is time that you should try and make a better success of life." He did not, however, propose to refuse help: "The Byron H. Turner Co. [sic] has

been advised to deliver to your home a supply of food which will help you out for the time being."⁴²

Subsequently Lewis wrote to the Department requesting assistance on the woman's behalf. He acknowledged that she was "not of the most desirable character," since she had three illegitimate children. Perhaps her industriousness prejudiced the agent in her favour, for he reported that in the summer she survived by taking in laundry, but that now there was "very little doing in this line," and she was having trouble feeding her family. The letter expressed the agent's dilemma when faced with the woman's predicament: "It is difficult to know what to do for this woman as she will not take warning and still at times harbours white men around her house."⁴³ But he concluded by recommending relief, primarily in the interest of the children: "As the children have to be cared for and she earns a little money of her own I believe that if she were allowed provisions to the extent of \$6.00 a month during the winter the family would exist and not suffer to any extent."⁴⁴ As so often in the administration of Indian Affairs, practicality took precedence over principle: aboriginal people were not to be allowed to starve, and a single woman with young children was in no position to secure her family's living unassisted, especially in the depression years.

⁴² RG 10, Lewis to Miss Annie Keshikgobness, 28 September 1932.

⁴³ RG 10, v.10627, Lewis to DIA, 4 October 1932.

⁴⁴ Ibid.

It is noteworthy that Lewis was cautious in dealing with charges of "immorality" laid against Native women. In one case, the council of the Manitoulin Island Unceded band passed a resolution requesting that an allegedly immoral woman should be placed in jail. Lewis responded in an uncharacteristically sharp tone that he required proof: "This woman cannot be convicted on public gossip of the village. The charge against her has to be proven."⁴⁵ The agent stated further that if the council "insist[ed] on the prosecution of this woman," then he would have to see witnesses who would swear under oath as to her misconduct, recording "what they saw and know to be true, but not only what they heard through gossip."⁴⁶

In other instances Lewis seemed more prepared to act when charges of immorality were made. In 1921 the chief of M.I.U. band wrote to him about a woman who was supposed to be "leading an immoral life." Again Lewis responded with a request for evidence, but it was clear that he had already been informed of the matter. He stated that he had spoken with the woman's father, requesting him to correct her behaviour. The father was willing to take responsibility for his daughter if she would agree to take up residence with him, but she had rejected this arrangement. Lewis concluded with the suggestion that he would take harsh measures if the necessary evidence was provided: "As it appears that this

⁴⁵ RG 10, v.10595, Lewis to William Kinoshameg, Secretary of the Manitoulin Island Unceded Band, 6 April 1922.

⁴⁶ Ibid. Emphasis in original.

woman will not leave Wikwemikong without by force, therefore, if she is leading an immoral life, I will have to ask you to try and secure evidence of this in order that I may have her convicted and placed in some institution where she will be taken care of."⁴⁷

Yet, as so often occurred, the woman was able to elude her pursuers. A year later the Jesuit priest at Wikwemikong wrote Lewis about her, claiming she was "leading a prostitute life."⁴⁸ In his reply, the agent gave an update of the steps that had been taken against her up to that point. She had been asked "several times" to return to her father's home, but had refused. The charges against her had been reported to the local police authorities, who had dispatched the Provincial Constable, John Shields, to the reserve. Shields had made a visit to the woman's home, but abandoned the case almost immediately: "upon finding that this woman was ill at the time he returned without taking any action."⁴⁹ Lewis assured the priest that the woman's troubles were not over: "This matter will be taken up with the officials again, and she will have to bear the consequences whatever the trial will bring forth."⁵⁰

Unfortunately, there is no indication of the outcome in this case. One fact, however, emerges clearly from the documents: a woman who was accused of sexual immorality had

⁴⁷ RG 10, v.10591, Lewis to Chief Joseph Manitowabi, 26 March 1921.

⁴⁸ RG 10, v.10593, Lewis to Rev. G.A. Artus, 18 March 1922.

⁴⁹ Ibid.

⁵⁰ Ibid.

more to fear from her neighbours and local clerics than from the Indian agent, at least under Lewis' administration. The reserve community and men of the cloth were more persistent in writing to the agent about these matters than the agent was in prosecuting the cases. As a result, many women may have escaped punishment for behaviour to which the community and the missionaries objected. In dealing with such women, with adulterous relationships, and with individuals who defaulted on their family obligations, Lewis displayed a consistent tendency toward diffidence and caution, an apparent reluctance to meddle or get involved in interpersonal disputes. Although in his use of language he conformed to the prevailing models of gender relations and sexual morality, he did not take vigorous measures to enforce these models. Most notably, in contrast to John Daly, he rarely spoke of the need to impose his own authority or that of the Department. In terms of power relations, the agent was in any event limited in his ability to enforce moral standards. Lewis was, then, relatively unconcerned about the imposition of "disciplinary" power and exercised a rather lax form of surveillance.

Even with regard to band councils, this agent took a rather "hands-off" approach. Although attendance at council meetings was actually part of his duties, Lewis did not attend every council meeting, in fact his presence on such occasions seems to have been atypical. The wide dispersal of the reserves in his agency made it impossible for the agent

to be present at every meeting. On the other hand, he apparently missed most of the sessions of the M.I.U. band council as well, although this reserve was located only eleven miles away. When the Department reproached Lewis for non-attendance, the agent cited the meetings at which he had been present, and defended his general practice on the grounds of time constraints:

... during the year 1932, I personally attended four council meetings at Wikwemikong, ... and also attended the most important meetings at Sucker Creek and Sheguiandah Reserves. It is not possible for me to attend all council meetings on the different Reserves as they are at too great a distance from this office to allow me to attend.⁵¹

He went on to list the distance of each reserve from his office, and declared, "In future I will make an effort to attend every council meeting that I possibly can."⁵² The Department did not press the point further. It is worth noting, however, that Lewis had attended only four of the meetings at Wikwemikong in spite of its proximity to his home. Normally meetings were held once a month, so that Lewis would have attended only about one-third of them in that year. Obviously, this meant that he made little effort to exercise control over the deliberations of the councils.

Of course, band council resolutions were submitted to Lewis in any case for his recommendation. For the most part he acquiesced to the wishes of the councils. One instance,

⁵¹ Ibid., v.10629, Lewis to DIA, 15 March 1933.

⁵² Ibid.

however, reveals his willingness to enforce the Department's decision against a council's preference. In 1921 he reported that the M.I.U. band council had voted to raise its salaries. Lewis commented, "As these men lose a lot of time at council meetings and looking after the affairs of the reserve, therefore, I would most respectfully recommend that the chief's salary be increased to \$100 a year and each councillor receive \$50.00 a year."⁵³ When the Department vetoed this resolution, Lewis promptly altered his stance, falling into line with Ottawa's decision, and informing the council accordingly. The M.I.U. band council did not give up at once, but again passed a resolution to raise its salaries. At this point Lewis demonstrated that he was prepared to play hardball to enforce Ottawa's will. Informing the Department about the second resolution, Lewis noted that this proposal had already been refused once and added, "therefore, I would recommend that I [be] given authority to advise the council that any members who do not wish to act for the salary they receive ... at the present time, they are at liberty to resign and I be authorized to hold an election to elect new members to replace any who resign."⁵⁴ This course was approved and the council was informed of the ultimatum, in the same terse and uncompromising language.⁵⁵

A final incident illustrates the fact that, in spite of his typically reactive approach to problems, Lewis was not

⁵³ RG 10, v.10609, Lewis to DIA, 8 September 1921.

⁵⁴ Ibid., v.10591, Lewis to DIA, 7 October 1921.

⁵⁵ Ibid., Lewis to William Kinoshameg, 22 October 1921.

merely a passive observer. As an employee of the Indian Department, he was prepared to defend both his own prerogatives and those of the Department. This was demonstrated most clearly in his response to an initiative among First Nations in the 1930s to organize opposition to federal policy. The initiative was pursued through the Grand General Indian Council of Ontario, an organization which was founded in the 1870s and remained in existence until 1938.⁵⁶ The Council had held regular meetings prior to the 1930s, but had previously limited its political activities to passing mildly worded resolutions. These were conveyed to the Department, which received them with polite acknowledgement and took little or no action.

Lewis first expressed reservations about the group's activities in 1932. That year three band councils in his agency passed resolutions requesting money from band funds to send delegates to the Grand Council's regular meeting. The bands concerned were South Bay, Sheguiandah, and Wahnapiatae. Lewis recommended the first of these resolutions, from South Bay, without demur. He became suspicious when he received a second request, from Sheguiandah, and then a third, from the Wahnapiatae band which had not taken part in the Council's activities in recent years. Regarding Wahnapiatae's sudden interest in politics, Lewis wrote mistrustfully, "This is something new for this band to send a representative to the

⁵⁶ Noel Dyck, *What is the Indian 'Problem'. Tutelage and Resistance in Canadian Indian Administration* (St. John's, 1991), p.92.

Grand General Indian Council as the records of this office show that no delegate from Wahnapiatae Band attended these councils for many years."⁵⁷ On this occasion Lewis contented himself with reducing the number of delegates in each case from two to one, claiming that the hard economic times demanded careful use of band funds.

The following year, Native leaders attempted to organize a special session of the Grand Council. At this point Lewis' position hardened - he had discovered the purpose of the meeting and took exception to it:

It would appear that this meeting is not the usual Grand General Council held by the Indians of Ontario, but a special meeting for the purpose of [discussing] their grievances in connection with certain amendments to the Indian Act passed by Parliament during the last session.⁵⁸

Again citing the general poverty on the reserves, the agent expressed his objections to the meeting, and revealed his opposition to political activity on the part of his clients: "... I consider that the money could be used to better advantage than spending it on delegates to attend such meeting of this kind to make trouble for the Department and the agents..."⁵⁹ Characteristically, Lewis left the decision to the Department, but he had already made his own position clear. The Department, which shared his views about aboriginal political organizing, vetoed the use of band funds

⁵⁷ RG 10, v.10627, Lewis to DIA, 19 August 1932.

⁵⁸ RG 10, v.10629, Lewis to DIA, 31 August 1933.

⁵⁹ Ibid.

for delegates. As Lewis then wrote the bands concerned, "... such session is not approved by the Department. The funds of the Band[s] are required for purposes which are absolutely necessary and the Department would be remiss in allowing expenditure of funds for a purpose not justifiable."⁶⁰

This incident gives a clear indication of Lewis' overall attitude toward political opposition, even though he was faced with little of it during his tenure as agent. In spite of his distaste for confrontation and conflict, Lewis was as adamantly opposed as Daly to attempts on the part of Native people to influence federal Indian policy or administrative practice. Moreover, he was in a strong position to place limits on his clients' ability to organize political meetings. Given the communications of the time, political organizing of any kind demanded travel, and the impoverished condition of Native people made it unlikely that the leaders could pay for their trips themselves. The ability of Department officials to control band funds was therefore a very effective tool in preventing the Grand Council's planned special session in 1933. No realistic counter-strategy was available to the Native leaders, for Ottawa could not be forced to release band funds. In this instance, then, the control of the Department was absolute, and the relations of power were not to be inverted.

⁶⁰ RG 10, v.10629, Lewis to the Secretary of the M.I.U. band, to the Chief of South Bay band, and to William Jacko, Wikwemikong, 11 September 1933.

As the previous chapter showed, Daly took a much more adversarial approach than Lewis in asserting authority. The issues which concerned Daly, however, were entirely different than those in which Lewis became involved. There is much less evidence in Daly's correspondence of interference in the "private" sphere, or of requests from people in his agency to investigate alleged cases of immorality. There is much less visible concern with the sexual behaviour of women, or with issues of adultery, than is found in the records of Lewis. Complaints about unmarried couples living together, and about alleged immorality on the part of women, are noticeably absent from the available documents from the Parry Sound agency. One important factor is the absence of resident clerics or missionaries on the reserves in Daly's agency - in the Manitowaning agency such men were often the instigators of Lewis' inquiries into illicit relationships. While band councils on Manitoulin Island also wrote Lewis about the presence of adulterers on their reserves, these actions may also have been instigated by the vigilant Jesuit missionaries of the region. This missionary presence on Manitoulin Island was far more active and immediate than in the Parry Sound agency.

Daly concentrated his efforts at control on an entirely different set of issues, primarily those which directly concerned his own authority and that of the Department. A sizeable portion of Daly's interactions with individual Native people involved quite overt contests of power and

incidents in which the agent sought to exert control. Daly also attempted to prevent outsiders from encroaching on his jurisdiction. He envisioned a direct, hierarchical line of authority from the Indian Department through himself to the aboriginal people who lived in his agency, unimpeded and unmediated by any influence from the world beyond. This vision finds no parallel in Lewis' approach to his work: Lewis did not seem to object to receiving information from outsiders, nor did he complain when Native people secured the intercession of a third party.

Daly made an early example of one of his opponents on Parry Island, Kelso Ritchie, which must have set the tone for conflicts in the agency throughout this agent's tenure. Classified as a "non-treaty Indian," Ritchie was in a vulnerable position, for he lacked the band membership which would have given him an indisputable right to live on the Parry Island Reserve. When Daly took a dislike to him, Ritchie found himself barred from the home where he had lived since childhood. The series of events which led to this point illustrates the cleavages which Indian policy created among aboriginal people, and the way in which the agent was able to exploit them to maintain his strategically advantageous position. They also display the arbitrary authority an agent had to throw a non-band member off a reserve simply because he disliked him. Daly made an example of Kelso Ritchie quite early in his career, when he had been agent for only three

years. It is doubtful if anyone in his agency forgot Ritchie's fate while Daly was still in charge in Parry Sound.

The affair apparently began when Ritchie became involved in band politics. His name first appears in Daly's correspondence in 1925, when the agent wrote Ottawa for authority to expel him from Parry Island. His grounds for doing so were exceedingly vague: Daly claimed the man was "caus[ing] a lot of dissatisfaction" on the reserve "[b]y posing as a Secretary for the Band and advising the Indians that he can get better results from the Dept. than the Agent." He claimed further that the "better members of the Band" wished to have him removed "as he is not a member of the Band." This statement is to be regarded with scepticism, since non-membership was, of itself, not generally sufficient to move band members to ask for someone's expulsion. Daly also made intimations about improper conduct on Ritchie's part with a young woman, but gave no indication of its nature: "Since knowing about his disgusting actions with the Walker girl, I have quietly waited and encouraged the parents to try to get evidence to convict him. This seems impossible."⁶¹

Daly's own account suggests that his animosity toward Ritchie was in fact of longer standing. He claimed that the man had been undermining his authority for some time: "I have known for over two years that this man was using his

⁶¹ FK, Daly to DIA, 16 October 1925.

influence to discredit my authority as Agent."⁶² The agent asserted that he had ignored this opposition because Ritchie had a disability which awakened his pity: "I have refrained from taking notice of him owing to the fact that he is club-footed and that I pity him for his handicap in life."⁶³ More recently, their relationship had deteriorated, supposedly because of the incident with the young woman: "Since then I have shown him that I don't like him, and I don't. I consider he is a dangerous man to have around any Reserve."⁶⁴

Even though Daly's letter contained no specific allegations against Ritchie, it immediately had the desired effect. The Department promptly wrote back, "This man has no right or authority to reside on the reserve, in that he is not a member of the Band, and in view of his general conduct should be ordered to remove therefrom at once."⁶⁵ The agent moved swiftly to execute this instruction, laying charges against Ritchie under sections 124 and 125 of the Indian Act: these were the provisions regarding trespassing on a reserve by non-band members and refusal to leave when ordered to do so by the chief or agent.⁶⁶

Daly's actions sparked resistance from Ritchie's friends. The chief at the time, Stanley Manitowaba, wrote a heartfelt letter to Daly appealing to him to allow Ritchie to stay.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ FKC, J.D. McLean to Daly, 22 October 1925.

⁶⁶ FKC, Daly to J.D. McLean, 29 October 1925. For sections 124 and 125 of the Indian Act, see Sharon Venne, ed., *Indian Acts and Amendments 1868-1975. An Indexed Collection* (Saskatoon, 1981), p.221.

Manitowaba and Daly were already on poor terms, and the chief's letter indicates a vehement resentment of the agent's treatment of aboriginal people. His words imply that the arrogant tone of much of Daly's correspondence accurately reflected his personal style, at least when dealing with persons he disliked. Manitowaba began by noting that Ritchie had lived on Parry Island "for this last twenty five years, in fact, he has lived permanently on this Reserve ever since his childhood." He continued, "I ask you only once to use common sense and limit your merciless nature....I say that Mr. Ritchie and other non treaty members who have been residing on this Reserve for many years are not trespassing." The chief singled out another non-band member, David L. King, who had not lived on Parry Island as long as Ritchie, but who enjoyed Daly's patronage; Daly never considered expelling this individual. Manitowaba then sought to assert his authority as chief, employing the same military language that Daly used with reference to Pegahmagabow:⁶⁷ "I am giving my orders on my own Reserve through my council that Mr. Ritchie shall not leave this Reserve so long as he shows good behavior...." Finally, he vividly expressed his sense of outraged dignity and self-respect at Daly's general demeanour: "Do not expose your ungentlemanly attitude towards

⁶⁷ It cannot be proven that Daly had introduced this type of language here, but Manitowaba's use of it is interesting. Certainly the concept of a leader giving "orders" to other Anishnabe would have been entirely foreign to the Parry Islanders' ancestors.

us too clear, we have feelings same as dumb animals and human beings that live on earth..."⁶⁸

But this effort and even the engagement of lawyers could not halt Daly in his course. Within two weeks of the agent's original communication with the Department, Kelso Ritchie had been punished for his insubordination by expulsion from his home, a month-long prison term, and a ban on visiting any reserve in Daly's agency. Daly reported triumphantly to Ottawa:

I had him brought before the Magistrate here in Parry Sound and had him charged under sections 124 and 125 of the Indian Act. He was sentenced to one month in jail and warned to keep off all Reserves in this Agency. ... I am hoping that the sentence meted out to him will be a warning to the other Indians that the purpose of the Indian Act will be carried out in this Agency."⁶⁹

Daly had won a decisive victory over his adversary in this round. Their feud, however, did not end here. Kelso Ritchie did not lose contact with his home community after his expulsion. A year later Daly was writing the Department about him again, as well as about two brothers from the Cape Croker band, Wesley and Andrew Solomon, who he claimed were in league with Ritchie and were causing trouble. Again his charges were rather vague, although he did include the information that Ritchie and the Solomon brothers had circulated a petition of some sort.⁷⁰ This time the agent

⁶⁸ FKC, Stanley Manitowaba to Daly, 27 October 1925.

⁶⁹ FKC, Daly to J.D. McLean, 29 October 1925.

⁷⁰ FKC, Daly to J.D. McLean, 10 May 1926.

worked through the band council, and gained enough support there to have a resolution passed banning the three men from Parry Island.

Daly admitted that he himself had called the band meeting at which this resolution was passed, a special session held on the 8th of May, 1926. He lent weight to the council's deliberations by stating that "the Band [was] well represented," but gave no attendance figures.⁷¹ The subjects to be dealt with included the chief, Stanley Manitowaba, as well as Ritchie and the Solomons. According to Daly, the chief had transgressed not only by being seen intoxicated "repeatedly", but also by maintaining a close association with Kelso Ritchie. In Daly's version of the council's resolutions, the accusations against him were that "the Band do not approve of the conduct of Chief Stanley Manitowaba as he has not attended to his business as Chief and has persisted in being advised by one, Kelso Ritchie, who it was found necessary to put off the Reserve..."⁷² In consequence of this and of his alleged alcohol consumption, the band passed a resolution requesting that Manitowaba be deposed as chief. The second resolution passed at the special session concerned the other three men:

⁷¹ Except when a vote was held on a proposed land surrender, there was apparently no concern as to the proportion of band members who participated in passing resolutions. As long as a majority of those present assented, the resolutions were considered valid. This was noted in chapter four, where we saw that only 17 members actually voted to remove Francis Pegahmagabow from office, which was probably not a majority of the male band members of voting age.

⁷² Ibid.

Moved ... That it is the desire of this Band to live at peace and as Wesley and Andrew Solomon, Cape Croker Indians, along with Kelso Ritchie are trying to cause dissatisfaction among our Band, it is our desire that Wesley and Andrew Solomon be warned to keep off our Reserve and in the event of these two Indians coming back after being warned off our Reserve, that the Agent prosecute them as tresspassers [sic].⁷³

After recording the two resolutions, Daly added his own observations on the activities of the men. They seem to have been quite busy, judging by the number of reserves in the Parry Sound Agency which the agent mentioned. He stated that he had been "kept posted by the better class of Indians on Parry Island, Shawanaga, Lower French [River] and Moose Deer Point Reserve" on developments:

The head men of these Reserves do not wish to be annoyed by this half-breed [Kelso Ritchie] and two Cape Croker Indians stirring up dissatisfaction in their midst. The majority of the Parry Island Band and the better class of Indian, have repeatedly asked me to do something about the matter.

It is unclear precisely how these individuals were "stirring up dissatisfaction." But Daly had scored another victory. While it would have been difficult to ensure that his opponents never set foot on a reserve in the agency, the agent had established his right to remove them immediately if they were caught there, and prosecute them for trespassing. Certainly the ban would have made it very difficult for the

⁷³ Ibid.

men to spend any amount of time on a local reserve. If they were, in fact, organizing opposition to the agent, his actions of 1926 must have made it practically impossible to continue.

A final instance may be noted in which Daly expelled someone from Parry Island. This incident shows the agent's ability to assert his will in some cases without any support from the band. The occasion was the visit to Parry Island of one Henry Jackson, a member of Christian Island band. Jackson had a history of political activism, having been elected president of the Grand General Indian Council of Ontario in 1918. At this time he had raised the issues of aboriginal hunting and fishing rights, as well as objections to the new Soldier Settlement Act, which allowed the Department to obtain land on reserves for Native war veterans without the consent of band councils.⁷⁴ Jackson remained active in the Grand General Indian Council in the early 1920s,⁷⁵ and had also been involved more recently in political organizing on Christian Island reserve. Daly cited the latter fact to prove that the man was a "trouble-maker".

In addition, the agent was convinced that Jackson was colluding with Chief John Manitowaba in an attempt to have a non-band member, Solomon King, removed from Parry Island. King was involved in a personal dispute with a group of Parry

⁷⁴ E. Brian Titley, *A Narrow Vision. Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver 1986), p.95.

⁷⁵ Peter Kulchyski, "'A Considerable Unrest': F.O. Loft and the League of Indians," *Native Studies Review*, vol.4, nos.1 & 2 (1988), p.95.

Islanders, one of whom had retained a lawyer: "I am told that the Chief, with the lawyer and Henry Jackson are having an enquiry as to the legality of King being on the Island."⁷⁶ Daly perceived the situation as a threat to his authority, and moved rapidly to contain the agitation by ridding himself of Jackson, who, as a non-member, could legally be ordered to leave the reserve. Daly therefore commanded Chief Manitowaba to give Jackson twenty-four hours to get off Parry Island. Manitowaba, who was already embroiled in his own battles with Daly, chose to defy this order, informing Daly that the people of Parry Island did not wish Jackson to depart. Writing the Department for the second time about this issue, Daly tried to show the legitimacy of his opposition to the visitor's presence on the reserve. He claimed that Jackson was "liable to cause trouble," as was shown by a resolution recently passed by the council: "Resolution No.1, passed by the Parry Island Council ... is a start of the trouble, they demand to be given relief."⁷⁷

By now Daly had repeated his instructions to Chief Manitowaba to expel Jackson, and had also given this order to the constable, Stephen Partridge. Although Daly had claimed in his earlier letter that a number of Parry Islanders shared

⁷⁶ FKC, Daly to DIA, 2 October 1934.

⁷⁷ FKC, Daly to DIA, 10 October 1934. The offending resolution read, "Moved by Walter Judge, seconded by Francis Pegahmagabow, That we find it essential to demand relief, be given to our poor Indians or those unable to support their families." (FKC, Daly to DIA, 9 October 1934). It is worth noting that the two movers of this resolution were not allied politically with Chief Manitowaba at this time; on the contrary, Pegahmagabow was colluding with Daly to oust Manitowaba.

his desire to be rid of Jackson, he now acknowledged that this was not the case: "Stephen Partridge ... told me when I gave him the order to warn Henry Jackson off the Island, that the Indians were not in favour of him being warned off. I told him independent of what the Indians thought he was to warn Jackson off the Island."⁷⁸ The agent had already spoken to the local police magistrate, J.D. Broughton, who had expressed his support for Daly's course: "he will act if I can get Jackson brought to the court and have him prosecuted as an undesirable Indian trespassing on the Island, because of the trouble he caused on Christian Island last winter."⁷⁹

In the meantime, Daly sought to use the incident to advance his campaign against Chief Manitowaba. In his view, the chief was obliged to obey the agent, and his failure to do so was effectively grounds for deposition. As described in chapter three, Daly had tried to have Manitowaba deposed on the grounds of incompetence, but had failed to convince the Department. Now the agent cited the chief's insubordination to justify his removal:

Re [sic] the refusal of Chief John Manitowaba to carry out the orders of the Agent, when it is for the peace and welfare of the Band, I would appreciate it very much if the Department will give me their decision in this matter [of deposition]. It appears to me that Chief John Manitowaba is not a fit and proper person to be Chief of the Band. ... He is absolutely no use to me as Chief. He

⁷⁸ Ibid.

⁷⁹ Ibid.

disregards the Department of Indian Affairs in everything he does and says. He talks as if he and his Band were all sufficient to themselves, and unless something is done to put John Manitowaba in his place, as long as Henry Jackson is around, there is liable to be trouble here. I would appreciate very much the consideration of the Department in this matter of deposing John Manitowaba as Chief of the Band.⁸⁰

Manitowaba, for his part, was thoroughly outraged about the whole affair. Not content merely to exercise passive resistance to Daly, he took action by writing to both the Department and the agent, explaining his position with regard to Jackson as well as his perspective on the prerogatives of the band chief. To the Department he wrote that he saw no reason to expel Jackson: "He is causing no trouble and I found he is leaving shortly."⁸¹ Manitowaba knew the man well, for he had visited the reserve every summer for years; if he felt that removal was warranted he would take action. Moreover, he asserted the right of the community's elected officials to decide the issue: "The Chief and council are the proper body to say who is and who is not desirable on this Island."⁸² Finally, the chief attempted to fight fire with fire. He charged Daly with protecting Solomon King, who he stated was "causing a whole lot of trouble with the members of the Band with the knowledge of Daly," and he claimed to

⁸⁰ Ibid.

⁸¹ FKC, John Manitowaba to the Superintendent General of the DIA, 10 October 1934.

⁸² Ibid.

have information which would call into question Daly's suitability for his job: "For your information I will in the near future ... submit to your Department serious evidence which will necessitate an enquiry on Daly['s] entire stewardship as your agent which I will ask for his dismissal."⁸³

To Daly, Manitowaba wrote that the attempt to remove Jackson from the island was unjustified, for the man was causing no trouble. He reminded the agent that the other band members were "against your action in this matter" and stated that he would not order the man off the reserve: "Mr. Jackson will not leave my Reserve until he is ready to go home, which will be shortly and he is welcome to Parry Island as long as Parry Island is an indian [sic] reserve...."⁸⁴ Lastly, Manitowaba informed the agent that he would be forwarding a copy of the letter to the Department, and questioned Daly's attitude towards the band and its officials: "you made statement to certain parties you dont [sic] give a damn to any of the member[s] of the Parry Island Band you as much to tell me that this morning if the Chief and Council has no voice in the affairs of the Reserve this will have to be explained fully by the Dept."⁸⁵

Unfortunately, it is not clear whether Manitowaba received a response from the Department or not. It is highly unlikely, since a Department directive in 1933 had

⁸³ Ibid.

⁸⁴ FKC, John Manitowaba to Daly, 11 October 1934.

⁸⁵ Ibid.

established the policy that Ottawa would not correspond directly with aboriginal people. Moreover, Daly had prepared the ground carefully in his portrayal of Manitowaba's character. An aboriginal attempt to achieve an agent's dismissal stood little chance of success at the best of times; when made in the course of a dispute it undoubtedly had no credibility at all in Ottawa. Jackson was expelled from the reserve by Constable Partridge and Daly thus won a victory in his power struggle with Chief Manitowaba.

This incident was not the only occasion on which an attempt was made to deprive Daly of his office. There were at least two other such initiatives, a clear indication of the strong resentment this agent aroused through the heavy-handed tactics he employed at times. Chief Frank Judge wrote to the Royal Canadian Mounted Police in 1931 seeking to instigate an investigation into Daly's administration. His letter cited no specific charges, but simply asked that an investigator be sent to "straightened [sic] our trouble with our Indian Agent. ... We are very sure that once we disclose to you our complaints you will not hesitate"⁸⁶ For obvious reasons, the chief attempted to enforce secrecy in the matter, urging, "... when you come, come to the Parry Island Indian Res. quietly and ask for the Chief or Councillors and disclosures will follow."⁸⁷ Unfortunately for Chief Judge, the Mounties immediately forwarded the letter to the Department of Indian

⁸⁶ RG 10, v.7540, f.29022-5, Chief Judge to RCMP, Toronto, 12 March 1931.

⁸⁷ Ibid.

Affairs. In response, Department secretary A.F. MacKenzie advised the Police Commissioner that he "[knew] of no reason for the request" and that the Department "does not desire that any action should be taken on requests of this nature coming direct from Indians."⁸⁸ MacKenzie also informed Daly of the incident, and stated, "Requests of this nature must be placed through Indian Agents, and you should so inform the Chief, at the same time advising him that no action will be taken by the Police in such matters except on the expressed desire of the Department."⁸⁹ Obviously, this approach was thoroughly consonant with Daly's views, and served his purposes admirably. No doubt the Department could depend on Daly to cooperate in this policy. This was an instance in which the various government officials colluded very effectively to silence aboriginal protest.

The third initiative to depose Daly was apparently spearheaded by Chief John Manitowaba in 1935. Daly learned of it from Moses Missabie, then chief of the Henvey Inlet band. Chief Missabie advised Daly that he had received a letter from Chief Manitowaba with an invitation to come to Parry Island. A meeting was to be held on the island for the purpose of signing a petition to have Daly removed from office.⁹⁰ Evidently Missabie had chosen not to attend, and it is not clear whether or not the meeting took place. By this

⁸⁸ FK Collection, A.F. MacKenzie to Col. Cortlandt Starnes, Commissioner, Royal Canadian Mounted Police, 25 March 1931.

⁸⁹ FK Collection, A.F. MacKenzie to Daly, 25 March 1931.

⁹⁰ RG 10, v.7927, f.32-22 Pt.3, Daly to DIA, 22 July 1935.

time, Manitowaba could not have hoped to influence the Department in any matter: the agent had been very successful in his efforts to destroy this rival's credibility. In any event, it is unlikely that anything but proven misappropriation of funds or grave contravention of departmental policy would have led to the dismissal of an Indian agent. Native people's opinion of an agent did not interest the Department.

Daly engaged repeatedly in endeavours to neutralize challengers from both within and outside the reserves. He was bitterly resentful at the intervention of lawyers, for instance, and also objected to intercession by members of parliament, clerics, and anyone else who might approach him on someone's behalf. His objection was simple: all communication with the Department was to go through his own office, and he was to be the sole arbiter in the local decision making process. This approach became particularly evident in the case of two separate individuals in the Parry Sound agency who applied to be enfranchised. Daly considered both of them "unfit" for enfranchisement, and told them that he would not recommend the procedure in their cases. Each man chose to engage a lawyer, which only confirmed the agent in his determination to prevent their enfranchisement.

The first of these men was Daniel Tabobingdong of the Parry Island reserve. After Daly had rejected his request to apply for enfranchisement, Tabobingdong engaged a lawyer to write the agent on his behalf in an attempt to further his

goal. The lawyer received a patronizing response in which Daly informed him that he was "not the first lawyer who has been interviewed by Daniel Tabobingdong." In Daly's view, "[t]he very fact that he is wandering around bothering you lawyers about his enfranchisement goes to prove that he is not fit for it. I have told him that when he proves that he is able to get along apart from the Indian mode of life, I will be pleased to recommend him for same."⁹¹ The agent claimed that Tabobingdong's own people scoffed at his application, and concluded by attempting to solidify his own position as final arbiter of Native people's fates: "I would suggest that you advise him ... that the best way for him to apply for enfranchisement is through the Indian Agent, the proper source for doing so, and I will tell him just the same as I told him before, as soon as he satisfies me that he is fit for enfranchisement I will be delighted to put it through."⁹² In a subsequent letter to the Department about Tabobingdong's application, Daly clearly stated his objection to the engagement of lawyers: "About ten minutes after he was in my office, he was down at the office of the lawyers ... trying to rush things."⁹³

Daly's personal authority was even more clearly at issue in another enfranchisement case. Charles Salt, Jr., had submitted his application and then, having heard nothing more about the results, engaged a lawyer to write to Daly on his

⁹¹ John Daly to D.M. Grant, K.C., 18 February, 1932.

⁹² John Daly to D.M. Grant, K.C., 18 February, 1932.

⁹³ John Daly to D.M. Grant, K.C., 18 February, 1932.

behalf. The lawyer, Edwin Pirie, obliged with a very courteous, mildly worded letter to the agent, inquiring as to the status of Salt's enfranchisement application.⁹⁴ Daly was outraged and wrote the Department in terms which thoroughly misrepresented the tone of the lawyer's communication:

Would the Department please reply so that I can explain to this "lawyer-body" that the Department has their own way for doing these things, and they will not be hurried by lawyers, agents, or any person else. ... Mr. Pirie is making himself very obnoxious and talking in a very autocratic manner to me. As a representative of the Department ... I resent the manner of his talk.⁹⁵

This was a clear statement of Daly's desire for unimpeded control.

In addition, Daly was suspicious of any outside contacts which might lead to rebelliousness among the members of his agency. Although less inclined than some other agents to ascribe complaints to the influence of unnamed agitators,⁹⁶

⁹⁴ The letter which Daly referred to as having an "obnoxious" and "autocratic" tone reads as follows:
"Under date of March 8th last, we wrote you at considerable length about the above [Charles Salt, Jr.]. We understood that you had heard from the Department in answer, but that the item is still under advisement by the Department.

"The time is extremely limited for Salt to carry out the building operations which he is so keenly anxious to engage in., so that we are wondering if there is anything further that we can do in order to facilitate the Department in any way. If there is any further information required, we certainly will be very glad to procure it." [FK Collection, Edwin Pirie to Mr. John Daly, 11 April, 1932].

⁹⁵ FK Collection, Daly to The Secretary, DIA, 12 April, 1932.

⁹⁶ As noted in chapter one, Sarah Carter has shown that it was common among officials to blame "nefarious outside agitators - usually unnamed - ... for any discontent." (Sarah Carter, "Two Acres and a Cow: 'Peasant' Farming for the Indians of the Northwest, 1889-1897," in J.R. Miller, ed., *Sweet Promises: A Reader on Indian-White Relations in Canada* [Toronto, 1991]), p.370. The same tendency is visible among Ontario Indian agents in the twentieth century.

Daly occasionally expressed sentiments along this line. In 1928, for example, he wrote, "It appears to me that there is some bush lawyer around this section of the country, who is presuming to advise the Parry Island Band that they are not getting a square deal."⁹⁷ By "bush lawyer" Daly doubtless meant an individual who was not trained in law, but took an oppositional, adversarial approach and "presumed" to advise Native people about their rights. On another occasion the agent even resorted to the Communist bogeyman in attempting to dismiss criticism: "The thought comes to me that it is just possible that there may be some parties with this bolshevic tendencies [sic] working among the Indians. It is only a thought."⁹⁸ It is unclear whether or not Daly was serious in this suggestion; perhaps he had simply been unable in this case to identify the source of the dissatisfaction. For the most part, however, Daly was specific in his accusations of outside influence, and direct in his attempts to eliminate them.

One influence which awakened his particular suspicion was proselytization of aboriginal people by evangelist sects. There were class overtones to his objections in this case, as became evident in his response to the activities of two Pentecostal preachers who held meetings at the Shawanaga reserve over a period of some years, from at least 1932 to 1934. Daly's first move against these men was a letter to an

⁹⁷ FKC, Daly to DIA, 30 July 1928.

⁹⁸ FKC, Daly to DIA, 4 April 1930.

Anglican minister in Toronto, the Rev. Arthur Barner, warning him of the threat the evangelists posed to religious order. The letter gives an indication of Daly's habitual watchfulness in monitoring affairs on the reserves, for he began with the observation that he had "been puzzled for some time to find out why men by the name of Clarke and Hoyle were frequent visitors to the Shawanaga Reserve. Only today, I got on the inside ring of this..."⁹⁹ Daly had learned that Clarke and Hoyle were "Penticostal [sic] fellows" and alleged that they had been holding meetings in the Church (a building which had been constructed for the service of Barner's faith). Moreover, they were on friendly terms with the chief at Shawanaga, Wesley Jacobs, a man who had opposed Daly in the past. The agent was writing to inform Barner "so that you would be able to correct the situation." Daly stated disapprovingly that the Pentecostal preachers were "working the Indians into a great pitch of excitement" - a dangerous situation in the eyes of the agent. He was apparently relying on the cleric to put an end to this missionizing, which he felt was "going too far."¹⁰⁰

This initial attempt did not rid Daly of his rivals. Two years later they were still holding their meetings at Shawanaga, and now on Parry Island as well. The agent revised his tactics and appealed to the Department for permission to "prosecute" the Pentecostal preachers, presumably for

⁹⁹ FKC, Daly to Rev. Arthur Barner, 25 January 1932.

¹⁰⁰ Ibid.

trespassing. He began with a statement of unmistakable class antagonism, maintaining that the one man, Clark, "is of the labouring classes here and apparently he is of a very impertinent disposition."¹⁰¹ As usual, he justified his intent to prosecute with the claim that the outsiders' presence was liable to cause trouble, since it was already undermining authority. To prove this negative influence, Daly cited a recent case in which a constable had been assaulted by two band members. During the ensuing trial the constable's wife refused to answer questions on the witness stand, and her husband claimed that "this Penticostal [sic] pest Clarke had warned her not to say anything."¹⁰² On the basis of this unsubstantiated information Daly concluded, "I am convinced that so far as law and authority are concerned these Indians who attend the meetings get some kind of information from these fellows that give [sic] them a disregard for the officials of the Department." In the interest of ensuring the "peace and good behaviour of the Indians of the Parry Island and Shawanaga Bands," therefore, he felt that "these men should not continue their preaching."¹⁰³ The agent advocated swift action "as I am just rarin' to go to stop these two men from causing trouble in this Agency."¹⁰⁴

¹⁰¹ FKC, Daly to DIA, 28 April 1934.

¹⁰² Ibid. Unfortunately, the agent did not state on which reserve the assault had occurred. Daly also stated that he had confronted the Pentecostal preacher with this accusation, but "[o]f course he denied it."

¹⁰³ Ibid.

¹⁰⁴ Ibid. Presumably by "officials of the Department" he meant himself, in spite of his later disclaimer.

Although the Department wrote a return communication, its contents apparently did not satisfy Daly, for he wrote another letter appealing for backup. In an attempt to strengthen his case, he denied that it was his own personal authority which was at issue: "Please do not misunderstand me, I am not referring to my authority as Agent. They seem to be, as it were, moving in the spirit."¹⁰⁵ He could not point to new issues which had arisen, but added a further series of objections: the men were not licensed preachers; they held meetings "till all hours of the night;" the meetings were dangerous from a health point of view, for "it is bad having a bunch of Indians denned up in a house." He concluded plaintively, "Is there no way whereby the Department can back me up, seeing that these two men are not licensed preachers, whereby I could keep them from causing what I believe to be trouble among the Indians."¹⁰⁶ But it seems that he failed to interest the Department in his problem. Once again, there was no direct threat to the officials in Ottawa, and they would not countenance the exercise of arbitrary authority where they saw no need for it.

Another important control issue was the appointment of band constables. Whoever controlled the constable could exercise a good deal of influence in the community through him, particularly at moments of crisis. Among the smaller bands, where law enforcement was required infrequently, it

¹⁰⁵ FKC, Daly to DIA, 13 May 1934.

¹⁰⁶ Ibid.

was general practice to allow the band council to choose their own officer - both Daly and Lewis approved such appointments without demur.¹⁰⁷ In these cases the constables received no salary - their only remuneration was a percentage of any fines collected. On the larger reserves these appointments were a matter for serious contention, and agents often vied with councils to determine who filled the position.

Lewis was involved in two such disagreements during his tenure, both involving the constable for the Manitoulin Island Unceded band, Dominic Odjig. In 1926 Lewis prevented the council from reducing Odjig's salary, which the agent claimed would have caused the constable to resign. He explained the council's move with the assertion that "the majority of the Indians" wished to have a more lenient constable so that "they would have more liberty in the way of carrying on the liquor traffic"¹⁰⁸ In 1928 the band tried again, this time passing a resolution to dismiss Odjig and replace him with another man. Lewis opposed the resolution, stating that Odjig was the most efficient police officer that had ever served at Wikwemikong: "The Indians are all fearful of him as an officer of the law and it would be sweet

¹⁰⁷ In 1924, for example, the Whitefish Lake band council decided to replace their deceased band constable with another. Passing on this resolution to Ottawa, Lewis noted simply, "As the Indians at Whitefish Lake feel that Arthur Shawbuonoquet should receive the appointment I would ... recommend that they be granted their request." [RG 10, v.10629, Lewis to DIA, 24 July 1933].

¹⁰⁸ RG 10, v.10609, Lewis to DIA, 15 December 1926, and Lewis to William Kinoshameg, Secretary, Manitoulin Island Unceded Band, 22 December 1926.

retaliation for them if they could have his services dispensed with."¹⁰⁹ His intervention was successful: Ottawa promptly disallowed the band council's resolution.¹¹⁰

Daly carried on a running battle with the Parry Island band over the appointment of band constables. In this issue, Daly was able to outmanoeuvre the Parry Island council at every turn, so that he consistently controlled policing on the reserve. At the beginning of Daly's administration, the incumbent constable was David L. King, a non-band member who apparently enjoyed great favour with the agent and who faithfully carried out his instructions. The fact that King did not possess band membership was probably an important factor in his usefulness to Daly: both the insecurity of his position and his outsider status made him very unlikely to side with the band - and especially the council - in opposition to the agent. King's friendly relationship with Daly, and cooperation with his aims, were undoubtedly the triggers for his dismissal by the council. In 1923 the council voted him out of office and replaced him with a band member, Harry Meduayosh.¹¹¹

At this point, Daly stepped in and made a clever power play: he induced the Department to appoint King as Constable for the Georgian Bay District, apparently through the local

¹⁰⁹ RG 10, v.10613, Lewis to DIA, 7 June 1928.

¹¹⁰ Ibid., Lewis to Joseph Wabegijig, Secretary, Manitoulin Island Unceded Band, 16 June 1928.

¹¹¹ FKC, Daly to DIA, 13 July 1932, and Franz M. Koennecke, "A History of the Wasoksing Indian Constables," (unpublished paper, 1988), pp.12-13.

Royal Canadian Mounted Police detachment.¹¹² At first the position carried no salary, but later King was a paid officer.¹¹³ This meant that Daly continued to have a local police officer who followed his instructions and was obliged to the agent for his position. Best of all, this officer was not a band constable, and was therefore in no way subject to the control of the Parry Island council. Daly had also succeeded in establishing a very useful precedent: a Constable for the Georgian Bay District, who was appointed on the agent's recommendation and entirely independent of band politics. When David King died in 1926, Daly had Stephen Partridge, another non-band member resident on Parry Island, appointed in his place.¹¹⁴

Partridge seems to have followed in King's footsteps, enjoying Daly's approval and incurring the wrath of the Parry Island band council. In 1932 a controversy arose over the issue of the band constable. Apparently no one had filled the position since 1924, when Harry Meduayosh, whom the council had installed as King's replacement, had been dismissed for drunkenness.¹¹⁵ In the interim, this left Daly's Constable for the Georgian Bay District as the only police officer for the island. In July of 1932, the band council attempted to appoint a new band constable, citing Stephen Partridge's absence from the reserve as the reason. Daly opposed this

¹¹² Koennecke, "History of the Wasoksing Indian Constables," p.13.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid., Daly to DIA, 19 November 1924.

move, and he wrote at length to the Department about the situation. His account reveals the agent's carefully cultivated monopoly on reserve policing:

... I am using Partridge today to send him to Shawanaga, as the Constable at Shawanaga has been assaulted and I am having Partridge go back with the constable and arrest the two parties at Shawanaga Reserve, so the Department will see the wisdom of having Partridge with his commission for the Georgian Bay District.

It is quite true that Partridge was away for some time, but it was with my permission. ... In the meantime, I had made arrangements with Constable Knight of the Ontario Provincial Police to act if I required him on the Parry Island Reserve.¹¹⁶

It is unlikely that Constable Knight of the O.P.P. would have made himself available to the band council in this way. The prevailing arrangement meant that in case of any trouble on the island, there was no one to whom the residents could turn - except to send for the agent. In this sense the council's action was not necessarily just a power play, as Daly asserted, but an expression of the perceived need for a constable in attendance on the reserve.

Having defended Partridge's importance and diligence, Daly proceeded to construct a case against the council's resolution and the candidate it had proposed, Johnnie Miller. First he ridiculed Miller himself, portraying him as unsuited to the job:

¹¹⁶ Ibid., Daly to DIA, 13 July 1932.

It is not so easy for me to explain why I [think the resolution is] foolish, but if any member of the Department saw the man and spoke to him for a few minutes they would realize what I mean. It is foolish, and he would not be at all suitable. He is a nice boy but would be a joke as a constable.¹¹⁷

According to Daly, the council's move was politically motivated and would undermine the Department's authority. The proposed candidate was a Catholic, and so were the chief and both councillors. The appointment of a Catholic constable would, said Daly, place too much power in the hands of the council. His explanation of this contention suggests that the agent generally played the two religious denominations off against each other: "Chief Frank Judge is desirous of having all Roman Catholic officials in his Band. There are no Protestants in the council and had he got Johnnie Miller appointed as Constable, Chief Judge would have been the power on the Parry Island Reserve, not the Department of Indian Affairs."¹¹⁸

Moreover, Daly opposed the appointment of any band member as constable on principle: "It would not be a good thing for the Parry Island Band to have a member of their own Band acting as Constable. This, the Band tried, and it was a miserable failure."¹¹⁹ Presumably the reference here was to Harry Meduayosh, the sole example Daly had witnessed of a Parry Island band member acting as constable. Having

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

marshalled this series of arguments against the appointment of a band constable, Daly concluded with a recommendation in favour of the status quo: "Stephen Partridge, as far as Indian constables go, has been quite successful in the execution of his duties and I would not be in favour of any change being made here." Apparently the agent's will prevailed, for Partridge remained in his position and Johnnie Miller was not mentioned again.¹²⁰ The Parry Island band was thus left in the unusual position of having no band constable who was accountable to its council; the only police officer for the island was the RCMP officer who took his direction from the Indian agent.

Daly was able to exert substantial control over policing on the Parry Island reserve throughout his career as agent. Another means by which he sought to exert control was by "keeping Indians in their place" and trying to make them respect duly constituted authority, that is, the authority of himself and the Department. The clearest statement of his attitude appears in a letter he wrote in 1932 to a professor of anatomy at the University of Toronto. Describing his duties as Indian agent, Daly declared,

¹²⁰ In 1935 Francis Pegahmagabow wrote to the Department complaining that there was no constable on Parry Island and that trespassing and drunkenness were going unpunished. Asked to explain the situation, Daly retorted that Stephen Partridge was the constable, that it was true that Partridge was presently working in Parry Sound, but that he was "keeping in touch with anything that might happen..." He further assured the Department that "so far as law and order is concerned there is no agent in Ontario, or any other place, that will prosecute and maintain law and order any better than I will, if I get the proofs." [FK Collection, Daly to DIA, 14 September 1935].

There is also the continual endeavour on the part of the Agent, particularly in this section of the country where there are so many tourists, to try and impress upon the Indian that he is still an Indian. ... [W]hen an Indian is out fishing with millionaires, ... smoking his cigars, it is hard for him to get back to earth, particularly when the snow flies. The tourists are very welcome here but they give the Indian the wrong steer and a false idea of what he is.¹²¹

On many occasions this agent demonstrated his determination to "get the Indians back to earth," and to force Native people to acknowledge his social superiority. Daly wished to maintain a clear hierarchy of authority and stifle any attempts to circumvent him.

One manifestation of this campaign was his attempt to ensure that individuals who opposed him were made to "obey instructions" from the Department. One of Daly's consistent annoyances throughout his career was the fact that certain members of his agency were in the habit of approaching the Department directly when they had grievances. In 1933 he induced the officials in Ottawa to send a letter outlining its policy of enforcing communication only through the Indian agent.¹²² Daly summoned Francis Pegahmagabow, John Manitowaba,

¹²¹ FKC, Daly to Prof. J.C.B. Grant, University of Toronto, Department of Anatomy, 11 March 1932.

¹²² The Department had always been in the habit of informing agents when aboriginal people communicated with Ottawa, and soliciting the agent's view of the situation. In 1933, however, a new directive established as policy that no direct communication with the Department was to be permitted. All information and complaints were to pass through the Indian agent's office, since "the practice of Indians attempting to deal directly with headquarters involved an unnecessary waste of time and interfered with efficiency in the conduct of official business." [H.B.]

and the latter's son Stanley Manitowaba, the most prominent of the letter-writers, to his office to read them the letter in person.¹²³ Shortly thereafter Pegahmagabow wrote the Department again on behalf of two other Parry Islanders. Of course Daly was immediately informed and he confronted Pegahmagabow about his contravention of instructions. The agent's description of the encounter reveals his strictly hierarchical conception of the relationship between federal officials and Native people, as well as Pegahmagabow's rejection of that model:

I asked Francis Pegahmagabow if he understood the order from the Department and he said, "Oh, yes." ... I then asked him under these circumstances why did he write to the Department, and he explained that the Department had no right to send a letter like that without first consulting the council of his band.

I explained to him, "You being a soldier in the late Great War, understand what an order means when it comes from headquarters?" and he said, "Yes." Then I explained, "An order coming from headquarters of the Department of Indian Affairs must be carried out, and it is part of my duties to explain these matters to the Indians the same as the officers in the field explained orders from headquarters to the troops in the field." "Oh, yes," he said, "I understand all that, but the Department has no right to send out these orders

Hawthorn, ed., "The Politics of Indian Affairs," abridged from chapter 17 of *A Survey of Contemporary Indians of Canada, Part I* [Ottawa, 1966], reprinted in Ian A.L. Getty and Antoine S. Lussier, eds., *As Long As The Sun Shines And Water Flows. A Reader in Canadian Native Studies* [Vancouver, 1983], p.169].

¹²³ FKC, Daly to DIA, 18 April 1933.

child. Pegahmagabow had turned the tables very effectively indeed. It was this incident which inspired Daly to suggest to the Department that Native people who disobeyed "orders" from Ottawa should be fined. However, he had no more success in this than in his interview with Pegahmagabow. In spite of its authoritarian nature, the Department could hardly reconcile such a proposal with its claim to representing the interests of First Nations. This interaction between Daly and Francis Pegahmagabow is a fine example of the kind of "power inversion" that Native people could sometimes achieve simply by standing their ground. The Department might ignore Pegahmagabow's letters, but Daly could not prevent him from sending them.

It is noteworthy that the control issues which arose in these two agencies were very different. Where Lewis received a number of requests to force unmarried couples to separate, there is no indication of similar requests to Daly. The latter also did not seem to involve himself in the private affairs of families, in fact he refused to do so on occasion.¹²⁷ On the other hand, Lewis did not seem to come into direct conflict with the band officials in his agency, as Daly did repeatedly. The issue of character appears to be a significant factor here, for the approaches taken by the two agents were markedly different. Lewis showed little

¹²⁷ See, for example, chapter six, for the case of Julia King. Mrs. King attempted to involve Daly in her difficulties with her estranged husband and her son, but met an uncompromising refusal.

interest in close surveillance even of the reserves which were located near his home; Daly, on the other hand, was a frequent visitor to nearby Parry Island and specifically mentioned maintaining a network of contacts who reported on local developments. As we have seen, Lewis staunchly asserted the Department's policy when required to do so, but his correspondence reveals little concern for the maintenance of authority as a goal in itself. Lewis seldom labelled people as "likely to cause trouble," and never spoke of the need to uphold his authority. Nor is there any recorded instance of conflict between himself and a client purely on the issue of the manner in which the agency was run. Under Daly, on the other hand, conflicts around these issues were practically endemic. Although the two men chose different kinds of issues in their imposition of disciplinary power, the more significant distinction between them was the degree of persistence they showed in disciplining Native people. Lewis was inclined to look the other way or to limit his intervention to threats. Daly actively sought to punish and silence those who opposed him.

Finally, this discussion has shown that Daly was not always able to exercise power as effectively as he would have liked. Kelso Ritchie proved a vulnerable enemy, and the Indian Department allowed Daly to take severe measures against him. Native people from outside the agency were also subject to expulsion from the reserves when this agent took a dislike to them. But on the whole, the agent was limited in

his powers. Unless he could convince the Department that its own authority was in jeopardy, Daly was unable to obtain backing for strong punitive steps. Daly was able to prevent aboriginal people from asserting much influence over the conduct of their community's affairs, and to counter most of their attempts to involve outside authorities. Here he exercised a good deal of power. But he was not capable of acting as a local despot. The officials in Ottawa would not support his more autocratic proposals, and Native people would not be silenced by his blandishments. Aboriginal people in the Parry Sound region persistently contested federal authority, defied the agent, and asserted a belief in their community's right to self-rule. Daly's case reveals the limits of the power an Indian agent could appropriate to himself and exercise over aboriginal people.

Chapter Six

Intercession and Mediation

This chapter will further examine what Foucault termed the "microphysics of power," or the personal, everyday operation of power relations, among Indian agents and aboriginal people. The previous chapters have shown the ways in which agents could exercise power over their aboriginal clients, and the means of resistance which those clients developed. There is, however, another whole side to the power relations between Indian agents and Native people, namely the use of power on Native people's behalf. The agent's strategic position allowed him to exercise power in other directions as well, which could work to the advantage of his clients. That is, he could exercise power, or use his influence, in the interest of Native people. Agents were among the non-Native authorities whom Native people engaged to intercede for them as a means of bolstering their own power position.

One way in which they did this was to seek support or intervention in internal disputes. Both Lewis and Daly were called on to mediate family quarrels and disagreements between spouses. Daly also found himself drawn into altercations among band members, both those related to band politics and more strictly interpersonal matters. These

situations could place Daly in a dilemma, since he wished to present an image of impartiality. Some instances of requests for internal mediation reveal a Daly who abstained from the use of power, who was unwilling to exercise his power indiscriminately, or when an issue did not affect his own position. At other times he was less hesitant, and might seize an opportunity to protect a favourite or carry on his rivalry with certain individuals.

Agents could also function as mediators between reserve communities and the outside world. Native people engaged in power negotiation with the agent when they needed to secure his support or aid in dealing with this world. A letter from the agent of the Indian Department carried a great deal more authority than one from an individual Native person: it was assumed that he was an impartial observer of events and that he had the weight of the Indian Department behind him. In addition, the agents were themselves members of the non-Native community, and were acquainted with the requirements and attitudes of corporations, government agencies, and the justice system. They could place their skills and knowledge at the service of aboriginal people.

Finally, there was an assumption, both among agents and among the larger public, that Indian agents bore some measure of responsibility in any matter related to Native persons. When a Native person was in some kind of trouble, someone was likely to contact the agent for his or her reserve and draw him into the matter. Priests and clergymen, merchants, police

constables, local relief officers (in the 1930s), and others might write to an agent to inform him that a Native individual was ill, out of work, or in trouble. Agents often did intercede in such instances, especially when their intercession meant that people were enabled to earn or save money. In part this was the outcome of a certain protectiveness stemming from paternalistic attitudes. In many cases it was also a pragmatic impulse to support Native self-sufficiency and thus avoid paying out relief to individuals or families. The ways in which Indian agents functioned to mediate internal and external conflicts, and to intercede on Native people's behalf, are the subject of this chapter.

Despite the social and economic marginalization of aboriginal people, especially those living on reserves, the outside world impinged on their lives in numerous ways. Native people were subject, like anyone else, to dealings with merchants and sales representatives, with the legal system, and with companies which sold them goods and services. They also came into contact with the game wardens who enforced government regulations regarding fishing, trapping and guiding. Many engaged in wage employment off the reserve, or were involved in other financial transactions with non-Natives. These were everyday matters, and no doubt much of the time Native people handled any disagreements which might arise on their own. They might also engage the Indian agent to advocate on their behalf and increase their leverage with a third party. This was one way of compensating

for the disabilities aboriginal people faced in dealing with the rest of Canadian society.

One of the most significant cultural differences was that of language. Many of Lewis and Daly's clients were clearly more fluent in their Native tongue than in the English language. Despite the Department's attempt to ensure English language schooling for all Native children, it is clear from the agents' letters that, at least among the Anishnabek, the Native tongue was still widely spoken. Its use was extensive enough that both agents had picked up some of this language in the course of their work, and they clearly needed it to communicate with some of their clients and to follow the discussion in council meetings. When asked to take a census in his agency, for instance, Lewis mentioned his need for an interpreter because he did not speak Ojibwa well enough to secure the required data - apparently he would not be able to obtain it in English.¹ Similarly, Daly's account of a council meeting on Parry Island made it clear that the discussion was held in Ojibwa: he reported of a speech made by Francis Pegahmagabow, "I could make out part of what he was saying"² Daly also stated that he recruited Pegahmagabow to explain departmental policy and the Indian Act to John Manitowaba in his mother tongue, because Manitowaba did not understand English very well. A lack of facility in the

¹ RG 10, vol. 10591, R.J. Lewis to Department of Indian Affairs, 18 May 1921.

² Franz Koennecke Collection, John Daly to Department of Indian Affairs, 3 March 1934.

English language was, of course, a serious impediment to Native people in dealing with the world outside their reserves.

Even those who were comfortable speaking English often had more difficulty writing it. Some of the letters which Native people wrote to the Department reveal this clearly, showing a poor command of English and especially of spelling and grammar.³ Naturally, such problems limited Native people in their ability to communicate effectively, especially when dealing with government departments such as Indian Affairs or Game and Fisheries. Their words were simply less likely to be taken seriously than letters written in more imposing language. Moreover, in some cases the point they were attempting to make was difficult to decipher.⁴ By the same token, the complex, formal wordings used in bureaucratic

³ John Manitowaba's letters have already been quoted, and show his difficulties with English spelling and syntax. Daly received a letter from Joseph Traunch of Collin's Inlet which also indicated a rudimentary grasp of written English. The following is a short excerpt: "... your not trying to help and Indian a tall for you not a [lode?] to let and Indian to do eny tingatall on is one reserve lincencs now I want you to know this the Department he didnt give this pice of land to the Indian ..." [RG 10, v.10280, f.475/20-2, Pt.2, Joseph Traunch to DIA, 8 January 1926].

⁴ This applies, for instance, to the letter from Joseph Traunch, excerpted in the previous footnote. Traunch's main points are fairly clear, namely that aboriginal rights were being disregarded, that he resented the imposition of licences for activities that were pursued on the reserve, that the Department did not protect Native interests and was now trying to deprive the people of their reserves as well. Since he did not raise any specific charges or demands, the Department simply sent the brief response. "In reply to your letter of the 8th instant I have to advise you that you should apply to the Department of Game and Fisheries, at Toronto, Ont., for information with regard to fishing." [RG 10, v.10280, f.475/20-2, Pt.2, J.D. McLean to Joseph Traunch, 13 January 1926].

communications must have been almost incomprehensible to some Native people who received letters from these sources.

Language was not the only hindrance. There were barriers of culture and class as well. Native people's poverty and generally low status meant that most of them had few means of making their voices heard. With the exception of some war veterans and guides, who had met influential men in the war or through acting as their guides, aboriginal people were not acquainted with high-ranking individuals who could intercede for them. When they experienced conflict with non-Natives, aboriginal people were frequently unable to afford legal counsel to defend themselves or advocate their own interests. Moreover, they did not possess the elective franchise which would have given them some voice through elected officials. A situation on the Whitefish River reserve in the Manitowaning agency illustrates aboriginal people's lack of leverage, especially when their agent did not choose to exercise his influence on their behalf. The Algoma Eastern Railway Company, whose tracks ran through the Whitefish River reserve, refused for years to fence the land around the tracks. The result was that cattle and horses repeatedly strayed into the path of trains and were killed. Whitefish River band members complained about this hazard, and made it clear that they wanted a fence built. Lewis dutifully wrote the company in each case requesting compensation, which the owners apparently did receive. For the Native farmers, however, the prevention of livestock deaths was preferable to

continually losing animals and being forced to replace them. The company found it cheaper to pay for each animal killed than to take steps to prevent their deaths, and Native people lacked the political power to force it to build a fence.⁵

Another effect of class, and of a certain level of isolation on the reserves around Georgian Bay, was that aboriginal people were not conversant with the workings of bureaucratic institutions or the customs and etiquette of approaching corporate groups. Many simply attempted to assert their concerns on their own, in the hope that this would bring results. Chapter four demonstrated, for instance, that John Manitowaba began his political activities in the belief that his views should be taken seriously by government officials. Once he realized that this was not the case, he continued his solitary campaign, rather than working in concert with others to increase the pressure on the Indian Department.⁶ Other Natives with grievances also wrote letters of protest to the Department, in the apparent hope that their words would spur the administrators to action.⁷ Officials in Ottawa, on the other hand, became more and more determined to

⁵ This issue is examined in greater depth below.

⁶ By way of contrast, the hereditary council of the Six Nations was able to mobilize support among a number of band members to present a strong front against Department officials when it wished to block the implementation of the Soldier Settlement program on the Six Nations reserve. Moreover, they successfully attracted the attention of local newspapers, which were critical of the Department's position. The council thus intimidated and embarrassed the Department into negotiation. See RG 10, vol.7504, file 25,032-1-2, Pt.1. Vigorous united campaigns of this sort did not occur at this time in the Manitowaning or Parry Sound agencies.

⁷ Joseph Traunch's letter, quoted in footnotes 3 and 4, is an example of this approach.

eliminate direct contact with the Native clients. In 1935, for instance, J.C. Caldwell, director of the Department's Lands and Timber Branch, remarked in a letter to Daly, "As you are aware, the Department does not write directly to Indians and, consequently, must look to its agents for all necessary information."⁸

When aboriginal people in these two agencies experienced problems or conflict with the world off the reserve, they often turned to the Indian agent for intercession. It is apparent that they shared the common understanding that this official was responsible for their welfare, and they seemed to consider him one possible resource. Using his literacy skills, social standing, and familiarity with his own culture, this official could act in ways which mitigated the negative impacts of Native people's outsider position. At the same time, the agents' own interests and attitudes shaped their decisions as to whether or not they would act, and in what manner. And, as always, the Department's pursuit of its own interests could critically affect the agents' ability to step in.

An issue which surfaced repeatedly in the agents' correspondence was the enforcement of government regulations regarding fishing and guiding permits. These were not well understood in the Native community, and were bitterly resented because they stood in opposition to the community's

⁸ FK Collection, J.C. Caldwell, director, Lands and Timber Branch, to Daly, 28 March 1935.

own view of its fishing and hunting rights. Many individuals in these two agencies felt that their prior occupation of the territory endowed them with a special claim to the land's resources. Further, they believed that the treaties they had made with the Canadian government had enshrined these rights in law - or if not, that justice had not been served and their natural rights were being violated. Joseph Traunch's 1926 protest letter to the Department cited a number of grievances: "the Department try to take the reserve from [us] the same [as] he don[e] with the Island ... and the same with the fishing and a poor Indian can't fish without license on [h]is [own] reserve ... We do not like to see a White pepel [sic] kill our fish ..."⁹ Traunch drew an analogy, inquiring how the Department would respond if it had a pond full of fish and Native people made off with the fish and slaughtered the cattle in the Department's yard: "he wolden [sic] like it and us Indian[s] we ar[e] the same ..."¹⁰ Some Natives also argued that their wardship status and lack of citizenship rights ought to entitle them to an exemption from licence fees. Elijah Tabobingdong, for instance, wrote to Daly in 1923 to ask his advice. Tabobingdong stated that the game warden had told him that he was obliged to pay for a guiding licence: "game warden come to see us Saturday ask us to pay guide license so I refuse[d] I was thinking I have no right

⁹ RG 10, v.10280, f.475/20-2, Pt.2, Joseph Traunch to DIA, 8 January 1926.

¹⁰ RG 10, v.10280, f.475/20-2, Pt.2, Joseph Traunch to DIA, 8 January 1926.

[obligation?] [to] pay guide license that I am non citizen have no vote for Dominion election also Provincial vote and have no voice [in?] Government"¹¹ Tabobingdong asked Daly to look into the matter and investigate whether or not the licence system applied to First Nations.

There were clearly discrepancies in the manner in which game and fish regulations were applied to Native people. Some wardens were prepared to tolerate Natives fishing without a licence, apparently in part because they believed that this was a treaty right. Others interfered with warnings or the actual seizure of equipment. In response, aboriginal people called on the agents to intervene to help retain these sources of nourishment and income for the Native economy. Here the agents tended to share Native people's calculation of their own interests, and to intercede with the Department of Game and Fisheries on their behalf. The Department itself stated in 1920 that game laws legally applied to Native people, but that provincial governments had "in many instances ... taken the position that the game laws should be to some extent non-irritant in their application to Indians in view of the fact that hunting is their natural means of livelihood."¹² For its part, the Department claimed that it attempted to obtain exemptions on its clients' behalf: "It is the policy of the department to endeavour to secure special privileges for the Indians with regard to hunting and

¹¹ FK Collection, Elijah Tabobingdong to Daly, 12 August 1923.

¹² Canada, *Sessional Papers, 1920*, Annual Report of the Department of Indian Affairs (Ottawa 1920), pp.37-8.

trapping in so far as consistent with adequate protection for the preservation of the game."¹³ In practice, however, internal Indian Department officials were often less concerned with this question than the agents, and did not always cooperate with the efforts of the latter to advocate Native access to the land's resources.

In the case of permits for fishing, the Department's approach was quite consistent. Since this activity was important to the Native diet, the Department was willing to intervene with the Department of Game and Fisheries to ensure that small-scale fishing was allowed. There was no question of encouraging fishing on a commercial scale, in fact the records show no indication of its being discussed as a potentially lucrative industry for First Nations. Rather, aboriginal people were allowed to harvest fish as a subsistence activity only. In 1923, for instance, Lewis reported that the Sucker Creek band had passed a resolution to purchase individual fishing licenses for each of its members, charging the cost to band funds. This move was occasioned by the appointment of a new game and fisheries overseer in the district, who had threatened to seize the nets of anyone caught fishing without a license. Apparently previous overseers had left Native people unmolested when they fished, for Lewis stated, "Other Game and Fisheries Overseer's [sic] in this district did not interfere with the

¹³ Canada, *Sessional Papers, 1920*, Annual Report of the Department of Indian Affairs (Ottawa 1920), pp.37-8.

Indians catching a few fish for food as they considered it was within the Indian treaty rights."¹⁴ This remark is interesting, since it implies that there was a pre-existing consensus among government officials and First Nations that a treaty (presumably the Robinson Huron Treaty of 1850) had guaranteed Native fishing rights. Now, seventy-three years after the treaty, a new official was trying to change the rules unilaterally.

Lewis did not take a position on the question of treaty rights, but characteristically argued on pragmatic grounds. He was opposed to the purchase of licenses "as the Indians at Sucker Creek do not catch enough fish to warrant it."¹⁵ He did wish, however, to ensure the people's small-scale access to fishing as a supplement to their diet. The Indian Department responded by contacting the Department of Game and Fisheries to resolve the issue between them. As Lewis wrote afterwards to the Chief, Ottawa had instructed him that "the Indians of the Sucker Creek Band ... may continue to take fish for their own use from the waters of the Georgian Bay ... providing that they do not operate any Seine Nets."¹⁶ The members of the Sucker Creek band were thus spared the expense of paying for licenses, thanks to the Indian Department's intervention. The issue of their actual treaty rights was not raised. Their exemption from fishing licenses was presented as a matter of grace, and linked specifically with the fact that they

¹⁴ RG 10, v.10599, Lewis to DIA, 24 April 1923.

¹⁵ Ibid.

¹⁶ RG 10, v.10599, Lewis to Chief Charles Obotossaway, 25 May 1923.

harvested fish in limited numbers and only for their own consumption. Large-scale, commercial fishing was a business for non-Natives, who could cover the cost of licenses through their profits.

In October of the same year Lewis wrote directly to the District Warden, appealing to him to allow Native people to catch fish in small numbers. He was apparently responding to concern about the likelihood of nets being seized, for he noted: "During the fall of 1917 these Indians were doing a little fishing ... for their own use when their boat, net and everything was seized by an Overseer." The agent presented his case on the basis of need, and made it clear that the people wished to fish for personal use only: "This is the third hard dry year we have had in this district and now the Indians are feeling the effects of it. They have to get out and hustle for something to eat for the incoming winter."¹⁷ The District Warden's response is not recorded, but given the arrangement worked out with the Indian Department only a few months before, it is likely that he agreed to overlook Native fishing in this instance as well. The agents and the Department thus acted as advocates for First Nations in this case, ensuring that they could obtain fish for food without paying for licenses. But the premise was always that the people were engaging in subsistence fishing. By protecting

¹⁷ Ibid., Lewis to Mr. G.W. Parks, District Warden, North Bay, 22 October 1932.

this source of food the Department was also acting in its own interest, since it wished Native people to feed themselves.

John Daly also argued for aboriginal fishing rights in his agency. Early in his career, in fact, Daly appears to have taken the oral tradition of his clients seriously in this matter, and he attempted to retain for the Shawanaga band a right which it claimed had been granted in 1853. In January, 1923, Daly wrote the Department about a council meeting at Shawanaga, where the agent had been asked to bring the issue of fishing rights to the Department's attention.

Daly summarized the account he had received from the band:

Traditions handed down in the Band say that John Staughton [sic] Dennis, surveyor in the year 1853 surveyed that part of the Bay described in the enclosed sketch and described it as being reserved for the use of the Band. Capt. Anderson who paid the Treaty money at that time ... told the head men of the Band that the fishing rights on the Bay as described belonged to the Band and that they were to see that no white man encroached thereon without their permission.

In later years the Frenchmen from Penetang came there to fish and they paid the Band toll for the privilege [sic]. Solomon James who was chief of the Band about 50 years ago was appointed fishery officer with jurisdiction over the waters between Penetang and Sault Ste. Marie and he at all times respected the rights of the Band. ...¹⁸

¹⁸ Here Daly described the extent of the fishing territory which had been reserved for the band: "The fishing lines in question extend north from the post at the rapids about 2 miles thence west in the lake past the limestone islands thence south to Shebashokong Point." [RG 10, v.10820, f.475/20-2, Pt.2, Daly to J.D. McLean, 12 January 1923].

The Band would like to know if there is any data with regards to the matter on file with the Department and if so can they get protection against the encroachment of the white man.¹⁹

In response, the Department drew Daly's attention to a letter it had written in 1918 to Alex Logan, Daly's predecessor, regarding the same issue. At this time the Department had claimed to have no knowledge of the arrangements whereby the Shawanaga band owned the fishing rights to a certain territory. In 1917, the Indian Department had actually approached the Department of Game and Fisheries to request that a fairly large area be granted to the Shawanaga people as a fishing reserve at a "reasonable rental."²⁰ The request was summarily dismissed by the provincial Department of Game and Fisheries, which wrote back that "the Department could not give this application consideration as they think the territory asked for is beyond reason and at any rate they would not set apart those waters."²¹

Logan himself showed considerably less sympathy than Daly to his clients' claims, writing in 1918, "I have had several discussions with the Chief and Council of Shawanaga and also Parry Island and Henvy [sic] Inlet Indians about the area of fishing grounds but they generally talk so ridiculous you

¹⁹ RG 10, v.10820, f.475/20-2, Pt.2, Daly to J.D. McLean, 12 January 1923.

²⁰ RG 10, v.10820, f.475/20-2, Pt.2, [illegible] to Deputy Minister of Game and Fisheries, 22 August 1917.

²¹ RG 10, v.10820, f.475/20-2, Pt.2, D. McDonald, Acting Deputy Minister, to DIA, 5 September 1917.

cannot get them to consider a reasonable area, they just about want all the Georgian Bay. There are not more than two or perhaps three of the Indians at Shawanaga who ever do any fishing."²² In response to this letter the Department stated that it was unwilling to make any attempt to have the original territory set aside: "the Department is not disposed to ask the Department of Game and Fisheries to set apart a fishing reserve of such an extent for the Indians mentioned, more particularly as it is understood that it would only be used to a very limited extent."²³ By 1936 the Shawanaga people had definitively lost the rights granted them in 1853, and Daly had ceased to support them on the issue. The band council passed a resolution to purchase a fishing licence for the whole band, to be paid from band funds. The agent opposed this move on the grounds that the members should be responsible for their own licences.²⁴ The original agreement with the Shawanaga band was thus no longer honoured once Natives were outnumbered by the newcomers.

In the issue of trapping seasons, Daly tended to be more pro-active than Lewis. Daly kept the people informed about existing game regulations, and did not protest against the application of game laws to First Nations. At the same time, he tried to ensure that the system benefited his clients, and

²² Logan did suggest that a specific, smaller area be requested on the people's behalf from the Department of Game and Fisheries. [RG 10, v.10820, f.475/20-2, Pt.2, Alex Logan to DIA, 23 March 1918].

²³ RG 10, v.10820, f.475/20-2, Pt.2, J.D. McLean to Alex Logan, 30 March 1918.

²⁴ RG 10, v.10820, f.475/20-2, Pt.2, Daly to DIA, 13 January 1936.

when the regulations proved restrictive, he took action in an attempt to bend the rules in their favour. In 1925 he reported to the Department that he had instructed everyone in his agency about a new set of regulations established by the Department of Game and Fisheries: "I have read this to all my Bands and explained to them, by interpretation, what is required of them."²⁵ This language does not suggest any disagreement with the regulations. He also stated that he had impressed on the people the merits of specializing in beaver and otter that year, because the hunting of these animals was reserved for aboriginal people. Daly reasoned that this provision would serve to inflate the market value of beaver and otter furs. He clearly viewed the monopoly as an act of generosity on the part of the government, stating that "[t]he various Bands seemed to understand and appreciate the special privilege [sic] given to them."²⁶ Here Daly's approach was practical and oriented simply toward encouraging the people to obtain the greatest possible benefit from existing conditions.

In 1926, Daly went out of his way to protect his clients from the ill effects of the system. A long winter had prevented the trappers from beginning to harvest muskrats until the season was nearly over, so that they faced the loss of this important income. Daly wrote again to the Deputy Minister of Game and Fisheries, hoping to achieve his

²⁵ FKC, Daly to J.D. McLean, DIA, 25 July 1925.

²⁶ Ibid.

intercession to extend the trapping season. He stated that the "Chiefs and Indians" of his agency had approached him with a request to get the season extended, "owing to the lakes being frozen up and they figure that the season will just be starting when the time for trapping expires." In this case he did not appeal to abstract issues of justice, but emphasized the importance of the fur industry to the local Native economy, and the deprivation which would result if the regulations were enforced without regard to weather conditions:

the trapping of Muskrat in the Spring is what the Indians depend on for a living between the wood-cutting in the winter and the tourist season in the summer. I need hardly state to a gentleman of your experience that there would be hardships to the Indian if the season is not extended.²⁷

He concluded with a statement of faith that the Department of Game and Fisheries would do all it could to "alleviate hardships to the Indians in your Province."

Daly was willing to make a similar effort again two years later, and would not be deterred by an initial setback. In 1928 he approached the Department of Indian Affairs, requesting its support to get the muskrat season extended, again in response to a late breakup which had prevented the trappers from acquiring any pelts. He also wrote directly to the Department of Game and Fisheries stating his concerns.²⁸

²⁷ FK Collection, Daly to D.M. McDonald, Deputy Minister, Game & Fisheries Department, Toronto, 7 April 1926.

²⁸ FK Collection, Daly to Wallace Nesbitt, K.C., May 1928.

When the Indian Department refused to help, Daly turned to the local Member of Parliament, Wallace Nesbitt, for support. His letter to Nesbitt stressed the economic need of Native trappers, but also made reference to their traditional way of life, in terms which implied that this tradition was worth preserving.

Daly appealed primarily to Nesbitt's emotions and sense of duty. In part, he emphasized the element of economic need and the fact that strict adherence to the regular trapping season would damage the Native economy and result in privation. Daly stated that he would "stand before any tribunal in this country and satisfy the ordinary mind that the Indians in my agency will suffer because of this Order-in-Council [i.e. from the imposition of the limited season for trapping]."²⁹ He further indicated that he considered himself and Nesbitt the only likely defenders that Native people would have in this situation. The agent highlighted the non-committal tone of a letter from D.M. McDonald, the Deputy Minister of Game and Fisheries, a copy of which he enclosed:

You will note that Mr. McDonald's letter says that the officials of the Department throughout eastern Ontario have taken the matter up. He does not make any reference to the consideration of the Indians. I do not think the officials of his Department are what you might call considerate of the Indians.³⁰

²⁹ Ibid.

³⁰ Ibid.

But there was another noteworthy element in Daly's letter to Nesbitt. Unlike his contemporary Lewis, Daly felt that First Nations should receive special treatment as a group on the basis of their heritage. In justifying his own intervention he cited his duty "to the State and to the Indians," which in his view involved "do[ing] all in my power to see that the Indians get special consideration so that they may make a livelihood in their native way ..."³¹ While Daly was not speaking in terms of rights, he was asserting that Native people should receive "special consideration" so that they could earn a living in their traditional fashion. This was a different approach from Lewis' emphasis strictly on need. Both positions appealed essentially to charitable sentiments and implied that bending the rules for aboriginal people would be an act of grace on the government's part. Unlike his fellow agent, however, Daly constructed aboriginal heritage as a factor which justified special and more favourable treatment.

The letter concluded with an appeal for Nesbitt's help in getting an Order-in-Council annulled "so far as the Indians are concerned." By this he presumably meant the Order-in-Council which had proclaimed the existing trapping season. This would, in fact, amount to exempting aboriginal people permanently from the application of the laws regarding trapping seasons. These laws, in Daly's view, "may be necessary, as regards the white men of this section of the

³¹ FK Collection, Daly to Wallace Nesbitt, K.C., May 1928.

country," but they would cause suffering among Native people. His purpose, then, was far-reaching, and went beyond a short-term response to the climatic conditions of that year. When it came to the fur industry, Daly wished to establish different laws for non-Natives and aboriginal people. In this he did not have the support of the Department of Indian Affairs.

The records do not show the outcome of this endeavour, but it is highly unlikely that Daly was successful. Members of parliament generally did respond to requests for intercession from Native people, even though this disfranchised group was unable to reward them with votes. But a move to provide aboriginal people with privileges not granted to their non-Native counterparts would have provoked a storm of protest. Moreover, the provincial Department of Game and Fisheries was generally reluctant to make special provision for aboriginal people. There was considerable public concern in Ontario about the depletion of game in the 1920s and 1930s, which would militate against favourable treatment of Natives.³² Game and Fisheries did grant an extended trapping season in 1929, under conditions of severe crisis, and in an area which was thinly populated by non-Natives. In March, 1929, Minister of Mines and Fisheries Charles McCrea announced that Natives in the area north and west of Lake Nipissing and the Mattawa and French Rivers

³² Newspaper Clipping Book, RG 1 (Ministry of Natural Resources), Ontario Archives, *passim*.

would receive a brief extension of the trapping season for fisher, marten and mink. The move was caused by a combination of factors: a late freeze-up the previous fall, an epidemic of influenza which followed this setback, and finally an "exceptionally" cold January, in a time when the people had not fully recovered from the epidemic and were in many cases poorly clad. Citing all of these factors, the minister stated that the trapping season would be extended only for Natives, and only until March 31st.³³ The grant of such a brief extension to compensate for the loss of a whole trapping season suggests the degree of this Minister's reluctance to make exceptions.

With regard to guiding licences, Daly took a stand which came even closer to advocating the recognition of a limited form of aboriginal rights. Although he had stated that he accepted the principle of government control of trapping, Daly actually opposed the imposition of fees for guiding, arguing that it was a violation of Native rights. In 1924 Daly took it upon himself to write directly to the Deputy Minister of Game and Fisheries, stating that the people of his agency objected to paying the \$2.00 fee for a guiding license. He claimed that he had explained to them that the license was a guarantee of their good standing and competence as guides, but noted that this argument had not carried much weight with them. Supporting the people's rejection of fees,

³³ "Flu-Stricken Indians of North To Have Longer Trapping Season," *Globe*, 11 March 1929, Newspaper Clipping Book, RG 1 (Ministry of Natural Resources), Ontario Archives.

Daly intimated that Native competence in this work could hardly be questioned. Moreover, he relayed to the Deputy Minister the Natives' conviction that they deserved special status: "They, the Indians, maintain that they, being natives, should be exempt from paying any fee." The agent asked if it would be possible to give aboriginal guides "a script [sic] without a fee." He pointed out that the people were "very dissatisfied" and that he thought the Indian Department "would appreciate anything that you could do in that line for the Indians on the Georgian Bay."³⁴

Unfortunately, it is not clear how the Deputy Minister responded on this occasion. The fact that the issue was raised in subsequent years suggests that the agent's attempt in this instance to defend Native rights was unsuccessful.

Daly's attitude, however, was consistent and perfectly clear: he concurred with aboriginal people that they deserved to be exempt from the regulations regarding guiding licenses. He made this belief explicit in a letter written to the Indian Department in 1929. Objecting again to the imposition of the guiding fee, the agent spoke of "the injustice of the Indians having to pay a fee of \$2.00 for the privelege [sic] of guiding in the waters that their forefathers knew and paddled in a thousand years before the white men saw them. ... he is an Indian and should not be taxed in any way, and particularly so, for guiding in the waters of his native

³⁴ FK Collection, Daly to The Deputy Minister of Game and Fisheries, Toronto, 20 August 1924.

land."³⁵ This was a statement of principle rather than pragmatism. No doubt practical issues motivated Daly too: like Lewis and other officials of the Indian Department, Daly was concerned to promote self-sufficiency in every way. But he argued against guiding fees on ideological grounds: the fees were not simply an onerous burden or an obstacle to aboriginal people earning their livelihood, they were an injustice. Although he did not use the modern language of aboriginal rights, Daly made it clear that he felt the first inhabitants of the land had a prior claim and a special right to its resources. It would be a gross exaggeration to portray him as an advocate of Native rights generally: as we have seen, Daly fought Native leaders who sought to organize Native resistance or engage in a discussion of treaty provisions. But, unlike other federal officials, Daly did subscribe to the principle of distinct aboriginal rights in the use of natural resources.

The handling of the issue of game regulations by the Department and its Indian agents is a good illustration of the overall approach the internal and external officials took toward advocacy on behalf of First Nations. In their function as protectors of Canada's "wards," both groups were prepared to step in under certain circumstances to defend Native interests. This was particularly true in cases where a whole group of Native people was affected, and when their ability to support themselves was under threat, as in the case of

³⁵ FK Collection, Daly to DIA, 8 November 1929.

federal game regulations. Even in these cases, however, the intercession was limited and not necessarily predictable. The Department, for instance, did not support Daly in 1928 when he attempted to have the muskrat trapping season extended. Apparently the internal officials were simply not convinced that the matter was of sufficient importance to warrant their intervention. In such instances the arbitrary nature of the Department's functioning and decision-making process becomes quite evident. The Department chose when it would protect its wards and when it would withhold its support. The factors which influenced these decisions were not always visible.

One factor which was always taken into account was cost, for officials were leery of any endeavour which might occasion expense. Another consideration was that of distance, which was particularly relevant in the Parry Sound and Manitowaning agencies, since they were large in extent and located in relatively isolated areas with poor communications. An unusual series of events under Lewis' administration illustrates the influence of both these factors. Onesime Peltier, a man who belonged to the Spanish River Band No. 3, became subject to court seizures of his belongings as a result of a small debt he allegedly owed to a general merchant in the town of Spanish. When he turned to Lewis for assistance in retrieving his property, he found himself left largely on his own with his troubles. There seem to have been two key factors in Lewis' unenthusiastic response. First, Spanish was located on the north shore of

Georgian Bay, at a great distance from Lewis' home in Manitowaning. Second, Peltier's reserve, Spanish River #3, did not actually belong to the Manitowaning agency;³⁶ rather, it formed part of the Thessalon agency, administered at this time by a Mr. C. Rothera. It is not clear why Peltier turned to Lewis in this instance.

The letter exchange between Lewis and Peltier began in 1924. A merchant had taken Peltier to court over an alleged debt of \$8.20, and the Division Court of Blind River had ordered that Peltier's gasoline boat be seized. The man appealed to Lewis to aid him in recovering his property, and the agent responded by writing in stern tones to the constable in Spanish. He noted first that Peltier had assured him that the boat was his own personal property and fully paid for. Lewis then asked for an explanation "as to what authority you have to take charge of a [sic] Indian boat [unless] you sold the article to the Indian and took a [lien] on the same until it was paid in full."³⁷ Such a seizure was contrary to the provisions of the Indian Act, which protected status Indians from the seizure of their property for debts. The agent pointed this out, quoting section 102 of the Act:

No person shall take any security or otherwise obtain any [lien] or charge, whether by mortgage,

³⁶ As noted in chapter two, many members of the Spanish River band lived on the Manitoulin Island Unceded Territory, and were therefore under Lewis' jurisdiction. Peltier, however, resided on the reserve itself, which belonged to the Thessalon agency. It is possible that he had formerly lived on Manitoulin Island and made an acquaintance with Lewis, which would explain his turning to this agent for help.

³⁷ RG 10, v.10603, Lewis to William Sauve, Spanish Station, 1 October 1924.

judgement or otherwise, upon real or personal property, of any Indian or non-treaty Indian, except on real or personal property subject to taxation under the last three preceding sections.³⁸

He continued, "This Indian is a member of Spanish River Band #3, resides on an Indian Reserve and is not subject to taxation." The letter concluded on a mildly threatening note: "If this Indian's personal property is not released immediately I will be forced to place his case before the Indian Department in view of having action taken against the person, or persons, interfering with Indian property."³⁹

Lewis then replied to Peltier, informing him that he had written to the constable requesting him to release the boat. He asked that Peltier let him know if this action did not secure the desired result, in which case he promised to "take the matter up with the Department of Indian Affairs in view of procuring advice to take steps to have your boat returned to you."⁴⁰ In other words, if his own threats to the constable proved ineffectual, Lewis did not have more forceful measures in mind. He intended only to seek advice from the Department. The distance from Manitowaning to Spanish was an important consideration, as he later noted in a letter to the Department: defending Peltier's rights in person would have entailed a long, arduous and costly journey. The fact that Peltier belonged to another agency may also have diminished

³⁸ RG 10, v.10603, Lewis to William Sauve, Spanish Station, 1 October 1924.

³⁹ Ibid.

⁴⁰ RG 10, v.10603, Lewis to Mr. Onesime Peltier, 8 October 1924.

Lewis' ardour in assisting the man, but at no time did he mention this in his correspondence with Peltier, or complain about being involved in a matter outside his own jurisdiction.

Shortly thereafter the agent wrote Peltier again, having communicated with the Department in the interim. Apparently Peltier's wife had contacted the Department previously about the problem, and Lewis had now received a copy of Ottawa's response. Judging from the agent's remarks, the Department was not prepared to intercede on behalf of its wards, but had confined itself to counsel and encouragement. Lewis reiterated its advice to employ a lawyer, and stated further: "From the tone of the letter to your wife from the Department it would appear that you have a clear case for damages for illegal seizure and I would advise you to take action at once to recover your boat."⁴¹ There was at least one other instance in which Lewis engaged a lawyer on behalf of a man he believed to have been wrongfully charged.⁴² In this case, however, he offered no such assistance, even though a man who was unable to pay a debt of \$8.20 was hardly likely to have the funds to pay a lawyer's fees.

In the absence of outside intervention, Peltier's predicament only worsened. Somehow he was able to obtain the release of his boat, but by February of 1925 he had been subjected to further, more extensive seizures of his

⁴¹ Ibid., Lewis to Mr. Onesime Peltier, 20 October 1924.

⁴² See below.

property. These resulted from a separate debt of \$140 which Peltier allegedly owed to a local farmer.⁴³ It is evident from Lewis' reaction to this information that he had not forgotten the case, and that he would have liked to secure more assistance from the Department than it had been willing to extend. He wrote Ottawa a rather long letter in February of 1925, with an update on Peltier's situation and an appeal for help. In this letter he reported, "After much trouble and expense he regained possession of his boat" However, the boat had not remained long in his possession, and the inventory of further property seized in the latest incident was alarmingly large:

now he has made another complaint that four cows, one mare and harness, one tool chest and a quantity of tools, one gasoline boat and one pig were seized on his farm on the Spanish River Reserve to satisfy a debt of \$140, the said claim is supposed to be money loaned to him by a farmer residing near Walford.⁴⁴

The letter continued with a specific reference to the distance of Spanish from Lewis' home and to the fact that a different agent was responsible for this reserve:

On account of this Indian residing on the Spanish River Reserve, which is in Mr. Rothera's Agency and it being at a distance of over ninety miles from this office, I did not feel inclined to incur the expense of making a visit to the premises of Mr. Peltier and investigating his case fully,

⁴³ RG 10, v.10603, Lewis to DIA, 26 February 1925.

⁴⁴ Ibid.

therefore, I am giving the Department an outline of the complaint as it was handed to me.⁴⁵

Lewis went on to suggest that, "If the Department decides to give Mr. Peltier any protection in this matter," Mr. Rothera be authorized to act, "as his travelling expense would be seventy five per cent cheaper ..."⁴⁶

This letter did not stir Ottawa to take action. Lewis wrote Peltier soon after to inform him that he had "put your case before the Department of Indian Affairs and have been advised that you should consult a lawyer and be guided by his advice."⁴⁷ A mere three days later the beleaguered man sent a letter to Lewis stating that now his horses had been seized. This communication netted Peltier the final installment in the letter exchange on this issue, and thereafter he was apparently left to his own devices. Lewis wrote that he had consulted the Department twice and that both times it had advised that Peltier consult a lawyer. He concluded, "As the Department will not give me any instructions to take steps to try and protect your interests therefore, I am unable to assist you."⁴⁸ This was the end of the matter, as far as Lewis was concerned.

Lewis' attitude in this case is hardly surprising, given the circumstances. He was responsible for a large population already, and could be excused for his reluctance to take on the case of a man who lived outside his jurisdiction and at a

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ RG 10, v.10603, Lewis to Mr. Onesime Peltier, 7. March 1925.

⁴⁸ Ibid., Lewis to Peltier, 12 March 1925.

great distance from the agent's home. The Department's response is more difficult to account for, since its inaction represented a failure to carry out its mandate. The seizure of Peltier's property was in direct and flagrant contravention of the Indian Act, which was designed to protect status Indians from precisely this sort of procedure. All the officials involved in the case were aware of this fact, and upholding the provisions of the Act was an important part of their mandate. Yet they took no action to enforce section 102, leaving this task instead to the wronged party. Lewis made a single attempt to pressure the court authorities of Spanish into releasing the gasoline boat originally seized. Officials at headquarters took no action. Clearly the guardianship which the Indian Department was supposed to exercise over the affairs of aboriginal people was not always exercised in practice. Although Department officials would appear to have been duty bound to intervene in Peltier's case, he had no means of forcing them to fulfill this duty, and those in Ottawa simply refused to exercise their power on his behalf. The result was that this man did not receive the legal protection to which he was entitled, and which he was supposed to receive as a ward of the government of Canada.

It was, admittedly, unusual for federal officials to take such a passive stance when a Native person was in difficulty. But this case also illustrates a principle which applies generally to the administration of Indian Affairs. This

principle is that the agents tended to appear more sympathetic to the needs of their clients than the Department.⁴⁹ This is not surprising: often they were personally acquainted with the individuals concerned, and could expect to have ongoing contact with them. Moreover, they were responsible for a limited number of people, whereas the officials at headquarters routinely heard appeals from all over the country. The Ottawa officials were also less subject than the agents to local pressure, from both the Native and the non-Native communities. When a Native individual was experiencing difficulties, the agent might hear pleas on her or his behalf from any number of persons who were aware of the issue.

A case in point occurred in Daly's agency in 1924. Two Native boys, one from the Parry Island Band and one from Rama reserve, were out on Georgian Bay together in a rowboat when they were run down by a motor boat and badly injured. In addition to the injuries suffered by the boys, their families had incurred hospital costs, and Daly felt that the owner of the motor boat should be brought to court and made to pay damages as well as the medical bills. The owner, a man by the name of Deball, claimed that he had not been the driver when the accident took place, and he refused to accept any

⁴⁹ Sarah Carter discovered the same phenomenon in her study of the West: "Local department officials generally came to the defence of the Indians' interests, while more distant officials appeared willing to please the more politically powerful settlers, at the Indians' expense." [Sarah Carter, "Two Acres and a Cow: 'Peasant' Farming for the Indians of the Northwest," in J.R. Miller, ed., *Sweet Promises. A Reader on Indian-White Relations in Canada* (Toronto 1991), p.360].

responsibility for the occurrence.⁵⁰ Daly wrote both the agent at Rama, A.S. Anderson, and the Department about the case, arguing that Deball should be prosecuted. Since the boys' parents could not afford a lawyer, the agent wished the Department to engage one on their behalf. In justifying his position, he first alluded to the attitude of the people of Parry Sound, implying perhaps that the honour and authority of the Indian Department were at stake: "The people of this town, keep asking me what the Department is going to do about it."⁵¹ He wrote in similar terms to Anderson, relaying the perception in the town and the wishes of the families concerned: "I, and most of the people in this town, think that Daball should be brought to attention and do his pack drill, in the form of paying hospital expenses and in the case of George [one of the boys injured], the father of the boy says that he would accept \$150.00 in settlement of the case."⁵²

To the Department Daly stressed the inability of the parents to prosecute the case because of their financial condition: "The fathers of these boys are not in a position to engage a lawyer to fight their case, and the lawyers in town are not disposed to take up any Cases from Indians

⁵⁰ An A.W. Deball is listed in the Province of Ontario Gazetteer and Directory for 1910-11 as the owner of a "boat livery" business. It is thus probable that the accident was caused by someone who had rented the boat from Deball. [Archives of Ontario, *Province of Ontario Gazetteer and Directory 1910-11* (Ingersoll: Union Publishing Co. of Ingersoll, 1910)]. Daly consistently spelled the name "Daball," and I have retained this spelling when quoting from his correspondence.

⁵¹ FK Collection, Daly to DIA, 31 October 1924.

⁵² FK Collection, Daly to A.S. Anderson,

unless they are backed up by the Department."⁵³ In part the agent was concerned with simple justice, with forcing a man who had done someone an injury to make restitution and shoulder the burden of the expenses he had caused. But Daly made it clear that there was a more general issue here, that of demonstrating that Native people would be protected by the Department, and those who misused them would be punished. He wrote to his fellow agent, Anderson, "I think that the Indians should be protected and that Daball or any other party should be shown that the Indians will be protected"⁵⁴ According to Daly, non-Natives also took the stand that Native people's wardship status should obligate the Indian Department to intervene on their behalf: "The people here keep saying that the Indians are wards of the state and that the Department should go after Daball Trusting that the Department will do what they can to bring this man Daball to understand that the Indians are Canadians and wards of our glorious DOMINION [sic]."⁵⁵ Daly's attitude is consistent with his approach on other occasions: he took his paternalistic responsibilities seriously and endeavoured to protect Native people when they were injured through no fault of their own.

When Indian agents believed aboriginal people to have been wronged, they typically did use their position to defend or assist them. Like Daly, Lewis could also act promptly and decisively in these situations. In 1922, for instance, a man

⁵³ Ibid., Daly to DIA, 31 October 1924.

⁵⁴ Ibid., Daly to Anderson, 11 October 1924.

⁵⁵ Ibid., Daly to DIA, 31 October 1924.

of his agency was accused by a non-Native man from Little Current (a town on Manitoulin Island) of stealing his sailboat. Lewis did not believe the man to be guilty of this crime, and he arranged for a lawyer to defend him. Since the agent did not have time to consult the Department first, he secured the lawyer on his own authority, informing Ottawa only after the fact. On sending in the voucher for the lawyer's fees, the agent justified his actions: "No authority was given by the Department to secure the services of a lawyer to defend this Indian as I did not have time to take the matter up with the Department before the case was tried, but I did not believe that the Indian was guilty of the charge made against him ..."⁵⁶ Lewis' diary shows that he made the long journey to Espanola to be present at the man's trial on 6 September, 1922.⁵⁷ The man was acquitted, perhaps in part because of the agent's intervention. He was expected to repay the fees charged by the lawyer: Lewis wrote that he would try to recoup these from the defendant "in the near future."⁵⁸ But the agent had ensured that he had legal counsel, and would not be fined or imprisoned for an act which Lewis did not believe he had committed.

Lewis also showed an inclination to recommend clemency for those who had been jailed. He was asked at least twice about the possibility of obtaining parole for members of his

⁵⁶ RG 10, v.10597, Lewis to DIA, 8 September 1922.

⁵⁷ Ibid., v.10597, Agent's Diary, September 1922. Espanola is on the north shore of Georgian Bay, approximately 80 kilometres from Manitowaning.

⁵⁸ Ibid., Lewis to DIA, 8 September 1922.

agency who were in prison, and in both cases favoured the measure. In the first case, he was prepared to initiate action himself to achieve this goal. The man's penitent attitude was evidently a factor in Lewis' attitude, for in writing back he noted that he had received the letter, "repenting for the wrong you have done, which you have paid dearly for" He promised that he would "take the matter up and see what I can do in the way of getting you out on parole."⁵⁹ There is no evidence that the agent had interceded here to try to prevent this individual's imprisonment, and his reference to "the wrong you have done" suggests that he had not been opposed to the move. But he was willing to intervene now to secure his early release.

In the second instance it was the man's wife who wrote requesting assistance in obtaining parole for him. The agent's recommendation here is somewhat puzzling, for he advised the Department that the family was better off since the husband had been imprisoned: "Since his commitment to gaol his family have never been so well provided for." In spite of this the agent recommended, albeit in rather lukewarm tones, that the Department attempt to obtain the prisoner's release: "If this Indian will promise to conduct himself in [a better] manner in future and will make an effort [to support his family], I have not any objection to the Department ... asking for clemency on his behalf, in fact I

⁵⁹ RG 10, v.10599, Lewis to Mr. Louis Shawinibin, Burwash Industrial Farm, 28 December 1923.

feel inclined to be in favour of this procedure."⁶⁰ Given Lewis' caveat about extracting promises of better behaviour from the man, it is possible that he viewed the situation as an opportunity to make a point about the fulfilment of familial responsibilities.

Since intercession was a purely voluntary act on the part of the agents, their choices in such matters reflected their personal response to the situation, and sometimes appeared inconsistent and arbitrary. For instance, Lewis was asked on more than one occasion to help Native individuals recover money owed to them by non-Natives. His reactions varied. For Michael Mackenzie, of the Manitoulin Island Unceded Band, he was willing to write a letter to the debtor, who had promised to pay \$200 for a team of horses, but had not forwarded the second installment of \$100. Mackenzie informed Lewis that he had written the purchaser three times about his money, but had received no reply. Lewis obliged with a letter to the purchaser, a Mr. Harry Graham, recapitulating the information Mackenzie had supplied him with, and asking that Graham "kindly forward the balance due the Indian as he can make use of the money at this time of the year."⁶¹ As Lewis then informed Mackenzie, Graham responded in writing, claiming that there had been a misunderstanding, but that the second installment would be paid later that month. This was a prompt and apparently successful intercession: pressure from the

⁶⁰ RG 10, v.10625, Lewis to DIA, 4 May 1932.

⁶¹ RG 10, v.10597, Lewis to Mr. Harry Graham, 5 March 1923.

agent elicited a response from the debtor where letters from Mackenzie himself had not.

In a second instance, Lewis chose not to take any action. Antoine Gabow sent a letter to the agent complaining that he had not been paid for work he had performed, and asking for help in securing his wages. The only response he received was the advice to retain a lawyer.⁶² There is nothing to indicate why Lewis was unwilling to help this man - writing a letter to the employers in question would have been no more work than he had performed in the case described above. Moreover, Native individuals with the resources to pay lawyers' fees were quite uncommon, and Gabow was probably no exception. But Lewis was free to refuse help if he chose, and here he decided not to use his authority on Gabow's behalf.

Another case in which Lewis refused his assistance seems to indicate a certain impatience on his part with aboriginal people's expectations of him and of the Department. Elijah Esquimaux contacted Lewis to say that he had been defrauded in a business deal involving mining claims. In a return communication, the agent stated that he had advised the Department, and been informed that "they are not in a position to institute any formal inquiry."⁶³ The agent next launched into reproaches to convince Esquimaux that he was the author of his own misfortune. He did so in

⁶² RG 10, v.10605, Lewis to Antoine Gabow, 25 November 1925.

⁶³ RG 10, v.10625, Lewis to Mr. Elijah Esquimaux, 24 February 1932.

uncharacteristically formal and complex language, which may well have been incomprehensible to Esquimaux:

The trouble, unfortunately, appears to be that you, without first seeking the advice and counsel of a lawyer, has [sic] allowed yourself to be inveigled into some business transactions with unscrupulous white men, and now, finding that you have been defrauded in the transaction, expect the Department to extricate you from your predicament.

The men with whom you have associated in the mine partnership were obviously railroad section men of Italian origin, and it is quite conceivable that this type would not have any punctilious regard for the terms and conditions of any agreement they might make with an Indian.

The document is returned herewith and I would suggest that you should consult with the Provincial Mining Recorder at Sudbury who may be able to throw some light on the subject.⁶⁴

Language of this degree of sophistication is not found anywhere else in Lewis' correspondence. Given the rudimentary quality of the education offered in many reserve and residential schools, it seems unlikely that Esquimaux would have been acquainted with words such as "inveigled," "punctilious," and "unscrupulous." The main points of the letter, however, were no doubt quite clear to him: he had acted foolishly in trusting "railroad section men of Italian origin," and he would receive no assistance from the Indian Department.

⁶⁴ Ibid.

One final issue under Lewis' administration merits examination here, namely that of compensation for livestock killed on the tracks of the Algoma Eastern Railway Company. In 1922 there were a number of cases involving animals owned by members of the Whitefish River band. One of the most notable features of Lewis' handling of this issue was the discrepancy between his portrayals to the railway company and to the Department. In November of 1922 the agent sent to Ottawa a resolution passed by the Whitefish River band, requesting that the company build a fence around their tracks to prevent the deaths of livestock. According to Lewis, the railway had been contacted about this before "on different occasions," but "it appears that they would rather pay a reasonable price for the stock which is destroyed by the trains than fence the track."⁶⁵

In this letter, Lewis presented the destruction of livestock as a serious matter, and seemed to favour the proposal of a fence. He stated that there had been "a lot of their live stock killed during the past few years," including three animals in the past month or so, which seems to suggest quite a high rate of loss. He noted that this was "rather discouraging to the Indians who are trying to farm ..."⁶⁶ Considering the emphasis in federal Indian policy on encouraging agricultural activity among First Nations, one might expect that an Indian agent would actively seek to

⁶⁵ RG 10, v.10597, Lewis to DIA, 8 November 1922.

⁶⁶ Ibid.

remedy a problem which so clearly stood in the way of establishing prosperous farming operations. The soil on Manitoulin Island did not lend itself readily to the growth of commercial crops, but for raising livestock it might have proven quite adequate, if only the stock were made safe from the deprivations of the railway. Yet instead of urging decisive action, Lewis concluded with a mildly worded support of the resolution, which hardly amounted even to a recommendation in its favour: "If the company would build the fence ... it would protect the Indians [sic] live stock and be much more satisfactory to them than paying for the stock destroyed on the track."⁶⁷

When dealing with the company, on the other hand, the agent showed some ambivalence toward his role. Although his duty as Indian agent was to act as Native people's "guardian," at times he acted in ways which served the railway company better than his own clients. On some occasions he simply wrote stating what sort of animal had been killed and what price the owner felt would be proper compensation. In at least two cases, however, his sympathies appeared to lie with the company, for he tried to reduce the sum of money offered to the Native owner.

A letter Lewis sent to the general manager of the railway reveals the agent's collusion with the manager to minimize the firm's costs. Lewis wrote about a man whose cow was killed at Birch Island, stating that the man had written him

⁶⁷ RG 10, v.10597, Lewis to DIA, 8 November 1922.

several times "requesting that I should urge prompt settlement." He had already corresponded with the general manager on the subject, and now provided the following information: "I understand that the cow cost the Indian \$75.00, and naturally it is his intention to try and collect that amount, but I believe that you could replace the cow by another one for less money which should satisfy the Indian."⁶⁸ This proposed settlement would provide the cow's owner with a replacement for the animal he had lost, but with a less expensive and thus presumably less valuable animal. The outcome for the Native farmer, then, would be a net loss in the value of his stock - hardly a transaction which best served his interests. The company, by contrast, would save money by paying a smaller sum than it would cost to replace the value its train had destroyed. It is not clear why the agent felt a need to consider the railway's interests here, but his actions were clearly contrary to the interests of his aboriginal client.

In a second instance, Lewis accused a man of asking more in compensation than the bull he lost had been worth. The man, Gregor McGregor, had been negotiating with the railway for a settlement of \$150.00, and was unsatisfied with its offer of \$40.00. He turned to Lewis to enlist his aid, but was essentially told that he was being unreasonable. The agent wrote back, "it is quite an unjustly price to ask the

⁶⁸ RG 10, v.10597, Lewis to W.H. Farrell, General Manager of the Algoma Eastern Railway Co., Sudbury, Ontario, 31 July 1922.

company to pay for a scrub bull of his age and I expect that it will be quite hard for you to collect it"⁶⁹ He added that he expected to be in Sudbury "in the near future" and would "call at the Company's office and try and make a settlement satisfactory to all concerned."⁷⁰ In conclusion he again noted pointedly that he considered McGregor's price inflated: "I might say for your information that I sold a few days ago a better bull than the one you had killed, of the same breed, for far less money than the amount the company offered you as a settlement."⁷¹ Clearly Lewis had no intention of pressing McGregor's claim and bargaining for the highest possible compensation from the railway. As agent, he was responsible for helping to settle such matters, and he did act as a mediator, ensuring that Native farmers received some compensation for their losses. In so doing, however, he acted less as a representative of Native interests than as an outsider who weighed the interests of both parties. It would seem that the interests of a large corporation were as important to Lewis as those of the members of his agency, in spite (or perhaps because) of the wide disparity in their means and their access to power. He certainly did not place Native people's concerns first in the cases described above.

As noted at the beginning of this chapter, the intercessions undertaken by Indian agents were not restricted to the world outside the reserve. They were also sometimes

⁶⁹ RG 10, v.10597, Lewis to Gregor McGregor, 23 November 1922.

⁷⁰ Ibid.

⁷¹ Ibid.

asked to intervene in internal disputes among Native persons within the reserve context. Both Lewis and Daly displayed a good deal of reluctance to mediate in such cases, especially when they occurred within a family. They were there, after all, to administer band affairs and implement federal policy, not to look after essentially private disagreements which were not the business of the Indian Department. Yet people who were involved in conflicts found numerous ways in which to entangle the agent in their affairs, perhaps because they were accustomed to thinking of him as a figure who mediated in various kinds of issues. Most often, a party who considered him- or herself wronged would approach the agent to seek compensation, the return of property, or whatever action would redress the injury. Where a law had been broken, the agents clearly bore some responsibility to act, which typically took the form of threatening the accused person in writing. But they also attempted to limit their involvement and encourage people to work out their differences on their own.

Lewis' diffidence is clearly evident in his reply to a query from the chief of the Whitefish River reserve. The chief had asked if it was possible to expel a non-band member from the reserve "if they prove to be unsatisfactory."⁷² The agent responded in ambivalent language which belied his experience in attempting to eject adulterous couples from

⁷² The phrase is Lewis', not the chief's. [RG 10, v.10625, Lewis to Chief William McGregor, 15 April 1932].

reserves, for he spoke as if uncertain of the precise regulations. He stated that he "would advise you that if you have non-treaty Indians residing at Birch Island⁷³ who are not conducting themselves properly, and it can be proven that their actions is [sic] a detriment to the band I believe that ... they can be removed but before any action can be taken the band must have a just cause." This communication gives no clues about the nature of the trouble at Birch Island, but Lewis did not seem particularly concerned about it. His reply did not indicate a refusal to take action, but certainly implied that he would insist on an acceptable justification for anyone's removal. Strictly speaking, of course, only band members had the right to live on an Indian reserve, but Lewis was not interested in closely scrutinizing the inhabitants of a distant reserve, nor did he wish to expel anyone without serious and compelling grounds.

Another incident which occurred under Lewis' administration gives some insight into the reasons why an agent might be reluctant to take action in a family matter. Lewis' involvement began when he was informed that a woman on the Manitoulin Island Unceded reserve had, in company with other persons, entered the home of her husband and removed a number of articles. The agent wrote this woman a very stern letter ordering her to return the items "without fail, otherwise, a warrant will be sworn out for the arrest of you

⁷³ The majority of the Whitefish River band members who resided on the reserve lived at Birch Island, an island north of Manitoulin close to the north shore of Georgian Bay.

and the other persons implicated in this matter."⁷⁴ He threatened that she might face a term in jail if she failed to comply. Apparently the husband engaged an outsider on his behalf as well, for shortly thereafter Lewis replied to a letter from a Mr. J.K. Cameron, reassuring him and describing the outcome of the altercation. Cameron had been informed that the man had been robbed, and Lewis clarified by explaining that the "robbery" had been carried out by the man's wife. He further noted that the disagreement between the two spouses had been resolved: "I just heard that they are again living together and making use of the stolen articles" His conclusion was a telling observation on this aspect of an agent's work: "I expect this case is just like so many other Indian cases I have to deal with, just a family quarrel."⁷⁵

A third instance in which Lewis' intercession was required reveals him advocating the interests of the band council in a dispute between it and the Anglican missionary. The latter was the school teacher at Birch Island, on the Whitefish River reserve, and was acting at the time as the Anglican missionary as well. With the support of the Archbishop of Algoma, the school teacher was endeavouring to prevent the band council from meeting in the school building, and had gone so far as to lock the council out of the building. He had also engaged the Archbishop to write the

⁷⁴ RG 10, v.10613, Lewis to Mrs. Bernard Shawana, 11 April 1928. Emphasis in original.

⁷⁵ Ibid.

Indian Department to complain about the council "robbing the building of its semi-sacred character."⁷⁶ It was a struggle over property rights and the control of scarce meeting space, in which the council wished to share the existing resource, while the teacher sought to exercise power by denying its use to the council. His appeal to the Archbishop of Algoma suggests that he was unable to assert his will alone, and therefore attempted to obtain an order from the Department which would exclude his opponents from the school building.

Responding to an inquiry from the Department, Lewis took the side of the band council. He stated that the building had been used for some time as a combined church and school. The council wished to hold its meetings there because it had no other place to meet, and Lewis asserted that their behaviour to date had been exemplary: "After each council meeting the building has been cleaned and everything left in perfect order." He clearly felt that the teacher was being unfair and ungenerous: "it is not the Indians that want to use the building for council meetings only, but it is the Missionaries that are trying to prevent the Indians from holding any council meetings in this building and wish to use it for church purposes only" Lewis did not see why both groups should not have access to this space: "As far as I can see there should not be any reason why the building should not be available for the use of the Missionary for church services and the Indians for meetings of council, and the

⁷⁶ RG 10, v.10599, Lewis to DIA, 11 May 1923.

Indians are perfectly willing to abide by that decision."⁷⁷ For the agent it was a simple issue of fairness and sharing of resources: he would not support the teacher's insistence on the church's ownership and control of the school.

In keeping with his typically more interventionist approach, Daly was somewhat less hesitant than Lewis, but still very wary of being drawn into internal conflicts. Most of these did not call his own authority into question, so that he had no personal interest in getting involved. On some occasions he declined to use his position to intercede even when he could have done so. On the other hand, at times he was willing to intervene as a means of ensuring justice, as long as he could avoid the appearance of favouritism. Daly's handling of an incident in 1934, for example, provides a fine illustration of his approach to dealing with internal disputes.

Alfred Tabobingdong, of the Parry Island band, had requested the Department's intervention to make another band member compensate him for the death of his horse, which had been accidentally shot by the second man's nephew. Daly wrote Ottawa about the matter, and Tabobingdong approached the agent in an attempt to gain access to its answering letter. Whether this action was an endeavour to assert some control over the process, or simply the result of curiosity, it provoked the agent's ire. The two had an altercation over the Department's letter, and Daly then wrote to Tabobingdong

⁷⁷ Ibid.

seeking to explain himself and make peace. He was now willing to show his correspondence, enclosing both his own letter to the Department and its answer, but he wanted to make it clear that this was a voluntary act on his part and a sign of good will:

When you asked me this morning for a copy of the letter from the Dept., I replied by asking you what you wanted it for. You did not see fit to let me know and by your talk and actions you appeared to think that I was not in favour of your getting compensation for your horse. ... When you asked me for a copy of the letter, you asked for it as if you had a right to it. You have no right, to get copies of the letters of this office, but to show you that you are wrong in your method of thinking I am giving you the copy of the letter sent to the Dept. which proves beyond a doubt that I am desirous that you get paid for the loss of your horse.⁷⁸

This passage clearly reveals the agent's primary preoccupations. He was concerned to remain on good terms with Tabobingdong, for the two had previously had an amicable relationship: this man had been chief of Parry Island, and was the only chief of that band with whom Daly does not appear to have had any disagreements.⁷⁹ Daly wanted Tabobingdong to see that he was acting fairly and pursuing Tabobingdong's interests by attempting to obtain compensation for the horse. At the same time, he also wanted to protect

⁷⁸ FK Collection, Daly to Alfred Tabobingdong, 11 August 1934.

⁷⁹ Alfred Tabobingdong served as chief of the Parry Island band from January 1927 to January 1930 [RG 10, v.7927, f.32-22, Pt.3].

his privileged position as sole mediator between the Indian Department and aboriginal people. He had actually fought with Tabobingdong because he wanted the man to justify his request for information. Hence his insistence on the fact that Tabobingdong had no right to see his official correspondence. Daly portrayed his sharing of this privileged information as an act of grace, and as proof of his honourable intentions.

This letter from Daly to Tabobingdong also gives insight into the relationship which the agent enjoyed with the local magistrate, J.D. Broughton. The latter had evidently informed Tabobingdong that the decision in this matter was in Daly's hands, not his own: "You stated that Magistrate Broughton said that the matter was up to me."⁸⁰ Yet Daly had visited the magistrate and discussed the situation with him, consulting him as to their respective jurisdictions: "I made it my business to see him [Broughton] this morning and in conversation with him, he advises me to do just exactly what I am going to do, and that is all I can do."⁸¹ Obviously these two men collaborated here, presenting Tabobingdong with a common front on which they had previously agreed.

Daly concluded his letter with a statement of friendship and an appeasing gesture, giving Tabobingdong permission to show the letters to anyone he chose. This letter could also be read as an apology tendered by a man who had lost his temper - the reference to Tabobingdong "flying in the air"

⁸⁰ FK Collection, Daly to Alfred Tabobingdong, 11 August 1934.

⁸¹ FK Collection, Daly to Alfred Tabobingdong, 11 August 1934.

implies that heated words had passed between the two men. Despite his assertion of authority in claiming exclusive access to the Indian Department, Daly wished to enjoy amicable relations, combined with a reputation for fairness, impartiality and benevolence. Perhaps most of all, he wanted to avoid any appearance of favouritism:

Before closing I would like to state that you have no reason to fly in the air with me, I am one of the best friends ever you had, at the same time I would like to see that justice is done all around. You can do what you like with the copies of the letters, and show them to any person you like. ... Trusting this will help to calm your view of the situation. I have told you and all the Indians that I cannot have favourites, at the same time I will do my best to see that all get justice.⁸²

Daly's general attitude toward interceding on behalf of his Native clients emerges unmistakably in this letter: he wished to be seen as an impartial mediator, but also to exercise control over the process and protect his authority, which was based on his exclusive right of access to the Department.

Another instance in which Daly was engaged in an internal dispute also shows him fulfilling a peacemaking role. Leonard Phillips, a "non-treaty Indian" who lived on the Parry Island reserve, was in danger of being expelled from the island in 1931. The band council had passed a resolution to this effect, justifying the expulsion on the grounds that Phillips had been trapping on the reserve, an activity which was

⁸² FK Collection, Daly to Alfred Tabobingdong, 11 August 1934.

restricted to band members only. Phillips came to Daly for help, and the agent set about investigating the background to the problem. In his account to the Department, Daly questioned the motivation behind the council's action against Phillips, and blamed the incumbent band chief, Frank Judge, for carrying out a personal vendetta. Nevertheless, in this case Daly did not dispute the council's authority to expel a non-member from the reserve, nor did he seek to circumvent its power. Rather, he engaged in mediation, discussing the problem with the two men and reaching an agreement which apparently satisfied both.

In a letter to the Department, the agent described the situation as he saw it, and the actions he had taken to achieve a resolution. Daly claimed to have looked into the matter and found that "the Chief has a personal grudge against this man, not only the Chief, but a number of his brothers, they have what you might call a family feud, against this man."⁸³ He also stated that Phillips had not been trapping on the island, and alleged that Judge's word was not to be trusted: "the Chief is not altogether truthful, what I mean is this, that he evades straightforward questions and tries to look wise." Here Daly had a personal investment: he disliked Chief Judge and had previously had disagreements of his own with the man. He further undermined the chief's authority by stating that Judge was ineffective in his position because he was not well liked: "Chief Frank Judge is

⁸³ FK Collection, Daly to DIA, 12 February 1931.

not a very popular Chief, ... and he has great difficulty in getting his band to meet ..."⁸⁴ Daly considered it unlikely that the whole band would vote in favour of expelling Phillips. This point, however, seems inconsequential: the resolution had already been passed by the council, and the agent stated in the same letter that he considered it valid: "the order holds good so far as I am concerned that he [Phillips] must get off the Reserve." Legally, the only remaining step that was necessary to put it into force was the Department's approval.

Daly was, in any event, not really concerned about the validity of the resolution or the attitude of the band. He had already reached an understanding with the two men which superseded the council's resolution: namely, that Phillips would apologize to the chief, and would then be permitted to remain on Parry Island. Daly's interaction with Phillips had been blunt and direct: "When he came to my office I explained to him that he would have to get off the Reserve unless he would make peace with the Chief."⁸⁵ He then informed Phillips about the provisions of the Indian Act, and that he had no automatic right to live on the island. Next he spoke to Judge, asking leniency on Phillips' behalf and promising that the man would "tread the straight and narrow path" in future and apologize to the chief personally.⁸⁶ Chief Judge agreed to

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

accept this settlement, and the matter apparently ended there.

The case is interesting because it shows Daly refraining from the full exercise of his powers. He did make use of the incident to paint Chief Judge in a negative light, perhaps to strengthen his hand with the Department in future if he came into conflict with this chief. But although he chose to protect Phillips, he did so through negotiation, not through unilateral action. He did not, for instance, exercise his power under the Indian Act to have the Department affirm the man's right to live on the reserve "at the pleasure of the Superintendent General," thus preventing band officials from removing him. Instead he took a diplomatic approach which resolved the problem and avoided conflict between the agent and the chief over jurisdiction. Daly's own authority was not at stake here, so he had no reason to oppose the band's officials actively. But it is significant that he treated the chief and council as institutions which had the right to wield authority. In this instance, when the agent was a truly disinterested party, he intervened in a manner which was respectful of the chief and council, and which resolved internal conflict.

In other internal and interpersonal disputes Daly was not always so disinterested. In spite of his expressed conviction that an agent should not have favourites, he had distinct preferences for some individuals, and ongoing friction in his relations with others. This was clearly evident, for

instance, in a case which involved his old adversaries Francis Pegahmagabow, John Manitowaba and Stanley Manitowaba. These three men formed the Parry Island band council at the time (1934), John Manitowaba as chief and the other two as councillors. They wrote to Daly to complain that another band member, Isaac Rice, was engaging "foreigners" to cut wood on the reserve, which was forbidden by the Indian Act. Daly responded by attempting to protect Rice, on the grounds that he was in poor health, needed stovewood, and was unable to cut it himself. In this instance the man under attack, Isaac Rice, was an individual whom Daly liked and had gone out of his way to help. The complaint about his activities came from three men with whom Daly had sparred for years, and who were currently a thorn in the agent's side because, in their capacity as the band council, they were opposing other projects of Daly's. The agent's decision to take Rice's part, then, was hardly surprising.

Isaac Rice was something of a protégé of Daly's, in part at least because he was, like Daly, a returned soldier. He had suffered injuries in the war, and Daly had procured a pension for him which the agent administered on Rice's behalf. When the chief and councillors objected to Rice's actions, Daly acknowledged that the man had, in fact, engaged Russian and Polish men from Depot Harbour to help him cut wood on the island, and that he himself had been aware of this. However, he defended this procedure on the grounds that Rice needed wood, was incapable of the heavy labour involved

in cutting it, and was enabled by the arrangement to remain self-supporting. Writing to the Department, Daly began by noting that Rice was "a returned soldier and ... in very poor health." He went on to say that the man had outlined his intentions at the time of securing his wood cutting permit: "He explained to me when asking for the permit that he had made a bargain with the foreigners who work at Depot Harbour to help him cut the wood." In justification, Daly stated, "Although it would appear that Rice is breaking the regulations of the permit, he is not, he is selling the wood to the polocks [sic] and Russians. They are living near him and he knows them. ... I think this is reasonable and approve of same."⁸⁷

Daly concluded his letter with a reference to the political implications of this issue. No doubt he was aware that his statement above, to the effect that Rice was not breaking the regulations, was inaccurate: the agent admitted that non-band members were, in fact, cutting wood on the reserve, and this was undeniably against the Indian Act. But he wished to protect Rice, and tried to bolster his case by suggesting that the man could not be self-sufficient without the labour of the Russians and Poles. He ended his letter on this note: "Trusting the Department will approve of my actions ... as I would like to show Chief John Manitowaba, Councillors Stanley Manitowaba and Francis Pegahmagabow that their methods to try to run the Band and prevent them from

⁸⁷ FK Collection, Daly to DIA, 11 January 1934.

being self supporting, is not approved of by the Department."⁸⁸ The ulterior motive of scoring a political victory over his opponents is quite evident here. In this instance, however, the agent was unable to protect Rice. The Department wrote back curtly that the cutting of timber on the reserve by non-band members was forbidden, and Rice's arrangement was not to be allowed.⁸⁹

A final instance will suffice to illustrate Daly's varying responses to internal conflicts. In this last case he refused to become involved in a dispute between family members. Julia King, a member of Christian Island band living on Parry Island, appealed to Daly for assistance in dealing with her son and estranged husband. The son had apparently assaulted her, and she wished the agent to take some action about this. Moreover, she wanted him to expel her estranged husband from Parry Island reserve. Daly had little liking for any of the three parties to this conflict, including Mrs. King herself. He had previously deprecated the family in strong terms in a letter to H.J. Eade, the agent at Christian Island: "Generally speaking, I hold all this family in silent contempt."⁹⁰ Mrs. King had run afoul of him by requesting relief and clothing, which Daly seemed to resent. H.J. Eade also spoke of her slightly in a letter to Daly, noting that he was "getting very tired of this woman's constant complaints" and believed she was "trying to put one over us."

⁸⁸ Ibid.

⁸⁹ FK Collection, A.F. MacKenzie to Daly, 16 January 1934.

⁹⁰ FK Collection, Daly to H.J. Eade, 5 December 1928.

Mrs. King had engaged a band councillor in an attempt to increase her relief payments, and Eade claimed that she was "getting more than her share now in comparsion [sic] with other Indian women" He passed on to Daly a rumour that she was "doing some running around with other men," and requested that Daly watch her closely and stop her relief altogether if he believed this hearsay to be true.⁹¹

When it came to Julia King's husband, Daly used even more vituperative language. In the same letter which spoke of his "silent contempt" for the King family, Daly implied that he showed his feelings rather more openly than the phrase would seem to indicate. He wrote that David King was "one of these fellows, who, when he gets a white collar on, thinks he is a man. In my opinion, I have seen better looking monkeys. I do not mind telling him this."⁹² He claimed further to have information that the man was "guilty of a crime, for which he could get seven years," although the agent was unable to obtain evidence to prove it.⁹³ Several years later Daly again recorded his opinion of King: "I make no pretence of hiding my contempt for this man, for his utter disregard, and non support of his family."⁹⁴

Yet Daly was not willing to move against David King or his son at the behest of King's wife. Daly's letter to Mrs. King, in response to her request for intervention, was quite

⁹¹ FK Collection, H.J. Eade to Daly, 14 September 1933.

⁹² FKC, Daly to H.J. Eade, 5 December 1928.

⁹³ Ibid.

⁹⁴ FKC, Daly to DIA, 13 January 1931.

cordial, but represented a clear refusal to take any action. On the subject of her son, Daly expressed a sympathy which was generally lacking in his comments about her to third parties, but which had a genuine ring: "I sympathize very sincerely with you, which I think you do know, in the hard struggle that you have had in bringing up your children. It is a well known fact in the Department and in the Christian Island Agency that you have worked hard for your children, I have told them about that" The agent felt that "the actions of your son Sylvester toward you, is [sic] detestable, but from my experience in life, I am not surprised." Daly did not explain this last remark, but ended the letter with a philosophical observation on filial ingratitude: "I think the whole trouble is that your son is ungrateful for all the mothers [sic] love that you have bestowed upon him."⁹⁵

With regard to Mrs. King's husband, David King, the agent was equally unwilling to intervene at this point. He took the uncharacteristic and inaccurate position that he had no authority to expel King from Parry Island:⁹⁶ "Re [Sylvester's] father, David, living on the Parry Island Reserve, this is beyond my control, as he was born there. So far as putting him off the Island ... this is beyond my jurisdiction." One reason for Daly's refusal is clear from his next remarks: "As Indian Agent I have done all in my power for you. These

⁹⁵ FKC, Daly to Mrs. Julia King, 26 June 1933.

⁹⁶ Like his wife, David King was a member of the Christian Island band, and thus could legally have been expelled from Parry Island at any time.

family matters, the Indian Agent cannot be straightening out things that happened in the long ago."⁹⁷ In spite of his animosity toward David King, Daly would not allow himself to be drawn into disagreements within a family whose members he disliked. His remarks imply that he considered these matters private and beyond the scope of an Indian agent's duties.

The epilogue to this incident is highly ironic. The agent's interaction with Julia King occurred in June of 1933. By October of the same year Daly had, in fact, removed David King from Parry Island, apparently on the grounds that he was involved with another woman, and thus committing adultery. He wrote to H.J. Eade at Christian Island to warn him that he should pay no attention to anything he might hear about Daly from King, for the latter was angry at the agent for expelling him from Parry Island: "you can take it from me ... he is a pretty sore man. I have ordered him off the Island along with the lady that he had there."⁹⁸ No doubt Julia King was gratified at this turn of events. But Daly had chosen his own time to remove a man he disliked from his agency - he would not take this action on the request of King's wife.

The ways in which Indian agents could be approached to intercede for Native people were so many and varied as to defy simple categories. Their responses to such requests were diverse, situational, and contingent on their attitudes toward the individuals involved. This meant that aboriginal

⁹⁷ Ibid.

⁹⁸ FKC, Daly to Eade, 14 October 1933.

people could not always rely on them as impartial dispensers of justice, or as a means of overcoming the disadvantages they faced within the broader Canadian society. At the same time, these officials occupied a position between the Indian Department and First Nations, and between First Nations and the non-Native population with which they interacted. By virtue of this position, they became integrated into the strategies many Native people developed to deal with the disabilities of their status within Canadian law and society.

At times the Indian agents made use of their power on their clients' behalf, securing justice or maintaining aboriginal access to the harvest of fish and game. In turn, the agent's potential to do so enhanced his importance within the Native community, for a friendly relationship with him could pay off in innumerable ways. Thus the knowledge that an agent was favourably positioned to exercise power was constantly reinforced. These officials did not need to use their position at every possible opportunity: the awareness of its potential was in itself a source of authority. In practice, they used or withheld it as they saw fit, and frequently refrained from intervening in the private affairs of First Nations. Many times they acted in the interest of their clients; sometimes they chose not to do so. Whichever their choice, the actual operation of power relations "on the micro-level" was an ongoing affirmation of the agent's privileged access to power. Native people could negotiate for access to it through the agent, and might succeed in

exercising power through his person. The field official himself determined the outcome of this negotiation.

Chapter Seven

Relief and Other Assistance

An important component of the Indian agent's work, in practice if not in theory, was the provision of various forms of assistance to aboriginal people. Since First Nations were wards of the federal government, the Department of Indian Affairs viewed itself as their guardian, a role which included paternalistic care as well as control of Native people's affairs. The preamble to a 1933 circular signed by Deputy Superintendent General Harold McGill stated the attitude very clearly: "The officers of the Department are reminded of their responsibilities as guardians of the Indians entrusted to their immediate care." The instructions contained in this circular codified the principles which had long been applied in the practice of Indian administration. McGill went on to note that "the duty of an Agent is first of all to protect the interests of the Indians under his charge"¹ This guardianship and protection could take the form of advocating and interceding on behalf of Native people, as

¹ "General Instructions to Indian Agents in Canada," signed by Harold W. McGill, Deputy Superintendent General of Indian Affairs, 1 September 1933. These instructions explicitly laid out departmental policy with respect to a number of issues, but the principles they expressed pre-date McGill's circular. They were identical to those on which the officials had based their decisions throughout the period we are examining here.

seen in the previous chapter. Another aspect of "care" which the agents offered to their clients was the provision of a variety of social services. These included ensuring necessary medical treatment; providing a certain level of schooling, with the potential of assistance toward further education; and supplying rations and relief to people who were unable to earn their living. Those who were old, sick, or destitute were provided with rations and other assistance to prevent them from starving. Other Native people with special problems frequently also fell to the responsibility of the Indian agent; in most cases the agents attempted to arrange for their care within the community.

As in other areas, decisions about whether or not to provide services or assistance to Native people were made by headquarters, but the recommendation of the agent was practically always accepted. The guidelines of the Department were in many ways ambiguous, as a result of the conflicting goals which it was pursuing. This left the agents a good deal of discretionary authority and room to manoeuvre according to their own convictions. In the case of medical services, for example, the agents' fundamental obligation to ensure health care for sick Natives was made clear. In his 1933 instructions, McGill began by stating plainly, "The Department requires that sick and injured Indians received prompt and skilled attention." Yet the Department's distrust of aboriginal people's own judgment led it to include a caveat about preventing expenditure on those who were not

"really" ill: "It is the Indian Agent's duty to ensure that doctors employed to attend Indians provide adequate treatment, and at the same time prevent doctors and the Department being imposed upon by Indians who demand attention for trivial ailments."² The distinction was characteristic: Department officials believed that they had a clearly defined duty towards First Nations, but they wished to establish limits on the demands Native people could make.

Disparities between the different agencies in the provision of services were quite common, largely as a result of the agents' varying views on the correct approach. The quantities of relief dispensed and grounds for refusing aid differed from one agency to the next. Some agents made the recipients work for their rations and attempted to have relief payments reimbursed to band funds by subtracting them from the next distribution of interest or annuity payments; others imposed neither of these conditions. In regard to assistance for further education there were varying perspectives. Lewis, for example, was quite favourably disposed toward higher education for aboriginal people, while Daly claimed that it was "a waste of money."³ In the area of medical treatment, as well, the agents possessed considerable discretionary powers. There were, for example, no guidelines about judging whether an ailment was "trivial" or not; the decision was left to the field officials.

² Ibid., p.7.

³ See below.

While McGill's instructions, quoted above, stated that the Department was bound to ensure proper medical care for its clients, they did not address the question of whether the costs were to be covered by band funds or by the person who received treatment. The agents did not agree among themselves on the basic parameters of the medical assistance owed to aboriginal people. John Daly, in a letter to fellow Indian agent H.J. Eade, recorded his own interpretation of the Department's obligations: "My understanding is that if they are in need of medical attention they must get it, and according to Instructions to Indian Agents received this week from the Dept. ... it would appear that we have to see that the Indians get medical attention."⁴ Daly was responding to reproaches from Eade that the band funds from Eade's agency (Christian Island) were disappearing too quickly, in part because they were being spent by other agents on behalf of Christian Islanders. Eade objected to Daly's use of band funds to pay hospital bills. In a letter to his colleague in Parry Sound, Eade explained his misgivings about Daly's practice:

... amongst other things I noticed on the books considerable expenditure for Hospital and Medical accounts incurred by Indians of my Agency who are resident at Parry Island. It has always been my policy to charge hospital maintenance to the individual Interest money of the Indian who receives hospital treatment, and by doing this the advances made for this purpose ... are re-paid, our

⁴ FK Collection, Daly to DIA, 14 October 1933.

doctor here is paid on salary and does all operations free of charge.⁵

Eade wished his colleague to apply the same conditions to Christian Islanders on Parry Island, for he felt that "it is not fair for members here to be charged with hospital maintenance, whilst members living off the reserve are getting off scot free."⁶ Daly, on the other hand, was likely to face dissent if he applied differing policies to people living on the same reserve merely because they belonged to different agencies.

Daly's stated understanding of the Department's policy on medical assistance was clear and simple: "if they are in need of medical attention they must get it" Yet in practice he applied this policy flexibly, taking into account the character of each individual and his own layperson's view of their state of health. In the case of an older woman, for example, he opposed an operation which the local doctor had recommended on the grounds that it would be "wasted money."⁷ Personal feelings may have been at play here: the woman in question was the wife of John Manitowaba, whose conflicts with the agent had already begun by this time. Daly had written two years earlier that John Manitowaba was a trouble maker, and that "his wife is a good second to him in this respect."⁸ The agent laid claim to a certain ability to judge

⁵ FKC, H.J. Eade to Daly, 19 October 1933.

⁶ Ibid.

⁷ FKC, Daly to Dr. S.C.Stone, Medical Superintendent, DIA, 11 January 1932.

⁸ FKC, Daly to Duncan Campbell Scott, DIA, 13 March 1930.

medical necessity: "I am not a medical man, although I have lived with doctors for seven years at a stretch, out on the fringe of things, but I am pretty sure an operation on this woman would be wasted money."⁹ The letter gave no reason for this belief, except to offer the possibility that Native healing practices might help Mrs. Manitowaba: "Mrs. John Manitowaba may live for quite a long time with her Indian dope." It would appear from this remark that aboriginal remedies were still in use in the region at this time. Despite his rather slighting allusion to them ("Indian dope"), Daly's comment may be an indication that he considered such practices effective in some cases. On the other hand, it may simply have been an excuse to deny Mrs. Manitowaba medical attention from Western-educated physicians.

Daly also made use of the argument of medical need to attempt to acquire clothing which he could distribute among the people. In 1933, one of the worst depression years, he wrote a very odd letter to Dr. Stone, the medical director of the Indian Department. He began by informing this official of the death of a Native boy who had been ill for eleven years. While he stressed the sadness of the occasion, Daly also referred to the fact that the boy had been "the cause of a tremendous lot of expense to the Dept."¹⁰ His rambling letter constructed the illness of this child largely in terms of its

⁹ FKC, Daly to Dr. L.L.Stone, Medical Superintendent, DIA, 11 January 1932.

¹⁰ FKC, Daly to Dr. L.L. Stone, Medical Director, DIA, 1 December 1933.

cost, using language which sounds very callous to the contemporary ear. Daly's purpose, however, seems to have been to convince the medical director of the advisability of supplying warm underclothing and footwear to some of the people of his agency, in order to reduce medical expenses. He stated that the weather conditions were currently very harsh and that this was a potential source of disease, concluding, "By getting this underwear and rubbers and stuff that I ordered I think it will help to keep down the medical account."¹¹

As for Lewis, he did not record the general principles according to which he arranged for medical treatment. As a rule, he preferred to limit the Department's expenses of this type to the salaries paid to local physicians for visiting the reserves, and showed a general reluctance to pay other medical bills, particularly for Natives who lived off the reserves. In one instance he corresponded with a physician who had attended a woman in childbirth, and had not yet been paid for his services. The physician had approached Lewis hoping the Department would cover the bill. The agent noted in response that he had spoken to the debtor about the matter, but since the bill remained unpaid Lewis was willing to forward the account to the Department for payment. He then noted that "the Department has advised me that when an Indian leaves his reserve to earn his living as a Whiteman he must be taught to pay his own debts." Lewis' concluding statement

¹¹ FKC, Daly to Dr. L.L. Stone, Medical Director, DIA, 1 December 1933.

clearly revealed his unwillingness to treat Native people as "Indians," and therefore responsibilities of the Indian Department, once they had moved off their reserves: "If I would advise you to treat the Indians around Killarney the Department would have to pay for treatment to the greater number of inhabitants in Killarney as the majority of the population try to crawl in under the Indian Act at times."¹² As observed earlier, Lewis had arbitrarily decided that the "Indians around Killarney" were not "Indians" in the sense of the Indian Act, and therefore should not be included in the paylists to receive annuities. Here another of the consequent disadvantages becomes evident: Lewis held that the Department's responsibility to these people had been more or less nullified by their decision to live on surrendered land, and their medical treatment was therefore their own problem.

Margaret McLeod, a Whitefish Lake band member who lived off the reserve in an isolated part of Ontario, experienced the effects of Lewis' attitude when she fell ill in 1926. Lewis received a letter from Rev. Lewis Sampson, a minister who lived near Biscotasing, Ontario, informing him that Mrs. McLeod was sick and in need of a doctor. The agent's reply reflected the breadth of the Department's discretionary powers, and his own resentment at being expected to take responsibility for distant members of his agency. He began by remarking that the Whitefish Lake band had a paid medical

¹² RG 10, v.10599, Lewis to Dr.C.F.McLean, Collins INlet, 13 October 1923.

attendant, and spoke as though this arrangement were sufficient fulfilment of the Department's obligation to provide medical care. He further implied that the woman's choice to live elsewhere was unreasonable and inconvenient: "It would appear that she will not reside on the Reserve of which she and family are members, therefore, it is doubtful if the Department will bear the expense of a Doctor to visit remote parts of the district where an individual Indian feels inclined to reside. If this family were on the Reserve at Whitefish Lake it would be much easier to look after their wants and they could be given the same attention as other members of the band."¹³ The agent observed that the Department was attempting to reduce costs, including hospital expenses, and for this reason concluded, "I do not feel inclined to authorize a doctor to visit Biscotasing before reporting the case as the Department **may not feel disposed** to pay the expense, but you will be advised at an early date."¹⁴ This was clear testimony to the arbitrary nature of such decisions.

In informing Ottawa of Mrs. McLeod's troubles, Lewis adopted a much more moderate tone. While he did not urge the officials there to assume the costs of a doctor's visit, he did portray the woman's circumstances in terms which would be likely to awaken sympathy: "This woman is in very trying circumstances on account of the husband deserting her with

¹³ RG 10, v.10607, Lewis to Rev. Lewis A. Sampson, Biscotasing, Ont., 7 August 1926.

¹⁴ RG 10, v.10607, Lewis to Rev. Lewis A. Sampson, Biscotasing, Ont., 7 August 1926. Emphasis added.

three children, and one of the children being an invalid for five years. From what I can learn she has had a nervous breakdown probably from caring for the sick child during the long period."¹⁵ He stated that he had not authorized a doctor to visit Biscotasing, but waited for the Department's decision, "as a special visit will have to be made and Biscotasing being remote the expense will be high. I would ask the Department to advise me in this case as soon as possible."¹⁶

Unfortunately, it is not clear whether Ottawa agreed to pay for a doctor's visit or not. Events soon overtook Lewis in any case, for two months later he received word from a Mr. A.E. Carding of Sudbury that Margaret McLeod had been placed in the hospital at Chapleau. Carding had paid for her transportation, at a cost of \$9.55, and Lewis thanked him for his services and promised reimbursement.¹⁷ No doubt the Department was now forced to disburse funds to cover the woman's hospital care, for when it was presented with a *fait accompli* in this manner it generally paid the hospital's bill.

The final instalment in Mrs. McLeod's case suggests that she faced a very uncertain future with little aid from her "guardian." Lewis wrote to her three months after her hospitalization, in response to a communication from her

¹⁵ RG 10, v.10607, Lewis to DIA, 7 August 1926.

¹⁶ Ibid.

¹⁷ RG 10, v.10607, Lewis to Mr.A.E. Carding, Sudbury, Ont., 13 October 1926.

requesting departmental assistance. His tone was unusually harsh and unsympathetic. The agent informed the woman that "there is not any allowance authorized in your behalf."¹⁸ He continued, "During the illness of your girl relief issues were given to you from month to month in order that you should not endure hardship, but now you are at liberty to get out and earn a livelihood for yourself, and also you are a married woman and have a husband who should assist in your maintenance."¹⁹ Lewis' one concession was to authorize a local merchant to provide relief for the coming month, to the value of \$5.00. This small sum would not maintain the family for long, and the agent's words implied that more would not be forthcoming; certainly there is no indication in Lewis' correspondence that Mrs. McLeod received any further assistance. Evidently he stood by his conviction that her husband should help support her, although the woman was hardly in a position to obtain money from a man who had deserted her.

Health care was only one area in which the Indian agent's opinion determined Native people's experience. Another issue was education, which had been a keystone of federal assimilation policy since the early nineteenth century. In addition to providing primary education for Native children in day and residential schools, Department officials were

¹⁸ RG 10, v.10609, Lewis to Mrs. Manidoka Mixonnone [her husband's aboriginal name; he also used the English name Peter McLeod], Sturgeon Falls, Ont., 29 January 1927.

¹⁹ RG 10, v.10609, Lewis to Mrs. Manidoka Mixonnone, Sturgeon Falls, Ont., 29 January 1927.

prepared to consider assistance towards further education. McGill's instructions of 1933 expressly mentioned this possibility: "The Department assists deserving ex-pupils of Indian schools whenever there is assurance that such assistance will be of permanent value. Grants are given for more advanced academic or vocational training" The purpose of such aid was to "assist young Indians to become economically independent."²⁰

Obviously, help of this kind could have made a substantial difference in an individual's career prospects. In practice, the agents made little use of it. Both Lewis and Daly placed great emphasis on the importance of primary education, considering it crucial to the future of First Nations in Canada. On the subject of more advanced schooling their opinions diverged: Lewis favoured the measure, while Daly suggested that it was unnecessary. In Daly's case, an experience with one young Native woman seemed to prejudice him against further education for Native people as a group. This experience involved Emily Donald, a Cree woman who had been raised in the St. John's Indian Residential School at Chapleau. The school principal had encouraged her to become a teacher, and she received a teaching position at a school in Daly's agency. Daly took a strong paternal interest in this young woman, urging her to attend normal school to obtain

²⁰ McGill, "General Instructions to Indian Agents in Canada" (1933), p.11.

further qualifications as a teacher.²¹ Donald, however, had her own ideas about her future and elected not to go to normal school. Daly continued to pressure her on the matter, but seemed to become disillusioned by his inability to realize his plans in her case. He projected his disappointed hopes about Emily Donald onto another young woman who hoped to qualify as a teacher, and expressed the opinion that aboriginal people in general had no need of further education.

The occasion for this statement was the application of Virginia Lamorandiere for departmental assistance to attend normal school. This girl belonged to the Nawash band (Cape Croker), but lived on Parry Island, and was already attending high school. It appears that the Indian agent of her home reserve, Cape Croker, approved of the normal school proposal, for he had sent the father to Daly to discuss it. Daly wrote to A.C. Poste, the Cape Croker agent, and made a number of statements on the subject of education. He began by remarking, "For your information I might state that there is

²¹ This account is based on a series of letters in the Franz Koennecke Collection, largely correspondence sent by Daly to Emily Donald. The agent attempted to induce his protégée to send part of her salary to him, which he proposed to place in a savings account to pay for Donald's attendance at normal school. In attempting to implement his plans for the woman, Daly exerted a good deal of pressure: "I would strongly recommend for your welfare in the future that you carry out the agreement between yourself and me, that you will go to Normal a year from September, and to do this, you know you must save, It is only fair to say to you Emily, that if I find out any trickery in this arrangement, I shall have no mercy ..." [FKC, Daly to Miss E. Donald, Moose [Deer] Point, Ont., 4 April 1932]. Daly also colluded with Rev. A.J. Vale, the principal at the Chapleau residential school, to prevent Donald from marrying a young man from the Parry Island reserve. [e.g. FKC, Daly to Rev. A.J. Vale, 8 March 1933].

a desire among the Indians [sic] youth here to become school teachers, doctors, and professors and so forth."²² Daly claimed to have been encouraging the children to "high aims," but went on to disparage their hopes, citing the case of Emily Donald: "All this desire for schooling is because of a school teacher I have here, Miss Donald ... She has given them a wrong idea of how they will go about getting an education [sic] whereby they can become elligible [sic] for teachers."²³ According to the agent, there was no point in providing advanced schooling to Native people: "so far as I am concerned I cannot see the use of any of the Indians in this section of the country getting anything further than a common school education. There are too many half boiled educationalists going around the country now, without the Indians starting it."²⁴

Two weeks later, Daly wrote the Department about the same matter, emphasizing the high cost of assisting Virginia Lamorandiere and its ultimate futility. He pointed out that the parents wished for help in paying for the girl's board, and that her proposed course would mean providing support for a number of years. In Daly's presentation, "It is a long, long trail, and my experience of Indians here, is that it would be a waste of money."²⁵ The agent insinuated that Virginia Lamorandiere would be unable to "stick it out," and

²² FKC, Daly to A.C. Poste, 11 October 1935.

²³ FKC, Daly to A.C. Poste, 11 October 1935.

²⁴ FKC, Daly to A.C. Poste, 11 October 1935.

²⁵ FKC, Daly to DIA, 25 October 1935.

portrayed the hopes of Native youth in general as vanity and idle dreams: "I am trying to explain that, in my opinion, this is a passing phase which, if the Department is firm about will pass and these young girls might become useful, in the meantime they have a false idea of their own importance and are not as determined as they appear to be to go on to a higher education and a life of usefulness. It is all a kind of dream with them, with the expectation that the Department will foot the bill."²⁶ One source of Daly's cynicism on this matter was indicated by a further remark about Emily Donald's supposed ingratitude: "Miss Donald takes for granted all that has been done for her The same would happen with all the young Indians who have this urge to become teachers, doctors, and such." There is no indication in the available records that Daly recommended assistance for any other members of his agency to advance beyond primary school education.

Matters were initially quite different in the case of Lewis. This agent recommended departmental assistance toward higher education on a number of occasions, and declared himself generally in favour of high school for Native children. In 1925, for example, Lewis informed Ottawa that parents at Wikwemikong had been complaining about the teacher at one of the day schools. The agent felt that their concerns were justified, as this teacher was too inexperienced to teach senior school. Accordingly, he suggested that she be asked to resign at the end of the year, to be replaced by a

²⁶ FKC, Daly to DIA, 25 October 1935.

more qualified teacher, "as the Indians are now of the opinion that their children should all graduate to high schools and I would like to give them every encouragement."²⁷ Lewis also advocated support for Stella King, a young woman who had completed high school at the Pembroke convent and wished to obtain the Department's assistance for a year-long course at the Normal School in North Bay. King had stated that she would repay this aid once she had become a qualified teacher, and Lewis encouraged the Ottawa officials to consider her application: "If it would be possible for the Department to assist this girl in completing her school course ... I would recommend to the Department to do so as she is a clever girl and should be given some consideration, as her parents are not able to finish educating her."²⁸

In all likelihood Stella King's tuition fees at the Pembroke convent had also been paid by the Department. A number of girls from Wikwemikong attended this convent with federal assistance, and Lewis endeavoured in 1932 to retain their education grant so that they could finish their studies. There were five girls who wished to return to the school, but the Department informed the agent that education expenses were being reduced so that there was now only enough money for three of them to be supported. Lewis countered with the suggestion that all five be allowed to attend, covering the tuition fees of the extra two from band funds, since he

²⁷ RG 10, v.10605, Lewis to DIA, 17 November 1925.

²⁸ RG 10, v.10611, Lewis to DIA, 8 August 1927.

felt they should all be permitted to finish: "The parents have sacrificed a great deal to enable the girls to attend the Convent during the last two years ..., and it would be too bad if they are not allowed to continue the course which should be only another year."²⁹ His appeal was successful, in fact the Department decided to continue the education grant at the same rate as the previous year, funding all five students.³⁰

The agent's approval did not always guarantee educational support, and the approval itself could be withdrawn at any time. Daniel Waindubence of Sheguiandah discovered this when he applied in 1923 for a subsidy to take a two-year course at an agricultural college. Lewis recommended to Ottawa that he be assisted, reporting that the young man had graduated to high school from the Shingwauk residential school, had attended high school for some time, and had worked in a vegetable garden during the summer "with much success."³¹ Waindubence intended to "commence this business [apparently gardening] if he can procure a course in the Agricultural College." The agent recommended assistance on the grounds that he was "a clever Indian boy" and the other gardeners at Sheguiandah would be able to learn from him.³² The Department was not convinced and rejected the application.³³

²⁹ RG 10, v.10627, Lewis to DIA, 10 August 1932.

³⁰ RG 10, v.10627, Lewis to Rev. Charles Belanger, S.J., 15 August 1932.

³¹ RG 10, v.10599, Lewis to DIA, 28 September 1923.

³² RG 10, v.10599, Lewis to DIA, 28 September 1923.

³³ RG 10, v.10599, Lewis to Daniel Waindubence, 9 October 1923.

Unfortunately, this letter does not name the grounds on which the application had been rejected; Lewis simply stated that he had received

Daniel Waindubence was not one to be discouraged, for a year later he enrolled at the Ontario Agricultural College in Guelph, apparently without the help of the Indian Department. Once there, he found himself in financial difficulty. The Registrar of the college wrote to Lewis in March, 1925, in an effort to obtain aid for the student, but Lewis was unable to oblige.³⁴ He replied that he had suggested to Ottawa that Waindubence's Robinson Treaty money be sent to him, but "the Department will not entertain the claim, therefore, I cannot do anything towards assisting him at the present time."³⁵ The agent noted further that he would be making interest payments in two weeks, and the student would receive a small amount of money then.

Daniel Waindubence's fortunes declined after this, and the agent seemed to lose sympathy with him as a result. In the late spring of 1925 Waindubence became ill and was admitted to a sanatorium in Gravenhurst.³⁶ This was evidently the end of his studies. When he returned home in June and applied to the agent to refund his expenses for

a copy of a letter sent to Waindubence by the Department, "which no doubt explains the situation to you fully."

³⁴ RG 10, v.10601, Lewis to Mr. A.M. Porter, Registrar, Ontario Agricultural College, Guelph, Ont., 15 April 1925. Lewis cited Porter's letter of 15 March 1925.

³⁵ RG 10, v.10601, Lewis to Mr. A.M. Porter, Registrar, Ontario Agricultural College, Guelph, Ont., 15 April 1925. This assertion is difficult to explain. Lewis does not cite the reason the Department gave for "not entertaining the claim." The question of whether or not Waindubence was owed Robinson Treaty money should have been a simple issue of his band membership (he belonged to Sheguiandah band).

³⁶ Lewis' correspondence does not indicate the nature of Waindubence's illness. Given the shockingly high incidence of tuberculosis among Native people at this time, and the fact that the man was admitted to a sanatorium, Waindubence was probably afflicted with tuberculosis.

transportation from Gravenhurst to Sheguiandah, Lewis dismissed the request summarily, on the grounds that Waindubence had already cost the Department enough money: "I have to inform you that it can hardly be expected for the Department to refund you this amount, as it has been under a heavy expense while you were a patient there the amount paid weekly being \$20.44."³⁷ The following year, undaunted, Waindubence wrote directly to the Department applying for a loan. Lewis' opinion on the matter was obtained as a matter of course, and now the agent was opposed to any aid for the young man. He stated tersely that Waindubence had already received a great deal of help, speaking as though the Indian Department had financed his entire education, although there is no indication that Ottawa had paid for anything but primary and high school: "I consider that the Department has done very well for this Indian as he received a public school education, a year in Technical School, and a course in the Ontario Agricultural College at Guelph, in addition to bearing all expenses in connection with the Sanatarium treatment at Gravenhurst ..."³⁸ Moreover, the agent portrayed the young man as incapable of working on his own account, suggesting that he ought to work under an overseer: "It would be advisable, if possible, to secure a suitable position for

³⁷ RG 10, v.10605, Lewis to Mr. Daniel Waindubence, Sheguiandah, 4 June 1925.

³⁸ RG 10, v.10607, Lewis to DIA, 5 February 1926. There appears to be a certain amount of sophistry in this depiction: the Department had certainly not paid for the course at the agricultural college, and there is no indication in the records that it had paid for the year in technical school either.

him as he would be more successful working under a superintendent, or one to dominate, than he would be starting out on his own accord."³⁹ Lewis ended his letter by casting doubt on Waindubence's ability to repay any money he might borrow, and concluded that he could not recommend a Department loan. Within a period of three years, Daniel Waindubence had fallen in the agent's estimation from a clever and promising young man to a source of expense who was fit only to work for others - this in spite of his initiative in trying to achieve his education without outside aid. The consequence of Lewis' change in attitude was the withdrawal of support.

One way of understanding the transition that Waindubence experienced is to explain it as a transfer between categories of "Indians." This man had originally impressed Lewis as a promising individual, one who might belong to Noel Dyck's category of what the Department wished Natives to become under its tutelage: bright, educated, industrious, and self-sufficient. Instead, thanks to his illness, Waindubence had become an expense to the Department, and thus moved into the category of the "dependent Indian." Lewis' change of heart seems to have been a result of this development. Department officials did not object to extending aid to elders, people with disabilities, and sometimes those who suffered illnesses. On the whole, however, they were extremely reluctant to resort to financial assistance for any but the

³⁹ RG 10, v.10607, Lewis to DIA, 5 February 1926.

most helpless members of aboriginal society. In particular, they looked with disfavour on younger people who were in need of financial help.

An incident in the Manitowaning agency in 1929 shows Lewis' deep reluctance to extend support to younger men. In February of this year the agent received a letter from the Roman Catholic missionary on Manitoulin Island Unceded reserve, on behalf of a man who was ill. Lewis' reply was a plain statement of his overall opinion regarding individuals who found themselves in difficulty, and of his inclination to disbelieve those who claimed they were unwell. He stated that he had spoken to a local physician about the man's health, and the doctor had "advised me that if Flamand would get out, move around and take a little exercise he would feel much better."⁴⁰ Flamand had apparently requested assistance for a number of previous winters, in the form of "eating up his annuity money" - presumably he had obtained an advance on the annual annuities - "as he apparently would not work in the winter time." Lewis claimed that he would consult the doctor further and extend relief if the latter certified that Flamand was unable to work. But he concluded his letter with the following general statement: "I know that you are aware of the fact, as well as I am myself, that a great number of the Indians who endure misery and hardship is brought on themselves by their own misbehaviour and I believe that this

⁴⁰ RG 10, v.10615, Lewis to Rev. Father Artus, Wikwemikong, 23 February 1929.

case is one of them. If Flamand would lead a clean Christian life there is not one doubt but he would be healthy and prosperous."⁴¹ In this case the physician evidently confirmed that Flamand was genuinely ill, for Lewis wrote the Department two days later for authorization to give the family relief, noting in addition that he had already advanced them a small amount to tide them over.⁴²

Relief was one of the most basic types of aid which the Department extended to its clients, an equivalent of modern welfare which was generally provided in the form of monthly food rations. McGill's instructions of 1933 outlined the Department's policy in precise terms: "The Department will be willing to provide the actual necessities of life to sick and aged Indians, or orphans and widows who are unable to work and have no means or no friends able to support them, upon the facts being fully represented by the Indian Agent."⁴³ This definition strictly limited the group of people who might be granted relief, making no provision for factors such as unemployment and women with children who were abandoned by their husbands. Lewis and Daly faced many such problems during their tenure, which led to requests for assistance. Like other officials, they were very ambivalent about extending relief, and generally nurtured a conviction that Native people were ever ready to take advantage of the

⁴¹ RG 10, v.10615, Lewis to Rev. Father Artus, Wikwemikong, 23 February 1929.

⁴² RG 10, v.10615, Lewis to DIA, 25 February 1929.

⁴³ McGill, "General Instructions to Indian Agents in Canada" (1933), p.14.

Department. As Ken Coates concluded in his study of the Yukon Territory, a myth had developed among Indian Department officials that Natives were eager to accept handouts from Ottawa instead of earning their own livelihood.⁴⁴ McGill's instructions on the subject of relief concluded with a warning: "The Indians, however, must be trained to rely upon their own exertions."⁴⁵ The phrase suggests a belief that aboriginal cultures were not based on the principle of self-reliance, and that this value must be inculcated in the people by the Indian agents.

The Department's attitude toward relief conformed to general societal attitudes of the time regarding poverty and government assistance. As historian James Struthers demonstrated in his study of unemployment and the Canadian state, Canadians had inherited British views about the poor, dividing them between the "deserving" and the "undeserving."⁴⁶ The "deserving" were those described in McGill's circular: the sick, the aged, orphans and widows, and those who were unable to work. A man in good health was inherently undeserving of help: healthy men who could not earn sufficient income for their needs were blamed for their own poverty, because "[a] healthy unemployed man was presumed to be idle deliberately."⁴⁷ Providing assistance to such men

⁴⁴ Ken Coates, *Best Left As Indians. Native-White Relations in the Yukon Territory, 1840-1973* (Montreal & Kingston 1991), p. 171.

⁴⁵ McGill, "General Instructions to Indian Agents in Canada" (1933), p.14.

⁴⁶ James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State 1914-1941* (Toronto 1983), p.7.

⁴⁷ *Ibid.*, p.6.

would reward them for their indolence and encourage others to follow their example. Moreover, there was a widespread belief that receiving aid would cause a person to become dependent on assistance and incapable of self-support. This was referred to as "pauperizing," a notion which was frequently mentioned in departmental correspondence.⁴⁸

"Pauperization" ran counter to the most important goal of Indian policy, that of making Native people self-sufficient. The primacy of this goal was stressed at the outset in McGill's 1933 instructions: "It may be stated, as a first principle, that it is the policy of the Department to promote self-support among the Indians and not to provide gratuitous assistance to those Indians who can provide for themselves."⁴⁹ In the agents' correspondence on the subject of relief the work ethic was consistently reflected. John Daly summarized it well, writing in the midst of the depression of the 1930s: "In my opinion it is the worst thing that ever happened to the Indian, getting relief without having to work for it, in fact I think it is a bad thing for any person to get something for nothing, either whites or Indians."⁵⁰

The rations which were allowed by the Department cannot have substantially improved the condition of the poor. Indian

⁴⁸ See, for example, Lewis' statement in a letter to the secretary of the Manitoulin Island Unceded Band, "[t]he Department ... has instructed me to guard against pauperizing Indians who can provide for themselves as economy must be observed." [RG 10, v.10609, R.J. Lewis to William Kinoshameg, 29 December 1926].

⁴⁹ McGill, "General Instructions to Indian Agents in Canada" (1933), p.1.

⁵⁰ FK Collection, Daly to A.S. Anderson, agent at Rama reserve, 6 March 1933.

agents never provided more than \$10.00 a month to even the largest families, and often granted a good deal less. Lewis was rather arbitrary in the amounts he assigned to each person, but seems not to have exceeded the sum of five dollars per month. Daly was somewhat inconsistent, granting \$10.00 per month to some single elders, but the same amount for an older couple. In the 1920s the system was apparently not standardized, so that quantities were left to the agent's discretion. In the early 1930s, a set payment of five dollars per month was introduced, which caused resentment among elders in the Parry Sound agency who had previously received ten dollars.⁵¹ The Indian Department set specific guidelines in 1934 in order to standardize procedures and avoid unnecessary correspondence. These guidelines prescribed the amounts as follows: a minimum of \$4.00 per month; \$6.00 for a family with two or three persons; \$7.00 for four to six persons; \$9.00 for seven to eight; and \$10.00 for nine to ten persons.⁵² These amounts compare very unfavourably with the relief allowed by the city of North Bay in the same period. In 1936, the city of North Bay provided a maximum monthly relief allowance of \$21.66 for a family of five (for food

⁵¹ See below.

⁵² FRC, A.F. MacKenzie to Daly, 10 February 1934. This was a circular sent around to all the Indian agents in response to the massively increased demand for relief issues which resulted from the economic depression. The sums listed appear to be essentially a codification of existing practice, for they match the range of aid given out prior to this date. If anything, they are slightly lower than some agents would have provided: as noted in the text, Daly's practice was to allow \$10.00 per month for a couple, which is substantially higher than prescribed by the guidelines of 1934.

only; additional amounts were allowed for fuel and rent).⁵³ Small wonder that Daly's clients complained about the inadequacy of their relief issues. There was little they could do to improve the level of assistance, however, for the Department was adamantly opposed to any increases.

The records show some individual efforts to persuade officials of the impossibility of surviving on the standard relief issue. The two agents responded quite differently to these complaints. In the one recorded instance in Lewis' agency, the agent was wholly unyielding, perhaps in part because the year was 1933 and he was under strong pressure from headquarters to hold expenditures to a minimum. Lewis wrote to a woman living at Shawanaga (in the Parry Sound agency) that he had received her letter informing him that she was unable to subsist on five dollars per month. He stated that there were hundreds of Indians in the agency on relief, none of them received any more than five dollars in supplies, and many lived on less. For this reason, he could not recommend that her rations be increased.⁵⁴

Daly, on the other hand, considered \$5.00 per month insufficient for the Parry Sound district, and attempted to persuade his superiors to allow larger amounts. In 1930 John Manitowaba of the Parry Island band wrote to the Department raising a number of issues. Among other things he stated that

⁵³ James Struthers, *No Fault of Their Own* (Toronto 1983), Appendix IV (unpaginated) "Maximum monthly relief allowances for a family of five, selected Canadian cities, September 1936."

⁵⁴ RG 10, v.10629, Lewis to Mrs. George Gaikesheyongai, Shawanaga, Ont., 7 March 1933.

the relief he received was inadequate. The Department solicited a report from Daly, who responded cautiously, noting that he also considered the amount inadequate, but carefully avoiding criticism of his employers: "I take this opportunity of stating that I think the ration, which amounts to \$5.00 is hardly sufficient (but, it is the ration). John Manitowaba and his wife are getting two rations. I cannot see where he has any kick coming unless it be that the ration might be too small, but so long as it is the ration, I consider that John Manitowaba is very well looked after."⁵⁵ After more remarks disparaging Manitowaba's character, the agent returned to the question of increasing the quantity of relief issued: "I would be very pleased to know if the Department has any intention of increasing the ration, as I find that \$5.00 worth of foodstuffs is hardly sufficient for the individual Indian in this section of the country according to the Indian mode of living here. I can quite easily understand where \$5.00 might be all right around the Abitibi section, or farther north, but I find it is hardly sufficient here."⁵⁶

Eight months later the Parry Island band council passed a resolution to raise the pensions received by the elders of the community, and also to increase the monthly relief ration from \$5.00 to \$10.00 per month. This move was a response to a change in departmental procedure: the Department had

⁵⁵ FKC, Daly to DIA, 18 December 1930.

⁵⁶ FKC, Daly to DIA, 18 December 1930.

implemented a ration system which prescribed the amount of \$5.00 per month. Elders who had previously received twice this quantity were naturally distressed, and the band council was attempting to reinstate their former level of support. Daly wrote to Ottawa transmitting the resolution and adding his support to both proposals. The response was apparently negative, and Daly wrote again in an effort both to mollify the internal officials and to convince them of the genuine need the elders were facing.

He began by reminding the Department that elders on relief were not assisted in the summer time.⁵⁷ He noted that he had recommended an increase of John Manitowaba's pension, which he believed all the pensioners of the band were entitled to. The elders were receiving pensions of \$25.00 per year, and the agent felt that \$50.00 would be a more appropriate sum. He shrewdly avoided reference to the fact that this would double the pensions, framing it as "just ... five rations at \$5.00 each, more, and I conscientiously consider that this is reasonable for ... with the relief that they would be getting in the winter time they would be able to get along quite nicely."⁵⁸ He concluded that the pension increases, combined with a ration of \$10.00 per person per month in the winter, would "solve the problem of relief on Parry Island."⁵⁹ To strengthen his case, Daly stressed that Manitowaba, who had complained about the new system, was not

⁵⁷ FKC, Daly to DIA, 26 August 1931.

⁵⁸ Ibid.

⁵⁹ Ibid.

the only one who was discontented. All the others who had been receiving ten dollars were equally dissatisfied: "The Department cannot know about this unless these Indians write, which they will not do, but they tell me."⁶⁰

In spite of Daly's best efforts at convincing the officials at headquarters, they remained unmoved. The agent wrote once more about the subject, three months later. He was clearly discouraged by the situation, and felt that he was being placed in an awkward position. He expressed himself in the form of a question: "I have been wondering if the Department looks upon the Indians here the same as they do upon the Indians up in the north, because from personal experience, I know that the life of the Indian here and the life of the Indian in Northern Ontario, as far as the James Bay slope, is altogether different."⁶¹ The agent described the Natives of his own region as having "more of the white man's idea of living and the white man's thought." The northern peoples, in Daly's presentation, could get by with a good deal less than those in his own region. Regarding his own position, the agent commented that "[i]t seems to me hardly fair that the Agent should be looked upon as hard by the Indians, when he is merely carrying out the wishes of the Department. ... I sympathize very much with the Indians this winter because of the difficulties that I know are confronting them, and which they are up against."⁶² Daly was

⁶⁰ Ibid.

⁶¹ FKC, Daly to DIA, 28 November 1931.

⁶² Ibid.

fighting a losing battle in this instance: as the 1930s progressed the agents were urged more forcefully to reduce expenditures, not to provide more adequate assistance to those in difficulty.

The Department had, in fact, long suspected Daly of excessive generosity in the area of relief. In 1927 Daly wrote Ottawa to recommend relief for four older women of \$10 each per month. The Department apparently objected to this amount, and the agent wrote back justifying his proposal. He argued largely on the grounds that the four earned their own living during the summer, but could not be expected to do so the rest of the year: "all these aged Indian women support themselves in the summer by selling their work of Indian craft and by picking and selling berries but in the Fall, Winter and Spring, they are in actual need."⁶³ With regard to his own practice, the agent sought to ward off any suggestion that he was lavish in his extension of aid: "I would not recommend that relief be given to any Indian unless I was sure it was required." He noted further that he refused help to Natives from other agencies, referring them to the agents of their own bands. Finally, Daly stated that the local non-Native population perceived him as harsh and unyielding in his treatment of his clients: "The fact of the matter is that I am considered rather hard by the White people here, who don't understand the Indian mode of life."⁶⁴

⁶³ FKC, Daly to DIA, 15 January 1927.

⁶⁴ FKC, Daly to DIA, 15 January 1927.

In some cases Daly even paid for assistance out of his own pocket. On one occasion, for instance, he wrote Ottawa to inform the Department that Richard King, an elder and a member of Christian Island band, had come to his office several times "appearing to be in straightened [sic] circumstances." Daly's intent in writing was to obtain authority to give King relief, but he also noted, "I have helped this man myself because I like him. He is an aged Indian."⁶⁵ The following year Daly attempted to educate the officials in Ottawa on the subject of relief, in response to another suggestion that he was unduly generous in this regard. He informed them, "It is only fair to state that over and above the requests to the Department for assistance that I have to give a little assistance myself. My reason for doing this is, that being President of the Canadian Legion here in town, I know that conditions are pretty hard on the poorer people. ... I will keep in mind your suggestion and try to keep down the expenses of the Agency, but I do believe that if some of the officials were here they would give more relief than I do to the Indians."⁶⁶

There is no evidence that Lewis dispensed relief out of his own money, but he also displayed a spirit of generosity at times. In 1923 he sent vouchers to the Department for an amount of \$16.75 which he had spent supplying a Native elder with food and clothing. Given that the monthly allowance was

⁶⁵ FKC, Daly to DIA, 3 April 1928.

⁶⁶ FKC, Daly to DIA, 8 February 1929.

typically \$5 a month, this was rather a large amount to spend on immediate relief, but Lewis clearly liked and respected this individual. The man had served for a long time as chief, and the agent felt that he had earned the right to some support in his later years. He described the situation to justify his expenditures: "... I visited this Indian a few days ago and found him suffering from lung trouble and in a destitute condition without food or warm clothing." The elder asked for provisions and clothes, and Lewis obliged by purchasing some food, a pair of pants and two suits of warm underwear for him. The agent continued, "This Indian was the previous chief of the Sheguiandah Band for a number of years and when in good health he gave his services in connection with the affairs of the band without receiving very little remuneration, and now when he is ill and will not be able to earn a livelihood for himself again, I would ... recommend that I be authorized to purchase him a small supply of the necessaries of life whenever he is in need."⁶⁷

It is worth noting that Lewis' suggestion left the amount of relief that the former chief would receive entirely in the hands of the agent. Rather than naming a sum which the elder could depend on receiving regularly, Lewis recommended that he be given authority to help out from time to time and make his own decision as to quantities. Both agents actively guarded their prerogative to control the process, to determine who would be helped and the extent of the

⁶⁷ RG 10, v.10599, Lewis to DIA, 30 August 1923.

assistance. Band councils, on the other hand, more than once attempted to standardize the procedure and ensure that the community as a whole was provided for.

In Lewis' agency, the Sheguiandah band tried twice, in 1921 and again in 1923, to alter the relief procedure in such a way as to reduce the discretionary powers of the agent. In 1921, the Anglican missionary at Sheguiandah wrote to Lewis on the band's behalf, attempting to ensure aid to any band member who became sick. He requested that "the Department pay \$5.00 per week [four times the usual figure] to each member of the band that may be ill during the period of such illness, during the current winter, and that the band be furnished with fifty bags of flour, such money to be paid out of the band funds."⁶⁸ The agent stated that he could not recommend this, since he claimed that it was unnecessary: "the majority of these Indians are not in need, and any that are ill and in hard circumstances will be reported to the Department and request will be made for relief in their behalf."⁶⁹ The issue of control was clearly visible here: the band wished to assert a right for all members to receive help from the community's own money when they needed it. Lewis aligned himself with Daly and the other Department officials, recommending that he retain his position as the arbiter of all such cases.

⁶⁸ RG 10, v.10593, Lewis to DIA, 20 December 1921.

⁶⁹ RG 10, v.10593, Lewis to DIA, 20 December 1921.

In 1923 the Sheguiandah band made another attempt, this time through a band council resolution, to institute automatic aid to members who were in difficulty. In this instance they asked that the Department "grant from the funds at the credit of the Sheguiandah Band sufficient money to cover half of any loss each member may have, that is to say if any member should happen to lose a horse, cattle beast or his house burned the Department should recompense him to the value of half the loss."⁷⁰ The agent was equally unbending on this occasion, and more direct about his central role in the decision making process. He also revealed a conviction that Native people were often the authors of their own misfortune, and that their mistakes might disqualify them from compensation out of their own funds: "I would not recommend their request to the Department as very often their losses occur through ... carelessness, but would recommend that compensation be made to each member who has a loss in such cases, and to the value in each case, as the agent recommends."⁷¹ There was to be no inversion of the power relations in terms of access to assistance: the sole route to the Department's aid was through the Indian agent.

Band councils in the Parry Sound agency also showed an interest in acquiring more control over decisions about financial assistance. In 1926, for example, the Parry Island band council passed a resolution that would grant five

⁷⁰ RG 10, v.10599, Lewis to DIA, 27 June 1923.

⁷¹ RG 10, v.10599, Lewis to DIA, 27 June 1923.

dollars worth of relief to every family head "when a case of need calls for same." The chief, Stanley Manitowaba, wrote to Daly to inform him of the council's decision, and Daly pencilled his response on the bottom of Manitowaba's note: "rushing the agent nothing doing."⁷² It is not clear whether Daly actually submitted this resolution to Ottawa or not. There was, in any event, no doubt of the Department's reaction. The internal officials would never have agreed to any proposal which would pre-authorize expenditures from Native people's band funds, nor would they have allowed need to be assessed by aboriginal people. Each case was to be judged individually by Department officials.

The Parry Island band tried several more times, in 1932 and 1934, to ensure relief for all who were in need. Their persistence was a clear response to the dire economic conditions they were confronted with in these years. In 1932 the council passed a resolution to the effect that "every member of the Band who is out of work should be given relief."⁷³ In a letter to Ottawa, Daly placed the council's action in context, explaining it as a reaction to the assistance received by the local non-Native population: "This resolution was passed on a line with the feeling of the poorer class of people in Parry Sound. There are a tremendous lot of people on the relief list here in Parry Sound, who are not working. Some of the Indians think they should be listed

⁷² FKC, Stanley Manitowaba to John Daly, 3 January 1925.

⁷³ FKC, Daly to DIA, 5 December 1932.

the same as the whites." He concluded that he was not in favour of such an approach, but that he would "notify the Department of each case requiring relief as they come along."⁷⁴

Departmental correspondence regarding the band's third attempt, in 1934, reveals the thoroughly unsympathetic attitude of the internal officials in Ottawa. The resolution this time ran as follows: "... we find it most essential to demand relief, be given to our poor Indians or those unable to support their families."⁷⁵ By this time the country was deep in crisis, band funds had been severely depleted, and the costs of assistance on many reserves were being covered wholly or in part by a parliamentary appropriation. This had further increased the reluctance of the Ottawa officials to aid Native people. Their response to the Parry Island band's resolution was a strongly worded condemnation of the people, in tones which give a good indication of the kind of pressure that was exerted on Indian agents to keep relief costs to a minimum:

With reference to the resolution of the Parry Island Band practically demanding that relief assistance be given to all the Indians of the reserve, I have to inform you that the Department has no intention of allowing the Indians to sit down at home to be fed by public charity. The Indians of Parry Island Band have lands to cultivate, bush lands from which to get fuel, water

⁷⁴ Ibid.

⁷⁵ FKC, Daly to DIA, 9 October 1934.

from which to get fish and other ways of earning a livelihood and it is expected that they will put forth every effort to provide for their wants. Band Funds will not provide all that may be wanted and [parliamentary] Appropriation will not bear the cost as the amount provided is inadequate to meet all the demands made.⁷⁶

The economic emergency of the 1930s brought out the harsher traits in the character of Department officials, and heightened their traditional tendency toward parsimony.

The two men took different administrative approaches with respect to relief. Daly adhered to strict Department policy in that he insisted on investigating every case of need personally to assure himself that it was genuine, and that the individual in question "deserved" help. By contrast, Lewis was more easygoing. He frequently received letters from band chiefs informing him that certain individuals required relief. The agent simply took their word on the matter and arranged for local merchants to provide a certain amount of food per month. Unlike Daly, he did not necessarily name a set monetary value to be provided, but tended to speak in terms of need. To one chief, for instance, he wrote, "I have your letter ... with regard to Joseph Bisione and Louis Megwonabe not receiving sufficient relief, and in reply would advise you that you will be good enough to advise me as to when these supplies are exhausted and a further supply will

⁷⁶ FKC, T.R.L. MacInnes, Acting Secretary, DIA, to Daly, 27 October 1934.

be sent to them. ... if they are in need just let me know and I will see that they are taken care of."⁷⁷

While Lewis placed his trust in band chiefs to inform him accurately, it appears that he was also less active than Daly in intervening on behalf of those who were in difficulty. In 1921, for instance, Lewis wrote the Department to say that Chief Petahtegoose of the Whitefish Lake band had reported a number of cases of destitute people who needed relief. He recommended that he be given authority to purchase "the necessaries of life for each of them to the amount of \$5.00 per month for five months commencing with the current month."⁷⁸ The agent stated that he "[knew] for a fact that all these Indians are in trying circumstances," yet evidently he had not taken any steps to remedy the situation. It is thus possible that Lewis' habit of trusting the word of aboriginal leaders stemmed from his unwillingness to keep tabs on the population and extend relief on his own initiative. In this case, at least, he had waited for a request from the band to step in and assist people, rather than attending to their needs of his own accord.

Lewis also made rather informal arrangements with local storekeepers, whom he trusted to determine when relief recipients required additional supplies - apparently he had little concern about these merchants' personal interest in providing more goods. He did not even insist on prior

⁷⁷ RG 10, v.10629, Lewis to Chief Adam Nahwegabow, Birch Island, 9 March 1933.

⁷⁸ RG 10, v.10593, Lewis to DIA, 7 December 1921.

authorization: in one case, for example, he noted that he had received a voucher from a store owner for food which had been supplied, without consulting him, to Patrick Pelletier, a Native man who was ill. He gave no sign of resentment at not being consulted beforehand, but simply wrote back to the sick man, "I have [your letter] to the effect that you are in poor health and in need of relief issues, and ... I have noticed from accounts received from W.J. Burnett of Cutler that you have been furnished with relief issues during March and the present month."⁷⁹ He went on to reassure Pelletier that the assistance would continue until he was well: "If you cannot earn a livelihood for yourself on account of ill health I will see that you receive a monthly food issue until such a time as you should be able to earn for yourself."⁸⁰ Similarly, Lewis wrote to a store owner that he had received word from a Native woman that she and her husband were "hard up for the want of food." He instructed the merchant to furnish certain articles to the couple, and added, "If Peter Esquimaux, Stanley Esquimaux or William Bearfoot are in need of food and cannot find employment ... do not let them suffer as you have authority to supply each family with provisions to the extent of \$5.00 during the current month. I am leaving it to your judgment, as you see these Indians every day."⁸¹

⁷⁹ RG 10, v.10625, Lewis to Mr. Patrick Pelletier, Cutler, 7 April 1932.

⁸⁰ Ibid.

⁸¹ RG 10, v.10631, Lewis to Messrs Stump & Spry, General Merchants, Whitefish Falls, 5 March 1934.

Both agents provided more than just rations when they felt that circumstances warranted further intervention. People who were incapacitated often required assistance of other kinds, and the agents felt called on to organize these, usually by inducing relatives and neighbours to help out. Lewis, for example, wrote feelingly to the chief of the Whitefish River band about an older couple of the band, whose home he had found "in deplorable condition. The old lady in bed, or rather lying on a bundle of old rags in filth and dirt with all the surroundings in a filthy condition."⁸² He inquired if it would not be possible to induce friends to clean the couple's home, and suggested that a relative be instructed to do so. For his part, Lewis promised to send a tick by mail which could be filled with straw to provide a mattress. In closing, he urged the chief, "Try and see if something can be done to make things a little brighter for these old people."⁸³ In the hard times of the 1930s Lewis also applied to the Department to send a cot-spring and mattress for an old blind woman who spent much of her time lying down, but did not have a proper bed. The officials in Ottawa agreed to do so, and also to send a number of blankets, since these were in short supply and people could not afford to buy them.

In another similar instance Lewis intervened in a more coercive fashion, apparently because he was outraged by the neglect shown by two men to their mother. Both his language

⁸² RG 10, v.10627, Lewis to Chief William McGregor, Birch Island, 26 September 1932.

⁸³ Ibid.

and the methods he advocated stand in stark contrast to the moderate, placid tone of most of his correspondence, suggesting that the circumstances were a severe violation of Lewis' personal moral code. He wrote to the band constable of the Manitoulin Island Unceded band, Dominic Odjig, about a report he had received that "Mrs. John Pangowish widow, and a cripple ... is in a horrible condition being eaten with lice and vermin ..."⁸⁴ Lewis expressed his views about the filial duty owed by children to their mother, and the violation of this code in this instance, remarking that it was "a disgrace to the reserve to have two such men thereon to allow their mother who cared for them while infants, to exist in such a lamentable condition."⁸⁵ He ordered Odjig to "go to these fellows and instruct them to clean up this old lady, and look after her as any sons, who are human, should care for an aged sickly mother" If the men did not comply, Odjig was to lay charges against them, take them to court, and have them jailed "as this state of affairs ha[s] run to the limit."⁸⁶ This was one of very few incidents in which Lewis suggested the use of coercion to enforce moral standards.

Like Lewis, Daly sought to engage other band members to assist those who could not provide for themselves. He claimed to have difficulty in inducing people to lend a hand in some cases. In the case of a blind woman who was raising a young

⁸⁴ RG 10, v.10631, Lewis to Dominic Odjig, Police, Wikwemikong, 23 April 1934.

⁸⁵ Ibid.

⁸⁶ Ibid.

son and needed stovewood, Daly informed the Department that the Parry Island band members were willing to vote band funds to have wood cut for her, but would not cut the wood free of charge as a service to the woman. His words lend some insight into the methods he applied in attempting to impose his plan: "I can assure the Department that when it comes to coaxing or using scathing remarks, [I] can use both to advantage but the Indians ... don't want to help this woman in any way."⁸⁷ The agent was not prepared to allow the use of band funds to pay someone for cutting the wood; instead, he insisted that the correct approach would be to hold a community "bee" - band members would thus contribute their labour rather than the money held for them in Ottawa. The issue was clearly causing friction between the agent and the band, since both held fast to their convictions. Showing his most authoritarian side, Daly remarked, "The only wa[y] that I know of to get wood cut by the Parry Island Band for this woman is under military rule when, you can bet your sweet life, I would make them hop to it."⁸⁸

Yet Daly had no means of enforcing the community engagement which he desired to see. Since the woman could not survive without firewood, he instructed the band constable to perform the chore, and also employed the constable to bring the woman's food over to Parry Island. For the future, the agent intended to place pressure on the woman's brother to

⁸⁷ FKC, Daly to DIA, 26 January 1931.

⁸⁸ FKC, Daly to DIA, 26 January 1931.

look after his sister's annual wood supply: "as soon as the weather is suitable I will try to get in touch with this woman's brother who is Chief Isaacs of the Moose Point Band, and see if he can arrange in the fall of each year to get wood for her."⁸⁹ This plan accorded with the general view of the agents that each family had a responsibility to ensure that all its members were provided for. The difficulty in this case, as in others, was that the relative lived on another reserve at a considerable distance. Attending to the basic needs of someone so far away was no easy proposition, particularly given the limited transportation options of the time.

Lewis' handling of a similar case was radically different, and bears mention for comparative purposes. Since his approach did not offend anyone or conflict with the people's views, the incident appears in Department records simply as a short note which the agent sent to Ottawa along with a voucher for \$45.00. This sum had been paid to Eli Mayausakeshik, of the Sheguiandah band, as payment for seven cords of wood which he had supplied to Widow George Mitchell. Lewis explained with characteristic brevity, "As this woman is old, resides alone in a small house at Sheguiandah and was not able to procure wood for herself, therefore, I authorized Eli Mayausakeshik to furnish her with wood in order that she should not suffer during the cold weather."⁹⁰ The issue was

⁸⁹ FKC, Daly to DIA, 26 January 1931.

⁹⁰ RG 10, v.10595, Lewis to DIA, 28 March 1922.

uncomplicated, in Lewis' view: the woman required firewood and was unable to meet this need herself. Rather than go to the trouble of pressuring neighbours to hold a "bee" for her, this agent took the path of least resistance and paid someone from band funds to perform the service. This was the solution which the Parry Island band had had in mind for the blind woman on their own reserve.

This example should not be taken to indicate that Lewis was more generous and cooperative than Daly. Both men took a hard line in situations which offended their sensibilities or their values. In Lewis' case, his severity was revealed when it came to women whose husbands were not supporting them. Although he never suggested explicitly that the women were to blame for their abandonment by their husbands, he refused more than once to help such women, insisting that they should look to their spouses for support. As discussed in chapter five, this attitude extended even to the case of a woman whose husband had been convicted of assaulting her: Lewis refused to extend relief to this woman, instructing her that she ought to live with her husband "as man and wife should." Moreover, he rebuked her for the fact that she had borne a child out of wedlock. The agent felt that this transgression had justified the punishment meted out to her by from the Mothers' Allowance Commission, which cancelled the monthly allowance she had been receiving after her husband's death.⁹¹

⁹¹ RG 10, v.10629, Lewis to Mrs. Eli McDougall, 18 August 1933. This letter is quoted in chapter six.

Another instance illustrates the contingent and arbitrary character of Lewis' decisions regarding relief for women. The case concerns an older woman who had received relief for some time, until Lewis elected to withdraw it. His reason for doing so was apparently that she had a young married couple living with her and the agent wished to prevent these two from enjoying the benefits of the elder's relief. His statements about her situation conflict, so that divining the true motivations behind Lewis' attitude is not an easy matter. In his first comments about this issue, the agent named a series of considerations for denying the woman aid: "I cannot recommend that this woman receive relief as she resides on the surrendered portion of the Whitefish River Reserve in her own house and she has living with her a big married son and the wife. I might also say that this woman appears to be in good health and should be able to earn a livelihood for herself during the summer months."⁹² To the woman herself the agent wrote curtly that "relief cannot be granted to you while you harbour so many idle friends around your premises."⁹³

A year and a half later this woman appealed to the Department again for aid. On this occasion Lewis couched his response in more sympathetic language, and explained the withdrawal of her relief largely in terms of preventing young, healthy individuals from living off departmental

⁹² RG 10, v.10599, Lewis to DIA, 15 August 1923.

⁹³ RG 10, v.10599, Lewis to Mrs. George Esquimaux, 23 August 1923.

assistance. He contradicted his earlier report, however, by citing a daughter and husband, not a son and wife, as the alleged freeloaders. He stated first that the woman had received relief issues previously, "but they were withdrawn as the girl, her daughter Agnes, married a Whiteman and they all have been living in the same house and eating the supplies furnished the old lady ..."⁹⁴ Moreover, the agent asserted that the family was in the habit of holding dances at the house after the older woman's relief issues arrived, and consuming all the supplies in one night. Lewis claimed to sympathize with the elder, but blamed the couple for forcing him to refuse help: "I feel for the poor old lady and would like to give her some assistance, but I do not feel inclined to support a lazy useless man and his family who are residing with her."⁹⁵ He concluded his letter with a promise to look into the case further. His own priorities, however, stood against the likelihood of the woman receiving help as long as she chose to share her home with her family.

Daly's approach toward relief for women was not markedly different from that of his contemporary Lewis. Like Lewis, he showed obvious sympathy and liking for some women, particularly those of an advanced age, and willingly gave them relief. He also believed that men had an inescapable responsibility to support their wives and children, and spoke contemptuously of those who did not fulfill this

⁹⁴ RG 10, v.10603, Lewis to DIA, 7 April 1925.

⁹⁵ Ibid.

responsibility. On the other hand, Daly does not seem to have punished deserted wives or insisted that they turn to their husbands for help - at least in his correspondence with the Department he did not use this argument to justify refusing aid. In the case of Julia King, for instance, Daly was ambivalent in his attitude, and indecisive about whether or not she should receive aid. This woman had a hard lot in many ways: she suffered from rheumatism, a number of her children had tuberculosis, and the family had been abandoned by her husband. In 1932 Mrs. King wrote a letter requesting relief, which Daly passed on to the Department. He informed Ottawa that he had denied the woman aid several times before, but now wished to have guidance in the matter.

Mrs. King herself was quite active in attempting to obtain sufficient assistance to live on. She wrote to the Department in July and again in November in 1932, and to a band councillor in 1933, pressing for more adequate rations.⁹⁶ Daly's recommendation on the first occasion was prevaricating: he suggested that Mrs. King was ungrateful for the help she had received from the Department and believed that it was owed to her as a right. He then stated that "she has a good line of talk, but I cannot see my way clear to recommend her to get relief, at the same time I am sympathetic towards her and the struggle she has had, and the terrible malady of all her children which has cost the

⁹⁶ FKC, Daly to DIA, 19 July 1932; Daly to DIA, 14 November 1932; H.J. Eade to Daly, 14 September 1933.

Department hundreds and hundreds of dollars."⁹⁷ Having constructed Mrs. King and her family as an expense to the Department, the agent then confirmed that they were facing significant economic difficulties. Among other things he mentioned the collapse of the craftwork industry, which had been one of the woman's means of subsistence.⁹⁸

The Ottawa officials decided in favour of relief, granting Mrs. King a ration of \$5.00 per month. In November of 1932 she wrote to the Department again in an effort to obtain a larger allowance. Passing on her letter to the Department, Daly commented that the ration was really too small for her to survive on. He also mentioned the fact that non-Natives at Depot Harbour, which was located on Parry Island, were receiving much greater sums in relief, which made Mrs. King's ration appear very small to her when she compared notes with her non-Native neighbours. The agent assured the officials that he would implement their instructions regardless of Mrs. King's opinion, but also lent his weight to her appeal: "owing to conditions here and the utter lack of work it would appear to me that a little more relief for Mrs. King is almost absolutely necessary."⁹⁹ The letter is further evidence that Daly did not enjoy the image of a "hard man" which he felt was imposed on him by the Department's insistence on frugality. He was also clearly susceptible to pressure from his clients, especially when

⁹⁷ FKC, Daly to DIA, 19 July 1932.

⁹⁸ FKC, Daly to DIA, 19 July 1932.

⁹⁹ FKC, Daly to DIA, 14 November 1932.

they were as active on their own behalf as Mrs. King. His concluding words might be read as subtle pressure on the Department, framed in terms of upholding its reputation: "Please reply at your earliest [convenience], as this woman has a 'tongue'. It does not bother me much, but there is liable to be reflections cast on the generosity of the Dept. in connection with their wards."¹⁰⁰

The officials at headquarters appeared unconcerned about their reputation in this regard. Secretary A.F. MacKenzie criticized Daly in 1934 for providing relief to Mrs. King when her son was employed: "if the son of Mrs. King has a job, he can provide for his mother and himself and relief supplies should not be given."¹⁰¹ Further, MacKenzie suggested that Daly should apply the same conditions to Christian Island band members living in his agency as were imposed on their fellows at home:¹⁰² "I may remark that the Indians of Christian Island receiving relief had to earn it by cutting wood while the members residing in your Agency were given relief for which they did not work and for which their interest money is not retained. I think this is not fair to the resident members and consider that those residing off the reserve, if in need of relief, should have their interest money retained."¹⁰³

¹⁰⁰ Ibid.

¹⁰¹ FKC, A.F. MacKenzie to Daly, 29 May 1934.

¹⁰² Julia King officially belonged to the Christian Island band, although her family had been resident at Parry Island since the late nineteenth century.

¹⁰³ FKC, A.F. MacKenzie to Daly, 29 May 1934.

When it came to women who bore children out of wedlock, Daly displayed an attitude similar to that of Lewis. In 1935, for instance, he communicated with the Indian agent for the Rice and Mud Lakes agency, V.M. Eastwood. The case concerned a woman formerly from the Mud Lake band who was widowed, and who had recently given birth to a child. Evidently the infant's father was unwilling to contribute to his child's support, for the woman sent an older son to Daly to request assistance. The agent informed Eastwood that he had told the son "that she would not require any relief as she is all right now."¹⁰⁴ Daly dismissed the woman in cynical tones, speaking as though her bearing a child were some form of manipulation. Apparently out of resentment, Daly had left the mother believing that she would not be assisted, although he stated that she would eventually have to be helped: "She is like a lot more of the Indians around this section, she is trying to work a racket, and there will be no relief given to her by me at the present time, but I presume that something will have to be done from a humanitarian point of view when she is released from the hospital."¹⁰⁵ This woman was already in a difficult situation: she had been married to a non-treaty Native man, which meant that she was legally no longer a member of the Mud Lake band. Daly mentioned that she could claim membership in her former band, but only if the other members agreed to accept her back. If they did not, she would

¹⁰⁴ FKC, Daly to V.M. Eastwood, 24 January 1935.

¹⁰⁵ FKC, Daly to V.M. Eastwood, 24 January 1935.

have no right to live on the reserve or enjoy any of the other privileges of membership. The agent, for his part, wished only to rid himself of her: "She is a bad egg, and I would be glad to see her get out of this section of the country."¹⁰⁶

It was one thing to extend assistance to elders, widows, single women with children, and people who were unable to work due to sickness. For the most part, these groups were seen as belonging to the "deserving poor." But both agents were extremely reluctant to assist able-bodied men, for this was a violation of the Department's central injunction to inculcate habits of self-reliance. Moreover, it offended their most deeply held beliefs about masculinity: a man's worth was measured by his independence and his ability to provide for his family. As Daly wrote of one man in his agency, "I make no pretence of hiding my contempt for this man, for his utter disregard, and non support of his family."¹⁰⁷ These values were probably shared to a large extent by the Natives themselves. In his book *The Unjust Society*, Native leader Harold Cardinal stated, "the Indian by nature finds acceptance of welfare demeaning. It is not so much the giving as the implication. When that man looks at you as he hands over the check and you reach for it, you know what his look means. It means that you aren't man enough to make your own living; it means that you aren't man enough to

¹⁰⁶ FKC, Daly to V.M. Eastwood, 24 January 1935.

¹⁰⁷ FKC, Daly to DIA, 13 January 1931.

feed and clothe and house your own wife and children."¹⁰⁸ In the 1930s, however, many men had no choice but to resort to Department assistance. The agents, for their part, dealt with the crisis by resisting aid to the able-bodied until they could no longer deny it without risking the literal starvation of families. Then each found his own way of holding expenditures to a minimum and also upholding and enforcing their notion of appropriate masculine behaviour.

The hard times of the 1930s placed Native people in an unenviable position. The Indian agent was the only source of aid available to First Nations: they were considered the responsibility of the Indian Department and thus ineligible for provincial or municipal relief. This meant that they received substantially smaller quantities of aid, a fact which they naturally resented, as Daly pointed out in a letter to fellow Indian agent A.S. Anderson: "One great difficulty we have in this District is that the whites are getting relief ... and the relief granted to the whites is much more than what we can give to the Indians."¹⁰⁹ To add insult to injury, aboriginal people were forced to use their band funds for relief, while non-Natives were supported by government. Daly recorded the prevailing Native opinion on this matter in 1935, writing to an official of the Dominion Bureau of Statistics: "It might interest you to know that the

¹⁰⁸ Harold Cardinal, *The Unjust Society. The Tragedy of Canada's Indians* (Edmonton 1969), p.16.

¹⁰⁹ FKC, Daly to A.S. Anderson, Indian Agent, Rama, Ont., 9 December 1932.

Indians state that they were not the cause of the Depression and they cannot see why their funds held in trust by the Government should be used to give them relief, when the white man, who was the cause of the Depression is being helped by the Dominion Government."¹¹⁰

The statistics of the Indian Department, analyzed in chapter two, give a portrait of Native people's declining fortunes in the 1930s. James Struthers noted that, in 1931, \$1040 was considered "the minimum yearly income needed to provide a family with the 'barest essentials.'"¹¹¹ The Department's figures for the Manitowaning and Parry Sound agencies show that incomes in 1932 were only a fraction of this amount. For Manitowaning in 1932, the total income reported for the 2,113 people of the agency was \$74,850.04, or slightly over \$35 per capita for the entire year.¹¹² In the Parry Sound agency, the total earnings for 1932 were reported as \$20,358.36, a sum which was divided among 712 people; in per capita terms, this corresponds to approximately \$28.00 per person for the entire year. An average family of five, then, would have had an income of \$175 in Manitowaning; in Parry Sound, the corresponding figure was \$160. These figures were, respectively, approximately 17% and 15% of the \$1040 which was considered a bare minimum for a Canadian family in

¹¹⁰ FKJ, Daly to R.E. Coats, Dominion Statistician, Dominion Bureau of Statistics, Ottawa, 12 December 1935.

¹¹¹ James Struthers, *No Fault of Their Own*, (Toronto 1983), p.5.

¹¹² The figures for both agencies are derived using the population reported in the census of 1934, since population statistics for 1932 are not available. [Canada, *Sessional Papers, 1934*, Report of the Department of Indian Affairs (Ottawa 1934)].

1931. This figure, admittedly, was calculated for the entire country, including urban-based families which had no access to game and fish resources. First Nations in the two agencies, however, had long been unable to survive on the depleted stocks of game and fish remaining in the vicinity. Moreover, these stocks, which had remained an important supplement to the Native economy, were under severe strain in the 1930s due to competition from impoverished non-Natives.¹¹³ Wage labour had been a significant contributor to their livelihoods before the depression struck. As a further indicator, it is worth noting again that in 1936, the city of North Bay provided a maximum monthly relief allowance of \$21.66 for a family of five (for food only; additional amounts were allowed for fuel and rent).¹¹⁴ The Department's statistics for 1932 show an average monthly family income of roughly \$14.60 in the Manitowaning agency, and just over \$13.00 per month for the Parry Sound bands.¹¹⁵

It appears from Lewis' correspondence that the economy in his area was in serious crisis by the autumn of 1932. Statistics kept by the Indian Department show that the earnings of aboriginal people here had been steadily

¹¹³ FKC, Daly to A.S. Anderson, 6 March 1933. Lyle Jones, of Parry Sound, attested to this as well in a personal interview conducted by the author on 7 October 1993.

¹¹⁴ James Struthers, *No Fault of Their Own* (Toronto 1983), Appendix IV (not paginated) "Maximum monthly relief allowances for a family of five, selected Canadian cities, September 1936."

¹¹⁵ This calculation uses the population figures from 1934, since the Indian Department did not conduct a census in 1935. The year 1935 was chosen because the 1936 annual report of the Department did not give income statistics.

decreasing since 1929. Where the wages earned in the whole agency in 1929 totalled \$93,400.00, they fell to \$64,800.00 in 1930, a decrease of 30%. The following year they were more than halved, reaching only \$25,800.00, and by 1932 they had plummeted to \$14,010.00. This last figure was a mere fifteen per cent of the total for 1929.¹¹⁶ By the late summer and early fall of 1932 Lewis was receiving letters from healthy young men who stated that they needed assistance, a phenomenon which had not occurred before. Lewis was still taking a hard line, writing back to reproach the men that they were not trying hard enough to support themselves, and suggesting that they grow their own food. In September of 1932, for example, Stanley Esquimaux sent Lewis a letter asking for a supply of food, and was informed that he was the only Native in the district who had asked for relief. Lewis added, "There is available land around your home for a good garden. Did you plant potatoes and vegetables last spring? and prepare for the incoming winter."¹¹⁷ A month later Dominic Tredeau wrote to request relief issues, and Lewis replied, "you ... should not be looking for relief as you have an improved farm on the Manitoulin Island Unceded Reserve which

¹¹⁶ Figures taken from the Annual Reports of the Department of Indian Affairs for the years 1930 to 1933, each published in Ottawa in the yearly *Sessional Papers*. For purposes of further comparison, it is noteworthy that wage earnings in this agency had reached a high of \$284,000.00 in 1921, and remained over \$100,000.00 until 1925. The years from 1925 to 1929 were mediocre, and thereafter the depression set in with a vengeance. Incomes from wages did not begin to recover until about 1937, when they were reported to total \$51,910.00.

¹¹⁷ RG 10, v.10627, Lewis to Mr. Stanley Esquimaux, Whitefish Falls, Ont., 28 September 1932.

if worked properly would support your family. ... Relief issues are only for old, sick and destitute or those who, through misfortune, are unable to provide for themselves."¹¹⁸ The trouble was that these men, like the rest of the Canadian population, had not anticipated the economic crisis, and had probably planned on earning their living through the wage labour which Native men engaged in at the time, working in lumber camps or in sawmills. These jobs were practically unavailable by the fall of 1932.

In a letter to the Department at this time Lewis outlined the severity of the situation confronting the people of his agency. He requested the Department "to grant the Indians of the [Manitoulin Island Unceded] Band relief rations as it would appear that some of the Indians who are really in good health are now very badly in need of relief ..."¹¹⁹ The explanation for the dilemma was the more or less total collapse of the industries which normally sustained the band members: "These Indians have not been able to obtain any employment during the summer to earn a livelihood, and at present they cannot procure work of any kind. There is not any sale for bark work to enable the Indian women to buy a few groceries."¹²⁰ Lewis noted that most people had some potatoes and vegetables which they had grown in their gardens, and they would have some wheat after harvest to

¹¹⁸ RG 10, v.10627, Lewis to Dominic Tredeau, Spanish, Ont., 18 October 1932.

¹¹⁹ RG 10, v.10627, Lewis to DIA, 5 September 1932.

¹²⁰ RG 10, v.10627, Lewis to DIA, 5 September 1932.

manufacture into flour, but in the meantime they must be supplied with flour.

In spite of this acknowledgement of the circumstances, the agent continued to issue stern refusals to young single men. A month after the above letter Lewis informed a man who lived on the north shore of Georgian Bay that he would not grant him relief. His words suggest that this unbending attitude had been forced on him by Ottawa: "the Department has advised me to the effect that they expect every able bodied Indian to exert every effort towards self-support. Relief issues are only for old, sick and destitute or those who, through misfortune, are unable to provide for themselves, so you can see for yourself that I cannot authorize relief issues in your favour when you are in good health and [have] no person to support but yourself."¹²¹ Lewis further stated that other Native people were not requesting relief: "The Indians around Birch Island and Whitefish are getting along pretty well picking pine cones and are not looking for relief, so I think that any person who really makes an effort to eke out a livelihood for himself he will be able to get along without asking for assistance."¹²² It is difficult to imagine what benefit was to be gained from

¹²¹ RG 10, v.10627, Lewis to Mr. Louis Shawabin, Spragge, Ont., 3 October 1932. The fact that Lewis repeated the exact same words as he had used in the earlier letters suggests that he was quoting directly from a departmental communication. As noted above in the discussion of bands attempting to standardize the provision of relief, the internal officials of the Department were vigorous in their condemnation of Native people asking for aid. In the depression they pressured the agents more avidly than ever to avoid the extension of relief.

¹²² RG 10, v.10627, Lewis to DIA, 5 September 1932.

picking pine cones, and in any event the man was living at a considerable distance from Birch Island and Whitefish. Having made his case, Lewis concluded his letter with the suggestion that, if this man found it impossible to make his living where he was, he should simply "try some place else."¹²³

By January of 1933, Lewis had decided he had no choice but to offer general relief to at least three bands in his agency: Sheguiandah, Manitoulin Island Unceded, and Whitefish River. He informed the Department that there was no source of income for the Sheguiandah people, and that they were now "in poor circumstances." For the Manitoulin Island Unceded band, Lewis reported that "there are approximately 500 able bodied Indians on this Reserve at present out of employment. They are willing to work at any kind of employment ... but cannot secure any work whatever."¹²⁴ Although Lewis had previously spoken as though growing food would solve the difficulty, he now acknowledged that matters were not so simple: "A number of the Indians engaged in farming can provide for themselves but the majority will have to get some assistance, even the farmers are finding it difficult to exist as the prices for all kinds of farm produce are very low."¹²⁵ Moreover, the resources of the land were not sufficient to compensate: some people were resorting to ice fishing, but without much success. As the agent summarized the circumstances, "taking

¹²³ RG 10, v.10627, Lewis to DIA, 5 September 1932.

¹²⁴ RG 10, v.10627, Lewis to DIA, 20 January 1933.

¹²⁵ RG 10, v.10627, Lewis to DIA, 20 January 1933.

everything into consideration these Indians are having hard times."¹²⁶

As a response to the crisis, Lewis recommended large-scale distributions of food, paid for from band funds. His first proposal to this effect was for the Sheguiandah band. Lewis wrote to the Department enclosing a band council resolution to spend \$100.00 a month on food rations, and reported that this amount would be needed "to meet the food requirements, that is only the actual necessities of life, besides these Indians will have to assist themselves by fishing and trapping, or the cost of their maintenance will amount to a great deal more."¹²⁷ The agent also stated that such assistance would be required "during the balance of the present winter," and recommended approval to spend \$100.00 per month throughout the winter, charging the cost to band funds. For Manitoulin Island Unceded, which had over ten times as many members as Sheguiandah,¹²⁸ Lewis recommended a monthly expenditure of \$1200.00 for "the necessities of life, only."¹²⁹ He also suggested that the Department supply an extensive list of items of clothing "if possible," since "a number of them are completely out of clothing and footwear."¹³⁰

¹²⁶ RG 10, v.10627, Lewis to DIA, 20 January 1933.

¹²⁷ RG 10, v.10627, Lewis to DIA, 19 January 1933.

¹²⁸ The Department's census of 1934 shows a membership of 108 for Sheguiandah, and 1,378 for Manitoulin Island Unceded. ['Annual Report of the Department of Indian Affairs,' *Sessional Papers* (Ottawa, 1935)].

¹²⁹ RG 10, v.10627, Lewis to DIA, 20 January 1933.

¹³⁰ RG 10, v.10627, Lewis to DIA, 20 January 1933.

The Whitefish River people were evidently somewhat less fortunate than their fellows further south, perhaps because the Department had had a week to reply to Lewis expressing its disapproval of the situation. The agent wrote to the Whitefish River chief that the Department would allow "a small expenditure per month in furnishing provisions to Indians ... in order to prevent distress, but they have given me to understand distinctly that a wholesale distribution of food supplies is not to be made."¹³¹ He stated that he had been instructed to "use his discretion" and that he would meet the chief at Little Current to arrange the purchase of supplies "for your members in need."¹³²

Lewis continued to respond harshly to younger men who wrote him about their difficulties. It is unlikely that he was able to avoid issuing food to those who lived on the reserves which received large-scale food distributions. But those who lived far from Lewis' home in Manitowaning were still informed that they would not be helped. To a man who lived in Sault Ste. Marie the agent stated curtly, "I have to say that I cannot understand why a young able bodied single man of your age should ask the Department to support you, and there is not one healthy male Indian living on a Reserve in this agency on relief. They have all planted gardens during the summer past, and are trying to cut some timber for sale, trapping or fishing, or making some effort to eke out a

¹³¹ RG 10, v.10627, Lewis to Chief William McGregor, 26 January 1933.

¹³² RG 10, v.10627, Lewis to Chief William McGregor, 26 January 1933.

livelihood for themselves ..."¹³³ Lewis concluded sharply, "before Mr. Sims [the local Indian agent] will be asked to supply you with relief you will kindly explain the reason why you should be supported by the Department."¹³⁴ He took quite another tone, however, in a letter to the Indian agent for Gore Bay agency, which covered the remainder of Manitoulin Island. Writing in June, 1933, Lewis remarked, "Relief is still a problem here. Some relief was given out for May, and I am still giving out some during this month. There is not any work for the Indians and as they have not anything much in the line of food and no means to procure the same so what else can a fellow do but give them some assistance."¹³⁵ The final words of this letter express a sentiment which contrasts sharply with the approach of Lewis' contemporary Daly: "I am waiting patiently for something to turn up that will relieve the situation."¹³⁶

In keeping with his generally ebullient personality, John Daly took a very activist approach toward the unemployment situation when it became serious in his agency. This apparently occurred earlier in the Parry Sound district than on Manitoulin Island, and the disappearance of work was more absolute. Where the people in Manitowaning agency reportedly

¹³³ RG 10, v.10631, Lewis to Mr. Peter Bolton, Sault Ste. Marie, 5 November 1933.

¹³⁴ RG 10, v.10631, Lewis to Mr. Peter Bolton, Sault Ste. Marie, 5 November 1933.

¹³⁵ RG 10, v.10629, Lewis to Mr. E.F. Priddle, Gore Bay, Ont., 12 June 1933.

¹³⁶ RG 10, v.10629, Lewis to Mr. E.F. Priddle, Gore Bay, Ont., 12 June 1933.

still earned \$14,010.00 in wages in 1932, the figures for the Parry Sound agency show no wage income at all. As noted earlier, the Department's statistics for Parry Sound are extremely suspect, since from 1923 to 1931 inclusive they show precisely the same amounts from year to year in almost every column.¹³⁷ When he reported for 1932, however, the agent submitted a new set of figures which showed that there was no money at all earned in his agency from wage labour, fishing, hunting or trapping, or from "other industries and occupations."¹³⁸

It appears from Daly's correspondence that the crisis actually became acute the previous year, in the winter of 1930-31. In January, 1931, the agent wrote to Ottawa warning of the economic collapse: "I have to report that the conditions in this part of the country are very bad at the present time, as there is no means of employment for either whites or Indians ... Young, married men, who never thought of coming to me for help before, are asking to get a line of credit on their spring payment"¹³⁹ Daly stated that he had acceded to these requests, "although I know it is against the Indian Act," an action which earned him a reprimand from Ottawa.¹⁴⁰ The agent evidently expected to be disbelieved about the economic situation, for he suggested that the

¹³⁷ Figures taken from the Annual Reports of the Department of Indian Affairs for the years 1930 to 1933, each published in Ottawa in the yearly *Sessional Papers*.

¹³⁸ 'Annual Report of the Department of Indian Affairs,' *Sessional Papers* (Ottawa, 1933).

¹³⁹ FKC, Daly to DIA, 20 January 1931.

¹⁴⁰ FKC, A.F. MacKenzie to Daly, 22 January 1931.

Department contact the local member of parliament, "and he can explain how all the mills are closed down and nothing in sight ..."¹⁴¹ Further, Daly stated that he had written to the provincial member of parliament, Dr. Harcourt, about a proposed road building project, hoping to obtain employment for the people of Shawanaga. The news was not good: Harcourt had written back to say that the project was not being pursued. For this reason, the agent felt it incumbent on him to let Ottawa know that "the situation is anything but cheerful for the Indians," and to inquire how the Department wished him to approach the matter.¹⁴²

Daly's instincts about the Department's scepticism proved to be accurate. He received an answer from Ottawa stating that he "should not take [it] upon [him]self to issue orders against Spring Interest moneys."¹⁴³ Moreover, the secretary reproved Daly for his reaction to the crisis: "It is thought your view of the matter is too gloomy. It is quite possible that it may become necessary for the Department to afford relief on a more extended scale than has been done in the past, but it is hoped that conditions will improve in the near future."¹⁴⁴

Conditions did not improve, and Daly found himself handing out relief on an unprecedented scale. He also experienced a greatly increased workload and strong

¹⁴¹ FKC, Daly to DIA, 20 January 1931.

¹⁴² FKC, Daly to DIA, 20 January 1931.

¹⁴³ FKC, A.F. MacKenzie to Daly, 22 January 1931.

¹⁴⁴ FKC, A.F. MacKenzie to Daly, 22 January 1931.

countervailing pressures. On the one side, the Department pressed for the strictest economy measures and the avoidance of assistance whenever possible. On the other side, the people of Daly's agency made their privations known to the agent and attempted to secure what relief they could. Daly conveyed the acuteness of the situation in a 1933 letter to Ottawa: "I think it is my duty to inform the Department that so far as this Agency is concerned, they do not know one half of the persistent demands I get for relief, it is only the desperate cases that I send forward. ... I look for a very tough winter here for the Indians and I would like to have a personal conversation [with key Indian Department officials] because I have tried all I know to keep down the costs of relief in this Agency, and as I see the case now, it is going to be worse this winter."¹⁴⁵ Four months later Daly's fears had been realized: "I am swamped with letters from the outlying Reserves, and the Parry Islanders are on the treck [sic] here all the time."¹⁴⁶

Daly was not entirely unsympathetic towards people faced with hardship: it has already been noted that he was distressed by his reputation for "being a hard man." In 1933, after two years of economic depression, the agent described the emotional predicament he had faced in balancing the conflicting demands placed on him: "I can assure the Dept. that there has been a terrible time of anxiety on my part to

¹⁴⁵ FKC, Daly to DIA, 29 July 1933.

¹⁴⁶ FKC, Daly to DIA, 22 November 1933.

do what I thought was conscientiously right to the Indians, and what the wishes of the Dept. are concerning relief."¹⁴⁷

It appears, however, that Daly adhered to the Department's policy of strictness as much as possible. He did so by delaying aid, by exhorting Native people to "get out and hustle," and by talking as though relief would not be forthcoming, even when he knew that he would be unable to withhold it. In the spring of 1933, for instance, Daly stated that he had pressured Native people to try to get by without assistance, although local non-Natives were still receiving relief: "in some sections of the Agency the Provincial Dept. in unorganized sections are still granting relief to the whites, and are likely to do so until the end of May. I have explained to the Indians who are in the same section that they are Indians and should not do as the whites do, but should get out and hustle and do a little trapping."¹⁴⁸ Similarly, it is evident that Daly frequently left his clients uncertain as to whether or not they would be aided. In the spring of 1934 he wrote to Ottawa that he would not be able to stop relief issues yet, since winter still held a firm grip on the land. Yet he had left the people in the belief that their rations would soon be cut off: "I have told all the Indians that their relief ends with this month, but I know it cannot because they have no means of support."¹⁴⁹ Finally, Daly repeatedly employed delaying tactics, forcing

¹⁴⁷ FKC, Daly to DIA, 15 April 1933.

¹⁴⁸ FKC, Daly to DIA, 15 April 1933.

¹⁴⁹ FKC, Daly to DIA, 4 April 1934.

those in need to come to his office more than once to make their appeal. As he remarked in 1935, "There are a number of Indian women who are living alone who are in need of relief, but on general principals [sic] I am staving them off as long as I can."¹⁵⁰

The poverty of the 1930s greatly strengthened Daly's strategic position vis-à-vis the Native people of his agency. While this agent apparently provided more relief than Lewis, he also used the opportunity to assert his authority, primarily in the form of enforcing his own work ethic. Daly's correspondence suggests that he openly expressed his low opinion of men who could not support themselves - even to some extent of those who were unable to find a job or incapacitated by illness. He apparently delivered lectures to some of these men before supplying them with relief. In 1933, for instance, Daly wrote to Arthur Poste, his fellow agent at Cape Croker, about a Cape Croker band member who lived on Parry Island. This band member, Louis Lamorandiere, had written to Poste, inquiring about receiving assistance and evidently casting aspersions on Daly. Poste, in turn, wrote to Daly, enclosing Lamorandiere's letter. Daly reacted with a characteristic sense of betrayal: "It is rotten when you are sitting on the grass and the sun is shining and everything is hunky-dory, and one of these rotten green snakes comes crawling over your hand. That is the feeling I have when I

¹⁵⁰ FKC, Daly to DIA, 21 November 1935.

read letters like this, written by Lamorandiere."¹⁵¹ Daly was clearly aware that Lamorandiere was in difficulty, and he admitted that the man would not be able to find work for at least two months, but he planned to mete out punishment: "Lamorandiere will get no more than \$10.00 a month relief from me. ... Lamorandiere is not likely to get any work until May, so I will give him an order for \$10.00, but not before I see him. He will have to come to this office and I will have a little talk with him. ... He knows that I can look after him, but he will know it more so when I am through this time."¹⁵² By the mid-winter of 1934, the agent felt that his approach was achieving the desired results, instilling a sense of uncertainty in Native people which caused them to defer to Daly, in his presence at least. He remarked with satisfaction to fellow agent Eade, "In the beginning of the winter the Indians were very autocratic here telling me what they wanted. Now, they come in a respectful manner asking if they can get some relief."¹⁵³

In the autumn of 1931 Daly discovered what he believed was a new opportunity to cope with the widespread unemployment of his clients. The federal government had initiated road building projects throughout the country as a means of providing relief in the form of labour. Daly, who had long been eager to see more roads built in the region, seized on this issue in the hope that the Department would

¹⁵¹ FKC, Daly to Arthur C. Poste, 22 March 1933.

¹⁵² FKC, Daly to Arthur C. Poste, 22 March 1933.

¹⁵³ FKC, Daly to H.J. Eade, 23 January 1934.

press for the inclusion of Native people in some of the work. Before any local projects had even been planned, he was writing to Ottawa: "The thought arises in my mind that as the Dominion is arranging with the Provinces for considerable Public works, particularly road work, would it not be possible for the Department to arrange for the young men of the various bands in this Agency and other Agencies [sic] in Ontario, to participate in the benefits of the Public work."¹⁵⁴ The agent advanced a number of persuasive arguments in support of this proposal, including that the work would "help to keep down expense in the Department of Indian Affairs, and at the same time also instill into the mind of the Indian that in times of distress he is remembered as well as his white brother by the Government of Canada." He asserted further that aboriginal people were more entitled to participate than men born elsewhere, for "[w]hen all is said and done, the Indians made the first trails in Canada."¹⁵⁵ Having made his pitch, combining sentimental justifications with economic calculation, Daly signed off with a statement of his intentions: "Should the Department consider this matter, I am prepared to liven up all the Indians in this Agency who should work and cant [sic] get work and give them the opportunity of working or grubbing along without any relief from the Department."¹⁵⁶

¹⁵⁴ FKC, Daly to DIA, 14 September 1931.

¹⁵⁵ FKC, Daly to DIA, 14 September 1931.

¹⁵⁶ FKC, Daly to DIA, 14 September 1931.

Public road work projects in fact became one of Daly's primary strategies for handling the unemployment problem in his agency. In the first years of the depression this agent had no choice but to provide relief on an unprecedented scale, since the road projects did not begin until 1933. From 1931 to 1933 there was widespread unemployment, and the roster of people on relief issues grew proportionately. From a total of 17 people with 14 dependants in 1929-30, the number more than tripled to 57 people with 54 dependants in 1930-31. The following year it almost quadrupled again, rising to 163 people with 268 dependants. In the peak year, 1932-33, there were 183 relief recipients who supported another 329 dependants; this was roughly seventy-two per cent of the agency's population.¹⁵⁷ Largely through road work, Daly achieved a thirty per cent reduction in the relief rolls in the year 1933-34, and another twenty per cent reduction the next year.¹⁵⁸

As Daly had suggested to the Department, the availability of road work permitted the agent to "liven up all the Indians ... and give them the opportunity of working or grubbing along without any relief from the Department." He used this occasion to distinguish between those who were willing to

¹⁵⁷ This percentage is based on the population of 712 people reported for the following year, 1934. [Canada, *Sessional Papers, 1934* (Ottawa 1934)]. By way of comparison, in January, 1933, national unemployment stood at 30%. [James Struthers, *No Fault of Their Own* (Toronto 1983), p.91.

¹⁵⁸ All these figures were taken from a summary sent by Daly to the Department in 1935 [FKC, Daly to DIA, 2 August 1935]. In 1933-34 there were 127 recipients and 217 dependants; in 1934-35, 110 recipients with 160 dependants.

work and those who supposedly were not. When any man declined a job on the roads, whatever his reasons, Daly considered this a refusal to work, and grounds for denying the man relief. In 1935, for instance, Daly wrote to fellow agent J.A. Allan, of Christian Island, about a Christian Islander living in Daly's agency: "I arranged for Galna King to get a job working on the road and he refused to go to it, so I threw him out of the office and told him to keep away from here. ... Galna King cannot get a job here, he will have to hustle and get himself a job, as he has refused work."¹⁵⁹ Daly also relished his newfound ability to enforce his work ethic by imposing arduous labour on the men of his agency, especially those who had previously expressed distaste for road work:

If the Department officials could see as I have seen often, and only yesterday, when it registered 89 in the shade, Indians sweating and working on the road, who have told me in the past that they would not work at road work, I am sure they would admit a change for the better in the Indians also the youth of the Agency ... being broken to do an honest man's work. Knowing them as I do, I am proud to be the person responsible for it.¹⁶⁰

Some of the men who were "broken to do an honest man's work" were clearly in poor physical condition, which was probably one reason for the reluctance they showed. Daly, however, seemed to become increasingly intolerant of any

¹⁵⁹ FKC, Daly to J.A. Allan, Indian Agent, Christian Island, 12 February 1935.

¹⁶⁰ FKC, JMD to Secretary of the DIA, 20 August, 1935.

protest. In his written instructions to a Native foreman in 1935, the agent remarked,

Isaac Rice was here at this office the other day stating that he was sick (I never saw him looking better) and that he had substituted his nephew. While this is all right in the case of severe sickness, or satisfactory explanation to me, I do not think that Isaac Rice is very sick and he can go ahead with his work. ... Get after Rice and see that he attends to his work. Also get a note from Stanley Manitowaba [a longstanding political opponent, and son of John Manitowaba] that he is sick. He particularly, cannot substitute without sending a note that he is sick. Get a note from him and cut him off if he does not attend to his work.¹⁶¹

Isaac Rice, however healthy he may have appeared, in fact had tuberculous ulcers on his legs, as a doctor attested not long after.¹⁶² That Daly was well aware of his condition is proven by a letter he wrote the previous year, in which he stated that Rice was "in very poor health" and "not able to keep himself"¹⁶³ At that time the agent had acted as this man's protector, advocating special privileges for Rice to be allowed to engage non-Natives to cut wood for him on the reserve, since he was unable to do so himself.¹⁶⁴ The change from one year to the next appears to be in the agent's attitude, not in this individual's state of health. Two returned soldiers also aroused the agent's distrust, for he

¹⁶¹ FKC, JMD to Joseph Partridge, 1 March, 1935.

¹⁶² FKC, JMD to DIA, 30 September, 1935.

¹⁶³ FKC, JMD to The Secretary, DIA, 11 January, 1934.

¹⁶⁴ See chapter six.

declared, "[they] are both supposed to have ruptures which would not keep them from working, but they are malingering ... and I will not stand for it if I can get work for them."¹⁶⁵

The case of yet another man is particularly revealing. Alexander King, a member of Christian Island band who lived on Parry Island, had aroused Daly's ire in 1934 by writing him a letter in which he claimed to have the authority to speak for the "Payshegobe tribe" (the King family went by both names, King and Payshegobe). This letter apparently intimidated Daly somewhat, for he wrote to the Christian Island agent, H.J. Eade, to inquire about King's position: "I just do not know exactly how this fellow stands or by what authority he signs himself President of the Payshegobe Tribe, Parry Island. ... Would you endeavour to give me some reason why this Indian Payshegobe writes in such an authoritative manner."¹⁶⁶ Eade casually dismissed Payshegobe in his reply:

King has no authority whatever in connection with the Christian Island Indians, he may have appointed himself president of the Payshegobe tribe, but that is all, if he bothers you just choke him off or order him off the reserve, I have a man like that here always taking up somebodies [sic] troubles, and causing agitation in general, some day he will land in jail, and that will be the end.'¹⁶⁷

Five months later, Daly decided that Alexander King should be working, even though he had tuberculosis. King had

¹⁶⁵ FKC, JMD to E.J. Hosking, District Engineer, Department of Northern Development, Huntsville, Ontario, 20 March, 1935.

¹⁶⁶ FKC, Daly to H.J. Eade, 23 January 1934.

¹⁶⁷ FKC, H.J. Eade to Daly, 29 January 1934.

been receiving relief because of his medical condition for almost two years, but the agent now claimed that he could do "light" work. Daly sent the Department a report about the man from a local physician, noting that he had been "endeavouring to persuade [King] to get some light work to do," although he acknowledged that "this is hard to get at the present time."¹⁶⁸ The agent also admitted that King did not appear healthy, but simultaneously stated his conviction that the man would have refused to work even if he were capable of it:

I am under the impression that this man would try to take advantage of his physical disabilities and I do not think he is very willing to work anyway, so I am having him in the position of guessing [whether his rations would continue or not].... [he] does not look very good and I believe that what the Doctor says is right, but he might try to get something to do.¹⁶⁹

Daly's concluding sentence revealed the true motivation for his campaign to make this man labour: "This is one of the Indians that you might call 'the bush lawyer type' so I am keeping at his heels like an irritated Scotch terrier."¹⁷⁰

The Department's secretary obligingly deduced from Daly's inconclusive remarks that "this Indian has made up his mind that he will not work but look to the Department for his full maintenance."¹⁷¹ In consequence, the secretary suggested that "if it is absolutely necessary to give him supplies that he

¹⁶⁸ FKC, Daly to DIA, 2 June 1934.

¹⁶⁹ FKC, JMD to The Secretary, DIA, 2 June, 1934.

¹⁷⁰ FKC, JMD to The Secretary, DIA, 2 June, 1934.

¹⁷¹ FKC, A.F. MacKenzie to Daly, 9 June, 1934.

not be treated generously ..."¹⁷² Daly wasted little time in cutting King off relief and forcing him to perform road work. He wrote the Christian Island agent some months later to inform him that he had "cut off Alexander Payshegobe's rations (he was supposed to be a T.B. Case) since he started working on the road on the rotary Plan. ... He has played this sick game to a finish. I have him working now and will keep him that way."¹⁷³ Daly kept this promise, and received approval from the Department for his course of action.¹⁷⁴ In his final letter on the subject of Alexander King the agent exulted, "I appreciate very much the Department's approving of my report and I wish to state that I am just tickled to death because I have beat Alexander King at his own game ..."¹⁷⁵ King had been dispatched to a camp eighteen miles away to work on the road for twenty days.

The approach taken by these two Indian agents in the depression years was, of course, a reflection of the values and attitudes of the time. Canadian society as a whole in this period judged men by their ability to support themselves, and many men were made to feel ashamed because they were unable to find work.¹⁷⁶ The Indian Department was also under severe economic strain as a result of the

¹⁷² Ibid.

¹⁷³ FKC, Daly to J.A. Allan, 12 February 1935.

¹⁷⁴ FKC, Daly to DIA, 16 July 1935.

¹⁷⁵ FKC, Daly to DIA, 16 July 1935.

¹⁷⁶ This was a generalized phenomenon during the depression, as Struthers noted: "The system for distributing direct relief deliberately fostered - humiliation." [Struthers, *No Fault of Their Own* (Toronto 1983), p.71].

overwhelming numbers of unemployed. Progressive depletion of band funds and the small amounts of money contributed by Parliament left officials without sufficient funds to increase relief issues. Both Lewis and Daly were clearly distressed by the poverty they observed among their clients. Yet the circumstances seemed to harden them, and Daly unmistakably used the occasion to settle old scores with political opponents.

With regard to general departmental assistance in the period, the agent found themselves performing the role of social workers to some extent. Like present-day administrators of social assistance, they were on their guard, endeavouring to ensure that only the "deserving" were aided. They also made little use of the measures, such as educational grants, which were intended to help aboriginal people adjust successfully to non-Native society. On the other hand, each in his own way also made extra efforts in some instances, and sought to contribute to some level of comfort for individuals who were in difficulty. They certainly experienced some ambivalence about the caretaking role. Lewis complained on one occasion about the failure of a family to look after an aging woman who suffered from rheumatism and housed an epileptic daughter. He claimed that he was expected to fill the breach, and clearly felt some resentment: "Both Indians and Missionary believe that the

Department should look after all Indians who cannot care for themselves."¹⁷⁷

But such expectations were the natural concomitant of the relationship that the Department itself had established between itself and the aboriginal people of Canada. Under the paternalist system, a guardian which administered the lives of its wards also bore responsibility for their welfare. Native people, for their part, were often forced to seek assistance from Department officials, particularly since no other authorities were willing to extend assistance to Natives in difficulty. As long as Native people were considered incapable of managing their own affairs, this responsibility would be attributed to the Indian agents by both First Nations and the non-Native population. Finally, the economic and social marginalization of aboriginal people in this period rendered periodic aid from the Department essential. Caught between the disappearance of traditional means of subsistence and their exclusion from many branches of the new economy, the country's original inhabitants sometimes had nowhere else to turn but to their Indian agent. The agents responded to many of these calls according to their own prejudices and assumptions. But like it or not, they had become one element in Native people's subsistence strategies. Within the strict limits imposed by the watchful officials in Ottawa, Indian agents fulfilled their

¹⁷⁷ RG 10, v.10631, Lewis to DIA, 3 January 1934.

responsibility as "guardians of the Indians entrusted to their immediate care."

Conclusion

This study has attempted to provide an understanding of interactions between Indian agents and Native people "on the micro-level" - the daily negotiating in concrete, practical situations. It has shown the kinds of issues that arose between the field officials and their clients, and the ways in which both sides took action in pursuit of their own agendas. Native people were able to obtain some benefits from the system through the limited assistance it offered them and the advocacy role which agents could take on to intercede for a marginalized people. On the other hand, many Native people chafed at the control imposed on their communities by the Indian agent system. The efforts of Native activists to convert band councils into effective political institutions were thoroughly stymied by the agents and their superiors in Ottawa, who possessed sufficient legal powers to maintain the Indian Department's political supremacy. Department officials were also successful in their campaign to prevent Natives from organizing collectively to achieve the redress of grievances that had arisen in the treaty-making process. Political control of Native affairs thus remained firmly in the hands of federal officials. Control in social and moral issues was more elusive, since aboriginal people found a

number of means to evade official attempts to exercise power over their private affairs.

The study of Indian agents' everyday activities in the field has much to offer in the attempt to determine the impact of federal Indian policy on Canada's First Nations. The policies themselves were defined in the upper echelons of the Indian Department, but their application depended to a large degree on the Indian agents in the field. In the first place, the decisions made in Ottawa were based almost exclusively on the information provided by field officials. This meant that these officials' interpretations of local events and personalities created the framework within which their superiors judged the issues submitted to their decision. Moreover, agents enjoyed a certain discretion in choosing the manner in which to implement their instructions on the spot. Even before the Department established officially that it would not correspond directly with its clients, its internal staff showed a strong tendency to disregard the views expressed by Native people. There were thus few avenues for Native protest, and no provision for consultation with the Department's clients.

The records show that, in practice, some of the Department's policies received much more emphasis than others. There was a conspicuous contrast between policy initiatives at the highest level of the administration and the daily practice of rank and file staff. Where Deputy Superintendent General Duncan Campbell Scott secured the

passage of new legislation to impose compulsory enfranchisement, these measures were never employed. There is little evidence of active efforts in the field to further the primary policy goals of assimilation and enfranchisement, either by urging applications for enfranchisement or by promoting higher levels of education and the integration of Natives into the mainstream population. Indeed, there is no indication that Department officials were able to envision future improvements in the socio-economic status of most of their Native clients. Among the most visible concerns of field officials and of the administrators at headquarters were the enforcement of Native self-sufficiency and the attempt to hold the Department's expenses to a minimum.

The other primary objective of the Indian agents was maintaining the authority and control of the Department. They did so by utilizing the legal powers available to them under the Indian Act and by neutralizing the impact of Natives who wished to assert their autonomy. Michel Foucault's theories about the exercise of power provide a useful analytical framework in which to understand the power contests between federal officials and their clients. Where there is power, there is also resistance, because every subject has the ability to exercise power in some way and to resist its exercise over their own person. This study has demonstrated that both officials and Native people manoeuvred within the structure of the Indian Affairs system to enhance their ability to exercise power. Lewis and Daly staunchly asserted

the prerogative of the Department to control Native affairs and resources. In the process, they sparked resistance among First Nations, which took the form of individual attempts to counter the authority of officials, as well as organizing efforts between bands. On the whole, aboriginal people were unable to exercise power effectively to achieve a greater degree of self-determination for their communities. Yet they repeatedly challenged the agents' authority and refused to allow officials to place constraints on their individual actions. The example of Francis Pegahmagabow may be cited as an instance of persistent defiance: Pegahmagabow pursued his course of letter-writing and organizing efforts despite Daly's ongoing campaign to silence him.

Many of the power struggles which took place in the period focused on the core issues of Native-white relations: lands and resources. Here the agents were unbending in their application of federal policy. They regarded the treaties as inalterable, definitive settlements of land issues, and would brook no discussion of possible errors, oversights, or simple injustices in the treaty-making and surveying process. Natives who raised questions about these issues were branded as troublemakers and subversives. With regard to fishing, hunting and trapping rights, field officials generally pursued the Department's policy of attempting to secure limited special privileges for First Nations. The condition attached to such special rights was their limitation to immediate personal use. John Daly was to some extent an

exception, in that he argued in some cases for Native exemption from provincial game regulations. In this he does not appear to have had the support of the Indian Department.

Officials made every effort to ensure that the Department retained firm control of band funds. This was a recurrent source of conflict between agents and band members. Many Natives clearly expressed the view that their own communities should have decision-making powers over band money. In this issue Indian Affairs was in a much stronger strategic position than its opponents. Band councils had no legal means of access to the money held in trust for them in Ottawa. Although they sometimes protested vigorously against the veto power of their guardian, no effective means of countering this power were available to them. On the other hand, Department officials abstained from the use of the Indian Act's provisions permitting the expenditure of band funds against the expressed will of a band. The general tendency of officials, in fact, was to prevent expenditures, holding this money untouched as much as possible.

Indian agents in this period had to deal with declining resources, a fixed Native land base, and a growing aboriginal population. Contrary to government plans, Native people tended to remain on their reserves instead of integrating into mainstream society. The policies which field officials were charged with implementing had not been designed to cope with this situation, but no new policies were developed to guide agents in their daily practice. The economic

difficulties which ensued were not perceived as the outcome of systemic, structural problems, but rather as the result of Native intransigence. Federal officials perceived Native people through a filter of their own preconceptions as typically ungrateful, improvident, and incapable of managing their own affairs. These attributed qualities were believed to be the causes of aboriginal people's poverty and marginalization, rather than the structure into which federal Indian policy had forced them. Native obduracy was also blamed for the failure of assimilation. Despite the evident lack of progress in achieving the objectives of assimilation and integration, the Department did not develop a new approach, beyond the coercive legislative measures which were not applied in practice. Internal Department officials essentially advocated that Native people should be left to find their own solutions, and continually reminded Indian agents of the importance of minimizing expenses. For the most part, field officials made a priority of strict economy in the provision of assistance to their clients.

Some conclusions may be drawn from the comparative approach taken in this study. Agents Lewis and Daly differed in the amount of intervention they were willing to undertake, and the experience of their clients varied accordingly. Robert Lewis took a "live and let live" attitude which gave band councils more latitude in determining their own affairs. In the conflict on the Manitoulin Island Unceded territory over the use of resources, Lewis allowed the bands in

question to carry out their struggle amongst themselves. Although the evidence suggests that this agent had some sympathy with the bands which were excluded from timber exploitation, he abandoned his attempt to assist them as soon as the Department had declared itself in support of the Manitoulin Island Unceded Band. This non-interventionist approach is also visible in Lewis' handling of Native poverty. Native people were left largely to their own devices in this agency, especially in dealing with the economic depression of the 1930s. Lewis adhered strictly to the principle of avoiding assistance to able-bodied young men and made no complaint about the insufficiency of the Department's rations. The aid which his clients received in this period was restricted chiefly to the distribution of bulk food supplies to the different bands. It would appear that the agent permitted the bands to make their own decisions about the disposition of these provisions among their members.

A more interventionist approach is exemplified by John Daly. Daly's vigorously controlling style led him into numerous conflicts with the people of the Parry Sound agency. This agent monitored conditions and activities on his reserves closely, and took swift action against those who challenged his authority. He succeeded in having two political opponents expelled from Parry Island reserve, using the Indian Act's provisions to assert his pre-eminence. He also engaged in running battles with the foremost activists of his agency, attempting to silence their protests and

depose them from office when they were elected to the band council. Here Daly discovered that he could not expect full support from the Department. In two instances this agent failed in his endeavour to depose band chiefs because the officials in Ottawa were unwilling to take this step. Such incidents illustrate the limitations on an agent's powers: when the Department chose not to accept the field officials recommendations, he was unable to act effectively on his own.

On the other hand, Daly's administration was also characterized by active engagement on behalf of his clients. Unlike his counterpart in Manitowaning, Daly protested the low level at which relief was set and attempted to persuade his superiors to raise it. The Ottawa officials more than once expressed their suspicions that Daly was excessively generous in this regard, and admonished him to curb his relief expenditures. When the economic depression struck his area, Daly embarked on a campaign to obtain road work for the unemployed men. In his distribution of such work Daly clearly used his position to settle scores with his political opponents, attempting to force their participation in this grueling labour as a disciplinary measure. Nevertheless, Daly's success in obtaining work for his clients helped preserve band funds in a time when they were being severely depleted, and offered those who were reluctant to resort to charity the opportunity to work for a livelihood. In addition, the people of this agency appear to have received more substantial support in this time than those in

Manitowaning. Daly extended rations at the maximum rates allowed by his superiors, and fought to increase pensions for elders. Finally, as noted above, Daly proposed the exemption of First Nations from provincial trapping and guiding regulations on the basis of their prior occupation of the territory. His depiction of these issues amounted to advocacy of a form of aboriginal rights.

In spite of the strategic advantages which Indian agents enjoyed with respect to Native people, the exercise of power did not always flow simply "from the top down." On the most basic level, aboriginal people could simply disregard the will of their agent, defy his orders, or avoid him as much as possible. Alternatively, they could embrace the role of ward and seek to obtain the advantages attendant on this status, as some did when they were in need of financial aid. The system of Indian administration was of some use to First Nations in its provision of social services. Although relief was offered at an extremely low level, it supplied a limited form of support for people in serious financial need. The agents also distributed clothing, blankets, and other basic necessities to people who could not afford these items on their own. Finally, Native people were sometimes able to exercise power through their agent, by engaging him to mediate disputes within their communities or to advocate their interests with an outside party. Natives were thus able to make use of this official to compensate for their low social status and economic marginalization with respect to

the non-Native population. Field officials did intercede on behalf of their clients in ways which could benefit aboriginal people, but such interactions ultimately depended on the good will of the agent.

The cultural and moral aspects of the agents' responsibilities proved extremely difficult to fulfill. These officials were expected to further the acculturation of their clients to Euro-Canadian moral and cultural values, but lacked means to exercise effective power over people's private affairs. Particularly in the Manitowaning agency, with its far-flung and isolated reserves, efforts at moral policing had limited success. Native people were much more mobile than the busy agents with their extensive roster of routine tasks and responsibilities. In the absence of effective support from police officers, the agents' interventions were often limited to threatening letters and injunctions. In Parry Sound, on the other hand, Daly displayed little interest in internal community affairs as long as they posed no visible challenge to his own authority or to the Indian administration.

The description of the Department's administration in this period as "custodial" has been shown to be apt. The Indian Department's official mandate since the 1830s had been to effect the progressive assimilation of the entire aboriginal population, until there were no wards left to administer. A century later, this goal appeared no closer to fulfillment. Indian Affairs had become largely preoccupied

with the routine details of administration and, still more, with the maintenance of control over its involuntary clients. This was true of field officials and internal staff alike. The neglect of objectives such as enfranchisement, and the failure to devise new economic strategies to cope with reserve poverty, condemned the agents to an approach based on *ad hoc* measures. While they extended a measure of assistance to their clients, these officials were more concerned with maintaining control and performing the routine tasks of administration. By the 1920s and 1930s, Indian administration had become a system which worked largely to sustain itself.

The Indian agents' concern to exercise power over their clients arose naturally out of their position. In fact, such power exercise was one of the prime functions of a field official. The agent system was designed to help the Department monitor its wards and implement its policies. These two responsibilities required the use of "hierarchical observation" and the active exercise of power. In addition, an agent's job was nonsensical if he did not control his clients' affairs and dominate band councils. If Native communities were allowed to govern themselves, they had no need of a federal official to administer them. The agents had no intention of being consigned to redundancy by their clients. Their contests for power with Native people were an intrinsic element in the system of Indian Affairs. The conditions which prevailed in the interwar period ensured that, for the most part, the contests would be won by the

field officials. While the Department could not force its program of assimilation on aboriginal people, it was well equipped to impose its authority over their communities. As long as First Nations remained marginalized within Canadian society, isolated from each other and without access to effective means of political expression, they were unable to mount a successful opposition to the administrators. It was left to later generations of activists, working under more favourable ideological conditions, to take up the aspirations for self-determination expressed by their predecessors and carry on the struggle.

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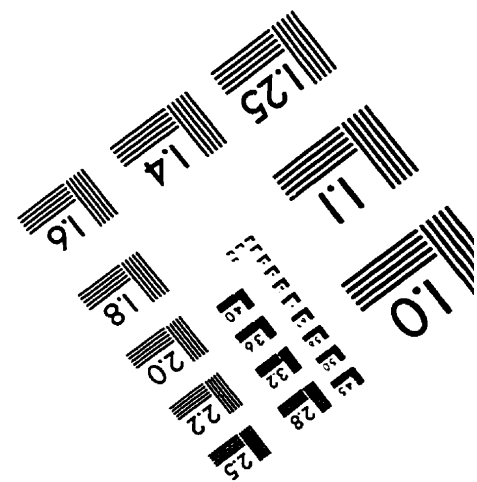
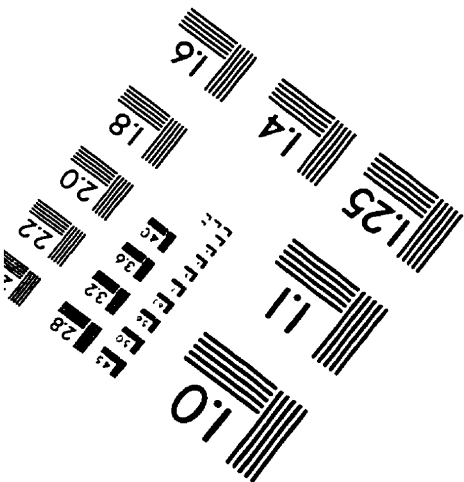
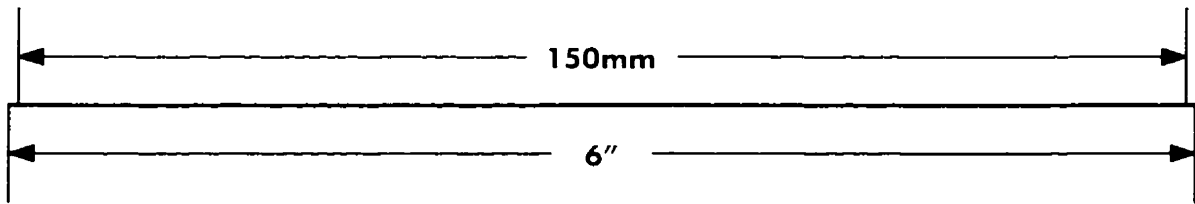
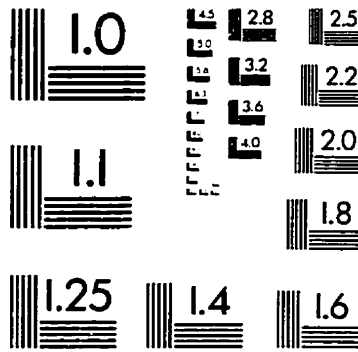
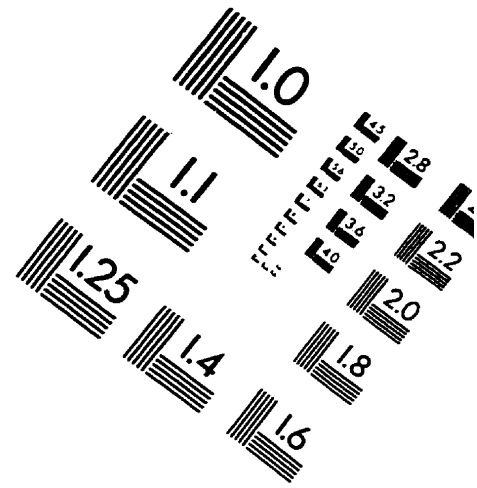
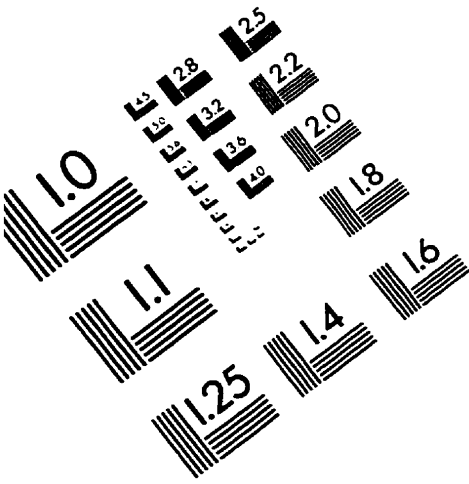
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