

**It Happened as if Overnight: The Expropriation and Relocation of
Stoney Point Reserve #43, 1942**

by

Helen Roos

Department of History

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of the requirements for the degree of
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ABSTRACT

On April 14, 1942, the Department of National Defence expropriated Stoney Point Reserve #43 in order to erect an advanced military training camp. The expropriation required the physical removal of the band to neighbouring Kettle Point Reserve #44. There is no published examination of the affair to date. This work serves as a general, yet comprehensive review, of the political, economic and social contexts of the event.

“It Happened as if Overnight” is a detailed examination of the expropriation and relocation of a small Native community in Southwestern Ontario. Three key themes are examined, including land policy development from 1830 to 1939, bureaucratic management of Native affairs, and intra-band resistance to the expropriation from 1947 to present day on the issues of loss, identity and redress. Using an ethnohistorical approach, this work draws on government documents, oral interviews, maps and fieldwork. The study is a unique contribution to the field of Government/Native relations in Canada, land dispossession and forced relocation. Keywords: Native/government relations, land claims, indigenous relocation, land expropriation, Camp Ipperwash, Stoney Point Reserve #43, Native treaty rights, Second World War, Royal Commission on Aboriginal Peoples.

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EXPLANATORY NOTE REGARDING CITATIONS AND TERMS

Wherever possible government officials were referred to by title, responsibility and Department or Ministry. Sometimes the term *Crown* was used to generalize the policies and decisions toward Native administration in Canada. The span of power over Native affairs included officials under the Secretary of State, the Department of Indian Affairs under the Ministry of the Interior (or Mines and Resources after 1936) and the Department of National Defence.

All correspondence between the Departments of Indian Affairs, National Defence, Justice and the Native communities were located in Record Group 10, Vol 7754, File 27029, Part 1 and Vol. 7794, File 27029, Part 2 at the National Archives of Canada. All microfilm from the National Archives is cited as *NAC* for brevity, including Indian Affairs and National Defence.

The spelling of Stoney Point is deliberate, although there is considerable debate on this issue. Some band members contend that the original spelling included an “e”, while the Kettle Point band administration joined bands names and dropped the “e” as in Kettle & Stony Point. A search suggests “Stoney” was the traditional name. Lambton references used “Stoney” consistently since the mid-Nineteenth Century, while the Crown’s spelling was extremely inconsistent and influenced by Indian Agents.

Identity is an important theme underlying this thesis. Among individuals the terms vary according to personal preference. A Stoney Pointer may call oneself a “backwoods Indian” to “Anishnabeg” or “Ojibwa”. The term “Native” is used rather than “aboriginals”, “First Nations” or “Indians” regarding the larger community and culture group. In reference to international examples of relocation or land expropriation, the displaced are referred to in the broader Native community as “indigenous peoples”. However, there are instances when the terms “Indian problem” or “noble savage” are used to denote the cultural attitudes and terms of the nineteenth century colonial administrators.

When referring to the Stoney Point peoples specifically, I use the term “band” or “community” as a group. The terms “locatee” or “descendants” refer to those individuals and families relocated from Stoney Point in 1942. “Locatee” is a term derived from the

international body of literature on land expropriation and relocation. The word was also used by bureaucrats in Indian Affairs for the Stoney Point bands members at the time of the removal in 1942.

The Stoney Point band is largely comprised of Odawa and Potawatomi culture groups. When discussing the colonial treaties and establishment of Reserves, the Natives at the “stony point” of Lake Huron were Ojibwa, considered the Canadian term. Chippewa denotes kinship groups on the American side and not used for the Canadian communities. However, throughout I have tried to use terms that are applicable broadly so as not to overshadow the main arguments or details of the event.

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INTRODUCTION

On September 6, 1995, a stand-off at the Provincially owned Ipperwash Provincial Park in Ontario, resulted in the death of Native protestor Anthony “Dudley” George. The death was a tragic footnote to a longstanding land claim surrounding the Stoney Point Reserve #43 – otherwise known as Camp Ipperwash, which was expropriated in 1942. The death brought Camp Ipperwash into the national spotlight. Many charges were levelled against the protestors including claims that they were hoodlums, criminals and political agitators. The group had certainly broken the law, but the action raises several important questions about land claims, community relocations and civil disobedience.

One question in particular is the amount of responsibility that the Canadian government, in particular the Department of National Defence and Indian Affairs, has in the Stoney Point affair. The Canadian public too often directs blame on the Native group as being the “problem”, rather than becoming informed of the main issues and actions of the Canadian government. This is particularly important in light of information being increasingly shed on land claims, which reveals improprieties in past transfers of land and government mismanagement of Native affairs. The story of Stoney Point/Camp Ipperwash is simply another land claim tainted by a century of land surrender policy, bureaucratic attitudes that supported the Anglo-European public interest over the Native interest in land, and outright discrimination on the part of the military. It is not an anomaly in the annals of Canada’s treatment of Native people, but another example of a forced relocation to serve the government’s interest.

To date there are no published works devoted to the expropriation of Stoney Point Reserve #43. Schmalz mentions the expropriation briefly in his work *The Ojibwa of*

Southern Ontario and directs readers to the fact that the Reserve was expropriated through the *War Measures Act*. However, Schmalz failed to examine the event, though he discusses participation of the Southwestern Ontario Ojibwa in the war effort.¹ Apart from a few unpublished manuscripts by Gulewitsch and several newspaper articles on Stoney Point affairs², the final report by the *Royal Commission on Aboriginal Peoples* serves as the most comprehensive comment about the expropriation and relocation.³

The report provides important insight on the Native perspective stating:

Many other bands were pressured into long-term leases or outright sale, but the residents of Kettle and Stoney Point had to submit to expropriation, and the provisions to negotiate for a return of their land - which was presumably needed for "efficient prosecution of the war" - were not acted upon after the war. The government invested great energy in acquiring such land, but it ignored or minimized its obligations after the war. Perhaps the government never understood the profound importance of land to Canada's Aboriginal people and what recognition of their service would have meant to them.⁴

Providing only brief discussion of Stoney Point, the report discusses several other examples of relocation in Canada from 1836 to the post-war era. The report concludes that relocation had detrimental impact on the economic, political and social strength of Native communities. Neither published work provides a comprehensive examination or analysis of the Stoney Point event. However, based on a thorough analysis of documentary, financial and oral evidence, the Royal Commission's conclusion for Stoney Point was correct.

The expropriation and relocation of the Stoney Point Reserve #43⁵ occurred in 1942. During the crisis of the Second World War, the Department of National Defence moved to increase Army manpower and training after the crises of 1941. Brigadier General D. J. Macdonald, Commander of Military District No. 1 in London, worked to find land in Southwestern Ontario for a new advanced training centre. The Stoney Point

Reserve was the perfect location based on its topographical features, location and price. The fact that it was a Native Reserve, defined by special treaty rights and government protection, was of little concern to the average Canadian or government bureaucrat. The country was in the midst of war, and the support for “total war mobilization” in Ontario was strong.

Brigadier General MacDonald targeted the Stoney Point Reserve for the new camp, but the procedures used to purchase Native land were different than for private land. Macdonald met with the local Indian Agent responsible for Stoney Point, George Warman Down, who was very supportive of the purchase proposal. For years the Stoney Point Reserve was considered a problem within the Department of Indian Affairs. The Reserve had poor soil and was not conducive to large-scale agriculture. Moreover, in comparison to Reserves at Kettle Point and Sarnia, the Stoney Point community was less motivated to try to achieve self-sufficiency in agriculture, working instead at several odd jobs, small-scale gardening and crafts. For over forty years, the Indian Affairs Department considered the land better suited for non-Native use for cottages or tourism industry projects.

For years, the Department of Indian Affairs had conjoined the bands at Kettle Point and Stoney Point. The two communities were conjoined into a single political Grand Council in 1919. Each community elected one Council representative along with a single Chief, worked together on administrative issues and voted on matters pertaining to land surrenders. However, George Down misinterpreted the nature of the two communities. With regard to Brigadier General MacDonald’s 1942 proposal, Down considered the surrender and removal of the Stoney Pointers a good idea. He argued that the band was part of a larger group at Kettle Point, and that the Department spent money

to maintain an entirely separate community for the sake of fewer than one hundred people. Surrender and relocation was an excellent way for the Department of Indian Affairs to rid itself of an administrative and financial burden, while supporting the military's war needs.

The process did not go as easily as planned. Under *The Indian Act*, bands were given the right to be informed about any purchase proposals, discuss the matter and vote on the issue. However, during the preliminary period of the planning, neither the military nor Indian Affairs worked with the band. Instead, the band was infuriated by the trespassing and covert negotiations regarding the fate of their land.

The band voted overwhelmingly against the sale, wanting to retain the last remaining land for descendants and the future. The band reiterated its right to retain the Reserve based on hereditary treaty rights and the Crown's promise to safeguard the land from encroachment. Neither the government nor general public really supported the band's concerns. Land was an important commodity for Canadians; if land was considered unproductive, either for agricultural production or for the war effort, it became a target. Regardless of the band's vote, wishes or treaty rights, the government saw the Reserve as wasted, and the band removable.

The government's perspective was heightened in part by the environment of patriotism. However, the attitudes toward the Stoney Point land were deeply entrenched within the Indian Affairs Department, thus directly affecting the advice, management and treatment of the proposal. The Stoney Point community and Band Council lost their fight to retain the Reserve. The administrative details of the compensation package, relocation to Kettle Point and integration into the Kettle Point community were a disaster. Various social, economic and political effects resulted from the event, both directly after removal, and continuing into present day. The study of forced relocation on indigenous

communities is a large field. Stoney Point exhibits many typical results of relocation including poverty, health problems, loss of political power and community disintegration due to loss of identity and land.

A key issue in the affair was the military's promise to return the land at the termination of the war. The statement was drafted in the expropriation bill and the band has clung to that promise for over fifty years. During that time, as the military continued to use the land for youth cadet camps and militia training, the band became increasingly impatient. Working through the civil processes of legal challenges and inter-Departmental negotiations for over forty years was ineffective.

The Kettle & Stoney Point Band Council did achieve a compensation package in 1980, but the physical return of the land was continuously delayed. As a schism developed between the Kettle Point band and the original Stoney Point locatees and their descendants, frustration with the military resulted in stronger methods of resistance. It was only after the shooting death of Dudley George by an Ontario Provincial Police officer that the Stoney Point land claim was pushed to the forefront as national news. Negotiations are currently in process to return the land and rectify a blatant government mistake, but other challenges lay ahead. The internal problems within the Stoney Point band and Kettle Point community, will further complicate both the return of the land to the locatees, and the development of the Reserve after the land is formally transferred.

Given the contemporary importance of the land claim, this work provides an accurate and comprehensive examination of the event, which hitherto remained untold. The work chronicles the military's need for the Reserve, but also studies in detail the processes and results of Indian Affairs' methods of relocating the Stoney Point band.

Two stories in effect are being told: one of a land expropriation and forced relocation, and one about a Native community's struggle of resistance and adaptation. Both are important, but are not anomalies in the broader history of Native administration and land management.

Relocation of Native peoples in Canada is usually characterized by three factors, all of which were present at Stoney Point. First, Native land is expropriated for either developmental or administrative development projects, which requires the immediate removal of entire Native communities. In the case of Stoney Point, proposed expropriation and relocation for a developmental project was based on public need. Second, Indian Affairs bureaucrats managed the relocation including a land valuation, compensation and the physical resettlement of a community. Third, individuals and families experienced poverty, social separation and in some cases death due to the event. The Stoney Point band overwhelmingly experienced negative effects stemming directly from the expropriation and relocation in 1942. However, the event was not the sole cause of all the problems. Intra-band conflict complicated the impact of expropriation and relocation and changed the balance of power between the two communities and the way they were represented politically.

The thesis examines the event chronologically and discusses the relevant stresses, or forces, which influenced the outcome. Through a discussion of the political and legislative development of expropriation and relocation, Chapter One examines the role of the public interest principle in Canada. As a general overview, the chapter describes the management of Native land as it supported the Anglo-European interests. From 1830 up to the Second World War, settlement, agricultural production and the economic

development of land were priorities. In many cases, the government took Native land to serve the wider public interest.

Chapter Two reveals the pressures used against the Stoney Point band by Indian Affairs and the military. The Department of National Defence failed to negotiate directly with the band, working instead through Indian Affairs. The failure to either notify, communicate or negotiate with the band directly was a direct violation of legal rights under *The Indian Act*. The military and Indian Affairs circumvented the Band, which severely impeded any chance of a successful surrender. In addition, the military refused to allow the Stoney Point band to propose other alternatives. These included options such as a lease arrangement, fair value for the Reserve, or the fact that other Canada Company land was available nearby, which should have been purchased prior to Native land.

The role of Indian Affairs throughout the event shows how the Department failed to safeguard or protect the Stoney Point band's interests in their land or future welfare. The local application of Federal policies over Native land showed a longstanding insensitivity toward the legal and cultural interests of the Stoney Point band. The band was discriminated against due to the poor quality of the land. The Reserve was not agriculturally-based, which was the goal of Indian Affairs for all Reserves. Hence, the Reserve was deemed to be an administrative burden by Indian Affairs. The public interest seemed better served if the land were used for cottage development and the war effort.

Administratively, the local Indian Agent and senior officials within the Reserves and Trusts Branch of Indian Affairs mismanaged the important area of compensation. Chapter Three provides an examination and analysis of the compensation process. The officials failed to ensure that the military's proposal was accurate by way of a fair price, properly conducted, or that other lands were not available. The resulting problems of

underpayment for the land and impoverishment of the locatees was a direct result of Indian Affairs mismanagement. Indian Affairs officials always worked to meet the military timelines to erect the new camp, rather than scrutinize the details of the plan and deal with the future needs and interests of the band.

The second part of Chapter Three examines the resistance raised to the expropriation and relocation both during the war and afterward over a fifty-year period. The community hired legal counsel to negotiate with Indian Affairs and the military for an equitable lease arrangement and access to resources. Elders petitioned the government arguing that Treaty rights and the historic bond of brotherhood and friendship based on military alliance were broken. Others staged personal sit-ins refusing to be removed. Even letters of concern from religious leaders, concerned Canadian citizens and Federal bureaucrats could not influence the military or Indian Affairs. Although such attempts at change failed or were unpersuasive, these examples serve to show two important things. First, the Reserve was of paramount cultural and economic importance to the Stoney Point band. Second, by ignoring the band's legal rights, concerns and welfare, the Departments of Indian Affairs and National Defence directly caused the economic and sociopolitical deterioration of the Stoney Point community.

The Royal Commission claimed that a "stress model" of government and bureaucratic forces, hasty decision-making and inadequate compensation package caused economic and social problems for the relocated families from Stoney Point. However, the model does not discuss issues of self-determination, strength and resilience that work within relocated Native communities. Chapter Four examined the Kettle Point Band Council's efforts over a forty-year period to negotiate a return and compensation package for the land. The sociopolitical details of internal band politics surrounding the event

revealed that additional pressures are generated by the rivalry between Native communities over issues of money, power, status and justice.

The expropriation and relocation of Stoney Point Reserve #43 was no anomaly in the larger picture of native affairs in Canada. There are several examples that show how and why Indian Affairs appropriated Native land in order to directly serve the broader Anglo-European public need. Stoney Point does differ though, in that the event was achieved largely by bureaucratic change and the crisis atmosphere created by war. The timing of the war helped provide reason to use the autocratic measures of the War Measures Act. However, as the story unfolds, the Departments of Indians Affairs and National Defence have much to answer for in the management and resolution of this land claim.

Endnotes

¹ Peter Schmalz, *The Ojibwa of Southern Ontario* (Toronto: University of Toronto Press, 1991), 120-147.

² V.A. Gulewitsch, Historical Overview of the Chippewas of Kettle and Stony Point, 1700 to 1942. Unpublished draft manuscript. (Kettle Point: Kettle & Stony Point Band Council, 1994).

³ Royal Commission on Aboriginal Peoples. *Report on the Royal Commission on Aboriginal Peoples: "Looking Forward, Looking Back"* vol. 1. (Ottawa: Queen's Printer, 1996).

⁴ *Ibid.*, 590.

⁵ J.L. Morris, *Indians of Ontario* (Toronto: Department of Lands and Forests, 1943), 73.

Chapter One

The expropriation and relocation of Stoney Point must be viewed within the broader historical framework of land administration in Canada. From 1830 until the Second World War, the Department of Indian Affairs struggled to safeguard Native Reserves from encroachment while trying to accommodate the public interests of immigration and economic development. A steady development of policies and procedures ensued for the surrender, sale and expropriation of land. What developed was a century-long tradition of land administration, which catered to the public interest, often eschewing the Native interest.

As a general characteristic, the policies of the nineteenth century combined philosophies of assimilation and racial separation to form the Reserve system. Colonial administrators sought to protect and educate Natives with an eye to acquiring land for white settlement and development. Few policies existed, with the exception of general principles and traditional rules of conduct that continued from the military era. The early colonial period was an attempt to develop a framework for Native land administration. Policies may have been founded on goals of racial uplift and social engineering, but usually resulted in land dispossession and relocation.

The Crown consolidated all policies and regulations regarding Native land in 1876 under *The Indian Act*. The legislation was important in formalizing the practices and procedures of land administration. *The Indian Act* allowed for the surveying, subdividing, lease and sale of land, and classified Reserves into forty acre plots to facilitate farming. The Act established land management based on a European model of distribution and land

use. By 1910, the public interest in Reserves peaked. Native land across Canada was viewed with an eye for development. In order to support the increasing demand for land, Indian Affairs ordered local Agents to identify any land that was considered excess, nonagricultural, or unprofitable for the band. Bands sometimes resisted parting with the land, so Indian Affairs introduced expropriation powers to force sales.

For over a century, Natives bands at the insistence of the Canadian government, relinquished control and access to their land. Indian Affairs developed an arsenal of legislation that facilitated surrenders, supported sale and entrenched expropriation, due largely to the power of the public interest in land. In addition, Indian Agents often used coercive measures such as bribery, threats or financial incentives to force sales. In some cases bands voluntarily surrendered land in order to get money to improve their standard of living. However, the pressures of legislation and Agent control severely impeded the democratic process accorded to the bands.

* * *

At the turn of the nineteenth century, the Native bands indigenous to the eastern shores of Lake Huron were referred to by the British military as “the Indians of the Chenail Ecarté and Au Sable River”.¹ The hunting grounds and sugar bushes on the Upper Canadian side of the lake were home to small groups of Potawatomi, Huron, Shawnee, Odawa, and Ojibwa peoples. The Native population was estimated at 10,000 around 1800.² Hidden in the forests, from Sarnia to Goderich, the burials of countless ancestors dotted the shoreline. The earliest archaeological evidence suggests that the Ojibwa lived in Lake Huron region regularly since the early 1700s, using the soil, lake, plants and animals for their livelihood.³

The Ojibwa of Lake Huron were loyal to the British Crown and fought as allies in the War of 1812.

Two of our grandfather [sic] fight with their uncle the Great & brave warrior Tecumseh during Tecumseh service our Grandfather did not leave their uncle until he was struck with a bullit [sic] or shot. He was going along the front firing line giving orders to the men to stick to their post and told his nephew that he will be dead in a short time. He went along a few paces and saw him drop the but-end of his gun and came back but still reloading his gun as their General was already fled at that time as Tecumseh and his two nephews was left alone to do their general's work and the last word that came from their beloved uncle was to be brave and not to fear death for to save which is now known as Ontario for the benefit of the British and the Indians and their descendents [sic].⁴

British officials worked to populate Upper Canada's borders with loyal British subjects.⁵

The Ojibwa of Lake Huron fought alongside British forces to safeguard British control of the border territory. The men serving under the legendary war Chief Tecumseh returned home and were invited by the British to select land for their people.⁶ The ancestors of the modern Kettle Point and Stoney Point bands chose their ancestral land at the "stony point" along the Au Sable River.⁷ (See Appendix I)

The historic relationship of the early colonial period was marked by military alliance.⁸ However, the spirit and tradition of brotherhood between the British Crown and Native people eroded rapidly in the coming decades. Historian Robert Surtees remarked that without the need for military allies, Native people simply declined in political importance to the British.⁹ By the 1820s, the Native control over vast tracts of land, and presence around fledgling settlements, became an obstacle.

Colonial administrators moved quickly to negotiate the surrender of land.¹⁰ The early decades of the nineteenth century marked the treaty-making period. Between 1820 and 1870, the colonial government made a strong effort to acquire land through treaties. Treaties marked the voluntary extinguishment of general aboriginal title to land.¹¹

However, several modern land claims call into question the legitimacy of the treaty signatories and the process through which land was ceded.¹²

In 1825, the bands of the Chenail Ecarté, Au Sable River, and Thames River were approached by James Givins, then Superintendent of Indian Affairs. Givins discussed a purchase for the entire expanse of land contained within the modern boundaries of Lambton, Middlesex, Oxford, Perth, Wellington, Waterloo, and Huron counties.¹³ The Crown was “desirous of appropriating to the purposes of cultivation and settlement” the Native land in the Western District.¹⁴ After years of stalled negotiations, the purchase was effected on July 18, 1827.¹⁵ Over 2,200,000 acres (over 890,000 hectares) were voluntarily ceded in return for £1100 British in annuities.¹⁶

Native people across Canada occupied millions of acres of prime agricultural land, which were needed for agricultural development and immigration. Colonial administrators considered the intermingling of Native people within the developing Anglo-European settlements perilous. As immigrants settled in Native territory, Natives quickly fell victim to the vices of the white man. Alcohol contributed to violence, intoxication and community breakdown among Native bands.¹⁷ Alternatively, the Native tradition in the communal use of land and seasonal round of hunting, fishing and trapping, infringed on white homesteading and urban development. Considerable policy changes were needed to protect Native communities, while working to open up land for settlement.

Colonial administrators argued that swift action was necessary in order to protect Native people from eventual extinction. In Canada, as elsewhere, the debate revolved around two irreconcilable goals. First, the assimilation of Natives into the larger Anglo-European society aimed to recreate Native people into the reflection of Europeans.

Natives would receive instruction in Christian doctrine, agricultural education, use Victorian clothing and manners. However, Governor General Lord Sydenham of the Canadas dismissed assimilation, considering it a waste of Crown resources and ultimately injurious to the Natives.¹⁸

Alternatively, administrators argued for complete segregation of Natives on separate plots of land. Reserves offered protection against white encroachment on their land, and ensured separation of impressionable Natives from the influences of alcohol and other vices. Reserves also enabled bands to continue their traditional lifeways of hunting and gathering. However, the Reserve system would be costly to establish and manage, particularly due to geography and travel.

Sydenham's replacement, Sir Charles Bagot, examined both sides of the debate. Each plan had merit, but the need for land added another important dimension. The Reserve system guaranteed the main tenant that the Crown must protect Natives and their land. Reserves set apart land for the use and benefit of Natives also enabled the acquisition of millions of acres of land, which supported immigration and development.¹⁹ The plan satisfied the basic legal agreements of the first treaties, as well as the spirit of the Royal Proclamation of 1763. The Proclamation required that all lands in Ontario had to be voluntarily ceded to the Crown before they could be used by private citizens.²⁰ Deputy Superintendent of Indian Affairs, Duncan Campbell Scott, argued that the Royal Proclamation was the Magna Carta of Native rights, and the foundation for the successful management of land.²¹

Bagot faced a considerable challenge. The policy toward Native management had to meet several requirements, including upholding an obligation to protect Natives, work within the letter and spirit of the law, achieve racial uplift, while trying to acquire Native

land for development and settlement. In order to achieve all these criteria, Bagot blended social engineering aspects of assimilation with agricultural and religious education under the “Reserve model”. Historian E. Palmer Patterson argued that the Reserve policy was one of “the Bible and the plough”.²² With few policies and procedures in place, the model supported the goals of colonial land acquisition and Native affairs administration.

By 1856, Superintendent General R. J. Pennefather of Indian Affairs investigated the progress of the Crown’s civilizing experiments and land management with a view to improving the process.²³ A report compiled by Pennefather, Froome Talfourd and Thomas Worthington was critical of the colonial officials, claiming that the Crown’s desire to acquire land compromised the protection and welfare of the Native wards. Lieutenant Governor Francis Bond Head’s Manitoulin Island experiment in the 1830’s was one particular example.

I feel confident that the Indians, when settled by us in the manner I have detailed, will be better off than they were; that the position they will occupy can bona fide be fortified against the encroachments of the whites, while on the other hand, there can be no doubt that the acquisition of their vast and fertile territory will be hailed with joy by the whole province.²⁴

However, Head’s activities had drastic results for the Ojibwa bands. Twenty years after relocation, the colonial government realized that land dispossession and relocation to new Reserves actually resulted in poverty and death for many bands.

As one example revealed, the land on Manitoulin Island was rocky, infertile and held few natural resources for traditional hunting and gathering Ojibwa. The Pennefather report charged that dispossession and removal had certainly served the land hunger and greed of the Anglo-European for land, but had been disastrous to the Ojibwa.²⁵ The land was not conducive to agricultural training or production, and the entire process was a breach of the band’s treaty rights and the spirit of the Royal Proclamation. One particular

problem was the issue of compensation. The bands were given gifts of blankets and tools, much like in the traditional gift-giving era. The Pennefather Commission argued, though, that the compensation did not match the value of the land received, or adequately assist the bands in establishing themselves on new Reserves. Hence the Commission argued that bands must receive compensation for the land that was of value or profit to the band.

Pennefather devised a stricter policy with regard the acquisition of land. It was aimed to protect both the Native interest, and integrity of the Department's administration of Native land affairs. The policy was structured so that land sales would help defray the administration cost of land management. Ten percent of all sales would be placed back into a land account for Native bands, which would support the creation of new Reserves. The policy required that Indian Agents regularly scrutinize the land situation in their districts with a view to trying to negotiate further land surrenders to open up land. Pennefather proclaimed that "lands not surrendered for sale or not to be sold, shall be assessed for their contribution to the Land...to be made every seven years."²⁶ The process became more strict.

Native land was sold only to the Department of Indian Affairs, and from there converted into Crown land for private sale. The monies were deposited into the Department accounts, and land was registered through the Superintendent General. The new policy hoped to standardize the administration of land, and reduce rampant corruption, which occurred in previous decades. The Lands and Trusts department managed finances, distribution of funds, registration of treaties, and title transfers. More importantly, the new compensation policy addressed the problem of corruption by Indian Agents in the field. As Thomas Worthington, Superintendent of Lands and Trusts claimed that "the proceeds of thousands of Indian land disappeared entirely without

leaving even the shadow of their track excepting that they are reputed to have been paid to some tribe or other.”²⁷ Pennefather and Worthington’s colonial policy regarding land sales and surrenders laid the groundwork for future Crown policies for the next century.

In 1860, colonial officials developed legislation that further aimed to safeguard the Native interest in land. The *Act respecting the Management of Indian Lands and Property* prohibited the alienation of land without a voluntary surrender by bands.²⁸ The legislation became the direction and model for the early Federal policies toward land administration. Settlement, homesteading, agriculture and urban development after 1870 created an enormous demand for Native land, particularly in Western Canada. The government worked to acquire land in the Prairies and Western Provinces by negotiating the Numbered Treaties.²⁹ The early Pennefather policies and other legislation regarding Native land and purchase provisions were scattered and difficult to follow. Administrators had to check several statutes, and the public could scarcely follow the details around land acquisition. The government eventually consolidated all extant legislation into *The Indian Act*. However, an examination of four main phases of land sales and legislative development serves to illustrate how the public interest determined the administration of Native land over a period of seventy years.

In an effort to organize the statutes on Native land, the Crown amalgamated all extant legislation into *The Indian Act* of 1876.³⁰ The Act bestowed broad powers on Indian Affairs bureaucrats in the management and administration of Native land.³¹ Indian Agents were given clear direction on the management and registration of Reserves, surveys, subdivision, surrenders, sales, leasing and rental of Native land. As the Crown

struggled to meet its legal responsibilities to safeguard the Native interest in land, officials faced strong public pressure to throw open Reserves.

The Department of Indian Affairs worked to acquire the vast tracks of lands on the Prairie and western territories, whereas the older Reserves in Ontario, Quebec and the Maritimes sought protection from encroachment. The Department of Indian Affairs became the central government body to administer land. Senior officials in the Lands and Timber Branch maintained lists of land sales, surrenders and leases across Canada, transferring title to Crown corporations and private individuals, while the Surveys Branch prepared all surveying and development details of Native land.³² At the local level, Indian Agents maintained monthly records of individual estates, Location Ticket transfers and agricultural development of the Reserves.

In response to the demand for land and westward expansion, the Federal government pushed to acquire more land. In cases where Native residents were ill, elderly or otherwise occupied in employment other than farming, the Indian Agent was authorized under Section 38 to lease land to non-Natives for cultivation and development.³³ In the case of Stoney Point, where agricultural production was impeded due to land quality and lack of band initiative, the Indian Agent coordinated long term leases with white immigrants. In November 1909, Agent William Nisbet approved a two year lease with David Oliver for forty acres on Stoney Point. Nisbet remarked:

I recommend it being approved as he has no other land and this otherwise would be unused. The proviso attached is reasonable and will tend to teach them that they are expected to make improvements or in default need not expect to hold their farms. They can hardly be allowed to locate a lot and not use it but keep everybody else off.³⁴

The legislated powers and control over the use and distribution of land were of paramount importance to the bands. After negotiating the "Numbered Treaties" in northern Ontario,

Prairies and Western Provinces, vast areas of land were made available for public sale. Reserves could no longer remain open communal parcels of land, but were reorganized based on the European model of land distribution. Reserves were apportioned into forty acre plots, and each Native family received title to individual plots for farming and living.

Forced subdivision of Reserves was against the wishes of some Native communities. James Johnson, Chief of the Sarnia, Kettle Point and Sables (Stoney Point) Reserves from 1899 to 1907³⁵, argued that the subdivision was undemocratic and a blatant attempt to dispossess Natives of their land.

I am sorry to find that the Survey is being pushed through contrary to the unanimous wish of the Indians... The Survey is nearly completed on the... Reserve, and the lines in several places run through valuable improvements, in some cases through buildings; and it seems to me and other residents of these Reserves, that in no possible way could a person be properly compensated for the loss of his home... I fear that if an allotment is insisted upon, following the lines of the Survey, trouble will be unavoidable, as the Indians feel very keenly that they are being unjustly treated.³⁶

The subdivision of Reserves facilitated the sale of over one million acres of Native land across Canada through public auctions between 1895 and 1930.³⁷ (See Table 1) Through the Lands and Trusts Branch, Indian Affairs sold an average of thirty-seven thousand acres per year by public auction.

From the onset of surveying in 1894 to 1902, the Department established a central roster of surrendered Native land across Canada. Ontario listed over half a million acres available for sale.³⁸ Indian Affairs sold over 250,000 acres in this early period, with over ninety percent of the land sold in Ontario alone. However, the subdivision of Reserves served to not only demarcate land for development, but was also an instrument of social engineering.

Subdivision worked to change the Native philosophy and use of land from the communal approach to the European notion of individual ownership and title. Adam English, Indian Agent of Stoney Point from 1890 to 1906³⁹, considered subdivision to be an important method of administration, stopping what he considered to be stealing of timber, and trespassing on other people's property.⁴⁰ His notions were a clear indication of the differences between the Anglo-European value of land versus the traditional Native organization and use of land.

Surveying and subdivision of land interrupted the traditional living spaces of Ojibwa people and their communal use of resources. The creation of individual plots introduced farming, pasturing and agricultural self-sufficiency, while dissuading hunting and gathering throughout the Reserve. The Ojibwa notion of land use was different than the Anglo-European administrators and settlers.

The European concept of individual property and ownership was contrary to Native conceptions of communal land use. The Euro-Americans define land as abstract, boxed into compartments of quarter-sections and town lots; eminent domain with militarily defended borders, survey grids, and property taxes. Their cultural definition of land is hierarchical. The Ojibway see land as life.⁴¹

The Crown's demarcation of property was based on a linear and compartmentalized form of land use, which was alien to Native use and community reliance on land. Regardless of Native opposition, the encroachment continued.

As urban centres continued to grow and westward expansion proliferated, bands were approached by Indian Agents to consider selling their land. Sales ranged from a few acres for easements and road allowances, to thousands of acres for settlements and farms. The sale of Native land was strictly monitored. In the words of the Royal Proclamation, the guiding principles were upheld.⁴²

We have thought proper to allow Settlement; but that, if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us...at some public Meeting or Assembly of the said Indians.⁴³

Under Section 26 of *The Indian Act*, Indian Agents and officials in the Reserves and Trusts Branch scrutinized purchase proposals.⁴⁴ This ensured that the sale was in the best interest of the band for profit and land use. Bands were given the opportunity to review all proposals, prices and alternatives at a general meeting. The eligible voters, men of the band who held an interest in the Reserve, voted on the proposals. The legislation entrenched the right for Natives to decide the fate of their land, to either cede land voluntarily or refuse the option to sell. The legislation protected Native land from involuntary cession or extinguishment of title by private interests or government agencies.⁴⁵ However, this changed through the power of public interest.

Under Section 26, bands had total veto power over the surrender of land.

Land sales without the full and free consent of the band, and at less than its fair market value, are not possible.⁴⁶

Regardless, other pressures strongly influenced the development of procedures and policies toward land. For instance, local Indian Agents and interested buyers manipulated the process, using threats of disenfranchisement, coercion and money bribes.⁴⁷ In other cases, a debate ensued on whether a majority of voters was required from the entire band list, or based on attendees only.⁴⁸ The Indian Agent sometimes manipulated the surrender process and wielded considerable influence over the outcome of surrender negotiations.⁴⁹

Regardless of some cases of corruption and coercion, the surrender and sale of land in Western Canada and Prairies gave an opportunity to get much needed cash. Money helped assuage the effects of poverty and purchased many material items. Between 1903 and 1915, over two hundred and fifty thousand acres of land were sold in

the Western Provinces. In Alberta alone, bands surrendered over one hundred and twenty-five thousand acres in one decade. For some bands, the decision to surrender land was a choice. For others, their land was the target of significant public interest and political pressure.

The public demand for land reached its apogee in 1909. Subsequent policy developments drove western settlement and urban expansion, and advocated the “throwing open” of Reserves.⁵⁰ Frank Oliver, Minister of the Interior and Superintendent General of Indian Affairs from 1906 to 1910, modified the policy on surrenders to meet the growing demand for land.⁵¹ Prior to 1909, Indian Affairs had not actively sought to surrender land as a direct administrative policy. The power was there for Indian Agents to identify and work toward surrendering land. However, there seemed little harm in allowing Natives to retain their land and gradually ease in agricultural development, assimilation, and other social engineering projects. However, with settlement and urban expansion, Minister Oliver considered the public need for land to be more important than the rights of Natives to land, or title to land.

Oliver considered the distribution of land between Natives and Anglo-Europeans was highly inequitable. Natives lived on and held title to large areas of prime agricultural land, which Oliver thought to be severely impeding Anglo-European homesteading, cultivation and development. In a speech to the House of Commons, Oliver argued:

The reserves are probably the choice locations in the Dominion of Canada... Consequently, with the increase of population and increase of value of land, there necessarily comes some clash of interest between the Indian and the white man. It is not right that the requirements of the expansion of white settlement should be ignored.⁵²

Oliver voiced the concerns of a large contingent of Canadian immigrants, settlers and corporate “citizens”, that believed that *good* land should be used for white interests, not wasted on Native people who left the land largely uncultivated and unimproved.⁵³ Oliver believed that *The Indian Act* bestowed overly generous powers and title to Native people and was impeding “progress”. In his opinion, the right to voluntarily cede land tipped the balance of power too far to the benefit of Native people. One case would change this right and the balance of power.

In 1909 the City of Victoria on Vancouver Island sought to purchase the Songhees Reserve. The parcel was three hundred acres large and was approached with the aim of expanding the city limits for development.⁵⁴ Indian Affairs worked for over two years with the band and municipal officials to create an acceptable surrender package. The band, while entertaining the proposals, argued for several important and precedent setting provisions, such as removal of the sacred burial ground, and a good price for the land. The band took its time considering the proposal. Minister Oliver and the municipality grew increasingly tired of the delay in effecting a settlement.

Frustrated by the band’s ability to stall development, Oliver proposed amending *The Indian Act* with expropriation powers. Expropriation measures proposed extinguishing the traditional and legal right to voluntary consent. The amendment proposed irrevocably changing the administration of Native land and shifted the power-balance regarding land matters to the Crown. The Indian Agents already held strong interventionist powers regarding the distribution and use of land, but matters of title were a different matter entirely.

The power to expropriate land already existed under Federal and Provincial statutes including the *Public Works Act*, *Dominion Expropriation Act*, *Expropriation Act*,

National Energy Board Act, and later the *War Measures Act* in 1914.⁵⁵ Each provided for the purchase of private and Crown lands for public use. Municipalities, corporations or Crown agencies with authority over public works, such as hydro, highways and water, were authorized to expropriate land. However, Native land was traditionally protected under *The Indian Act*. Frank Oliver's amendment under Bill 177 sought to expand the Department's power to effect land surrenders, thus greatly assisting the public need for land. Oliver thought it was only reasonable "that the Indian Reserve be placed in the same position as private property".⁵⁶ As Oliver argued:

The present condition of the law practically means that the will, or wish, or it may be said even the whim, of a small band of Indians actually stand in the way of the will of the people of the whole province.⁵⁷

However, not everyone was supportive of the amendment.

Conservative opposition leader, and future Prime Minister, Robert Borden, opposed the introduction of such authoritarian measures. Borden argued:

[The amendments] are a very extreme step and one altogether out of the path of tradition... For the past two hundred years... the British government has scrupulously observed its contracts and treaties with the Indians. It may be that the necessities arising out of the growth of this country, especially in the west should justify parliament in taking the extreme step now proposed, but I do not believe [we have] any warrant to go about it in the wholesale way proposed by this Bill.⁵⁸

The amendment was passed in 1911, which facilitated the surrender of the Songhees Reserve and other Native land through expropriation.⁵⁹

In the case of the Songhees band, expropriation extinguished their right to voluntarily cede the land. However, the city agreed to uphold its previous negotiated settlement package. As Deputy Superintendent General Frank Pedgley explained:

I am happy to record that the difficult negotiations for the removal of the Songhees Indians from the city of Victoria to a more suitable location have been brought to a satisfactory conclusion... The province of British Columbia purchased the old

reserve and provided the band with a new one at Esquimalt. The removal of the dead, together with all monuments and tombstones from the old reserve to the new one was also undertaken by the province. The money consideration for the old reserve was a payment of \$10,000 to each family and the public and private improvements. This made a total payment to the Indians of \$434,344.⁶⁰

The compensation paid to the Songhees was determined by a combination of factors – the market value of the land, specific band demands, and a bureaucratic approach to the administration of land unique to British Columbia.

Bill 177 passed and the amendment to *The Indian Act*, Section 49, enabled expropriation powers of Native land.⁶¹ The legislation incorporated some moderate conditions to guard against its abusive application. Only Reserves with a population of less than eight thousand could be expropriated.⁶² This provided little solace, however, considering that most bands averaged a total population of two to five thousand, with many having considerably fewer residents.⁶³ A second condition was added in which only those Reserves that directly impeded urban expansion or economic development could be considered for expropriation.⁶⁴ The legislation enabled the Superintendent General of Indian Affairs, in this case Frank Oliver, to hold authority in recommending land for expropriation under the public interest and submit proposals for Cabinet approval.

The definition of land for the *public purpose* was drafted from existing legislation. The expropriation of Native land concerned a larger community, rather than simply a small group of individuals. Not all members of society were required to be interested in the proposed use of the land. The purpose of expropriating land could satisfy a greater public need or exigency, but there was no need to meet that burden of proof.⁶⁵ The amendment simply assumed that Natives shared in the benefits incurred by the development of land. Progress affected everyone as a general “public interest”, which justified the sacrifice of land.⁶⁶

Under wartime conditions, group concerns were totally abandoned in favour of the public interest, whereby everybody presumably benefited. The clause effectively removed any Native power over land. It was also a drastic departure from the spirit and letter of the Royal Proclamation. The issue of compensation remained unchanged. Purchases were required to be made in accordance with market value of the land, including the value for all buildings and any improvements.

The frontier spirit in the western provinces and British Columbia served to influence the patterns of land surrenders and policy changes after the First World War. Between 1915 and 1926, the desire for land in the Province of British Columbia infringed upon the Federal jurisdiction over Native affairs. The Province of British Columbia organized Reserves based on a much smaller distribution of twenty acres per family, in sharp contrast to the Federal allotment of eighty acres.⁶⁷ The Province advocated a more flexible method of settlement and development, establishing the boundaries of Reserves based on bureaucratic planning rather than voluntary surrenders by Natives. Provincial politicians considered that the public need for land superceded any Native interest, and worked around the legal statutes and Federal jurisdiction of Indian Affairs.

Indian Affairs recognized several problems in the British Columbia model. First, the Province advocated a flexible system of boundaries, whereby Reserves could be expanded or contracted based on population.⁶⁸ The 1916 Royal Commission report on the British Columbia land issue discussed the problems of dual ownership. The transfer of title and administration of Reserves required consolidation under one organization to maintain consistency in legal provisions and entitlements. The manner in which the Province dispossessed and relocated Native bands created a series of problems, including challenges of Native title and inherent rights.

During the inter-war period, the cavalier management style of British Columbia influenced other jurisdictions. Minister Frank Oliver supported the wave of public pressure to throw open Reserves, while the legal status of Native peoples was being reinterpreted. The British Columbia Supreme Court judged that Native people had no title to land as they alleged, nor had such title ever existed.⁶⁹ While in Ontario, the Courts ruled that the Native right to land was limited to a usufructory relationship⁷⁰, it was not an association based on ownership, but merely a rental agreement with the Crown. As historian David McNab argued:

It may have been the duty of the Crown to protect aboriginal people and their lands, or at least the intention was there, [but] the concept was predicated as well on the concept of the ‘commons’ meaning that the Crown lands were held for all the Crown subjects.⁷¹

In one short decade, the Native title to land was reduced from “inherent” under the Royal Proclamation, to extinguishable by Indian Affairs and non-existent in British Columbia.

Another demand for land arose in 1919, forcing Indian Affairs to look at further decreasing the size of existing Reserves. The soldiers returning from the First World War needed land under the *Soldier Settlement Act*.⁷² Reserves and Trusts Branch worked in conjunction with Commissioner W.M. Graham of the Settlement Board to coordinate land for the soldiers. The groups organized the surrender of over 62,128 acres of Native land in Alberta, Saskatchewan and Manitoba for the task.⁷³ In addition, Indian Affairs had 9,134 acres of land listed on the Department “roster” ready for use. In total, over 71,262 acres of land were made available for soldiers.⁷⁴ All western Crown land, not previously ceded, was devoted strictly to soldier settlement until 1927.

Surrenders and sale of native land decreased dramatically. The highest sales were achieved in Alberta after 1927, with 83,000 acres sold. However, the interest in land in Ontario plummeted in comparison. Only 2,663 acres sold in the entire Province of Ontario in 1927. Even up to the onset of the Second World War, only 20,000 acres of land were sold.⁷⁵ Over 50,000 acres were available for purchase in the Fort Francis, Nipissing and Thunder Bay areas, but new immigrants looked westward to the agricultural frontier.

Agricultural productivity became the most pressing issue regarding land administration in the following decades. On the older Reserves in Ontario, Quebec and the Maritimes, Indian Agents turned from actively seeking land surrenders to implementing a new plan entitled the "Campaign of greater production".⁷⁶ The policy sought to educate Natives on farming skills and methods to develop large-scale agricultural production. In Southern Ontario, bands were provided seed, farming implements and equipment to grow cash crops. Children were educated in the sciences of cultivation, weed prevention, animal husbandry, fertilization and vegetable gardening. Each autumn, bands competed in local agricultural fairs for prizes sponsored by the Department of Indian Affairs.

Certain Reserves garnered particular recognition for their agricultural efforts. The Sarnia band in southwestern Ontario had many prolific farmers. Located on prime farmland, the Reserve was a true success story as a self-sustaining Reserve. In stark contrast, the Stoney Point band was not well regarded for its agricultural achievements. From the early decades of the twentieth century, the local Indian Agents fostered a notion that the land on Stoney Point was of inferior quality, and not conducive to agricultural

development.⁷⁷ William Nisbet, Indian Agent for the Stoney Point from 1906 to 1911, once chastised the band by pointing out that:

Most of the Indians do a little farming, but as a rule they do not take to it as heartily as is desirable, although some of them are making very successful and praiseworthy efforts in this direction.⁷⁸

It was true that few families were devoted to full-time cash crop farming. Small-scale farming and gardening was an integral part of the daily routine and survival for Stoney Pointers. However, by 1927, the band had cleared less than four hundred acres, or fifteen percent of the entire Reserve for agricultural production.⁷⁹ Instead, most people preferred to supplement gardening with outside income from craftwork, industrial labour, fishing guides and as hired farm labour.

Indian Affairs placed great importance on Native people following the Anglo-European model of farming. However, when land was not used for agricultural purposes, or not considered suitable for farming, Indian Affairs looked for opportunities to sell it for public use. Surrenders to non-Natives maximized either the agricultural production of the land, or eased the Department of an administrative burden in costs and manpower. As Stoney Point was considered one such agricultural failure, Indian Affairs considered the Reserve better suited for other options.

The Stoney Point Reserve, located on the east shore of Lake Huron, was a unique parcel of land. The land had fine beaches, inland lakes and was easily accessible from Highway 21. The beach was a favourite local summer spot for Sunday family picnics and swimming. For years, local residents coveted the Reserve for its development potential for a golf course or public park. One afternoon in May 1927, a local real estate agent, William Scott, approached the Sarnia Agency Office with a purchase offer for land on

Stoney Point. Scott offered \$85 per acre for three hundred and seventy-seven acres of beachfront property.⁸⁰ This was a lucrative price for the land, considering that local farmland fetched \$15 per acre. Even lakefront land at Kettle Point had only sold for \$45 per acre one year earlier. Scott wanted to purchase the land for cottage development.

Indian Agent Thomas Paul supported the purchase proposal.⁸¹ Paul, the Band Agent since 1918, was a fervent supporter of developing the land and considered the land highly underutilized. Paul explained:

As this land is worthless, for agricultural purposes, being white drifting sand, and as the Indians, have never received any revenues from the land described, I would recommend that the Department, give the application, careful and favourable consideration.⁸²

Paul further argued that the band had little desire to develop farming skills.

Agent Paul suggested that in order to entice the band, Scott should offer fifty-percent of the total price upfront as a cash-in-hand incentive for the band. Paul thought his method would appeal to the band's need for cash and clinch the sale. However, Paul was wrong: the Kettle and Stoney Point Band members refused to sell.

A small group of elders argued that money was no incentive to sell the land. The Reserve was called the band's "identity", "inheritance", and the "lifeblood" of the community.⁸³ The land was intended for the use of future generations, not to be sold for short-term profit. Agent Paul raised the financial stakes, bribing voting members with \$5 and \$10 cash for votes, and threatening disenfranchisement for those who opposed his will. In an effort to stop the proposal, elders sought help from the Department of National Defence.

Cornelius Shawnoo and Edgar Southwind from Kettle Point contacted Minister James Layton Ralston in an effort to stop the land surrender proceedings. The elders were

descendants from the hereditary signatories of the 1827 treaty and argued the Crown's obligation to safeguard unwanted encroachment on Native lands.

We are asking the Minister of National Defence [sic] kindness the Honourable J.L. Ralston to put a stop to this at once as we have the two medals, flag and the Indenture of 1827 Treaty signed by Indian Chief and some militia officers. This Indenture was given to our grandfather after the surrender or treaty was made between the Chippewa Indian and the King for to keep it...for his Children and his descendents [sic]. We have not the majority of votes to out vote those two parties [the Potawatomi and French] that came here some 60 years ago...It has cost us a lot of money on lawyers fees trying to stop those surrenders and we fail in every way.⁸⁴

The military did not come to the elders' aid, and after a year of pressure and internal band conflict, the Council agreed to the surrender and sale.

After a two year delay, Sam Bressette, Chief from 1928 to 1934, implored Indian Affairs to keep to the promise of the fifty percent disbursement of the proceeds.

We beg to say that the members of the said bands are getting impatient about it. There are several who have some house repairing to do before the cold weather sets in and there are some aged people who cannot help themselves....So please rush this matter through as the people are anxiously waiting for this distribution of the monies.⁸⁵

The band was desperate for the money promised to improve its standard of living.

However, when J.D. McLean, Secretary of the Reserves and Trusts Branch responded, he was quick to remind the band of their outstanding debts. Each person was allotted \$66 from the sale, but the bulk of the money was directly applied to any outstanding debts accumulated from seed bills, supplies and building loans.⁸⁶ Only two people actually received cash directly from the sale.

The issue of intra-band factionalism was important in issues of land surrenders and sales. On Stoney Point and Kettle Point, two distinct factions formed between hereditary members and "outsiders". Hereditary members were the direct descendants of the treaty signatories, while the outsiders were Potawatomi immigrants, white tenants and band

members added into the communities through marriage. Difficulties arose due to a shift in the balance of power, priorities and principles on the political Council. The hereditary group was smaller and outnumbered in the decision-making process. Indian Agent Thomas Paul was sensitive to the issues of power and interests on the Council, and worked the band members in order to coerce votes. At times he offered bribes or threatened disenfranchisement. However, the Agent's methods were rarely effective at Kettle Point or Stoney Point.

The Stoney Point land surrender of 1928 raised a red flag in Indian Affairs. The internal arguments over hereditary rights, treaty rights and who actually held legitimate power over land affairs, created deep schisms within the two communities. William Scott tried one year later with another request to purchase the remaining three hundred lakefront acres on Stoney Point. However, the band flatly refused. Secretary J. D. McLean replied:

I beg to advise that the Department at the present time is not considering disposition of the said lots. We have noted your application and when the Indians are prepared to dispose of the lots, you will be further advised.⁸⁷

The experience made Reserves and Trusts Branch less inclined to seek land surrenders at either Kettle Point or Stoney Point.

In 1932, the Bosanquet Town Council proposed a purchase of the remaining beachfront on Stoney Point. Ross W. Gray, a realty lawyer and local Member of Parliament, approached Indian Agent Joseph McCormick with a purchase proposal. McCormick assumed the administration of Stoney Point after Thomas Paul's death in 1930 and remained until 1936 as Indian Agent.⁸⁸ McCormick saw little likelihood of effecting a surrender, given the problems in 1929 and 1930.

Ross Gray decided to appeal directly to William Scott, the owner of the newly acquired beachfront land on Stoney Point, and to the Province of Ontario. The Bosanquet Town Council passed a resolution:

Recognizing the need of a Public Park on our water front and deeming Stoney Point as the most suitable and desirable portion, not only because of its natural advantages but because this was one of the first picnic grounds in the history of the Township we request the Ontario Government to acquire and set apart sufficient of this property to meet the public needs.⁸⁹

Gray asked W. C. Cain of the Department of Lands and Forests to designate the area for public park purposes. Using letters and a petition with one thousand local names (but not signatures) advocating the establishment of the park, the Province approved.⁹⁰ Gray was successful, and negotiated a price for William Scott's three hundred and seventy-seven acres, for \$10,000. The price was \$3,500 less than Scott's original purchase price from the Stoney Point band in 1928. Within a short time, the Province of Ontario established Ipperwash Provincial Park on December 10, 1936.⁹¹

The 1930s signaled the end of a seventy-year process of land surrenders and sales. The market plummeted due to a collapse in buying power, and Indian Affairs held less than one hundred thousand acres left on its roster. Indian Affairs' forty year practice of disposing excess, unused or unproductive Native land had achieved over one and a half million acres sold for Anglo-European settlement and development. In the process, Indian Affairs had successfully eroded the historic provisions of voluntary cession regarding land, to unconsented extinguishment of title for the public interest.

By 1930, a shift in policy occurred within the Indian Affairs Department. The historiography of scholarship regarding this issue reflects a wide variety of perspectives regarding the Department and its policies during this period. Historian Olive Dickason

claimed that by 1930 Indian Affairs was in a state of flux, driven by ad hoc decision-making and weak leadership.⁹² John Taylor disagreed, arguing that the activities of the Department were simply constrained by geography, the distance to Reserves, and budget limitations⁹³. Anthropologist Diamond Jenness contended that the pre- Second World War role of Indian Affairs was primarily custodial, burdened by too few professionals, inadequate financial appropriations, and “a repressive attitude to Indian cultures”.⁹⁴ However, the most consistent argument of Indian Affairs’ nature was coined by E. Palmer Patterson, who considered the Department simply continued on a consistent path, whereby Native people were largely irrelevant to Canadian life.⁹⁵

An examination of the period certainly shows evidence of all these arguments. The old school emphasizes the resistance of the Department to promote change. Anthropologist H. B. Hawthorn described the culture of Indian Affairs well as a government service that both Canadians and politicians allowed to simply “coast along”.⁹⁶ The authority for Native issues rested solely within the Department, among the “old line” Indian Agents, and with senior officials in Ottawa. Recent scholarship on public administration contends that the pre-war Department had “bureaupathic behaviour”, a culture tied to adherence to tradition and routine, outdated procedures, resistance to change, and insistence upon authority and status.⁹⁷ However, in some respects the Department made an effort to position itself for renewal and changes in policy direction.

Between 1930 and 1935, there were no annual reports of Indian Affairs activities. In 1936, when the Department moved from Interior to Mines and Resources, the Hon. Thomas A. Crerar became Superintendent General for Indian Affairs, but he had little direct experience or interest in the challenges facing the Department.⁹⁸ Crerar was from Manitoba with a rural background and was a strong proponent of improved land use. He

shortened the annual report for the Department considerably from its earlier form, providing only short paragraph summaries on the details of branch activities, while statistics on land surrenders, sales and leases were minimal. Census data, education, health care and Agency reports were completely eliminated, leaving only a cursory overview of new Department policies. However, Crerar offered little fresh perspective or direction for the Department, leaving the daily activities in the hands of the career bureaucrats.

At the local level, the administration of Native affairs was austere, with limited funds, reflecting the financial crisis of the Depression. The Department focussed on developing the economic activities of bands, particularly in food production. However, natural disasters and other such crises remained priorities. Such an emergency occurred in 1936 when a flood displaced the Bella Coola band in British Columbia.⁹⁹ The Department arranged a new site on the southern side of the Bella Coola River in order to reestablish the community. Upon the direction of Superintendent D. J. Allan, of the Reserves and Trusts Branch, families were required to move their own houses with little financial or physical assistance from Indian Affairs officials.¹⁰⁰ The band received no new building materials, but instead were directed to reconstruct their homes from the old rotting wood and recycled water pipes from the old Reserve.

Under the intellectual directorship of Dr. H. McGill, the Department of Indian Affairs made some effort to adjust outdated policies. Superintendent D.J. Allan, the man responsible for the smooth administration of land matters in Indian Affairs, analyzed the previous thirty-year period of land administration. Allan noted that the strict agricultural "Campaign" was too rigid, and inappropriate for a blanket Departmental policy. Farming was successful on many Reserves; however, some land was simply not conducive to that

type of economic model. Some bands gravitated toward a more traditional use of the land and combined a variety of different types of work for food and money. Some Natives would simply never achieve large-scale success as farmers. A more diverse economic plan was needed, particularly for bands in Northern Ontario and Quebec, which engaged in hunting and trapping. As Allan argued:

When thinking of land uses our white minds immediately seize upon its agricultural possibilities – either the growing of cereal crops, vegetables, hay, or the pasturage of herds of domestic animals... In the administration of his land, we should seek land uses compatible with the Indian tradition and temperament, and allow and teach him to make such use of his land as conforms to his natural instincts, desires, and training.¹⁰¹

After seventy years, Indian Affairs recognized the need to diversify the Departmental policy from the agricultural model and land use to case-specific needs. Unfortunately, such a plan required particular changes. Careful attention was needed to provide expertise on Native issues, a desire to work directly with Native bands and financial investment.

The Department began recognizing that Natives had a particular attachment to land, certainly on the economic level, but also culturally and spiritually. This was evident through the failure of Duncan Campbell Scott's assimilation and enfranchisement plan.¹⁰² Rather than work to reduce the population on reserves, Native communities proliferated on the old Reserves. Even at Kettle Point and Stoney Point, the communities had grown by three hundred percent in thirty years.¹⁰³ Dr. McGill declared that by all indications, the trend of increased populations and reliance on Reserve land would continue. Hence, in 1939, the Department declared that Indian Affairs would stop land surrenders as an active policy. McGill directed:

Further sales of Indian lands are not encouraged, save in exceptional circumstances, and then only after careful consideration has been given to the estimated future needs of the band.¹⁰⁴

Two years later Indian Affairs faced just such an exceptional circumstance when the Department of National Defence proposed to purchase the Stoney Point Reserve for the establishment of an advanced military training camp. Unfortunately, the new plans and directives regarding land administration had little time to permeate down to the local level. Instead, Indian Affairs approached surrender proposals from the longstanding tradition of working to expropriate land for the public interest.

The great wave of settlement and urban development during the late Nineteenth Century and early Twentieth Century greatly affected the administration and sale of Native land in Canada. The historic provision of voluntary cession, providing for Native control over any sales and surrenders of land, was repealed in 1911. Indian Affairs introduced powers of expropriation, which effectively shifted the balance of power from Native bands to the Crown. Native bands could scarcely safeguard their land from municipal, corporate or government development, and could no longer argue title based on historic treaty rights or inherent right to the land.

The broader public interest in land was rooted in the fact that Native land was the key to economic prosperity for Anglo-Europeans. Immigrants looked to the vast tracks of undeveloped Native land for its agricultural potential, homesteading and urban development possibility. By the early decades of the Twentieth Century, the public placed considerable pressure on the government to throw open Reserves for greater use. Indian Affairs acquiesced by actively negotiating surrenders, pressuring bands to sell, and amending legislation to facilitate broader access to Native land.

Stoney Point was one such example. Public pressure by real estate agents, municipalities and local residents sought to purchase parcels on Stoney Point for cottage

development, tourism industries and parkland. For years, Stoney Point was considered agriculturally unproductive, and generally a failure under the “Campaign of greater production”. For over forty years the local Indian Agents had considered the Reserve better suited for sale for public use. However, challenges of coercion, band resistance, intra-band conflict, and the need for money, served to show why land surrenders were often supported by Native communities.

After seventy years of land surrenders, Indian Affairs revisited the entire question of land surrenders and sales. The blanket agricultural policy for Native Reserves in some cases was ineffective and required a different approach. The wisdom of decreasing the Natives’ land base in light of increasing populations required a new shift in policy and administrative practice. By the onset of the Second World War, the traditional directive within Indian Affairs to seek land surrenders was halted. However, with the onset of the Second World War, Stoney Point Reserve #43 was again the victim of public interest for its land.

Endnotes

- ¹ R. J. Surtees, *Indian Land Surrenders in Ontario, 1763-1867* (DIAND: Ottawa, 1984), 52. Chenail Ecarté was the earliest regional designation imposed by Indian Affairs on the Lake Huron Ojibwa. The included the administrative responsibilities of Walpole Island, Sarnia, Kettle Point, and Stoney Point Reserves.
- ² *Ibid.*
- ³ Dr. Chris Ellis, Anthropology Department Chair, interview with author, 17 April 1998, University of Western Ontario.
- ⁴ Cornelius Shawnoo and Elijah Southwind to A.C. Chadwick, Kettle Point Reserve, 16 February 1929. National Archives of Canada (hereafter referred to as NAC) Vol. 7794, File 27029, Part 2.
- ⁵ R. S. Allen, *The British Indian Department and the Frontier in North America, 1755-1830*, Occasional Papers in Archaeology and History, no. 14 (Ottawa: Department of Indian and Northern Affairs, 1975), 29.
- ⁶ *Ibid.*
- ⁷ A. Shortt and A.G. Doughty, *Canada and its Provinces*, vol. 4, (Toronto, s.n., 1914).
- ⁸ Douglas Leighton, *The Development of Federal Indian Policy in Canada, 1840-1890*. Unpublished Ph.D. dissertation (University of Western Ontario, London), 23.
- ⁹ R. J. Surtees, *Indian Land Surrenders in Ontario, 1763-1867*, 67.
- ¹⁰ Douglas Leighton, *Federal Indian Policy*, 23.
- ¹¹ Jack Woodward, *Native Law* (Toronto: Carswell Thompson Ltd., 1996, Rel. 1), 209.
- ¹² Alison Drummond, *Current Issue Paper #85: Indian Lands in Ontario*. (Ottawa: Legislative Research Service, 1988), 10.
- ¹³ J.L. Morris, *Indians of Ontario*, (Toronto: Department of Lands and Forests, 1943), 79.
- ¹⁴ *Ibid.*, 98.
- ¹⁵ *Ibid.*
- ¹⁶ *Ibid.*
- ¹⁷ Department of Indian Affairs, *The Historical Development of The Indian Act* (Ottawa: Queen's Printer, 1978), 15.
- ¹⁸ *Ibid.*, 16.
- ¹⁹ F.H. Abbott, *The Administration of Indian Affairs in Canada* (Washington: Board of Indian Commissioners, 1915), 91.
- ²⁰ Alison Drummond, *Indian Lands in Ontario*, 4.
- ²¹ Duncan Campbell Scott, *The Administration of Indian Affairs in Canada*. (Ottawa: Canadian Institute of International Affairs, 1931), 1.
- ²² E. Palmer Patterson II, *The Canadian Indian: A History since 1500*. (Toronto: Collier-MacMillan Canada Ltd., 1972), 122.
- ²³ Alison Drummond, *Indian Lands in Ontario*, 52-53.
- ²⁴ Sir Francis Bond Head, "Despatches", as cited in F. W. Major's *History of Manitoulin Island*, (Gore Bay: The Recorder Press, 1934), 16.
- ²⁵ John Leslie, "Buried Hatchet: The Origins of Indian Reserves in the 19th C Ontario", *Readings in Canadian History: Pre-Confederation*, eds. R. D. Francis, D.B. Smith, 3rd ed. (Toronto: Holt, Rinehart and Winston of Canada, Ltd., 1990), 379.
- ²⁶ NAC 2763, Thomas Worthington to R. J. Pennefather, Ottawa, 1856, 209.
- ²⁷ *Ibid.*, 210.
- ²⁸ E. Brian Titley, *A Narrow Vision Duncan Campbell Scott and the Administration of Indian Affairs in Canada*. (Vancouver: University of British Columbia Press, 1986), 68.
- ²⁹ Department of Indian Affairs, *The Historical Development of The Indian Act*, 51.
- ³⁰ Statutes of Canada, *Indian Act*, c.18, 1876.
- ³¹ Douglas Leighton, *Federal Indian Policy*, 519.
- ³² F.H. Abbott, *The Administration of Indian Affairs in Canada*, 35.
- ³³ Statutes of Canada, *Indian Act*, c. 32, s. 38, 1894.
- ³⁴ NAC 7621, William Nisbet to J.D. McLean, Sarnia, 3 November 1909.
- ³⁵ *Former Chiefs of the Band, 1826-1995*, 30. Unpublished manuscript, Lambton County Archives, Box 1A File #10B-A Kettle Point.
- ³⁶ NAC 2763, Chief James Johnston to Adam English, Sarnia, 23 April 1900.
- ³⁷ Darlene Johnston, *The Taking of Indian Lands* (Saskatchewan: Native Law Centre, 1989), 92.

- ³⁸ *Sessional Papers 14*, 1900, 453; *Sessional Papers 27*, 1901, 47; *Sessional Papers 27*, 1902, 55; *Sessional Papers 27*, 1904, 60; *Sessional Papers 27*, 1906, 58; *Sessional Papers 27*, 1908, 64; *Sessional Papers 27*, 1910, xxxv.
- ³⁹ Department of Indian Affairs, "Agency Related Information for Upper Canada". Unpublished manuscript. (Ottawa: Claims and Historical Research Centre), 41.
- ⁴⁰ NAC 2763, Adam English to Indian Affairs, Sarnia, 28 November 1894.
- ⁴¹ Wub-e-ke-niew, *We have the right to exist* (New York: Black Thistle Press, 1995), 4.
- ⁴² Revised Statutes, *Indian Act*, c. 81, s. 26, 1918.
- ⁴³ "The Royal Proclamation of October 7, 1763" as cited in Jack Woodward, *Native Law*, 548.
- ⁴⁴ Statutes of Canada, *The Indian Act*, c.18, s.26, 1876.
- ⁴⁵ Jack Woodward, *Native Law*, 209.
- ⁴⁶ D.J. Allan, "Indian Land Problems in Canada", *The North American Indian Today*, edited by C.T. Loram and T.F. McIlwraith (Toronto: University of Toronto Press, 1943), 194.
- ⁴⁷ NAC 7794, Cornelius Shawnoo to Indian Affairs, Kettle Point, November 1928.
- ⁴⁸ *Ibid.*
- ⁴⁹ B.E. McCardle, *Indian History and Claims: A Research Handbook*, vol. 1 (Indian and Northern Affairs: Research Branch Corporate Policy, 1982), 89.
- ⁵⁰ E. Brian Titley, *A Narrow Vision*, 80.
- ⁵¹ *Ibid.*
- ⁵² Canada. *Debates*, 1910, 1-2 Geo.5, columns 7827-7828.
- ⁵³ Department of Indian Affairs, *The Historical Development of The Indian Act*, 105.
- ⁵⁴ *Sessional Paper 27*, 1910, 214-215.
- ⁵⁵ Department of Indian Affairs, "Expropriation in Relation to Aboriginal Land Title", Unpublished manuscript. (Ottawa: Claims and Historical Research Branch, 1974), 13.
- ⁵⁶ Darlene Johnston, *The Taking of Indian Lands*, 82.
- ⁵⁷ Canada. *Debates*, April 26, 1911, column 7826, 1911.
- ⁵⁸ *Ibid.*, columns 7832-7833.
- ⁵⁹ Statutes of Canada, *The Indian Act*, c. 14, s. 2., 1911.
- ⁶⁰ *Sessional Papers 27*, "Report of the Deputy Superintendent General", 1912, part II, xxi.
- ⁶¹ E. Brian Titley, *A Narrow Vision*, 82-86.
- ⁶² Statutes of Canada, *The Indian Act*, c. 14, s. 2., 1911.
- ⁶³ *Sessional Paper 27*, 1910, 214-215. The Songhees of the Cowichan Agency had a population of 140 people and resided on 306 acres of land.
- ⁶⁴ *Sessional Papers 27*, 1916, xxxii. A few corporations were successful in purchasing land by expropriation. In 1916, The Canadian Light and Power Company purchased portions of the Caughnawaga Reserve in Quebec, while the Canadian Pacific Railway forced the relocation of the Shawanaga Reserve in Ontario.
- ⁶⁵ Department of Indian Affairs, "Expropriation in Relation to Aboriginal Land Title", 13.
- ⁶⁶ Darlene Johnston, *The Taking of Indian Land*, 82.
- ⁶⁷ *Sessional Papers 4*, 1925, 7.
- ⁶⁸ *Sessional 1925* *Ibid.*, 8.
- ⁶⁹ *Sessional Papers*, 1927, vol. II, 10.
- ⁷⁰ Barry Cottam, "The Twentieth Century Legacy of the St. Catherine's Case: Thoughts on Aboriginal Title in Common Law", *Co-existence? Studies in Ontario-First Nations Relations*, B. Hodgins, S. Heard, J. Milloy, eds. (Trent University: Frost Centre for Canadian Heritage and Development Studies, 1992), 118-120.
- ⁷¹ David T. McNab, "Making a Circle of Time: The Treaty-Making Process and Aboriginal Land Rights in Ontario", *Coexistence?*, 32.
- ⁷² *Sessional Papers 8*, 1920, 40-41.
- ⁷³ *Ibid.*
- ⁷⁴ *Ibid.*
- ⁷⁵ *Sessional Papers* vol. II, 1927, 65-67.
- ⁷⁶ *Sessional Papers 9*, 1919, 10-11.
- ⁷⁷ *Sessional Papers 27*, 1908, 7.
- ⁷⁸ *Sessional Papers 27*, 1910, 11.

⁷⁹ NAC 7754, *Appraisal of Improvements on Lots*, May 1942.

⁸⁰ NAC 7794, Report on the Crawford-Scott Surrender on Kettle and Stony Point, 18 October 1929.

⁸¹ Department of Indian Affairs, "Agency Related Information on Upper Canada". Unpublished manuscript (Ottawa: Claims and Historical Research Centre, 1990), 41.

⁸² NAC 7794, Thomas Paul to D.J. Allan, Sarnia, January 1927.

⁸³ NAC 7794, Cornelius Shawnoo and Elijah Southwind to The Hon. James Layton Ralston, Kettle Point, February 1929.

⁸⁴ *Ibid.*

⁸⁵ NAC 7794, Chief Sam Bressette, Morris George and John Elijah to Minister of Indian Affairs, Kettle Point, 31 August 1929.

⁸⁶ NAC 7794, J.D. McLean to Thomas Paul, Ottawa, 18 October 1929.

⁸⁷ NAC 7794, J. D. McLean to William John Scott, Ottawa, 5 October 1929.

⁸⁸ Department of Indian Affairs, *Agency Related Information for Upper Canada*, 41.

⁸⁹ Victor Gulewitsch, *Draft Report on Park Burial Ground*. Unpublished manuscript. (Kettle Point, 1995), 1.

⁹⁰ *Ibid.*, 2.

⁹¹ *Ibid.*

⁹² Olive Dickason, *Canada's First Nations*, 328.

⁹³ John L. Taylor, *Canadian Indian Policy during the Inter-War Years, 1818 to 1939* (Ottawa: Queen's Printer, 1984), 203.

⁹⁴ Diamond Jenness, "The Politics of Indian Affairs", *As Long as the Sun Shines and Water Flows*. Edited by Ian Getty and Antoine Lussier. (Vancouver: University of British Columbia Press, 1988), 164.

⁹⁵ E. Palmer Patterson, *The Canadian Indian*, 108.

⁹⁶ H. B. Hawthorn, ed. *A Survey of the Contemporary Indian: A Report on Economic, Political, Education Needs and Policies in Two Volumes, Vol. 1* (Ottawa: Indian Affairs Branch, 1966), 366.

⁹⁷ Doug Owram, "Two Worlds: The Canadian Civil Service in 1939" in *A Country of Limitations: Canada and the World in 1939*, edited by Norman Hillmer et al. (Ottawa: Canadian Committee for the History of the Second World War, 1996), 184.

⁹⁸ J.K. Johnson, *The Canadian Directory of Parliament 1867-1967*. (Ottawa: Queen's Printer, 1968), 142.

⁹⁹ Department of Mines and Resources, *Annual Report* (Ottawa: King's Printer, 1939), 188-189.

¹⁰⁰ *Ibid.*

¹⁰¹ D.J. Allan, "Indian Land Problems in Canada", in *The North American Indian Today*, 187-188.

¹⁰² Duncan Campbell Scott, *The Administration of Indian Affairs in Canada* (Ottawa: Toronto: Canadian Institute of International Affairs, 1931), 5.

¹⁰³ Sessional Papers 27, 1900 to 1930 figures showed that the population of Kettle Point and Stoney Point communities combined was 350.

¹⁰⁴ Department of Mines and Resources, *Annual Report* (Ottawa: King's Printer, 1939-40), 191.

Chapter Two

The expropriation of Stoney Point Reserve #43 and the relocation of the band occurred during a critical juncture in the Second World War. The bombing of Pearl Harbor on December 7, 1941, and the stunning defeat in Hong Kong on Christmas Day of the same year motivated Canada into a whirlwind of action. The losses of Canadian soldiers on the frontline spurred public criticism against the ineffective training received by Canadian troops. In response, Defence Minister James Layton Ralston steadily expanded active and non-active units and authorized the construction of six new basic camps and two advanced training centres during 1942 and 1943. The expansion promised a forty-percent increase in training capacity, bringing the total number of camps across Canada to thirty-four basic and twenty-three advanced training centres. Stoney Point was one of the two advanced centres aimed at providing specialized officer and infantry training in Military District No. 1 in Southern Ontario.

Brigadier General D. J. MacDonald, Commanding Officer of M.D. No. 1, was a key figure in the establishment of Camp Ipperwash. MacDonald expected recruitment to be the greatest in 1942, attributing the rise to the mobilization of the Canadian Fusiliers, heavy losses in Hong Kong and increasing support in his District for a total war effort. Under the Army training plan, MacDonald was directly responsible to find a suitable site and coordinate construction of the camp. However, MacDonald made several tactical errors early on in the process. First, MacDonald failed to work directly with the band on the proposal or regarding the need for the land. By eschewing the band, MacDonald laid the groundwork for future difficulty.

The local Indian Agent, George Down, also played an important role in the initial phase. Down had little concern that the land was needed for the war effort. Instead, he was more enthusiastic for the opportunity to rid the Department of the administrative and agricultural burden. Down failed to safeguard the band's interests by determining what its future land needs would be, and by evaluating the military's proposal.

Indian Affairs fully supported the military proposal and demands and allowed unlimited access to the Reserve. From the beginning, the band had no part in the development of the proposal. Nor was the band given an opportunity to negotiate any terms of the proposal, to which it was entitled by law. The result was a clear failure by Indian Affairs to safeguard the interests of the band according to the letter and spirit of the law. However, in order to better understand the need for land, an examination of the wartime conditions are necessary.

* * *

In the spring of 1940, following the German invasion of the neutral countries, Canada stepped up its participation in the Second World War. The intensified theatre of war in Europe forced Canadian attention to the issues of recruitment and training. In response, Prime Minister King implemented the *National Resources Mobilization Act* (NRMA) in June 1940, forcing national registration for men in Canada.¹ All single men and childless widowers between twenty-one and forty-five years of age were required to register for home service. By March 1941, the Canadian Army rapidly expanded to a total strength of over 375,000 men and women in all ranks.² The government worked to actively recruit and train troops for a variety of purposes.³ Prime Minister King remarked:

Improvisations have had to be fitted into plans. Men have had to be moved to unexpected spheres of action.⁴

The NRMA was a moderate measure to direct manpower into home defence and the production of wartime supplies.

The scale of the war was ever-expanding. The issue of military preparedness and the need to ensure the defence of Canadian borders resulted in the steady growth of the military. The Department of National Defence developed policies to meet the needs of preparedness, both at home and in the overseas service. The War Services Department coordinated the lists of available NRMA manpower. In the early period, NRMA men received only thirty days of basic skills training including saluting, parading, weapons introduction and organized sports. Critics charged that the training program was insufficient in preparing recruits for the challenges of modern warfare, and a waste of resources. Minister Ralston later expanded the training to four months to ensure adequate basic and advanced courses, while Major-General H.D. Crerar's vision of a professional and high profile army contributed further to the expansion of the Army's training plan.⁵

The Army Division of the Department of National Defence coordinated the construction of camps for the accommodation of trainees. The issue of border defence, particularly on the east and west coasts, required the establishment of hundreds of temporary camps. The military took over buildings or even rented facilities such as at the London Thames Valley Golf Club to establish temporary barracks.⁶ By July 1940, over two thousands tents and three hundred and seventy-five marquees were used to provide shelter for NRMA trainees across Canada.⁷

Permanent camps were erected to facilitate the training of active soldiers.

Extensive construction resulted at Camp Borden, Valcartier, Petawawa, Shilo, Dundurn,

Barriefield and Listowel to provide infantry training.⁸ Recruits destined for the Canadian Fusiliers at Bennett Barracks in Listowel, Ontario, received training in drill techniques, physical training, marching, rifle, bayonet, foot care, equipment and organized sports.⁹ The Cabinet War Committee recognized the need to maximize preliminary training and equipment for recruits during 1940-41.

In September a detailed survey of all Training Centres in Canada was initiated with a view of meeting increased requirements in training and administrative personnel and to effect such reorganization as might be necessary in the interests of increased efficiency.¹⁰

Unfortunately, the scarcity of supplies and training had disastrous results for those units embarking for battle.

The events of 1941 forced the Cabinet War Committee to recognize that advanced infantry training was necessary to ensure the efficiency and safety of active troops. With less than one full year training, and many with less than three months service, the Winnipeg Grenadiers were woefully unprepared for Hong Kong.

Their experience with their weapons was scanty, shortages of arms and ammunition had hampered their work on the rifle ranges, their field training was limited, and the Winnipeg battalion in particular had taken fifteen new officers and a substantial number of men on strength just before embarking.¹¹

Immediately upon arrival, the soldiers faced a semi-tropical climate, no air force, navy or tactical support.

Minister James Ralston admitted that many of the Winnipeg Grenadiers were unprepared for active service. The Cabinet War Committee determined that in order to reinforce overseas forces, a reorganization of training camps for home defence and active service was required. However, the Cabinet War Committee was hesitant to increase recruitment beyond the NRMA and War Services powers. Prime Minister King was leery

of committing to the establishment of a “big Army”, which would inevitably lead to the need for conscription for overseas service.¹² Although the Cabinet War Committee recognized the need for better training for recruits¹³, the expansion plan for land forces training was moderate. In early December 1941, the Committee recommended that the Army program and services would be determined based on Canada’s obligations to supply labour, products and food, rather than active servicemen.¹⁴ This position changed quickly to one of immediate military preparedness.

From May to July 1941, the Department of National Defence initiated the National Recruiting Campaign in order to arouse general interest in the Canadian Army.¹⁵ The military coordinated the Canadian Army Demonstration Train which toured for three months, visiting Canadian towns and demonstrating the latest techniques, equipment and training for the Army. The technique was highly effective, attracting over 32,434 recruits for service.¹⁶ The impact of the Japanese bombing of Pearl Harbor on December 7, 1941, and the massacre of Canadian troops in Hong Kong on Christmas Day 1941, caused an immediate reevaluation of the Army expansion and training needs. The threat of incursion upon Canadian borders resulted in a very real fear among Canadians, particularly in western Canada. The devastating defeat of the Winnipeg Grenadiers and the Royal Rifles of Canada in Hong Kong produced a public outcry. King’s Liberal government was pressured to shift Canada’s priorities from a supportive role to a total war effort.

Winston Churchill’s visit to Ottawa in January 1942, provided further public support for Canada’s participation in the war effort. Churchill implored Canadians to recognize that the war would continue in severe losses of men and suffering for several more years, unless Canada shifted its priorities.

If we are reluctant to disturb our established routine, if we are hesitant about adopting thorough going measures, if we are insistent upon the protection of the amenities we are used to, instead of devoting all our production facilities to munitions of war, then the period will be long drawn-out, and suffering will be heaped upon us.¹⁷

Canadians overwhelmingly supported Churchill's call to arms. However, Prime Minister King maintained a position of moderation and scepticism.

King disliked the notion of increasing the Army and using conscription to maintain it. He was concerned that by invoking conscription, a flood of trained men would simply add to the already static pool of soldiers awaiting active participation.¹⁸ Moreover, the enactment of conscription powers was a political issue that deeply divided the Canadian population. English speaking Canadians were critical of King's constraint, charging the government with cowardice and wasting valuable time, rather than declaring conscription and total mobilization.¹⁹

Ontario and the western provinces encouraged the "total war effort" campaign. Toronto led the debate and was quickly supported by other communities throughout Southwestern Ontario. Organizations such as the Rotary Club, Odd Fellows, Local Council of Women and the University Women's Club in London urged "the conscription of material wealth and resources along with manpower".²⁰ As political scientist, Sidney Aster argued, Canadian society largely held a collective view of "patriotism, solidarity, community, stability and purpose" to the war effort.²¹ Hence, in the early months of 1942, the "over-zealous and impatient spirits principally in Ontario" were calling for mandatory conscription to heed Churchill's call to arms.²² Support in Ontario was in stark contrast to the French population of Quebec. Francophones refused the idea of service to the British Crown, while others asserted religious concerns against mandatory enlistment for home defence or overseas service. Nevertheless, by April 1942, a plebiscite resulted in

an amendment to the NRMA permitting troops to be sent overseas through an Order-in-Council.

The activities of 1941 reignited the debate on Army expansion and training in the Cabinet War Committee. Minister Ralston presented a plan, which detailed the construction of six new basic camps and two advanced training centres. The expansion envisioned a forty percent increase in training capacity and provided increased protection for Canada's coastal borders. The remaining advanced infantry camps were for specialized training for those Districts with several basic and temporary camps. The Committee conceded that Canada needed to expand its military preparedness and quality of training.

The Cabinet War Committee authorized the construction of additional training centres under the 1942-43 Army Programme.²³ Over thirty-four basic and twenty-three advanced training centres would be constructed across Canada. An estimated thirty-two thousand additional men would be trained at the basic camps, while six thousand officers and active servicemen could be accommodated at the advanced camps. A total of \$7 million dollars was set aside, with \$1.5 million designated for an advanced infantry training camp in Southern Ontario.²⁴

The plan, particularly the addition of advanced infantry camps, would strengthen tactical training and advanced military techniques. A training prospectus was developed to include modules such as "The Enemy" and "The Attacking Party". Battalions practised flotation techniques with gas capes, ground sheets and clothes. Recruits were taught to swim and wade into rivers with loaded rifles, while learning to maneuver against simulated rifle fire and "thunderflashes". Officers received specialised training in long

distance marches, tent living, creating large size sand tables, and laying out training areas for tactical planning.²⁵

The locations for the new centres were determined by the Commanding Officers of the Military Districts. Each District held a variety of permanent and temporary basic training centres, and the manpower varied across Canada. Brigadier General D. J. MacDonald, Commanding Officer for Military District No. 1, authorized the establishment of one of the two new advanced training centres in Southern Ontario.

Recruitment is expected to be the greatest since the beginning of the war which can be attributed to the mobilization of the Canadian Fusiliers and calling up more people to the tide of the war.²⁶

Driven by the wave of support and mobilization in Ontario, MacDonald immediately made preparations to establish his new infantry training centre.

In 1942, the Stoney Point Reserve was 2,240 acres, or 906.5 hectares and home for 100 people.²⁷ Located outside of Forest, Ontario, on the eastern shore of Lake Huron, the Reserve was bordered on the north by Ipperwash Beach, with parcels of private land and beach homes, and by the growing village of Port Franks to the east. In a report produced in 1941, Inspector W.S. Arneil of Indian Affairs described the Reserve as “offering little agricultural opportunity for farming or pastures”.²⁸ The land had possibilities for cottages, pleasure fishing or development for the tourism industry, but would be agriculturally unsuccessful.

The Reserve was topographically well suited for a training centre. The area had heavy wooded lots, light sandy soil and inland lakes.¹⁵ The cleared areas provided ample room to build barracks and administrative buildings. The Reserve was sufficiently removed

from neighbouring towns and farms to enable the construction of rifle ranges, yet had direct access to Highway 21. By all accounts, the Reserve was ideally suited for a training camp.

D. J. MacDonald joined the Royal Canadian Regiment on October 6, 1935.²⁹ Three years later, he assumed the post of Commanding Officer for Military District No. 1. Within one month of the Cabinet War Committee authorizing the construction of eight new training camps, MacDonald set his sights on Stoney Point. It is unclear from existing documents why MacDonald specifically chose the Native Reserve. Several reasons can be deduced, based on the benefits the military enjoyed from the land in the decades after the war (See Chapter Five). However, for the purposes of the training camp, MacDonald was specific in his requirements.

MacDonald considered Stoney Point Reserve #43 an excellent location for the new advanced training camp. The land was located on the shore of Lake Huron and in the western part of the District. The location was ideal for bringing recruits from the basic training centers in London, Chatham and Listowel. The new camp would also attract recruits from Windsor, Sarnia and the local farms, where voluntary recruitment was relatively low up to 1942.

MacDonald also surveyed other land in the area, making aerial photographs of the Canada Company land directly adjacent to the Reserve. (See Appendix II) This area was identical to Stoney Point Reserve #43, but there were some immediate problems. The land had no highway access, nor was there a bridge to cross the River Aux Sables. (See Appendix III) Nor was the land cleared at all to facilitate building barracks or to establish rifle ranges. The land was, however, private land and available for purchase and development.

There is no documentation to illuminate why Brigadier MacDonald rejected the Canada Company land. Perhaps the land required an unreasonable military investment in

manpower to prepare the necessary infrastructure? Maybe MacDonald could purchase the Reserve at a cheaper cost? Unfortunately, MacDonald left no records to answer these questions. However, by all indications, The Canada Company was certainly willing to sell the land in 1942, and the price MacDonald negotiated for Stoney Point was certainly cheaper than he would have achieved by purchasing the private land.

The parcels, referred to as “The Pinery”, were the last remaining lands owned by The Canada Company for sale.³⁰ The Company was desperate to sell so it could “close up shop” in Canada. The land was demanding a good price due to the quality of its timber and real estate appeal for cottage development. However, the land was unattractive to the military without ready-made highway access or a bridge to cross the river. MacDonald likely rejected “The Pinery” based on its undeveloped nature rather than its price per acre.

Brigadier General MacDonald visited Indian Agent George Down at his office in the Sarnia Indian Agency on February 5, 1942.³¹ The agency office, located in Sarnia, Ontario, administered the financial and property affairs of the bands at Walpole, Sarnia, Kettle Point and Stoney Point. Only one short week after Minister Ralston authorized the establishment of additional training camps, MacDonald was poised to purchase the Reserve. MacDonald explained to Down that “the [s]ite is ideally situated and the contours of the land [lend] themselves to barracks and maneuvering grounds with the open lake as a background for rifle ranges.”³² However, as the land was a Native Reserve, the process of purchase was different than private land. MacDonald requested clarification from the Indian Agent on what procedures were necessary to purchase the land.

The Department of Indian Affairs fully supported MacDonald's proposal. The war provided a convenient opportunity to offload the Reserve. After forty years of effectively entrenching the notion that Stoney Point would never achieve agricultural self-sufficiency, Indian Affairs did little to safeguard the band's interest in the Reserve. (See Chapter One) Indian Affairs supported the military's plan in order to relieve an unwanted administrative burden.

Agent Down advised MacDonald that in order to achieve a successful sale, he should work through the peacetime procedures of *The Indian Act*. This entitled the band to negotiate a purchase price and would absolve Indian Affairs from any charges of forcing a sale or foul play. Secretary T.R.L. MacInnes later informed Down that the "general acquisition procedures" were correct, but during wartime, the military could circumvent the peacetime processes by invoking the *War Measures Act*.³³ MacInnes dismissed the probability of MacDonald using expropriation powers, arguing that unless the military had an extreme emergency for the land, expropriation was rarely necessary.³⁴

MacDonald could have worked through the *War Measures Act* it accorded all the authority he needed to acquire the Reserve. Even powers of expropriation contained within *The Indian Act* were available. Two avenues of legislation were available for an immediate purchase or acquisition of the Reserve. However, MacDonald chose to purchase Stoney Point through the peacetime procedures of *The Indian Act*. Either the Department of National Defence did not have an urgent need for the land, or MacDonald highly underestimated the difficulty he would face in purchasing Stoney Point. Given the difficulties of the day, the latter choice seems most likely. Historically, proposals took several months, and sometimes years, to effect a successful sale. Down certainly did not inform MacDonald of the difficulties in effecting a successful sale through *The Indian*

Act. Moreover, in light of the Stoney Point experience of the surrender proposal of 1928 (See Chapter One), it is doubtful that MacDonald would have opted to work within the peacetime legislation. Given more information, it is likely MacDonald would have expropriated the land under the *War Measures Act* at the outset.

Nevertheless, the general acquisition procedures were relatively straightforward. Under Section 21 of *The Indian Act*, any purchase proposal supported by Indian Affairs was required to be brought before the Band Council.³⁵ The male members of the band voted on the proposal, and if successful, the land was sold and transferred. If the band rejected the proposal, the issue was to be halted with no further action on the part of Indian Affairs or the purchaser. The right of first refusal was inherent in the letter and spirit of the legislation. Regardless, at the outset of the process, the band was denied any opportunity to negotiate with MacDonald. Furthermore, it was kept unaware of any proposal, purchase price or activities of the military on the Reserve.

Agent Down clearly failed to uphold the band's interest in the land, or follow the Department's guidelines. In 1939, Minister Thomas Crerar had declared a moratorium on land surrenders and sales. The Department argued that "sales would only be sought in exceptional circumstances, and only after careful consideration was given to the future needs of the band".³⁶ Upon being confronted with the opportunity to sell Stoney Point, Agent Down prepared a letter fully supporting the proposal.

Down did not consider the needs of the band. He provided the military little concrete information. There was no analysis on the historical development of the Reserve, the need for land to support the growing population, the availability of other land locally, or other options such as leases or rental arrangements in order to safeguard

the land. Instead, a letter detailing the meeting revealed his motivations based on personal opinion, bureaucratic objectives and cultural biases.

Down argued that Stoney Point was “more or less sand hills” and a waste of Departmental funds.³⁷ The Reserve would never achieve a level of agricultural self sufficiency. Finally, he argued that the administrative efforts of the Department were maintained for only a few families. Down declared:

Personally I think this is a wonderful opportunity to gather a few straggling Indians and locate them permanently with the main body of the Band at Kettle Point.³⁸

Down, and his superiors in the Department of Indian Affairs did not regard the sale of Stoney Point from the perspective of wartime expediency, but rather as an excellent opportunity to rid the Department of an administrative burden and failed agricultural experiment.

Two weeks after first approaching Indian Affairs, a team of military engineers and real estate officers began inspecting the Reserve.³⁹ Minister Crerar authorized the Real Estate Adviser’s Branch of National Defence to conduct surveys and begin any construction required for the camp. The military Engineering Corps confirmed that Stoney Point was suitable for the task; it had fresh water sources for potable water and adequate dimensions to build training areas. With the preliminary survey completed, MacDonald contracted Burt Weir & Co., a local London realtor, to appraise the value of the land and buildings. Weir was contracted through the Real Estate Branch of the military to help advise on leasing, valuating and purchasing facilities for the military in Military District No. 1. From Weir’s report, MacDonald could formulate a purchase price and proposal for the band.

The *Canadian Real Estate Appraisal Board* was established in 1936, but few guidelines existed to help real estate agents appraise Native land. Native lands were centralized in the Reserves and Trust Branch of Indian Affairs, but MacDonald used his own real estate appraiser to determine a purchase price.⁴⁰ Section 21 of *The Indian Act* required that the price be determined based on the value of the land, approved by the Superintendent General.⁴¹ However, under general contract law and real estate appraisal guidelines in Canada during that period, valuations were based on the market value of land.⁴² Thus, the credibility and accuracy of Weir's appraisal report and the subsequent compensation process must be examined.

Burt Weir was not a member of the Canadian Real Estate Appraisal board. Now as his survey conducted under the standard principles of the *Canadian Institute of Real Estate Appraisers* guidelines, *Indian Act* or Canadian trust laws.⁴³ Instead, Weir's report was merely a cursory evaluation of the buildings and poor appraisal of the land that severely misrepresented the market value of the Reserve. Weir's survey of the Reserve was based on a walking tour of the land, and on conversations with six band members. The buildings were evaluated based on external appearances, and the entire price for the Reserve was calculated on an amount per acre "usually obtained by one Indian from another."⁴⁴ Weir estimated that the land, including timber, arable parcels, lakefront parcels and inland lakes was worth \$15 per acre.⁴⁵

There was little consistency in land prices for the area. *Market value* was determined on a buyer's highest bid rather than an average price. In 1941, the Department of Highways expropriated twenty-eight acres of "Pinery" land to extend Highway 21 for \$50 per acre.⁴⁶ In some cases, the quality of land with good timber was valued at \$100 per acre, while other parcels were estimated at \$30 per acre.⁴⁷ There was considerable variation in prices for

lakefront land. Even at Stoney Point, land had brought a strong price of \$85 per acre from William Scott in 1928, while at Kettle Point, land was valued at \$5 per acre. The incredibly low price of \$15 per acre was quoted throughout the district for regular farmland⁴⁸, but certainly not for lakefront property with timber.

Weir's comment that \$15 per acre was the value of land between intra-band transfers is also fallacious and an improper measure to use under the surrender and sale guidelines. Location ticket transfers between band members ranged considerably depending on the family agreement. Agent Down was also surprised to hear that the residents Weir spoke to quoted a figure of \$15 per acre.⁴⁹ Regarding the land appraisal, Weir failed to provide a comparative survey of the local land market for his appraisal.

Weir's appraisal of the buildings and chattels on the Reserve was conducted in much the same manner. Weir identified fourteen buildings on the Reserve and prepared a report listing a broad range of values.⁵⁰ There was a frame cottage owned by Wellington Elijah valued at \$100, and a one and a half storey, three room brick house belonging to Mrs. John Johnson, described as having bad brickwork but a good interior for \$600. On the upper end of the scale, the schoolhouse and former church was considered to be in good condition, and valued accordingly at \$1150. Weir appraised the buildings based on an exterior evaluation of the frame and aesthetic condition. Unfortunately, Weir erred by attributing many of the properties to the wrong families. Rather than work with the Indian Agent and Band Council to provide an accurate and informed appraisal of the Reserve, Weir estimated the Reserve to have a total value of \$41,600.⁵¹ Pleased with the price, Brigadier General MacDonald contacted the Deputy Minister of Indian Affairs, Charles Camsell, to begin the surrender and sale of Stoney Point.

Right from the outset, Brigadier General MacDonald relied on negotiating the surrender and sale through Indian Affairs rather than with the Band Council. Agent Down raised a concern that MacDonald was leaving the band out of the process. He indicated to MacDonald that in order to effect a successful sale, the band should be apprised of the details of the proposal well before the vote. Down argued that the inter-ministerial method of negotiation in a purchase of Native land was certainly possible, however, "it was not in line with usual procedure and did not lend itself to smooth negotiations."⁵²

Agent Down raised this concern because there were already rumblings of discontent within the band. Senior officials in Indian Affairs had already authorized the military to begin drilling on the Reserve: the band was getting suspicious. The Band Council asked Down why the military was trespassing on the Reserve and asked Down to stop their activities. However, Down did not divulge who the military men were, or what they were planning. Down reported:

Drilling operations have been progressing without the Band's permission. This may seem a minor detail to some authorities but to a Band of Indians and at such a time when all our efforts are centered upon smooth co-operation, it is regretted that permission was not requested.⁵³

Naturally the band became suspicious of the military's presence on their Reserve, and fostered feelings of hostility and resentment toward any proposal.

The only time the band was contacted regarding the purchase proposal or military activities was through Burt Weir's land appraisal visit. Agent Down was not apprised of Weir's plan to survey the property, and his visit to the Reserve caused Indian Agent George Down considerable concern. Weir discussed the purchase "freely" with some of the residents, which caused Down to lament, "I presume by this time the news is more

than common knowledge.”⁵⁴ Without providing the Band Council Chief and Councillors the proper context for the purchase proposal or military activities, Down knew that the band was aware of the activities. Nevertheless, without direct consultation, negotiation or permission of the band, Down knew that the military was setting the stage for an unsuccessful vote.

Unfortunately, a change in management occurred at the Sarnia Agency in March 1942. Agent Down was being transferred to the Muncey Reserve on March 1, 1942, at a time when the final negotiations over the expropriation of Stoney Point and the removal of its residents would occur.⁵⁵ (See Chapter Four) He had administered the Sarnia Agency Reserves for five years and put in for a transfer earlier in the year. He remained at Muncey until his departure from service with Indian Affairs in June 1948.⁵⁶

Down effectively switched posts with Morley William McCracken. McCracken started his lengthy career as Indian Agent at Christian Island in 1939.⁵⁷ Serving as Indian Agent at Muncey for less than a year, he replaced Down as Agent of the Sarnia Agency where he remained until 1955.⁵⁸ Outside of Adam English, who remained at Stoney Point for twenty-four years, McCracken was the longest standing administrator of Stoney Point affairs with a period of service of thirteen years. McCracken continued his longtime service with Indian Affairs until his retirement in 1970.⁵⁹

Down continued as an advisor in the surrender and sale negotiations after his transfer “knowing these people...as I do”.⁶⁰ However, Down’s knowledge of the families and community culture had little positive effect on the process.⁶¹ Down openly worked against the band by publicly advocating the surrender and sale. Moreover, Down offered no information to the band of the military’s activities or proposal, leaving them completely uninformed. From the outset, Down was ineffective as the band’s

administrator or guardian. Alternatively, Down provided little effective information, procedural advice, or practical assistance to Brigadier General MacDonald in effecting an equitable or expeditious sale.

Superintendent D. J. Allan of the Reserves and Trusts Branch briefed Agent McCracken on the details of the military proposal upon his arrival at Stoney Point. Allan was the senior official in Indian Affairs who was directly responsible for the surrender and sale of Reserves. He also approved the registration of location tickets, leases, mineral and timber rights for bands. With regard to Stoney Point, Allan instructed McCracken to limit discussion about the proposal with band members. Property values and issues of money were to be only discussed with individuals directly, but “not [with] his neighbours”.⁶²

I do not know that this is tremendously important, but they may start making comparisons and harch [sic] up all kinds of funny ideas about comparative values that it may be well to avoid.⁶³

Rather than provide the band an opportunity to negotiate or evaluate the proposal, Indian Affairs purposely limited the band’s involvement in the process.

Right from the outset, the legal provisions accorded to the band under *The Indian Act* were violated. The real estate appraisal was not conducted based on market value, or at least a comparable or negotiated price, and the property list was inaccurate. Although Minister Crerar authorized the military’s activities on the Reserve, the local Indian Agent withheld considerable information from the band. Neither Agents Down, McCracken nor Brigadier General MacDonald recognized their errors. By deliberately excluding the band from the process, and failing to communicate with the Band Council directly, the process was seriously flawed and doomed to failure. On March 5, 1942, Brigadier General MacDonald submitted the military’s official offer to purchase the Reserve,

adding an additional \$8,400 to pay for the relocation costs.⁶⁴ MacDonald's total price was \$50,000. With a purchase plan in place and construction beginning on the new camp, there was considerable urgency to call a meeting of the band. All that remained was a vote by the band members to finalize the sale. However, that was easier said than done.

In summary, the establishment of an advanced training camp in Southern Ontario was the direct result of the new urgency to increase Canada's military preparedness in 1942. Brigadier General MacDonald quickly located a site for his new facility and chose Stoney Point Reserve #43. Stoney Point offered an ideal site for military training for Southern Ontario. However, the appraisal report raised serious concerns over the credibility and legality of the price determined for the land and buildings.

In the defence of the military, the local Indian Agents and senior officials in Indian Affairs failed to scrutinize the details of the report and purchase price. Throughout the early period, Indian Affairs disregarded both the letter of the procedural requirements, as well as the spirit of their profession. Clearly, the military and Indian Affairs seriously betrayed the residents of Stoney Point. The community was excluded from the process when the military withheld plans to purchase the land or establish a camp. In addition, Brigadier General Macdonald left the band out of any negotiations regarding the sale or purchase price. However, the brunt of historical judgment rests with Indian Affairs in the mismanagement of the Stoney Point surrender and sale. While the Indian Agent strongly supported the sale of the outset, his motivations were not based on the war effort. Rather, Indian Affairs saw an easy opportunity to dispose of an administrative and financial burden.

Endnotes

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Chapter Three

On April 1, 1942, Indian Affairs held a general meeting and surrender vote to decide the fate of the military's purchase proposal. Two months after originally approaching the Sarnia Agency, Brigadier General MacDonald was finally ready to discuss his proposal with the band. In the interim, military engineers and soldiers had begun construction of wells, roadways and buildings on the Reserve. However, these covert activities and the secrecy of the process caused the band to reject the package.

General MacDonald counted on a successful vote. Preliminary construction had already begun, and MacDonald was on a tight timeline to begin training. The investment of money and manpower into preparing the Reserve could not be abandoned. It was crucial that the military acquired the Reserve.

In its resistance, the Stoney Point band had one advantage. Under the procedures, the community had the right to refuse the surrender and sale of their land. Indian Affairs under the direction of Superintendent D. J. Allan of Reserves and Trusts Branch, should have immediately halted the process. The band could have held some measure of power over the process. Unfortunately, the peacetime procedures were complicated by extant military plans and wartime powers. Given the importance of a military training centre and public interest in the land, MacDonald wielded a stronger weapon to facilitate a sale. Although the power was available to him at the outset, either under *The Indian Act*, or *War Measures Act*, MacDonald believed that the band would acquiesce on its own accord. When the vote failed, MacDonald quickly resorted to expropriating the land.

With the assistance of legal counsel, the band tried to withstand MacDonald's pressure. However, the issue of treaty rights fell on deaf ears in the government. Within two short weeks, MacDonald had purchased the land. Stoney Point – renamed Camp Ipperwash – became an important addition under the Army training programme.

* * *

With the \$50,000 purchase price in place, *The Indian Act* required a general meeting and vote on the proposal. Brigadier General MacDonald wanted to expedite the process by beginning construction of barracks and training of troops. Nearly one month to the day after MacDonald first approached the Sarnia Agency, the Indian Agents George Down and William McCracken presented the proposal to the band.

The male residents of Kettle Point and Stoney Point, along with the elected Chief and Councillors, met immediately to hear the military's plan. The Council vehemently opposed the entire situation. Residents also openly objected to the illegal drilling and trespassing on the Reserve.

Drillers have brough[t] in their machinery and started drilling operations without consulting any one on the reservation. The Indian Agent was notified and he said it was nothing at all...he would not do anything about it.¹

The Council accused the Indian Agent of collusion with the military in not protecting the band's interests. The Chief and Councillors scoffed at the purchase proposal, claiming it simply an unacceptable price. During a visit to Stoney Point to hang posters and placards for the upcoming vote, George Down noted:

As I expected, we are going to meet some opposition. Just how deep this opposition is, was difficult to determine as most of the men were away.²

In the weeks leading up to the vote, the Kettle Point and Stoney Point communities peacefully protested against the plan.

Residents from both Stoney Point and Kettle Point coordinated their resistance against the proposal. Through a petition to Minister Crerar of Indian Affairs, the bands argued against the sale, asserting their right to remain on the land. The bands included a rubbing, or pencil tracing, of a medal verifying their title to the land.

In presenting the medal to Chief Shawnoo, the Prince of Wales said this is the key to the door of the three reservations Sarnia Kettle Point and Stoney Point...that no person or persons can disturb your peaceful homes for all times to come.³

The medal signified the band's ownership of Stoney Point based on Chief Tecumseh's military service during the War of 1812. (See Chapter One) The medal affirmed a relationship of brotherhood and friendship between the Crown and Ojibwa of the Au Sables River. The rubbing served as a reminder of the Crown's obligation to safeguard and protect Stoney Point from encroachment. However, Minister Thomas Crerar disregarded the symbolic importance of the medal.

The bands fully understood the military's need for land. However, the bands argued that their contributions to the war effort did not justify making the ultimate sacrifice of their land. Three men from Stoney Point were in active service in Europe, while on the homefront, women collected money and materials under the auspices of the Kettle and Stoney Point War Workers Association.⁴ Even the children collected "the odd nickle" for the war.

We are not against this war we heart and soul in the work of hoping this war be [over] soon...we hope and desire to hold this reservation [sic] which our forefathers fought for and for which our boys are fighting in present war being the Second time this reservation is fought for.

We are working for our protection and for the same reason our boys enlisted in the army in that they may help protect their homes and country...What will the boys think who have signed up for active service when they hear that their homes have sold and their lands and find no home and land to fall back on when they return home after the war? As for us who are at home doing all we can to help win this

war could not endure to see our children and relatives taken away from their homes and which our ancestors worked hard to build for them.⁵

The residents and Kettle Point community hoped their appeal would influence Minister Crerar and General MacDonald to reconsider the surrender and sale of Stoney Point, but to no avail.

The officials flatly ignored the petition and medal. Neither Minister Crerar nor the Department of National Defence responded to the bands' pleas. A few days before the vote, the bands sent a second statement in an attempt to halt the proceedings.

We understand that the Stoney Point reservation is being taken over by the military Department without consulting the members and owners of the reserve. It is our desire to have the Department of Indian Affairs call off this General Council and cancel the surrender of this reserve. So it is not our desire to sell this reservation or lease it so please take this as final.⁶

However, MacDonald forged ahead and considered the bands' arguments to be minor distractions. The military's only interest in Stoney Point was to help assist the broader goal of improving the training of troops and the larger defence of Canada.

Agents Down and McCracken busied themselves by posting notices and placards of the meeting throughout the Reserves. Down wanted "to make doubly sure that every member [was] advised of the meeting"⁷, so he mailed an announcement notice to each voting member. As an additional incentive, Superintendent D. J. Allan authorized the Agents to arrange transportation to the meeting for those living off the Reserve. However, Allan made it very clear that transportation should be provided to only those who intended to vote in favour of the surrender.⁸ However, none of the voters took advantage of the service, much to the chagrin of the officials.

The meeting began promptly at 7:00 p.m. on April 1, 1942, and was held at the Kettle and Stoney Point Council Chamber.⁹ Brigadier General MacDonald brought Colonel Kippen and Lieutenant Colonel W. M. Veitch, the engineers directly involved in the preliminary survey and construction plans, to the meeting. On behalf of the Department of Indian Affairs, Inspector W. S. Arneil attended along with Indian Agents George Down and William McCracken, who presided over the meeting. Down argued that since there was considerable opposition, the band might feel pressured to support the proposal if confronted with the presence of several government officials. The tactic had little effect on the band.

The meeting was well attended by both communities. Chief Frank Bressette, Councillors Bruce Milliken and Wellington Elijah, eighty-three voting members and several bystanders awaited presentation of the proposal.¹⁰ Agent Down called the meeting to order and began with some general remarks. He then moved into the presentation of the issue at hand -- the surrender and sale proposal of Stoney Point.

Down explained that the military urgently needed to purchase Stoney Point Reserve #43 for the war effort. Brigadier General MacDonald made a patriotic and impassioned speech, focussing on the urgency to establish a training camp. He explained further that Stoney Point was the most logical site for the camp. Moses George attended the meeting and heard MacDonald's speech. George claimed, "they went by airplane all over the country and Canada and looked down from the sky and they couldn't find any other land that was more suitable than Stoney Point."¹¹

Agent Down outlined the details of the purchase price. The military's real estate appraiser valued the Reserve at \$41,000 or \$15 per acre. Down explained that from that portion, individuals holding Location Tickets would receive \$15 for every acre, as well as

the appraised value for their homes as listed on the military's report. The proceeds of sale would be held in trust and distributed by the Indian Agents. The remaining monies were for equal distribution among the residents of Kettle Point and Stoney Point.

After outlining the military's package, Agent Down presented Indian Affairs' plan for the relocation of the families. Down argued that removal offered a life "as good as you had [and we will] place [you] in as favorable a condition of life as you previously enjoyed."¹² Down explained that both communities would be combined as one at Kettle Point. Indian Affairs further promised that relocation offered an opportunity to improve the living conditions and work opportunities for the Stoney Point families.

Notwithstanding, Agent Down informed the Stoney Point residents that everyone would be responsible for any costs of damages resulting from relocation of their homes. In addition, if people wanted to make any improvements to their homes or land, the money would have to come from their proceeds of sale. Inspector Arneil later stated that the details of the surrender and sale proposal were conveyed "very carefully" so as not to risk losing the vote.

The bands listened quietly to the official speeches, then took one hour to discuss the proposal. Chief Bressette requested clarification of why Stoney Point was considered the only land suitable for the camp, given the vast acreage of farmland in the area. General MacDonald countered that purchasing farmland, particularly 2,240 acres, would disrupt over twenty-two farms and destroy buildings.¹³ The military did not want to deprive farmers of their land, as they were producing food much needed for the war effort. In purchasing "this Reserve", which was unproductive and uncondusive to farming, the production of food for the war effort was safeguarded.¹⁴ Unfortunately neither MacDonald nor the Council raised the issue of the unused Canada Company land nearby.

The issue of agricultural production was important during the war, and Canada's role in contributing food was paramount. Although several farms were expropriated throughout Canada for military use, such as the farms of Joseph Landry, Arthur Foucher and Victor Langevin of L'Assomption, Quebec, Macdonald strictly safeguarded farmland in Southern Ontario.¹⁵ However, the value judgment of the unproductive, and thus, inferior quality of the land at Stoney Point, justified its expropriation as a contribution to the public purpose. The opinion regarding Stoney Point was confirmed by the priorities of the wartime. However, Indian Affairs certainly substantiated and supported historically the unproductive nature of the Reserve for agriculture, thus supporting its disposal. (See Chapter One)

Chief Bressette took an opportunity to address the Council and visitors himself. His address was a forceful argument against surrender and sale. Bressette argued that the band needed the land for future generations and did not support the price offered.

Bressette stated:

We have our land so long as the sun shines and grass grows. It is our heritage and we must retain it.¹⁶

Inspector Arneil later commented that Bressette's address "left no doubt in the Band's mind that he was against it". It was clear that the band understood the government's position, but the voting members were steadfast in their conviction. After a three hour vote by ballot, the Council rejected the military's proposal. The final tally registered thirteen members in favour of the package, but fifty-nine against the sale.¹⁷ The meeting adjourned at 11:30 p.m..

Brigadier General MacDonald was very disappointed with the outcome. Inspector W.S. Arneil stated that MacDonald's frustration was "rather obvious". In a flurry of letters discussing the details, Arneil offered two of his own reasons why the band rejected the proposal. First, Arneil suspected that Chief Bressette coerced several voters, claiming:

This is especially true of the new members of the Band who had been advised in private that to vote in favour of the surrender would result in their being put out of the Band.¹⁸

Second, the low purchase price was an important point. Arneil listened carefully to one attendee during the meeting who argued that, in the 1928 surrender, the band did not get enough money.¹⁹ Arneil responded curtly:

It seems fairly obvious that had they been offered a cash distribution of around 25% to 50% of the purchase price, the "heritage" thought would quickly have disappeared.²⁰

Inspector Arneil underestimated the band's overwhelming opposition to the proposal.

The issue of treaty rights or heritage was of paramount importance to the band. Even in the surrender offer in 1928, the heritage issue had stalled the vote for two years. While the issue of price was secondary in this instance, the bands were principally concerned to safeguard the land for future generations. However, in his final official judgment, Arneil quickly dismissed the band's decision.

The 14 houses and families which would require to be moved appears a very minor matter and one that can be effected within a most reasonable cost and at the same time improve the housing conditions of the families concerned.²¹

Arneil stated that "the various reasons given, both in private interviews and at the meeting, hardly seen adequate for not surrendering for the military purpose."²²

Indian Affairs and the military had a considerable problem on their hands. Brigadier General MacDonald did not want to abandon the Reserve while Inspector Arneil weighed the options. MacDonald recognized that any attempt to repeat the vote

would likely result in rejection, though he considered the purchase price “fair and reasonable”.²³ In a telegram to the Quartermaster-General in Ottawa, whose department was responsible to coordinate engineering services, accommodations and equipment, MacDonald argued that “further negotiations to obtain consent of band bound to be unduly prolonged with results problematic.”²⁴ MacDonald did not recommend drafting an alternate proposal. Instead, he requested a legal opinion directly from the Justice Department. Over the next few weeks, the military moved to expropriate Stoney Point from the band.

The military continued drilling and constructing buildings well after the failed vote. On Thursday, April 9, 1942, the Kettle & Stoney Point Band Council passed a resolution. Chief Bressette and Council wanted information on the military’s activities. Agent McCracken was asked to “clarify the situation and to secure definite information regarding the intention of the Department of National Defence of using land on Stoney Point.”²⁵ The band sensed that the military planned to expropriate the Reserve “regardless of the old Treaty.”²⁶ Their suspicions were accurate: Brigadier General MacDonald was now coordinating a takeover of the Reserve through the *War Measures Act*. The military chose to use a method that would give indisputable power and authority since *The Indian Act* failed.

Indian Affairs was fully aware of the military’s plan. Senior officials were ready to assist MacDonald’s officers and were working behind the scenes in Ottawa preparing compensation lists. Agent McCracken knew of the expropriation plans, but stated “I, of course, did not divulge this to the Indians nor did I imply that such an action was under consideration.”²⁷ McCracken knew that the band would take legal measures to stop the

expropriation. Rather than cause additional delay, Indian Affairs purposely kept the band uninformed of any military plans.

The *War Measures Act* bestowed the military with unlimited powers to seize and dispose of property. Section 3 authorized the Crown to use unrestricted powers of censorship, arrest, control, expropriation and forfeiture during periods of war, invasion or insurrection.²⁸ Some within and outside the government cautioned against its use, particularly during times of war when emotions run high, and hasty decisions are required. Opposition Leader, R.B. Hanson, warned Justice Minister Lapointe of the caution needed when implementing the *War Measures Act*:

Parliament in its wisdom passed the War Measures Act. Is there anyone who will say that we should not have [it]? I admit at once that unless the extraordinary powers therein contained are exercised with great care and skill and judicial ability there may be abuses. I would suppose that as those administering these regulations are human, and therefore fallible, mistakes may be made, but on the whole in time of war I do suggest that we must subscribe to the principle that the constituted authority delegated by parliament itself must be upheld.²⁹

With the same air of caution, C D. Howe, Minister of Munitions and Supply implored:

The demands of war will make increasing demands for greater toil...and be under no apprehension, month by month our population will be called upon to make increasing sacrifices...In the haste and will to win we have become perhaps over-anxious and distrustful of democracy. Let us think clearly on these things. Let us not confuse individual and human errors of judgment with the underlying principles and effects of democracy.³⁰

In the case of Stoney Point, it was clear that when the democratic process failed to meet the government's needs, Minister Lapointe upheld the military's request for land, rather than honour the band's democratic decision of choice. The wishes of a small Native community were negligible in contrast to the greater public interest, particularly during wartime.

The application of the *War Measures Act* at the outset, or expropriation through *The Indian Act*, would have been less offensive. Instead, the military and Indian Affairs allowed the band the democratic right to choose to surrender their land. Nevertheless, when due process under *The Indian Act* failed to meet the military's needs, the right of the band was overruled. Superintendent D. J. Allan of Indian Affairs justified the expropriation by claiming:

Rules and laws governing private property and the rights and privileges of private individuals have to be relaxed or even temporarily suspended for the common good...due to pressure exerted by the aggressor nations every set of government becomes an emergency set which cannot wait for the operation of the leisurely processes of peaceful times. We cannot meet a situation which is in itself irrational by strictly rational measures. This the people of Canada realize and the good citizens of Canada have responded willingly and cheerfully to any personal sacrifice demanded of them or imposed upon them in this desperate struggle for existence.³¹

By Allan's logic, the band members of Stoney Point and Kettle Point were neither good, nor patriotic, but rather selfish and naïve. The band members simply expressed their wish to stay on their treaty land by means of a democratic and legislated process.

On April 8, 1942, the Department of National Defence presented the first order in council to present the issue of expropriation.³²

Pursuant to the provisions of *The Indian Act*, these proposals were laid before a meeting of the Indian Band in question convened for that purpose, but the said Band rejected the same by a vote...and it does not appear likely that acquisition of the property in question can be effected by way of negotiation.³³

The proposal argued that the construction of a training base was a matter of military urgency. "It is in the public interest and for the efficient prosecution [sic] of the war desirable that the lands in question be acquired and to enable this to be done it is necessary that the provisions of the *War Measures Act* be invoked."³⁴

An amended order in council was passed on April 14, 1942, which authorized the military's possession of the Reserve. A proviso was added stating:

If, subsequent to the termination of the war, the property was not required by the Department of National Defence, negotiations would then be entered into to transfer the same back to the Indians at a reasonable price to be determined by mutual agreement.³⁵

It was that particular clause, which held some hope for the band that the military would return the land directly after the war. Unfortunately the military failed to return the land for over fifty years. (See Chapter Five)

Nevertheless, the Stoney Point band and Kettle Point community continued their resistance well after receiving word of the expropriation. As the Band Council promised, it sought legal counsel to halt the expropriation, while elders continued to send letters. Mary Greenbird, wife of a Kettle Point man who owned bush property on Stoney Point, admonished Minister Crerar for allowing the purchase to proceed .

Im [sic] The Oldest and have rights to say something about our poo[r] childrens [sic] Inheritance [sic]...at present, white men sell our inheritance [sic] to his white friend using war measure. I am sure that their [sic] is no word (law) on this that would lead you to take Indians land without their consent and besides we hold what this Inspector said. We ask him if the Indians does not want to sell if the government could take the land...no he said it cant [sic] be done. All Im [sic] here fore to see which side the majority of votes will go. If it for sale or no and so its no.³⁶

The initial petition, speeches at the general meeting and letters from residents consistently raised the importance of the treaty rights and desire to keep the land.

What I want to understand is these words The Grace of God, Defender, Faith. These words pushed to one side to make room to grab poor Indian babys [sic] inheritance a white man sell this for \$15.00 per acre. Some of [our men] are overseas and some training in canadian [sic] soil yet and while their backs are turned their beloved Reservation is taken right from under their parent's feet and what are they fighting for. For to save canadian [sic] land and this beside. We don't side with Hitler and his heartless aids all we wold [sic] like to keep Stoney Point for our decendents [sic].³⁷

The band's arguments fell on deaf ears and was ignored by the military and Indian Affairs.

In May 1942, the Stoney Point families retained the esteemed black lawyer Bertrand Joseph Spencer Pitt from Toronto.³⁸ Pitt held dozens of legal records in Canada and many "firsts" in the legal profession. He was the first black barrister to defend a white man accused of murder, a white woman accused of murder, and a Native man on a capital charge.³⁹ The band hoped that Pitt could halt the expropriation, or negotiate a lease of the land rather than an outright sale.⁴⁰ However, even Pitt's efforts were futile.

B. J. Spencer Pitt contacted all the key decision-makers in the government who could influence the affair. Prime Minister William Lyon Mackenzie King, Minister Thomas Crerar of Mines and Resources and Minister James Layton Ralston of National Defence all received letters regarding the expropriation. Pitt outlined the events and demanded a response to what he called a blatant violation of treaty rights. The first official reply came from Minister Crerar, who retorted that the band "chose" to leave their land unproductive. Since the land was not favourable to agricultural production, the land was available for the war effort. Pitt volleyed back a response stating that thousands of people across Canada leave land unproductive, and that the Minister's line of reasoning was weak to warrant the violation of treaty rights.⁴¹

Crerar responded to Pitt, again, stating that regardless of the band's "so-called" treaty rights, the land was the most suitable choice for a training centre.⁴² He argued:

Today nothing in this world is normal. Canada is at war. The interests of every Canadian citizen must of stern necessity give way to the needs of our country if the liberties of her people, our way of life, the existence of Canada and the very lives of her people are to be preserved.⁴³

However, Pitt further responded arguing:

You suggested in your letter [that] to fight is to teach other people and other nations to respect treaty obligations. I think it is inconsistent with this act of expropriation.⁴⁴

The government failed to see the irony of its own actions and argument for the expropriation of land after dismissing the democratic process and wishes of an entire community.

Aside from B. J. Spencer Pitt's series of communications, Superintendent Allan wrote to Mary Greenbird in response to her heartfelt letter. Allan thanked Greenbird for the letter, but quickly chastised her for what he considered was extreme disloyalty and self interest. Allan was patronizing and dour when he stated:

May I ask you what value you could place on treaty obligations, or in what comfort you could enjoy possession of your reserves, should the Dictators and their hordes of cutthroats ever obtain a foothold on Canadian soil.⁴⁵

However, the question was moot: Mary already considered the dictators to be in her midst, and they wore Canadian Army uniforms.

The surrender and sale of the Stoney Point Reserve through *The Indian Act* process was complicated by several factors. First, the early transgressions by the military and Indian Affairs by trespassing, drilling and constructing improvements fueled early opposition to the proposal. Second, poor communication with the band, and the blatant withholding of information by Indian Affairs disadvantaged the band. Third, neither Indian Affairs nor the military placed any consideration on the desire to keep the Reserve. The land base was the only remaining acreage left for the Stoney Point band after a century of white encroachment. However, the military and Indian Affairs continued to pursue the land by expropriating the land after the failure of the surrender vote.

The use of the *War Measures Act* was certainly an instrument of authoritarian power. However, its application in this case was sullied by the military's refusal to uphold the democratic choice of the band. MacDonald implemented the *War Measures Act* when the peacetime procedures of *The Indian Act* failed to meet his needs. Similarly, Indian Affairs failed to safeguard the band's inherent right to the land under historic treaty and Crown obligation. Although the issue of individual or community rights against state authority is a matter of great philosophical debate, the "pick and choose" method of powers demonstrated by Macdonald was serious injustice to the band.

The Crown's need to safeguard agricultural land was an important issue during the war. Food production was vital for the war effort and economy. Stoney Point's reputation for poor soil for agriculture and unproductivity certainly contributed to its choice for the camp. However, the military could not claim to have had a standard policy against expropriating farmland, since it had acquired farms throughout Canada. Hence, an important question remains as to why the military and Indian Affairs failed to pursue other lands nearby rather than acquire Stoney Point.

Endnotes

- ¹ Kettle & Stony Point Reserve Petition to Indian Affairs, 25 March 1942. National Archives of Canada (hereafter referred to as NAC) RG 10, Vol. 7754, File 27029-1.
- ² NAC 7754, George Down to D. J. Allan, Sarnia, 25 March 1942.
- ³ NAC 7754, Kettle & Stony Point Reserve Petition to Indian Affairs, 25 March 1942.
- ⁴ *Ibid.*
- ⁵ *Ibid.*
- ⁶ NAC 7754, Chippewa Nation of Indian to Indian Affairs, March 1942.
- ⁷ NAC 7754, George Down to D. J. Allan, Sarnia, 25 March 1942.
- ⁸ NAC 7754, D. J. Allan to William McCracken, Sarnia, 24 March 1942.
- ⁹ NAC 7754, William McCracken to D.J. Allan, Sarnia, 26 March 1942.
- ¹⁰ NAC 7754, W. S. Arneil to Dr. H. McGill, D. J. Allan and T. R. L. MacInnes, Ottawa, 2 April 1942.
- ¹¹ *Gladys Lunham of Kettle Point*, n.d., 3. Lambton County Archives, Box 1, File 10A-AH, "Kettle Point".
- ¹² NAC 7754, Question and Answer Sheet for the Proposed Sale of Stoney Point, Deputy Minister C.W. Jackson, Ottawa, 24 March 1942.
- ¹³ NAC 7754, W.S. Arneil to Dr. McGill, Sarnia, 2 April 1942. There was no mention in the documents of the Canada Company land available nearby, nor did General MacDonald refer to that parcel of land.
- ¹⁴ *Ibid.*
- ¹⁵ *Canada. Debates*, May 20 1942, column 2595.
- ¹⁶ NAC 7754, W.S. Arneil to Dr. McGill, Sarnia, 2 April 1942.
- ¹⁷ Brigadier General D.J. MacDonald to Quartermaster General, London, 2 April 1942. NDHQ File: 6974-A29-3.
- ¹⁸ NAC 7754, W.S. Arneil to Dr. McGill, Sarnia, 2 April 1942.
- ¹⁹ *Ibid.*
- ²⁰ *Ibid.*
- ²¹ *Ibid.*
- ²² W.S. Arneil to Dr. McGill, Sarnia, 2 April 1942.
- ²³ Brigadier D.J. MacDonald to Quartermaster General, NDHQ, London, 2 April 1942.
- ²⁴ *Ibid.*
- ²⁵ Kettle and Stoney Band Monthly Council Minutes, 9 April 1942. Regional Room, University of Western Ontario, London, Microfiche F8.
- ²⁶ NAC 7754, Kettle and Stoney Point Band Council Minutes from William McCracken, Sarnia, 13 April 1942.
- ²⁷ NAC 7754, William McCracken to D. J. Allan, Sarnia, 3 April 1942.
- ²⁸ Revised Statutes, *War Measures Act*, c. 2, s. 3(f), 1927.
- ²⁹ *Canada. Debates, Defence of Canada – Special Committee*, 1941, Vol. II, column, 1074.
- ³⁰ "Force Output 'To The Limit' Canada's Task", *Globe and Mail*, 23 January 1942, 1.
- ³¹ NAC 7754, D. J. Allan to Mrs. Beattie (Mary) Greenbird, Ottawa, 4 May 1942.
- ³² Privy Council, Minutes, "*Military Training Centre on the Stoney Point Indian Reserve, Order in Council #2652*", 8 April 1942.
- ³³ *Ibid.*, #2913, 14 April 1942, 1.
- ³⁴ *Ibid.*, 2.
- ³⁵ *Ibid.*, 1.
- ³⁶ NAC 7754, Mrs. Beattie Greenbird to D. J. Allan, Kettle Point, 21 April 1942.
- ³⁷ *Ibid.*
- ³⁸ Gordon Sinclair, "Joe Louis of the Court Rooms", *Montreal Standard*, 30 August 1947, 4.
- ³⁹ *Ibid.*
- ⁴⁰ NAC 7754, B. J. Spencer Pitt to the Hon. James L. Ralston, Toronto, 7 May 1942.
- ⁴¹ *Ibid.*
- ⁴² NAC 7754, B.J. Spencer Pitt to The Hon. Thomas Crerar, Toronto, 22 May 1942.
- ⁴³ NAC 7754, D. J. Allan to Mrs. Beattie Greenbird, Ottawa, 4 May 1942.
- ⁴⁴ NAC 7754, B.J. Spencer Pitt to The Hon. Thomas Crerar, Toronto, 22 May 1942.
- ⁴⁵ NAC 7754, D. J. Allan to Mrs. Beattie Greenbird, Ottawa, 4 May 1942.

Chapter Four

The loss of the Reserve was traumatic for the Stoney Point band. Families were impoverished due to inadequate compensation, separation from resources and work, and a reliance on welfare. Socially, the individuals suffered from an identity crisis, feeling disjointed from their community and their roots. The physical separation from their homeland and sacred sites and the disintegration of the Stoney Point community were traumatic, while integration within the Kettle Point community posed a host of other challenges.

In 1996, the Royal Commission on Aboriginal Peoples argued that the Stoney Point band suffered from a syndrome called *culture stress*¹ as a result of expropriation and relocation. The syndrome is argued to exist throughout Native communities in Canada and around the world as a result of forced change and dispossession of land.² Sociologists and anthropologists contend that displaced indigenous peoples, also referred to as *locatees*, experience negative effects in four areas: the loss of the land base, economic decline, deteriorating health and sociopolitical change.³

Through a comparative analysis of relocation cases in Canada, the Royal Commission argued that the Stoney Point band suffered from similar negative effects. The Royal Commission did not examine the documentary sources surrounding the Stoney Point expropriation and relocation, instead conclusion was based on limited oral testimony. However, after an examination of the documentary sources, maps, fieldwork and oral interviews with locatees, the Commission's conclusion seems generally accurate. The Stoney Point locatees suffered from economic hardship and social decline due the loss of the Reserve, and a poorly administered compensation package.

Land was of paramount importance to Native communities, and remains so today. The Reserve was the source of accommodation and food, through small-scale farming, gardening, hunting and timber for heat. For the Stoney Point locatees, removal to the fishing community of Kettle Point contributed to the impoverishment of some of the families. Many new homesteads had no fresh water or septic systems, contributing to the illness, and in some cases death, of some locatees.

Indian Affairs' management of the compensation package and relocation was flawed. However, the problem resulted largely from a difference between the bands' expectations and the subsequent reality. The locatees believed they would be compensated for the total acreage they owned and receive new houses. Tradition within Indian Affairs and procedural guidelines dictated that compensation be paid for arable land only, and that housing be reconstructed from the original buildings. Another problem resulted when individuals received \$15 per acre based on the military's appraisal, but the locatees were required to buy land on Kettle Point for substantially higher prices. Without strict management of the financial details, the affair resulted in the economic impoverishment of many families.

The areas of compensation and land base loss provide the foundation for an analysis of the event. The band's efforts to resist removal were ineffective and the construction of Camp Ipperwash continued undaunted. However, a monocausal explanation that the expropriation and relocation caused all the problems is somewhat shortsighted. The event was certainly devastating, but other extrinsic pressures served to exacerbate the negative effects. The Indian Agent precipitated violence and intra-band conflict in an attempt to force Stoney Pointers off the Reserve. Within two months, the

Reserve transformed rapidly into a military camp, while the Stoney Point locatees faced a host of challenges in their struggle to adapt and survive.

* * *

There were approximately twenty-two families living on Stoney Point in 1942.⁴ Although the military real estate report of the land and buildings listed only fourteen houses, the appraiser, Burt Weir, assumed that only fourteen families lived on Stoney Point. However, Weir's Eurocentric notion of single-family housing and land use did not account for the band's tradition of extended family residency. At the time of the expropriation and relocation, several families lived together. This was not an uncommon arrangement as young men lived with local families, while working on farms or in local industries, paying room and board. Likewise, young single women worked as domestics, living with the families, and returning to the Reserve on weekends.⁵ Hence, Weir's appraisal report and Department records required significant review.

For the entire month of May 1942, officials in the Reserves and Trusts Branch of Indian Affairs busied themselves by clarifying individual title to land. The military's list was highly inaccurate, and the problem was worsened by inaccurate Agency records. Although, procedurally, the Department required local Agents to submit monthly reports on any sales or transfers of land, the Indian Agents for Stoney Point had failed to maintain the records for over forty years. There were significant gaps in title transfers since the original survey and subdivision in 1900, up to the Second World War. Hence, Superintendent D. J. Allan and his subordinates spent one month reconstructing the pattern of land transfers in order to establish an accurate ownership and compensation list.

The issue of title was determined by sorting through wills, death certificates, pay lists and oral history in order to verify the ownership of land. Agent William McCracken cross-referenced every band member to verify status and entitlement. However, McCracken had a considerable problem: the 1930 Location Ticket registry and 1942 annuity list was sixty-percent inaccurate. Many of the individuals listed as land owners were deceased, leaving the property *intestate*, without bequeathing the title to an heir.⁶

After a comparison of all the documents, it was determined that only half of the Location Tickets were valid. Thirty-six percent of locatees claimed they had title to their land, but never received Location Tickets.⁷ The remaining fourteen percent had no claim to land, or any compensation monies. Indian Affairs faced a significant challenge of researching the current ownership and title transfers after a lapse of forty years.

One case in particular illustrated how title and property fell through the administrative cracks. In 1900, Indian Agent Adam English listed Samuel Johnson as living on a forty-acre parcel on the original survey.⁸ Johnson was presumed to have died sometime between 1900 and 1942. He was not on the band annuity list, nor had a Location Ticket ever been issued to him.

After interviews with various band members, Agent McCracken determined that the land was originally owned by John Johnson, Samuel's father. Upon John's death, Agent English listed Samuel as the resident on the land, but did not file the appropriate forms to Head Office. Under Section 22 of *The Indian Act*, Location Tickets were required to be registered, and copies distributed to the band member, Reserves and Trusts Branch, local Agency office and band office.⁹ An examination of land use over the forty year period revealed that several people had lived on, used and claimed title to the Johnson parcel.

In the case of the Johnson property, Elizabeth MacKinnon was the current resident of the house and property by 1942. Yet, Lucy Johnson, Samuel's mother, lived on the property. Upon her death, the property was bequeathed to Bertha Johnson, a granddaughter. Bertha passed away in 1922, was unmarried, and left no heirs. Two aunts, Elizabeth MacKinnon and Mrs. Scherta, cared for Bertha until her death and administered her estate. Elizabeth was able to verify her relationship by showing Agent McCracken the receipts for Bertha's funeral. Mrs. Scherta had died prior to the expropriation, so the Department recognized Elizabeth as the heir to the Johnson property and all compensation.¹⁰

Superintendent D. J. Allan saw a serious problem with the arrangement. Elizabeth was considered a trespasser on the Reserve. Under Section 14 of *The Indian Act*, Elizabeth had been disenfranchised years earlier because of her marriage to a white man.¹¹ Stripped of all rights to hold legal title to Reserve land, or to even reside on the land, Allan argued that she should be forced to leave. However, the band petitioned strongly for her protection and rights to the compensation. Elizabeth was elderly and resolute to remain with the community of her birth. Rather than cause further problems or provoke further band resistance, Superintendent Allan acquiesced to the band's demands.

After verifying title on the intestate properties, the Department moved on the second category. There were eight families claiming ownership to certain parcels, but who could not produce Location Tickets verifying title to the land. In these cases, the problems were the result of poor Agent administration, but also worsened by internal family conflict. One such case was that of Chief James Johnson's property.

In 1905, Chief Johnson bequeathed his land to Mrs. Albert George.¹² However, upon her death in 1927, the property remained intestate. Agreements were signed "after

considerable bickering among her heirs”, which allowed Lucy Cloud sole ownership of the property. However, Agent George Down had failed to issue the Location Ticket for the property, or register the agreement with Head Office. Despite the agreement, Lucy’s son, Stanley, began “agitating” for the Location Ticket in his name.¹³ Stanley argued that he had purchased the property from his mother. Agent McCracken reported that:

[Lucy Cloud] admitted receiving money from him but stated it was by way of loan and that by his use of the property (for a good many years) he had been repaid. The parties were thrown out of court and there is simply no evidence to show that Stanley bought it.¹⁴

However, the issue was resolved quickly once the expropriation was announced, and the military began moving onto the Reserve. Lucy and Stanley realized that the entire community was being forced to move, so they settled the dispute. Lucy divided the land equally among herself and her sons.¹⁵

The third group was referred to as “squatters” by Superintendent Allan and Agent McCracken.¹⁶ These families were largely descendants of the Potawatomi refugees from the United States who settled on Kettle Point and Stoney Point after 1836.¹⁷ Indian Affairs had consistently denied the Potawatomi any status as Stoney Point band members. They were considered ineligible for band membership or annuities because they were not original signatories of the 1829 treaty with the Crown. For generations, the Potawatomi had remained in limbo. They had intermarried with the Kettle Point and Stoney Point communities and had considered the Reserve their home. However, Indian Affairs excluded the Potawatomi from band membership and treaty status. As a result, the families lived on small plots in small log cabins on the outskirts of the Reserve, subsisting on whatever food or timber they could procure.

Once title and membership was verified, Superintendent Allan and Agent McCracken began reconstructing the compensation lists. Since Burt Weir's appraisal report was inaccurate with wrong owners and the omission of several buildings, Indian Affairs created new lists. Allan also made some changes to the values of the appraised houses and buildings, as well as to the compensation accorded for the land. Allan ensured that all families received some money for their reestablishment. However, without communicating the changes directly to the band, or monitoring Agent McCracken's relocation arrangements, several problems resulted.

The band believed it would receive \$15 per acre for all land based on the presentation made by Agent Down and Brigadier General MacDonald at the surrender vote on April 1, 1942. However, the actual distribution of money was vastly different given the procedures and practice within the Indian Affairs Department. As a rule, Indian Affairs paid individuals for "improved agricultural land only" and all buildings.¹⁸ However, over sixty percent of the land owned by the locatees were wood lots, and as such were not entitled to compensation.¹⁹

Burt Weir had appraised the value of the land at \$15 per acre "based on prices received between the Indians".²⁰ Although these prices were well below historical precedent for lakefront land compared to previous surrenders and Canada Company prices, Indian Affairs did not challenge the price. (See Chapter Two) Superintendent Allan's compensation list gave certain families that were agriculturally inclined higher prices for their land. Twenty-eight percent of these families received \$20 per acre, while others received slightly less at \$17.²¹ However, the majority of locatees received \$15 per acre for their arable land.

There were other inequities in the process. In the case of the estate of Maybelle George, only four acres of the forty acre parcel were paid for. The remaining land was wooded and sandy, and thus considered worthless. At \$15 per acre, Maybelle's surviving family received only \$60 for the land. This was in stark contrast to the \$600 total the family expected for the acreage.²² Alternatively, farmers such as Ernest Bressette who had cleared and farmed a large portion of his land received \$400. The remaining twenty-six acres was also left uncompensated.²³ However, there were additional inequities in the process.

As Indian Affairs paid for only cleared land, owners received no compensation for over five hundred acres of wooded land. In the opinion of the Department, the timber land was worthless. This was in contrast to local market value of wood lots. The Canada Company nearby received between \$50 and \$100 for comparable timber lots, while the lakefront timber lots fetched a price of \$85 per acre on Stoney Point.²⁴ However, rather than compensate the owners, the timber lots were pooled into 1933 acres, valued at \$33,000. Each band member (including Kettle Point voting members) received an equal portion of these monies. Thus, among three hundred and fifty band members, each person received \$88. Not surprisingly, the Stoney Point land owners believed the Department deceived them and severely misrepresented the compensation package. As William McCracken reported:

At the present time the Indians...appear to be very much perturbed. Some of them are stating that they will not move until they have received cash payment in full for all improvements. I believe we are going to experience a great deal of difficulty before this matter is finally settled.²⁵

The disparity between \$88 and several hundreds of dollars in some cases for the woodlots, would have safeguarded the locatees from the indebtedness and poverty that shortly followed.

With the compensation list compiled, land was then set apart for the locatees on Kettle Point. Superintendent Allan ordered that all excess land on Kettle Point be identified to “absorb the immigrant population”.²⁶ Between May and June 1942, the Reserves and Trusts Branch identified over one hundred and seventy-five acres.²⁷ Beattie Greenbird sold twenty acres, while Caleb Shawkence held title to ninety-five acres that McCracken argued was “ideal for relocation”.²⁸ Smaller parcels were purchased from Kettle Pointers, such as small three-acre lots from Angus George and Julia Bressette. However, twenty-two acres of intestate land was also used.²⁹

Again Superintendent Allan made some adjustments. Allan claimed:

The locations at Kettle were never properly settled and would appear that their holdings should be sold as provided by Section 25(3) of *The Indian Act*.³⁰

Some Kettle Pointers were forced to sell their unused land, as well as intestate property, through an official order by Minister Thomas Crerar, also Superintendent General of Indian Affairs. However, in the rush to clear the Reserve for the military, Allan failed to consider several important details. He used an outdated survey on which to base his plans. The survey, completed by W.S. Davidson in 1900, outlined only the subdivision marks for parcels, instead of topographical details.³¹ Having never visited the Kettle Point or Stoney Point Reserves himself, Allan designated a large block of land on the 14th Concession for the locatees. Unknown to him, and unclarified by Agent McCracken, the land was swampland. The parcels had no clean running water, little arable land for gardens, and no possibility for farming as the families had done at Stoney Point.

One particularly devastating oversight was McCracken's coordination of the land sales between the locatees and Kettle Point residents. As it happened, while land at Stoney Point was only valued at \$15 per acre — the standard price supposedly paid “between Indians”³², the locatees were required to pay significantly higher prices. Reserves and Trusts Branch coordinated a list of all available land, but Agent McCracken allowed Kettle Pointers to charge between \$17 and \$35 per acre. Without interfering to protect the financial interests of the locatees, McCracken allowed the prices to reach far beyond the prices paid to the Stoney Point residents by the Department of National Defence.

McCracken was certainly aware of financial problems facing the locatees, but made no special provisions or regulations to support them. McCracken recorded that,

Simpson George has purchased 2 acres from the Julia Thomas estate for \$35. It will be difficult to draw from the two shares of interest applied each spring and fall until the amount is paid in full. The house can only be salvaged and no house has been secured for him to date. He is half blind and apparently very poor and I would consider the method of payment outlined above the best, any funds to his credit after purchasing a house for him to be paid in cash. In this connection as in other cases I would point out that many of these Indians have been unable to plant gardens this year — particularly potatoes — and will have to buy their winter supply of vegetables as well as firewood in some cases³³.

Agent McCracken simply worked to finalize sales and expedite the move, rather than monitor the financial needs or solve the problems of the locatees. As a result, over eighty percent of the locatees paid over one hundred and fifty percent more for land on Kettle Point than they received from the military. The additional burden of outstanding debt, relocation costs and repairs served to impoverish the locatees.

The final area of administrative management was the physical relocation of the houses. Superintendent Allan directed Agent McCracken on how best to proceed with the removal.

The buildings sold to the Department of National Defence may be either moved away or demolished by the former owners. This will have to be done, however, with very definite promptness as the army will not wait on their convenience and any shack that is not removed promptly might conceivably have a match touched to it to get it out of the road.³⁴

McCracken set out immediately to get the houses moved.

McCracken arranged for the services of Oliver Tremaine, a local mover from Forest, Ontario.³⁵ Tremaine promised to complete the entire removal of sixteen houses, and disconnect all hydro and telephone lines for \$1450³⁶, as well as to construct temporary bridges, repair damaged sills and brickwork, and place the houses on new foundations. Although another quote was received from Mills & Jeffrey Movers in Sarnia, Ontario, McCracken wanted to use Tremaine's services.³⁷ His fee was high, but Tremaine was considered the best person for the job. Being from the local area, he could expedite the removal of the locatees immediately. Moreover, he guaranteed to finish the job by mid-July.³⁸

Inspector W. S. Arneil had promised the band that removal would improve living conditions. Some members argued that promises were made that they would even receive new houses. However, this was inconsistent with other relocations and Department policy. Indian Affairs had stated that it would provide a suitable homesite "as good as you had" placing the locatees "in as favourable a condition of life as...previously enjoyed."³⁹

The spring and early summer was particularly wet in 1942, delaying any moving until early June.⁴⁰ Agent McCracken was restless, instructing Tremaine that he had to begin no later than June 8, 1942. The military was anxious to get the band off the land, as new Army recruits were scheduled to arrive.⁴¹ Amidst the construction, training exercises

and parades, Brigadier General MacDonalld pressured Indian Affairs to work quickly.

However, McCracken was a little nervous on how to proceed. He reported:

The Stony Point Indians are very much upset and there is evidence of hostility towards all white men as a result of the expropriation of the Reserve.⁴²

Moreover, little could be done when the band asserted so much resistance to moving.

A few notable individuals refused to cooperate with McCracken's plan. Moses George tried to stave off removal, but the Camp recruits met the resistance with firepower.

The army started shootin' around his place, makin' big holes in the ground. Finally they had to move – they were forced.⁴³

Elizabeth MacKinnon was also determined to stay on Stoney Point. She planted herself on her porch with “a shotgun resting on her lap”.⁴⁴ Elizabeth resolved to live the rest of her days at Stoney Point, but instead Agent McCracken had her forcibly removed by the local bailiffs.⁴⁵

Agent McCracken became increasingly annoyed by the band's attempts to prevent the inevitable removal. Superintendent Allan authorized McCracken to use increased force but warned, “be strict on rehabilitation, as we do not want any unfinished botchwork on our hands”.⁴⁶ As families delayed purchasing land on Kettle Point, or failed to coordinate their moving arrangements with Oliver Tremaine, McCracken took matters into his own hands. Pearl George experienced first hand McCracken's new approach.

It happened as if overnight. Without warning, we were working in the local farms only to find one evening, our home on steel or wood beams, prepared for moving. I had no for-knowledge we were to be moved, otherwise, I would have prepared to pack. Everything we owned was trashed. Every cup, plate and bowl we used was smashed. The only belongings left were the cloth[e]s we owned and the damaged house.⁴⁷

Pearl found her home two days later “dumped” in the swamp of the 14th Concession.

The old houses simply could not withstand the move to Kettle Point. One family was forced to live without a kitchen, as it was left at Stoney Point.⁴⁸ A common memory was of the houses propped up on Oliver Tremaine's flat-bed truck, with shingles torn off and a dismantled chimney left on the ground. (See Appendix IV) Every home required extensive repairs after moving. However, most families simply had no money from their proceeds of sale to pay for renovations. For those who had some extra money, Agent McCracken provided prepaid coupons for materials from a local store. However, not all of the houses could be salvaged.

Some homes and log cabins were too fragile to move. In these cases, Oliver Tremaine demolished the buildings and the locatees were given cash for the salvage. Agent McCracken tried to find other houses in the district for these people. Moses George purchased an abandoned farmhouse for \$200. Moses' daughter, Gladys Lunham remembered the house vividly. She claimed Oliver Tremaine left it on "great big old logs and the floor left rough".⁴⁹ Although McCracken was under strict orders to ensure the houses were "comfortable and durable", not everyone agreed that the goal had been achieved.⁵⁰ Gladys declared:

The house wasn't even livable. Rats ran through it and it was not winterized. There was no insulation or nothing.⁵¹

Without money to pay for the extensive repairs required, the house was declared condemned three years after being relocated to Kettle Point. Moses was forced to move his family off-Reserve to Thedford, Ontario. For families living in the swamp, there were other problems.

It was difficult for the traditional farming-folk of Stoney Point to sustain gardens on the swampland. The land was sand and water with very poor drainage. The swamp had no

fresh water, and Indian Affairs did not build pipelines for fresh potable water. Rachel Shawkence recalled:

I was goin' through something last night, I don't know what it was. Maybe something to do with that polluted water back here. They're diggin' that ol' stump out, an' they made quite a hole around it; that just filled right up with black, awful-lookin' water. I think I'm gonna burn something an' put it in there so it don't make us sick.⁵²

Pearl George attributed the contaminated water to the death of her first three children.

I lost twin girls after the move, and I had those children at home. I think what happened was that water out there. There was no running water. The water was contaminated. I didn't feel too good drinking that swamp water. I had the doctor come in because my stomach did not feel good – I think that's that water. And then I had a little boy too, 2 years old. The conditions of the water did not agree with the children nor me.⁵³

The community contends that many elders and children died within the first few years of removal as a direct result of the swamp water and trauma. The mortality rate of the locatees is certainly an important question for further study.

In the rush to serve the military, Indian Affairs gave little consideration for the needs of the locatees. By July 1942, the last family was moved to Kettle Point, and the title to Stoney Point Reserve #43 was officially transferred to the military. Coupled with economic implications of a mismanaged compensation package, removal to inadequate land caused serious health problems among the locatees, sometimes with drastic consequences. Henri DesRosiers, Acting Deputy Minister (Army), issued the long-awaited official response to the band's legal challenge.

While this Department regrets the necessity of the procedure adopted, action is being taken to fully compensate the Indian occupants and provide them with new homes.⁵⁴

Minister Thomas Crerar also took an opportunity to respond to one citizen in particular who challenged Indian Affairs' handling of the affair declaring it as "unethical and heavy-handed".⁵⁵ In defence of his Department and decision-making regarding the expropriation and relocation, Crerar argued:

The net result is that fourteen families who were living on the land in old shacks are now comfortably settled on the adjoining areas...and where they will have...an opportunity of making a livelihood. This has been done at no expense to them. It is not felt that any great resentment is in evidence among the Indians themselves. Indian men received employment, better housed and better cared for than they were before the incident. In the case of many families they have been given a start toward a fuller life that would not have been possible had the expropriation not occurred.⁵⁶

Crerar then went on to castigate Strange for his ignorance of Indian Affairs' business, and implored his understanding for the difficulties the Department faced in administering to backward Natives.

Minister Crerar's explanation was far from the reality of the situation. There was little more the band could do. They had waged a legal challenge and resisted removal. Once settled at Kettle Point, the locatees faced a host of other challenges in their struggle to adapt and survive.

The loss of the Reserve was profound for the Stoney Point band. The locatees lost a sense of personal and community identity when they left Stoney Point. For some, removal was the equivalent of going to a foreign land. Individuals were stripped of their connection to a land base which had provided their daily livelihood and spirituality. On a broader level, the land gave the larger community a sense of continuity with the past, and a traditional homeland.

Cultural anthropologist, Lisa Philips Valentine argued that among the Ojibwa peoples, identity is intrinsically associated with the land.⁵⁷ Unlike other Native cultures, such as the Iroquois, Valentine contended that among the Ojibwa, “the concept of Nation is framed in terms of a land base, in terms of traditional regional or areal affiliations, and in terms of land usage”.⁵⁸ Identity as a “Stoney Pointer”, for example, was more important than being called Ojibwa or Chippewa, which were linguistic classifications. Identity among the Stoney Point was linked to the economic, social and spiritual connections that stem from the land.

Pearl George, a twenty-year old bride at the time of the expropriation and relocation, recalled her life on Stoney Point. As a young girl, Pearl grew up with her grandparents and the three survived solely from the fruits of their labours on the land. The daily routine for many women like Pearl, involved collecting berries and fruits such as thimbleberries, raspberries and strawberries. The women canned the fruit as jam, or made it into pies.⁵⁹ Women also harvested the vegetables from their small gardens, pickling and canning the food to provide winter supplies. Most people cleared small parcels of land, planted crops, had a few laying hens for eggs and meat, which satisfied their daily needs.

Subsistence farming was the main source of food for the entire Stoney Point community. Each family used the land for its own purposes. Individuals like Ernest Bressette were considered full-time farmers and “successful” by the Indian Agent since he practiced extensive farming with cash crops. Other families who did not clear their land rented portions as pastures for additional money. As Pearl explained, “it was the only way we could survive”.⁶⁰ Clifford George, one of the three young men in active service

during the war, remembered the community as living primarily “hand to mouth”. George stated:

[We] utilized everything around us. We didn’t starve, but we were hungry a lot of times.⁶¹

Although the small-scale farming was far from self-sufficient, the locatees generally held a positive impression of the community prior to the relocation. Clifford summarized the culture of the community well when he declared:

Everybody pulled together and helped each other out, just as the [local white] farmers helped each other out.⁶²

In his mind, the Stoney Point community was no better or worse off than other local families.⁶³

The families supplemented their small-scale farming with work in other areas for money both on and off-Reserve. Men and women hired themselves out to local farmers to work in the celery fields, while young women also worked as domestics in local communities.⁶⁴ Men worked in the Forest Basket Factory that supplied farmers with bushel baskets, or on the Grand Trunk Railway doing hard labour. Apart from working as hired labour, Stoney Pointers used other resources from the land to create sellable items. The women were well-known throughout the region for their baskets, while men made “rustic” chairs and tables from branches. Others produced detailed beadwork and Dreamcatchers⁶⁵, which were important economic contributions to the community. The summer season brought tourists and local residents to Stoney Point for the beaches, which served as an important client base for the craft industry. However, removal to Kettle Point impeded the traditional small-scale farming and craft industry.

Kettle Point Reserve #44 was predominantly a fishing community. (See Appendix V) Located two and one half kilometers from Stoney Point, the quality of the land was also quite poor for large scale farming. The economic pursuits of Kettle Point members differed to include summer industries as fishing guides. The Stoney Pointers had little access into these pursuits, as well as limited raw resources to continue their traditional practices.

Kettle Point had limited timber for heat and construction needs. For years, Kettle Pointers, such as Beattie Greenbird, had owned timber lots on Stoney Point for firewood. B. J. Spencer Pitt, the locatees' lawyer, argued the importance of timber to the economic needs of both bands. In an attempt to stave off the expropriation of the Reserve, Pitt raised the economic importance of the timber as the band's "bread and butter, particularly in the winter."³² Without access to the timber, the locatees could not heat their homes. Without the branches and twigs, the rustic furniture and craft industry collapsed.

Removal to Kettle Point was also an impediment to returning to work as hired farm hands for the local farmers around Stoney Point. The locatees could not travel the two and a half kilometers by foot each way, and few band members owned cars. Without access to farmland, materials for crafts and limited work opportunities at Kettle Point, many locatees had little choice but to leave the Reserve. Some found work in Detroit, Hamilton and Port Huron, but the distance between work and home further fractured the Stoney Point community.⁶⁶

The change from forty acre parcels to two acres severely impeded farming efforts, particularly on the swampland of the 14th Concession. Removal onto new land in the midst of the growing season prevented the families from growing needed winter food. In addition, the distance from the established clientele for the craft industry, and from local

farmers who were employers, reduced the opportunity to make money. Within the first year of removal, many families were forced onto welfare or off-Reserve in order to survive.

The elders argued that “the move introduced ‘Relief’ or welfare to the band”, toppling the already weakened traditional economy.⁶⁷ Inadequate compensation for the land and buildings, coupled with relocation to unproductive land and limited work opportunities, forced locatees into poverty. Gladys Lunham summarized the experience of many locatees.

My parents, they became poor. They were poorer than when they were down there [on Stoney Point], because they had a garden there and they owned a house. They never had to go out to work, or live on welfare. They made crafts – Indian crafts. But when they got down here my mother had to leave the younger children and go out to work. My dad had to go a long ways to get wood. We were poor after that. So I don’t think it was really fair to force a family out of their home like that.⁶⁸

With each obstacle, the locatees experienced a cascading effect of personal impoverishment, depression, family violence, and community breakdown.

One elder recalled the situation when the Indian Agent denied her permission to bring her prized rose bushes to Kettle Point.⁶⁹ The bushes were not valuable, but she desperately wanted to maintain a physical connection to her home at Stoney Point. When that was denied, the woman lost what she considered to be a piece of herself. This may seem insignificant to some people, but it distressed the woman immeasurably.

Pearl George confirmed this feeling of attachment to Stoney Point through the land. In her experience, Pearl felt little attachment to the baskets she made while living on Kettle Point.⁷⁰ Born and raised on Stoney Point, Pearl created her baskets from the grasses of her homeland. The grass on Kettle Point was simply not the same. The composition was coarser than that found on Stoney Point, and it held little spiritual

attachment. Pearl believes that only the materials found on Stoney Point, her home, were appropriate for use in her baskets.

Crafts and products from the land were shared throughout the community. Individuals developed reputations from the quality of their wares and the specialization of their craft. Gilford Henry was known for his maple sugar, while William George had a considerable reputation within the community for his rustic furniture.⁷¹ Other people were also renowned for the fine woodworking from the timber found on Stoney Point.

The community also held a spiritual connection to the land due to the sacred places, burial grounds, and stories of their ancestors. Separation from the cemetery, which contained the remains of hereditary Chiefs and family members, was devastating to the community. Upon his return to Canada after the war, Clifford was granted permission to visit the cemetery. He was emotionally distraught by the desecration of the burial ground by the military. C. J. Connolly of the Federal Department of Health and Welfare wrote to Indian Affairs on behalf of Robert George, on the condition of the cemetery.

Mr. George was greatly concerned about the state of the Indian cemetery at the former Stony Point Reserve...When the Indians were moved...[the] National Defence Department promised not to have any damage created to the Indian cemetery. He took us to the cemetery and showed us that only two tombstones were remaining on the grounds and that these were marked with shell shots. I noted one red granite marker had two distinct marks of being hit a glancing shot by a high calibre rifle bullet. A second stone, white marble, was broken and a considerable distance displaced from its grave position. Mr. George pointed out that a great number other tombstones has been moved.⁷²

The desecration and vandalism of the cemetery was a serious act of disrespect to the band, which caused a profound sense of loss within the Stoney Point community.

Examples of such insensitivity and disrespect toward the band and its traditions were scattered throughout the documentary sources on the appropriation and relocation. The actions and decisions of Indian Affairs officials encouraged intra-band conflict and

division directly after relocation. McCracken called the locatees “immigrants” or “D.P’s” (displaced persons), shattering the ability of the locatees to integrate effectively within the Kettle Point community.⁷³ McCracken contributed to feed on the fear among Kettle Pointers there would be little land left for their children after the locatees settled.

The younger locatees recall McCracken provoking fights saying to the locatees “you don’t belong here”.⁷⁴ McCracken also supported Kettle Pointers’ calling the Stoney Pointers “refugees”.⁷⁵ However, the most serious action was McCracken’s removal of band membership of some locatees, which stripped them of any status and entitlements.⁷⁶ His efforts served to reduce the number of Stoney Pointers settling on Kettle Point. The various tactics were effective; many locatees simply left the Reserve feeling unwelcome.

Each family had its own variation on the painful experiences and misfortunes resulting from the relocation. However, the social and economic problems were no anomaly in the larger history of land expropriation and relocations. As the Royal Commission on Aboriginal Peoples declared, the profound importance of land to Native people cannot be overemphasized. The Stoney Point event served to reveal how defects in the decision-making and administration affected the locatees directly after relocation.

The difference in expectations between the Stoney Point band and Indian Affairs was evident throughout the process. The band considered the compensation package highly unrepresentative of the value of the land. The failure to pay for the total amount of land owned resulted in a significant decrease in available funds for the families. The costs of repairs, food, outstanding debts and inflated land prices set the locatees back considerably, and were continuing grievances.

Socially, the locatees experienced the stress of physical separation from Stoney Point in various ways. On a personal level, removal separated people from a connection to a homeland, which is comforting and secure. To the Stoney Pointers, a large part of their personal and community identity was derived from the physical land. In addition to the economic problems associated with dispossession, the locatees experienced the desecration of the community's cemetery, which was taken as the ultimate sign of disrespect from the military. Even among the Kettle Point people, who were considered brethren, Stoney Pointers experienced fear, prejudice and greed. These forces served to relegate the locatees to a position of subservience and diminished power within the community. Throughout the process, the Stoney Point band members asserted considerable strength and resolve as they tried to thwart the military's plan and Indian Affairs' activities. In the end, the band simply endured the pressures and repressive measures waged from the various fronts. The locatees persevered on land that was not their own.

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- ⁵⁸ *Ibid.*
- ⁵⁹ Reta Pearl George interview with author, 26 May 1997, Stoney Point, Ontario.
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- ⁶³ *Ibid.*
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- ⁶⁵ A dreamcatcher is a craft indigenous to the Ojibwa or Chippewa culture group. Within a circle, a web is created with beads, jewels or other items. Eagle feathers or other materials are hung from the circle. The dreamcatcher is hung in the bedroom so that bad spirits would be caught in the web, while allowing good dreams to pass through and reach the sleeper.
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Chapter Five

The construction of Camp Ipperwash continued undaunted after the removal of the Stoney Point families. The buildings were constructed, infrastructure was completed and training begun right on schedule. However, the purpose of the camp changed from the original military plan. Intended as an advanced training centre, the camp was first used primarily for basic training for regular forces and later it was occupied by reservists and youth cadet camps. The band was further annoyed to see that the old Reserve became a favourite summer spot for the military officers who used the magnificent beach for recreation.

The end of the Second World War came and went, with no sign of a return of the land. Canadians welcomed the post-war boom with economic prosperity and a renewed sense of social purpose. However, the band worked hard to achieve the return of the Reserve. The same prosperity and opportunities accorded to non-Natives were not filtering down to the band, and after fifty years, the Kettle Point and Stoney Point bands wanted justice.

A review of the period after the expropriation and relocation reveals that little changed within the government regarding the affair. Indian Affairs was ineffective in persuading the military to return the land. National Defence saw no need for a speedy return, particularly when retention of the land suited post-war needs. In addition, the intra-band problems of identity, legitimacy of power and agreement on the future use of the land further remained unsettled.

* * *

One week after the expropriation of Stoney Point Reserve #43, the military officially moved onto the Reserve. Brigadier General D. J. MacDonald, Commanding Officer for Military District No. 1 officially opened the Instructors School on April 23, 1942. Men of all ranks from the District arrived to help clean the grounds and begin training.¹ The entire month was extremely cold and wet, inhibiting both construction and training activities. However, May 30 marked the end of the first course of instruction at Camp Ipperwash.

The first group of trainees arrived at the camp on June 6, 1942. However, the relocation of the Stoney Point residents had scarcely begun. Lieutenant Colonel Harold Ballantyne, Commanding Officer for Camp Ipperwash, added training films, full dress parades for the Listowel community, and local sports competitions in lieu of any formal training until the residents were removed.² Ballantyne masterfully worked the local communities for recruitment and support for the camp. Trainees regularly provided full dress parades and pipe band concerts to attract more local recruits.³ The trainees were also a welcome addition to the local softball leagues and, no doubt, boosted the local economy.

Harold Ballantyne had joined the Royal Canadian Regiment on June 23, 1940.⁴ He assumed the post of Commanding Officer for Military District No. 10 in Kitchener, Ontario. With the construction of Camp Ipperwash, Ballantyne was transferred along with his recruits to Listowel. He became the Commanding Officer of Camp Ipperwash, otherwise known as the A29 Advanced Infantry Training Camp, on May 1, 1942 and remained so until February 1946.⁵

Lieutenant Colonel Ballantyne and Brigadier General MacDonald worked throughout the month of June 1942, with the Department of Munitions and Supply to

tender for the construction contract for the camp.⁶ The contract to build approximately forty buildings for \$550,000 eventually went to “Johnson Brothers Concern” of Brantford.⁷ Various buildings were required including barracks, mess halls, a hospital and officers quarters. Local labour was scarce due to wartime and MacDonald aided the contractors by arranging additional hands from recruits, the local Unemployment Insurance lists, and the Kettle and Stoney Point Reserves.

The Army’s engineering department had already started construction of the drainage system and road infrastructure between March and May 1942. With an anticipated influx of four hundred staff and one thousand troops within one month, the construction schedule was tight, and rather than drain internal military resources for the construction, MacDonald decided to contract out the work. By the time the last locatees were removed in mid-July, one quarter of the camp had been completed. The living accommodations for one hundred and forty men and three mess halls were in full use.⁸ Between July and October, the remaining construction was quickly completed.

The camp was a state-of-the-art facility including thirteen barracks, three mess halls, medical headquarters and dental clinic, four officer’s buildings, a seventy-five bed hospital and other ancillary facilities.⁹ The parade ground was the length of two football fields, complete with floodlights. The artillery ranges included a twenty-four target range and areas for obstacle and machine-gun practice. On October 24, the military engineers completed the firing ranges and troops fired artillery into the lake, marking “the first time that artillery guns have been fired in this district in a century”.¹⁰

Ipperwash was originally intended for use as an advanced training centre. However, under the military emergency, additional troops were called up under the National Resources Mobilization Act and received basic training at the camp. Lieutenant Colonel

Ballantyne transferred his troops from Kitchener to Ipperwash, thus significantly reducing the advanced training program in favour of increased basic training.¹¹ Many Kitchener recruits objected to the transfer to Ipperwash and the infantry. The men who enlisted for home service did so for the opportunity to learn a trade. A transfer meant direct training for possible active service. The men lashed out, defacing barracks walls with slogans such as “now I’m in the Infantry” to “Sucker!”.¹² Brigadier General MacDonald considered the trade aspect of the military’s recruiting campaign as detrimental to the real task of military preparedness, and attracting the wrong type of men. Nevertheless, he worked to highlight the appeal of the Infantry and lured new recruits with the prestige of training in a state-of-the-art facility like Camp Ipperwash.

Training was coupled with construction duties including clearing bush and felling trees for the outdoor training areas. The Kitchener recruits still had an opportunity to practice their particular trades training working as carpenters in the drill hall, canteen and mess halls. However, the weather deterred construction and progress. As the camp clerk stated, “it is raining and everywhere is a sea of mud”.¹³ Recruits worked doggedly to lay water pipes from the lake, but the task was frustrating. The pipes kept clogging with sand and causing water shortages.

By late October, Ballantyne and MacDonald ordered the final touches of the grounds. Minister James Layton Ralston planned a flag-raising visit to the camp in late November, so the construction scheduled was stepped up. A major from the camp coordinated completion of the assault course, obstacle course and camp area roads.¹⁴ However, the weather continued to plague all such efforts. On November 15, an ice storm raged through the District, causing drying problems with the cement on the rifle range.¹⁵

Ralston's visit, after several delays, took place on November 27, 1942.¹⁶ The inspection party was given a full ceremonial parade, and the troops, staff and officers saluted as the Canadian flag was raised in the camp for the first time.¹⁷ However, cold and wet weather curtailed Ralston's tour of the camp. Ralston showed great appreciation to everyone for the effort made in constructing the camp so quickly. He dined in the Officer's Mess and consulted with MacDonald, Ballantyne and the officers on the progress of the camp and the problems they had encountered.

Lieutenant Colonel Ballantyne discussed the need to expand the use of the camp for basic training. The Military District No. 10 troops from Kitchener were already in camp, but the engineering corps from Petawawa slated to join the camp had not yet arrived.¹⁸ With the proposed increases, the hospital needed to double its size. The facility was originally planned to have only seventy-five beds, and Ballantyne proposed doubling its capacity to one hundred and fifty beds.¹⁹ Other details were discussed such as lengthy delays in receiving equipment for the camp such as water boilers, a public address system for training, a movie projector and the hospital beds.²⁰ The camp was certainly shaping up to be a self-contained city. It was built with a view of permanency and long-term use. A camp for which the military had considerable pride.²¹

Ralston's aide, Brigadier Ernest Weeks, on returning to Ottawa, ensured that the camp received the equipment it needed. Ralston had ordered that Ipperwash be given priority for its supply needs. Hence, the boilers were delivered within one week along with the first batch of seventy-five hospital beds and medical equipment. The camp was then fully functional, an exciting addition to Bosanquet county, and an important facility for the military. (See Appendix VI) The final cost for the camp was over \$1 million.²²

By December 1942, Ballantyne fully exploited the unique terrain at Ipperwash for training. The troops received permission from the Province of Ontario to use the beach and lakefront for assault boat training. The terrain throughout the camp offered excellent opportunities to combine infantry training with skiing for northern climate combat,²³ sloping hills and inland lakes for obstacle training, and large areas for training troops to fire rocket launchers, mortars, grenades and machine guns. It became apparent by 1944, that the adjacent two hundred acre parcel of lakefront land owned by Mr. Waterman had to be acquired. The land was simply untenable as cottage property, due to the dangers of shrapnel and unexploded ammunition, so the military purchased the land.²⁴

The Department of National Defence continued to use Camp Ipperwash well after the end of the war. Although the proviso in the Order in Council promised to return the land to the locatees at the termination of the war, the military refused to part with the camp, stating that it was needed it for military purposes. The Department continued to train regular troops and reserve units in Southwestern Ontario to ensure continued military preparedness.²⁵ However, the Stoney Point band was anxious for the return of the Reserve.

Awareness and criticism of the Indian Affairs Department was scattered throughout the House of Commons Hansard, but remained unaddressed until after the war. The Canadian public was concerned why the housing and health conditions on Reserves was so poor given the sizeable budget for the Department. The C.C.F. Leader, M. J. Coldwell, raised a concern that Native people, particularly the Ojibwa people in Southwestern Ontario, were “not regarded as being worth very much by some of our magistrates, and even by the department itself”.²⁶ Coldwell described two particular

incidents of highway deaths, where local Natives were killed by non-Native drivers. In one case the Department and local constabulary never found the driver. However, in the other case, the driver was charged and fined \$20 plus costs. Coldwell raised the issue to the members of the House claiming:

I am quite sure had it been...one of our own white citizens been killed...I do not think the fine would have been \$20. I am not blaming the minister. I am not blaming the department. But I bring this to the attention of the Committee because I think it show in some degree that there are people who value these Indians rather lightly.²⁷

The post-war spirit of freedom, democracy and justice spurred a particular interest in Native issues. The Special Joint Committee of the Senate and House of Commons in 1946-47 on Native affairs gave bands across Canada an opportunity to raise their policy questions and administration problems.²⁸

Chief Frank Bressette made a presentation on behalf of the locatees and the Kettle Point community. He charged that the Department no longer considered Native treaties important.

Have we any treaty rights left, and are there any obligations? In recent years Mr. Mindy Christianson, Inspector from the Dept...stated...that our old Treaties were not worth a snap of a finger anymore. Was he a competent authority on Indian Treaties made by the Crown with the Indians? [He] also stated that the only Treaties recognized by the Canadian Government were the "Treaties of Surrender".²⁹

Bressette suggested the expropriation of the Reserve for the Stoney Point band was "as great a humiliation as any country in Europe which was occupied by the enemy".³⁰ Chief Bressette made a compelling presentation to the Committee arguing that the Stoney Point and Kettle Point bands considered their treaties "as good as the day they were made".³¹

The Department of Indian Affairs received an important message from the Committee review and band presentation. The Deputy Minister of Indian Affairs, Hugh L. Keenleyside, under the Department of Mines and Resources, stated flatly:

It must not be overlooked...that the expropriation of the Reserve in 1942 was strongly opposed by the Indians as being a breach of their treaty rights and has seriously inconvenienced this Department in its dealings with Indian Bands across the Dominion since this time.³²

He further argued for a speedy return of the Reserve. Representatives of the Department of National Defence met with Indian Affairs officials in 1947-48 to negotiate partial release of the land. Between September 1947 and May 1948, the Department of Defence discussed options to separate portions of the Reserve for band use, while keeping the barracks and rifle ranges.³³ Internal discussions within National Defence showed that there was no intention of releasing the land. Rather, military officials demonstrated considerable disdain for the band. As an internal memorandum indicated, "the physical presence of Indian families within the main camp area is most undesirable".³⁴ The Department of National Defence considered that simply giving compensation for the land would passify the band and end any disputes.

On the other hand, National Defence's legal department recognized a potential problem with the expropriation process. Although the land was obtained with Parliamentary assent, the band never relinquished actual title to the property. The Department's counsel argued that the best course of action would be to seek a release to all title by the band.

Since it would appear that the damage, insofar as the feelings of the Indians are concerned, was done...it would also appear that payment of some compensation would probably be more satisfactory than return unrequired portions of the camp.³⁵

However, after further discussions with Indian Affairs it was clear that the band was unwilling to execute any release of title or interest in the land, even with any compensation.³⁶

The military ceased negotiations with Indian Affairs in May 1948, opting instead to keep the entire camp. Defence Headquarters indicated that the Canadian Army Mobilization Plan envisaged full use of the camp for several years, particularly for increased summer reserve and cadets youth training. Beginning in July 1948, ten-day outings were arranged for 1100 cadets, a thirty-day advanced training camp for 150 officers, and a six-week trades training camp for over 200 cadets.³⁷ Lieutenant Colonel A. Bailey of National Defence Headquarters argued that having the band living within the camp was “for obvious reasons detrimental in the extreme to the efficient operation of the various camps”.³⁸

With the advent of the Cold War, especially after the Korean War, the military had additional justification for continuing to keep Camp Ipperwash. National Defence split the use of the camp fifty percent for regular forces, with the remaining time spent on cadets and reservists.

Our desire as the Department [is] to provide a youth training program that is meaningful for young Canadians. Ipperwash is an ideal area to do that.³⁹

Vice-Admiral Robert George, Deputy Chief of Defence Staff stated that the summer cadet training program was the crux of camp use in subsequent years.⁴⁰

Indian Affairs approached the military again in 1963, to seek a return of the land. It was now almost twenty years since the end of the Second World War, and the band and Indian Affairs wanted to know why the military made no voluntary effort to return the

land as promised. This time, the military simply refused to enter into discussions. Deputy Minister E.B. Armstrong indicated that an internal study revealed that the military still had a “continuing need” for the camp.⁴¹ While Lucien Cardin, Associate Defence Minister, argued that although the military recognized an obligation to return to the land to band, this was not likely to occur in the foreseeable future.⁴² The band was highly skeptical of the military’s continued delays and excuses.

One of the conditions of the 1942 expropriation, had been to set aside some jobs at the camp for the local Natives.⁴³ In 1970, thirteen band members were given summer jobs for kitchen work, catering and grounds keeping,⁴⁴ but only three band members who were veterans ever received full-time jobs.⁴⁵ Another ten to fifteen band members worked with a local catering company, which supplied food for the cadet camps.⁴⁶ The band disliked the fact that members were required to compete for jobs with the sons and daughters of military officers. Nevertheless, the jobs gave the band opportunities to assess the activities within the Camp.⁴⁷

The facility was generally a buzz of activity for two months during the summer. Alternatively, the only training conducted during the fall and winter months was on weekends for volunteer reservists and local police departments.⁴⁸ Based on such observations, the band claimed that the camp was little more than a “military playground” and underutilized despite the military’s claims to the contrary.⁴⁹ In addition, the band argued that considerable abuse of the base by the officers occurred. The military used the property for vacations and private functions.

For over forty years, military officers parked their recreational vehicles and camped in the northeast corner of the Reserve called “The Marriage Patch”.⁵⁰ The area contained one of the most beautiful white sand beaches on Lake Huron and buttressed by

inland lakes. The band considered since other people were allowed to use these facilities, they would ask to use the old Reserve for band functions. However, the commander sent a lengthy response claiming that the buildings were unfit for public use.⁵¹ The drill hall was unheated and totally unsuitable for social functions, while the mess hall did not come equipped with cooks for catering facilities. In addition, the camp was only used for units undergoing training. Colonel C.D. Simpson stated curtly, "I am sure you will be able to see why we cannot provide you with the facilities you request".⁵²

Disappointed with the response, seeing others use the facilities, while denied the same opportunities, band resentment grew. The final straw occurred three months later when the local Forest police force held a stag party in the mess hall.⁵³ The Kettle Point Council band administrator, Dave Henry, sent a scathing demand to Colonel Simpson to know "why the rightful owners" of the Reserve were denied use of the building, while another group was given the opportunity.⁵⁴ Henry charged the military with direct discrimination. After this episode, the band gave little credence to the military's argument that the camp was needed for "military purposes". Instead, the Kettle Point Council precipitated legal action and public demonstrations to heighten the profile of their land claim.

1970 marked a particularly important year in the renaissance of Native activism in politics in Canada. Prior to the unanimous rejection of Prime Minister Trudeau's "White Paper" in 1969, the state of Native rights was teetering on the brink of involuntary extinguishment.⁵⁵ Native communities across Canada, with the support of the American Indian Movement (Red Power) from the United States, loudly voiced their discontent over Indian Affairs' plan to abolish the Indian Act and force assimilation. The White Paper was formally retracted March 17, 1971.⁵⁶

Within this era of heightened political activity, Chief Charles Shawkence led the Kettle Point Band Council to seek a return of the Reserve outside of Indian Affairs. Shawkence was Chief between 1970 and 1988, and instrumental in raising political awareness of Camp Ipperwash.⁵⁷ For the first time, the band began using the media for their own purposes. The tactic was very successful.

Charles Shawkence raised the issue with the Indian Affairs Minister, Jean Chrétien, in early 1972. Chrétien was sympathetic to the issue, writing to Minister Edgar Benson of the Department of National Defence stating:

The people have a legitimate grievance. They have waited patiently for action. They will soon run out of patience and may well resort to the same tactics as those employed by the St. Regis Indians at Loon and Stanley Islands in 1970 - to occupy the land they consider to be theirs.⁵⁸

Native civil disobedience exhibited in Quebec, and support for the Stoney Point cause by the American Indian Movement gave Chrétien cause for concern. Chief Shawkence heightened media coverage of the claim using ceremonial dress and peaceful demonstrations at key public events. On May 26, 1972, Shawkence led his community by picketing the entrance of Camp Ipperwash, as well as the Arkona Lions' Indian Artifact Museum. He challenged Minister Crétien to open negotiations for a return of the Reserve. Shawkence stated:

Why must we continually sit and wait the pleasures of Her Majesty's Ministers? Why can't we be heard? Why can't we have back what is rightfully ours?⁵⁹

The media coverage was successful and pressured dialogue between the military and Indian Affairs.

After charges of Ipperwash being simply a militia playground for the Department of National Defence, Minister Edgar Benson agreed to meet with Chief Shawkence. Rather than justify the training component of the camp, Benson argued that the danger of

unexploded ammunition throughout the grounds made a return of the camp very costly and unlikely.⁶⁰ When Chief Shawkence argued that there seemed to be little concern for unexploded shells with regard to the young cadets who ran around the camp, swam in the lake, and generally roamed the entire camp. Benson retorted that the cadets were trained to identify “blanks” or unexploded ammunition, and act accordingly to prevent accidents.⁶¹ The Kettle Point Council and legal counsel were dissatisfied with these arguments, stating that the military would “have to run to the end of the line with excuses for the return of the land”.⁶² However, the issue of explosives and harmful chemicals was no small concern.

The military conducted a review of the ammunition used at the camp to assess the extent of danger at the camp. In addition, over a period of thirty years, considerable contamination had occurred. A review of the few remaining files, interviews with camp personnel and debris helped develop a map of danger zones throughout the camp. (See Appendix VII) Captain J.W. Martin was a longtime employee at Ipperwash, serving first as an engineer during the war, then as a cadet camp director until 1971.⁶³ Martin provided a full list of ammunition fired at the camp during its existence, including a range of machine gun bullets. Other highly dangerous materials had been used including white phosphorous, #36 fragmentation, ENERG and EY grenades for rifle launchers, and “Concussion” grenades. A wide variety of anti tank weapons also had been used including rocket launcher ammunition, mortars and flamethrowers.⁶⁴ This list was certainly extensive and sufficient cause for concerns over the safety of civilians.

Accounts by Camp staff confirmed that a considerable amount of debris and unexploded ammunition existed throughout the camp. Several accidents had also occurred during the lifetime of the camp, including several fatalities. Col. Martin argued

that in the early years of the camp, the safety rules “were not as rigidly adhered to”.

There was considerable indiscriminate firing of mortars and small arms.⁶⁵ Grenades were simply thrown into an open pit, and left if they did not explode. During the construction of the camp, Corporal J. R. Jones of the Perth Regiment picked up a training “thunder flash”, which he meant to throw further away, but his hand and wrist were blown off from his action.⁶⁶ On another occasion in 1947, cadets came upon some “blind” #36 grenades, which exploded and killed several of the young men.⁶⁷ The firing field was later cleared by “flail tank” and fill was bulldozed over the area in the late 1940’s. Accidents were not uncommon, and “blinds” of various types of ammunition were still found throughout the camp, on the beach, the old firing range and by the highway. Nevertheless, the band failed to consider the unexploded ammunition a serious issue since the military continued to train young cadets in the Camp without any recent accidents.

Hence, in 1973 the Kettle Point Council, with the support of the Ontario Union of Indians, the band hired LP Resource Development Association to conduct an economic evaluation of the old Reserve.⁶⁸ The report formed a “basis of settlement”, but the Department of National Defence was not interested in seriously negotiating at that time. It took another five years before the military met with the band again. In the interim, the LP report helped the Kettle Point Council understand the substantial financial losses involved from business opportunities, development and past compensation paid for the land. However, Chief Shawkence saw the potential more as a benefit for the Kettle Point community than for the Stoney Point locatees and their descendants.

The economic report outlined three issues. First, the report confirmed that the compensation paid in 1942 was well under market value. Timber and lakefront land actually yielded prices between \$120 and \$150 per acre, thus confirming that the military

had significantly underpaid the locatees in 1942. Second, a wide variety of tourism projects could yield additional revenues from a marina, camp ground, resort-type motel and other tourist oriented enterprises. Third, the Reserve had ample space to relieve the housing crisis facing the Kettle Point Reserve due to the growing population.⁶⁹ So as not to be seen as spurning the band, the Department of Defence met with Chief Shawkence to discuss the band's findings and the report. However, there were no subsequent negotiations at that time.⁷⁰

While Shawkence was presenting his economic proposal for the renewal of the "Kettle Point Reserve", the Stoney Point locatees and their descendants were left on the periphery. Shawkence went to great lengths to plan the return of the Stoney Point for "the Band", but the original Stoney Point families did not agree with several aspects of his proposal. First, Shawkence and the Kettle Point Council argued that the two communities were one band, hence the Council would determine the use of the land. The Stoney Point locatees vehemently disagreed with the notion of a joint band, contending that they were a separate band. Second, the locatees disagreed with his vision of economic development for the land. The locatees held title to specific plots of land on Stoney Point – considerable acreage in 1942 - but Chief Shawkence completely disregarded that fact. He considered that both Reserves and both bands were one community under the name of the Kettle and Stoney Point Band. Hence, an early argument developed between the Native communities on the issue of future development of the land, distribution of funds, and political authority of the Kettle Point Council over the locatees' affairs.

The Stoney Point locatees sought legal advice on how to protect their interests against what they considered to be the authoritarian power of the Kettle Point Council. A

schism developed between the Kettle Point community and Stoney Point band. The locatees claimed that they could not get any information from Shawkence on his discussions with the military, or on the proposal regarding the Reserve. Carl Fleck, legal counsel to the locatees, wrote directly to Deputy Minister James McNichol in Defence, to warn him of the potential of negotiating with the wrong group. Fleck requested a status report on any proposals or discussions regarding the camp for the locatees, as “they are the persons most directly affected by these negotiations”.⁷¹

The Stoney Pointers living on the Kettle Point Reserve began to organize amongst themselves to keep careful watch on Chief Shawkence and the Kettle Point Band Council. A few members who attended Council meetings saw the liberties that Shawkence was already planning with Stoney Point Reserve land, and the camp was not yet returned. One particular example saw Chief Shawkence and his Council agree to lease a parcel of land on Stoney Point to Kettle Point’s lawyer, Ron Rowcliffe, for \$1 per year for fifty years, in lieu of his legal services.⁷² The entire future of the Reserve was being considered without consultation with the locatees. The Stoney Point band considered that just as in 1942, band members were faced with hidden agendas and proposals for the use of their land – but this time from within.

Charles Shawkence thought by 1974, he had negotiated a deal with the Department of Defence. Shawkence and Rowcliffe presented a series of offers and counter-offers to the military, but little happened as a result of their efforts. It would actually be another six years before a proposal was developed. The military was in no rush to transfer the land. In 1980, the military finally settled on a compensation package that Chief Shawkence could bring to the community for approval.

The Department of Defence conceded that they underpaid the Stoney Point band for the Reserve in 1942. Based on a market price of \$120 per acre, the actual value of the Reserve should have been \$242,808 in 1942.⁷³ In addition, the military agreed to compensate the band for back-rent from 1943 to 1981 with \$2,037,759. The Department of Defence agreed to pay the band's legal fees in the amount of \$130,000 for Ron Rowcliffe, for a total compensation of \$2.4 million. In addition to the financial package, Defence agreed to return the entire Reserve to Indian Affairs, including all lakefront land, but only when the Department no longer needed the camp.

On September 6, 1981, the voting members of the Kettle and Stoney Point Reserve voted eighty percent in favour of the package.⁷⁴ It was difficult to determine the level of Stoney Point participation in the vote. The locatees were somewhat relieved that the Department of Defence did not deprive them from waging private claims as a condition of accepting the package. The group organized into the Stoney Point Defense Committee with the intentions of challenging the Kettle Point Council's compensation package and vote. The Defense Committee hired legal counsel to seek a court injunction, but it was unsuccessful.

The Stoney Point band was fiercely critical of Chief Shawkence's distribution of the compensation package. Speculation swirled with rumours of "instant companies" mysteriously appearing on the payroll and paid from the proceeds. One such internal Kettle Point company called the "Ipperwash Consulting Services", received \$80,000 from the compensation monies.⁷⁵ The Kettle Point Band Council agreed to invest \$1.3 million for administrative projects, and the remaining \$1 million was distributed among all 1,200 Reserve residents.

Seven months later the three hundred Stoney Point locatees received their share of the compensation. A first installment of \$700 was distributed, and the families were promised the remaining \$500 at a later date.⁷⁶ The band felt further cheated by the fact that locatees who were forced off-Reserve received no part of the monies. Some Stoney Pointers even continued to argue that they never received the final installment and that the locatees received a paltry one-third of the total monies.⁷⁷

Unquestionably, the distribution was unfair. Kettle Pointers had no cultural or legal affiliation with the Stoney Point Reserve. In addition, most people who received money from the package were too young to even know what the money was for. Most of the compensation package was a money-making venture for the Kettle Point Council and other individuals at the expense of the Stoney Point families.

The Stoney Point grievance resulted in a deep schism between the two communities. During the 1980's, the Stoney Point band organized into the Stoney Point Steering Committee, which later became the Stoney Point Community Association. The primary aim of the organization was to educate the public and the Kettle Point community to the fact that the Stoney Point group was separate from the larger community. The secondary issue was to lobby the government and Indian Affairs to ensure that the locatees and their descendants be recognized as the legal heirs and negotiating body in any return of Camp Ipperwash. Given the activities of the past decade, the Stoney Point community tried to thwart the authority, power and legitimacy of the Kettle Point Council over the Stoney Point affairs. The Kettle Point Council begrudgingly recognized the locatees as a working group, but refused to provide them any funding for research, marketing or negotiation efforts.

On the issue of separate identity, the Stoney Point Association argued that the relocation in 1942 placed the band in a position of political subservience to the larger Kettle Point community. The Stoney Point community comprised less than one quarter of the total population, thus had limited political voice or representation on Council. The Kettle Point Council simply assumed control over Stoney Point issues with little consultation or negotiation. Robert George stated pointedly that the Kettle Point Council presented an image of cooperation between the two communities, which was false.

George argued:

Neither has worked hand-in-hand and feelings of ill-contempt are as strong today as they were when the 16 family Stoney Point band was relocated to Kettle Point in 1942.⁷⁸

Since relocation, Stoney Pointers have been treated as “second-class citizens”, stripped of their culture, and bled of money for years.⁷⁹

The band presented a compelling case before the Standing Committee on Aboriginal Affairs in 1991, for their concerns over Kettle Point interference and separateness of identity. The Standing Committee overwhelmingly supported the Stoney Point band recommending that the government recognize Stoney Point outside of the Kettle Point political community.

The government [must] rectify a serious injustice done to the Stoney Point First Nation...by returning the land at Stoney Point to its original inhabitants and their descendents from whom the land was seized.⁸⁰

The band was elated to have a political body confirm and support its claim. However, the victory was short lived. Indian Affairs responded arguing that the historical records revealed only one band since 1919, called the “Kettle and Stoney Point Band”.

The issue of identity was important with respect to ownership, legitimacy, authority and legal claim to land. Identity was determined in several ways including

spiritual and economic connections stemming from the land, as well as community continuity on a land base. (See Chapter Four) However, political institutions and administrative record-keeping can also determine a level of community identity. As a review of the historical documents reveal, a strong Eurocentric perception of “community” was attributed to the Stoney Point and Kettle Point communities based on political and administrative information.

It was true that a separation occurred in 1919, whereby the Kettle Point and Stoney Point (Ausable River) bands broke from the Sarnia Reserve to form a single conjoined Grand Council in order to have greater autonomy over their own affairs. The two bands each elected Councillors to sit as representatives on the Grand Council to manage the administrative affairs of the two communities. Eligible voting members from both Reserves participated and voted on band business and shared in any financial gains stemming from land sales or other profits. However, the Kettle Point band clearly overshadowed and dominated the smaller Stoney Point band, thus giving the perception to Indian Affairs that the communities were conjoined as one band.

Stoney Point clearly had separate Reserve status well before the establishment of the Kettle & Stoney Point Council in 1919. At the time of the original treaty in 1829, the Stoney Point band chose the land at the “stony point” along the Ausable River for their Reserve. Likewise, the Kettle Point band chose and settled on a separate Reserve on the land where large kettle formations appeared. The Ausable Reserve, later renamed Stoney Point, was listed separately as “Reserve #43”, while Kettle Point was #44. Administratively, Stoney Pointers were listed on separate annuity pay and band membership lists, whereby the Indian Agent kept track of the band population. Land on the Reserve was allocated specifically to Stoney Point residents through Location Tickets,

and a separate school and church existed on Stoney Point. Even on a political level, Stoney Point elected its own band Chiefs and Councillors for the small community, which was maintained up until removal in 1942.

Indian Affairs considered the two communities conjoined for two reasons. First, members of the two communities intermarried and participated in many social activities. Second, the administration of one monthly Council rather than two was easier for the Department. The Indian Agents long considered dual administrative expenses a burden, but they existed because the two bands were separate and distinct.

A review of over two hundred documents between 1925 and 1942 reveals an interesting picture. Only two documents during this period refer to the Stoney Point band directly as a separate community. During the William Scott land surrender proposal on Stoney Point in 1928, Indian Agent Thomas Paul referred to the band directly as the “Stony Point Band” or “Indians in the Stony Point Reserve”.⁸¹ However, the remaining documents make reference to both bands combined as the “Kettle Point and Stoney Point Indian Reserves” or the “Kettle and Stoney Point Band”. Usually this was the result of the business being discussed, which was directly related to Council business or political decisions. In other cases, the Kettle Point Chiefs or Kettle Point Reserve residents, such as Cornelius Shawnoo claimed that “Kettle & Stoney are one now”, specifically referring to the issue of conjoining as a single political entity in 1919, not as a *cultural* community or *Band*.⁸²

The issue of identity is difficult to assess from government documents, given their misinterpretation of Native culture and community structure. The two communities are intrinsically linked by intermarriage, history, administrative and political systems, which

easily blur the issues of identity and separation. However, identity and facts are integral to the conflict surrounding legitimacy in negotiations, interest in land and compensation.

In rebuttal to the argument that Stoney Point and Kettle Point were actually one conjoined Band, the Kettle Point Council has worked consistently since 1992 to present a contrary argument. However, the campaign gave little attention to defining the issue of identity, culture or historical fact. Instead, political authority for the community was the focus of the Kettle Point Council. Chief Tom Bressette initiated a political writing campaign in an attempt to diffuse problems stemming from the Standing Committee on Aboriginal Affairs report in 1991. Bressette contacted Defence Minister Marcel Masse and Tom Siddon of Indian Affairs, encouraging them to make the Kettle Point Council the lead contact for any future negotiations on Camp Ipperwash.⁸³ Bressette gave further assurances that the Kettle Point Council would work to resolve the internal grievances, and integrate the interests of the locatees and their heirs.

On May 5, 1993, over one third of the Stoney Point band, including elders, men, women and children, chose a more direct method of protest and occupied Camp Ipperwash. This shift to civil disobedience alienated the remainder of the Stoney Point band and Kettle Point community. The Kettle Point Council condemned the move while working to coax the demonstrators out of the camp to ensure the protection of the children. Chief Tom Bressette also wrote directly to the Hon. Bob Rae, then Premier of Ontario, in an attempt to cut off all welfare assistance for those occupying the base.⁸⁴ Bressette argued that by financially supporting the demonstrators, the Provincial government risked prolonging the occupation.

The action prompted a response by the Department of National Defence, which ordered staff to remain in the camp and continue working amidst the occupation. The army used helicopters, flying over the occupied barracks and Kettle Point houses at night, and shining bright lights to harass the protestors.⁸⁵ Everyone feared for the safety of the children within the camp. The small faction resolved to remain at the camp until its return. The group elected its own Chief and Councillors, attempting to establish itself as the legitimate body to negotiate a return of the Reserve. However, the Kettle Point Council ultimately refused to work with the group by late 1993.⁸⁶ The two groups could not reconcile their differences on issues of identity, legitimacy and political methodology.

The occupation forced the Department of National Defence to deal with the issue of returning Camp Ipperwash. On April 22, 1994, Minister David Collenette reviewed the infrastructure needs of National Defence. He determined that Ipperwash was no longer required.⁸⁷ Collenette implored Maynard T. George, Chief of the Stoney Point occupiers, to leave the camp and allow negotiations to begin between the military, Indian Affairs and the Kettle & Stony Point Band Council. Most families refused to leave, fearing that they would never return to the land. However, a few left, opting to return to the comfort of their homes at Kettle Point.

After two full years, the process seemed stalled. The Kettle Point Council and the military were playing a waiting game with the remaining protestors. The occupiers were growing increasingly impatient, and division was developing within the camp on issues of leadership, methods and goals. Emotions ran high as outside supporters within the camp advocated harassment of neighbouring cottages and residents. A handful of protestors tried to intimidate local cottagers at night with bonfires and Native chanting, and erecting roadblocks during the day.⁸⁸ With each new activity, the small faction lost support

internally among the larger Stoney Point band, and credibility as a rational organization with the Kettle Point community, government and general public. Many of the group's earliest supporters and spokespeople, such as Robert George Jr., a lawyer and son of Chief Robert George, distanced themselves from the protestors. The decision to use methods of harassment, provocation and civil disobedience was strongly condemned by the bulk of the Stoney Point community. Rachel Shawkence, considered an elder in both communities, stated that resorting to violence was not right.⁸⁹ The repeated use of occupations, sit-ins, roadblocks and harassment by the Stoney Point faction resulted in overwhelming support for the Kettle & Stony Point Council for any future action regarding Camp Ipperwash.⁹⁰

The schism required a new action plan. The protestors realized they were in a weak position, having no money to organize as a professional organization, or challenge the government. Not all occupants even condoned using confrontational tactics, but the group was on the brink of desperation. Some families were drawn to the fight based on legal principle, identity and historical fact, while others were following a religious vision.⁹¹ The faction decided to regroup and force some action on the part of the military.

On August 4, 1995, approximately one hundred people rammed the gate with a bus and formally evicted the military from the Camp.⁹² Between fifteen and twenty military officers left the camp by midnight. One month later, a small group waged a sit-in on Ipperwash Provincial Park, believing the action would precipitate an expedient return of the land. The action occurred in the hope of heightening media and political attention to the land claim of Camp Ipperwash. However, by entering Provincial jurisdiction, the group invited a host of separate problems.

After a two-day standoff, Native protestor, Anthony “Dudley” George was shot and killed by an Ontario Provincial Police officer on September 6, 1995. The standoff and fatality resulted in immediate negotiations for the return of the land between Indian Affairs, National Defence, Kettle & Stony Point Council and the appointment of private mediator. In a memorandum of understanding between all parties, the final transfer of the land will include a clean up of the camp at the government’s expense, funding for a healing program for the community, and possibly a veteran’s monument at Stoney Point.

Negotiations continue today, with a firm commitment by the Kettle & Stony Point Band Council to uphold the financial interests and land concerns of the Stoney Point band. A tentative deal includes a payment of \$24 million to reestablish the community at Stoney Point. In addition, \$2.3 million is designated for individual compensation for the locatees and subsidies for 136 housing units.⁹³ Throughout the negotiations, the Kettle & Stony Point Council agreed to respect the differences in political opinion between the communities, while working to uphold the financial, historical and land interests of the original locatees and their descendents.

In the meantime, the population on Camp Ipperwash fluctuates almost daily. Some people arrive to join the occupation, while others leave to escape the political infighting, political struggle and violence. Some have stayed the duration, waiting patiently until the land reverts back to Reserve status. Given the drive and desire for land, there may well be further private civil disputes. Some Stoney Point families will undoubtedly try to recoup their property that was expropriated more than half a century ago.

Endnotes

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⁹ "Camp Ipperwash is nearing completion: Troops to take over next month", *Sarnia Observer*, 17 August 1942, 3.

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¹⁴ *Ibid.*, vol. 7.

¹⁵ *Ibid.*

¹⁶ NAC 19,119, Major Cooly to Brigadier-General MacDonald, Ottawa, 29 October 1942.

¹⁷ "Army head visits men", *Sarnia Observer*, 27 November 1942, 3.

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²⁸ H.B. Hawthorn, ed. *A Survey of the Contemporary Indian: A Report on Economic, Political, Educational Needs and Policies in Two Volumes*. Vol. 1 (Ottawa: Indian Affairs Branch, 1966), 209. See also the Royal Commission on Aboriginal Peoples Report, "Looking Forward, Looking Back", vol. 1, 564-566.

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³³ *Ibid.*

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³⁵ NAC 5730, Mr. Brown, Legal Branch, 21 May 1948.

³⁶ *Ibid.* Notations on the letter.

³⁷ NAC 5730, Lieutenant Colonel A.J.B. Bailey to Lieutenant Colonel Sutherland-Brown, 3 May 1948.

³⁸ *Ibid.*

³⁹ Canada. *Standing Committee on Aboriginal Affairs*, "Minutes of Proceedings and Evidence", 12 December 1991, 6.

⁴⁰ *Ibid.*

⁴¹ NAC 5730, E.B. Armstrong, DND to H.M. Jones, Citizenship and Immigration, 1 February 1963.

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⁴⁸ *Ibid.*

⁴⁹ "Band seeks Ipperwash negotiations: Peaceful pickets greet Indian Affairs Minister, *Sarnia Observer*, 26 May 1972, 13.

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⁵⁷ *Former Chiefs of the Band, 1826-1995*, 30. Unpublished manuscript, Lambton County Archives, Box 1A File #10B-A Kettle Point.

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⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ NAC 17,127, *A29 Advanced Infantry Training War Diary, April 23 to May 31, 1942*, vol. 1.

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⁷⁹ *Ibid.*

⁸⁰ House of Commons, *Third Report to the House of Commons of the Standing Committee on Aboriginal Affairs*, 13 March 1992.

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⁸⁷ The Hon. D.M. Collette to Maynard T. George, Ottawa, 22 April 1994.

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⁹⁰ *Ibid.*

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Conclusion

The story of Stoney Point Reserve #43 is complex. The answer to why the Department of National Defence expropriated the land in 1942 is multi-layered. Aside from the obvious reason that the land was required for the establishment of a military training camp, other motivations also influenced the affair. The actions and decisions of Indian Affairs account for the poor management and socioeconomic problems stemming from the expropriation and relocation, while the sociopolitical problems between the Kettle Point and Stoney Point bands are also important components. However, the most distressing aspect is the prevalence of chronic discrimination against the band, evidenced before the war, but also up to present day.

The longstanding policy of land surrenders for the public purpose was deeply infused within the bureaucratic culture of Indian Affairs. Even the general public regarded Native land, particularly those attractive parcels, better used serving the Anglo-European needs -- development projects, farming, settlement, or urban expansion -- than serving Native peoples. In the case of Stoney Point, the land was not conducive to large-scale agricultural development. Indian Affairs easily justified the disposal of Stoney Point to the military. The Reserve was an economic burden to the Canadian taxpayer, and Indian Affairs made a very clear statement to other bands that failed to achieve agricultural self-sufficiency. However, the bureaucratic decision to dispose of Stoney Point revealed other problems within Indian Affairs.

A distinct culture existed within the Department of Indian Affairs. At the local level, Indian Agents had a strong attachment to routine and traditional methods, which were procedurally wrong and culturally insensitive. The operations of daily

administration had changed little over a century. The status of the Indian Agents was prominent within the local communities, and their authority over Native affairs and administration was unchallenged. Even within the Department, senior officials looked to Indian Agents as having a special knowledge of the bands within their purview. Their recommendations, particularly over the administration of land, went largely unchallenged, resulting in significant problems.

The impetus to change the policies and procedures regarding land surrenders in 1939 were ineffective with respect to Stoney Point. Indian Affairs recognized that the population on Reserves was increasing dramatically and halted further land surrenders, except for extreme circumstances. Land surrender proposals required scrutiny with a view to the future needs of the band. However, the expropriation and relocation of Stoney Point showed no evidence of this process. Instead, the proposal was eagerly supported by Indian Affairs, both to rid the Department of an administrative burden, and to put the land to use for the public needs of the war.

One could argue that Stoney Point was simply at the wrong place at the wrong time. There was no chance between the introduction of the new policy shift in 1939 and wartime crisis of 1942, to make the paradigm shifts of procedure and culture within Indian Affairs. It was not until the postwar era that the poor conditions of Native people and administrative problems forced a review of the internal operations of Indian Affairs. There was some effort on the part of the Department to seek a return of Stoney Point, especially during the 1960s, but it was relatively ineffective and politically subservient to National Defence. Indian Affairs controlled the disposal and title of Reserve land, while National Defence wielded authoritative power and strong public support for the military

project. Thus, the Stoney Point band had few allies, and even less power to recover its land.

It is easy to regard the Stoney Point locatees as victims of government abuse of power and wartime haste with respect to the living conditions, poverty and social breakdown resulting from the affair. However, neither the Kettle Point Council nor Stoney Point locatees were passive. They waged considerable resistance against the expropriation and removal. The band tried to address the issue of a violation of treaty rights through appropriate channels such as legal challenges, petitions and negotiations, but with no effect. Officials openly thwarted and dismissed the legitimacy of historic treaties. The paternalistic culture of the Department castigated the Natives as being selfish, unpatriotic and naive, regardless of the fact that band members were full participants in the theatre of war and efforts on the homefront. The discrimination within Indian Affairs was systemic. The Department's unquestioned power and authority during the war over Native affairs served to block any resistance on the part of the bands.

Regardless of bureaucratic opposition, the Kettle Point and Stoney Point people continued their fight after the war, broadening its scope and varying the methods of resistance. Realizing the ineffectiveness of Indian Affairs, the Kettle Point Council used the media, Native groups became involved in political activism and legal action in an attempt to force negotiations between National Defence and Indian Affairs. However, issues of separate identity, distribution of power, rightful ownership of Stoney Point, retroactive compensation, and legitimacy of leadership, have all served to complicate the affair.

The schism between the Kettle Point community and Stoney Point locatees has caused a radical departure in terms of resistance to governmental authority. The majority

advocate throughout the affair used peaceful methods of negotiation and discussion with National Defence and Indian Affairs. However, a small faction resorted to civil disobedience in an effort to expedite the process. The motivation was partly to safeguard individual claims to land at Stoney Point based on historic title and rights. There was also a desire to assert the charges of abuses of power, possible corruption and empire-building within the larger Band Council. However, the faction's plans backfired. The government continues to work within the established channels of political representation. The general Canadian public, particularly local residents and cottagers, disavowed the factions' destructive activities, and failed to support its efforts.

The Department of National Defence holds a unique position in the affair. At first glance, it is difficult to condemn the military for its actions. The crisis of Hong Kong and Pearl Harbor, mobilization needs and an increasing training plan required the immediate construction of a training camp in Southern Ontario. However, the military's choice of Stoney Point is an interesting question.

The military had specific requirements in terrain, highway access and distance from communities for the new military camp. Their disregard of the Canada Company lands nearby in favour of Native land remains an important question. In hindsight, the challenge of building a bridge, highway access and clearing land were not impossible obstacles for the military to overcome. However, the issue of price may have influenced the decision.

The Canada Company property was considerably more expensive. As the 1980 compensation package attested, the actual market price for land in that area for timber and lakefront was \$120 per acre, which was considerably more expensive than the \$15 per

acre that National Defence offered. Given the paucity of files and documentary reports, it is doubtful that the military had conducted much detailed research for land. Rather, the military worked quickly to find land and saw Stoney Point as having the right type of terrain, highway access, some cleared land and suitably located to service the District training centres. Moreover, Indian Affairs did not provide the military with any alternatives, or arguments, against purchasing the Reserve. Hence, the process was set in motion to acquire the Stoney Point land.

There were certainly problems associated with the way the expropriation and relocation was conducted. Most difficulties seem to be with Indian Affairs. Minister Thomas Crerar, the Minister responsible for Indian Affairs, and voting member of the Cabinet War Committee, authorized the drilling, construction and surveying on the Reserve without the band's permission or knowledge. The band considered the entire process covert and heavy handed, but given the nature of the department and the traditional methods of conducting business, it was simply Indian Affairs' usual paternalistic style of administration. The Indian Agent gave little information to Band Councils, and assumed total power and authority for most decisions. However, Indian Affairs' management of the affair also failed to serve the military goal of quickly acquiring the land.

After the resounding failure of the band vote, the military had to choose between seeking land elsewhere, or using stronger powers available to them. Given the need for the land for military preparedness, defence and training, it is understandable why the military chose to use the *War Measures Act* as a remedy. The military's options were limited. After considerable time, resources and effort were invested in acquiring Stoney Point, it was decided to continue pursuing the purchase. It was unfortunate that the

democratic rights of the band was extinguished and the military were forced to use authoritarian powers.

The real abuse of power on the part of National Defence occurred after the war. When the military failed to return to land as the Order-in-Council proviso required, it contravened its legal obligations, and acted unethically toward the band. The military promised to return the land at the termination of the war. Instead both Indian Affairs and the band were manipulated by the military, which justified continued use of the land for “military purposes” -- a rather nebulous term and also false given the level of public and private recreational use of the land and facilities that occurred.

It is doubtful that the military had any real intention of returning the land after the war. The camp was constructed for permanency from the outset. Across Canada, camps were erected to serve a temporary training need, but Camp Ipperwash was a state-of-the-art facility. Moreover, the inevitable contamination from an infantry and artillery training camp was an important issue barring a possible return of the land, or at least delaying a return.

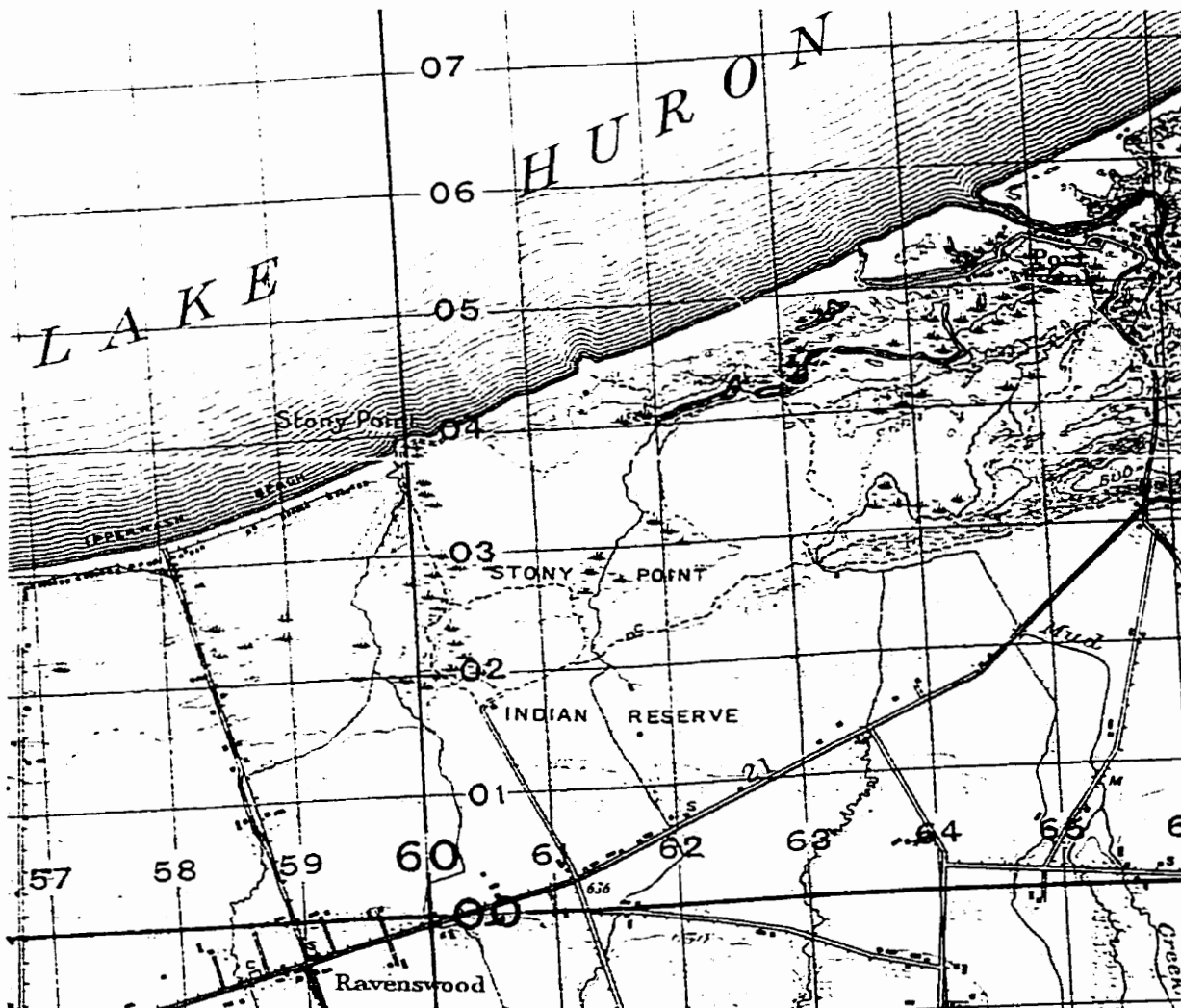
The expropriation of Stoney Point Reserve #43 was a serious blunder on the part of Indian Affairs, and the relocation was certainly an example of shoddy and discriminatory administration. The Native peoples interest in their land, for economic and social reasons, was openly mocked by both Indian Affairs and the military. Discrimination was deeply entrenched in the bureaucratic culture, as well as in the public psyche, which influenced the entire affair. For over fifty years, the land claim remained unresolved. It, along with the cadre of several other historical examples of injustices waged against Native communities, was a source of disgrace.

The most distressing issue is the Anglo-European perception, evidenced by the attitudes and tactics of Crown agencies and the Canadian public, that solutions to land claim issues can be solved with money. It is becoming quite apparent that compensation packages, rather than the physical return of any land, are an ineffective compromise, but this does little to pacify what lay at the root of most land claim grievances. Land is the key, and returning at least portions of it is the first step to restoring the sense of personal and community wellbeing and economic prosperity. The Canadian government may invest millions of dollars for healing programs, but without returning the physical land base, the true healing process cannot occur.

It is evident from this case study that serious problems occurred in the administration and management of Native land affairs and relocations. A significant amount of research is required to evaluate and understand the historical roots, administrative details and band politics that underlie land claims. The roots of Native grievances require some serious consideration and objective analysis, rather than public condemnation, lengthy legal challenges, and bureaucratic procrastination. With a more proactive approach to Native land claims, we may preempt violent confrontations and civil disobedience. Perhaps then Native people can begin to regain the trust they lost for the Canadian political system, find unity within their own Native and local communities, and finally be given the opportunity to heal on their own terms.

APPENDIX I

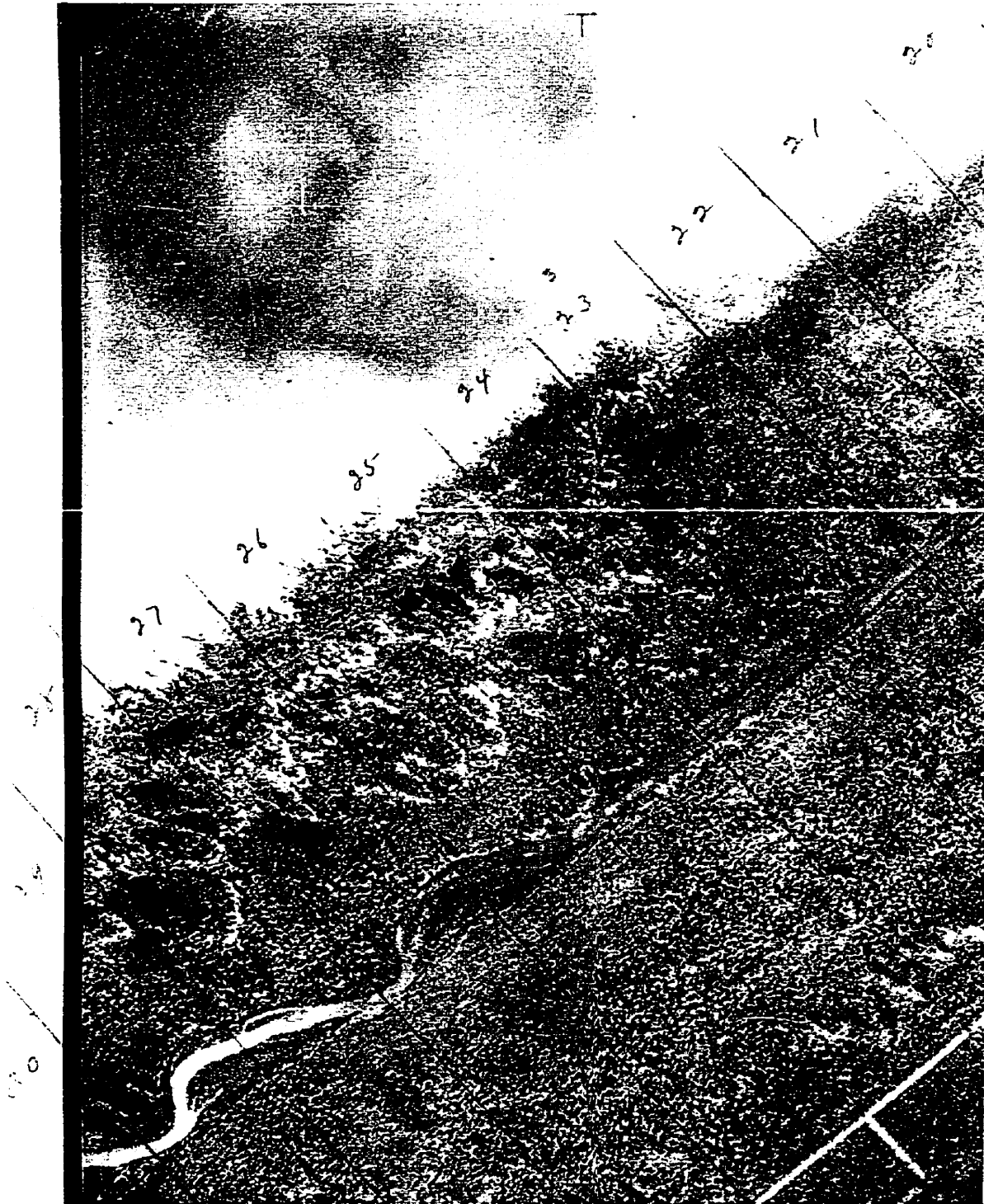
Stoney Point Reserve #43 Prior to Expropriation, 1940



Source: Canada. [National Topographic Series] Parkhili, Ontario. 1:63,300 Reprinted 1940. University of Western Ontario, Cartographic Services.

APPENDIX II

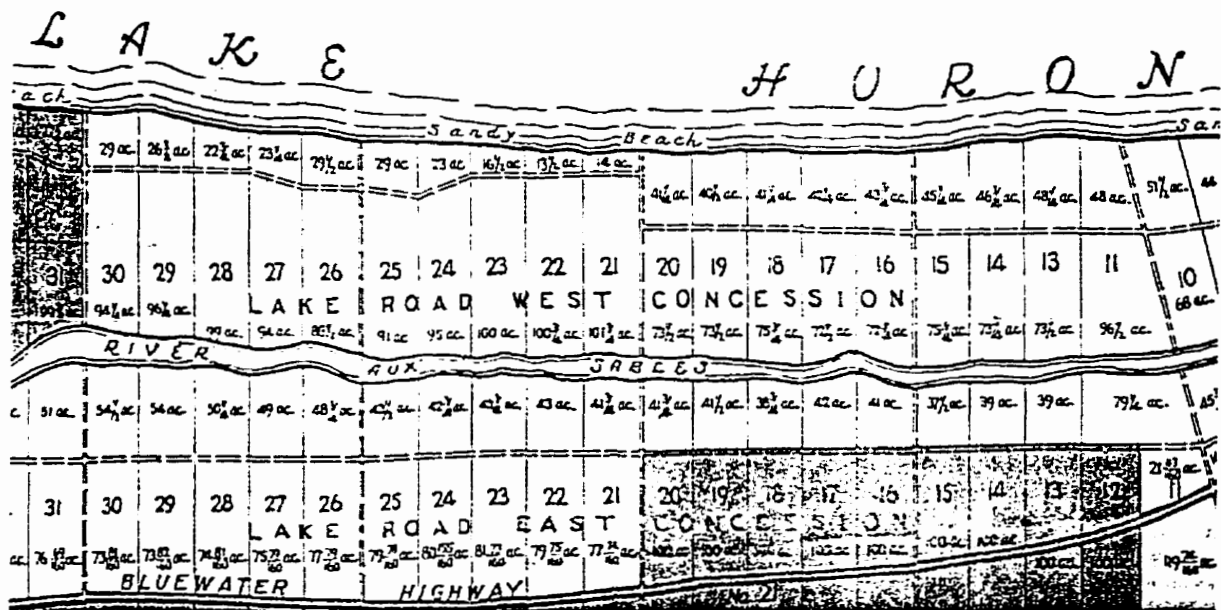
Department of National Defence Aerial Photograph of Canada Co. Lands, 1946



Source: Ontario Archives, *Aerial Survey of Canada Company Lands along Lake Huron, 1946*, Canada Company Papers, F129, Box D-1.

APPENDIX III

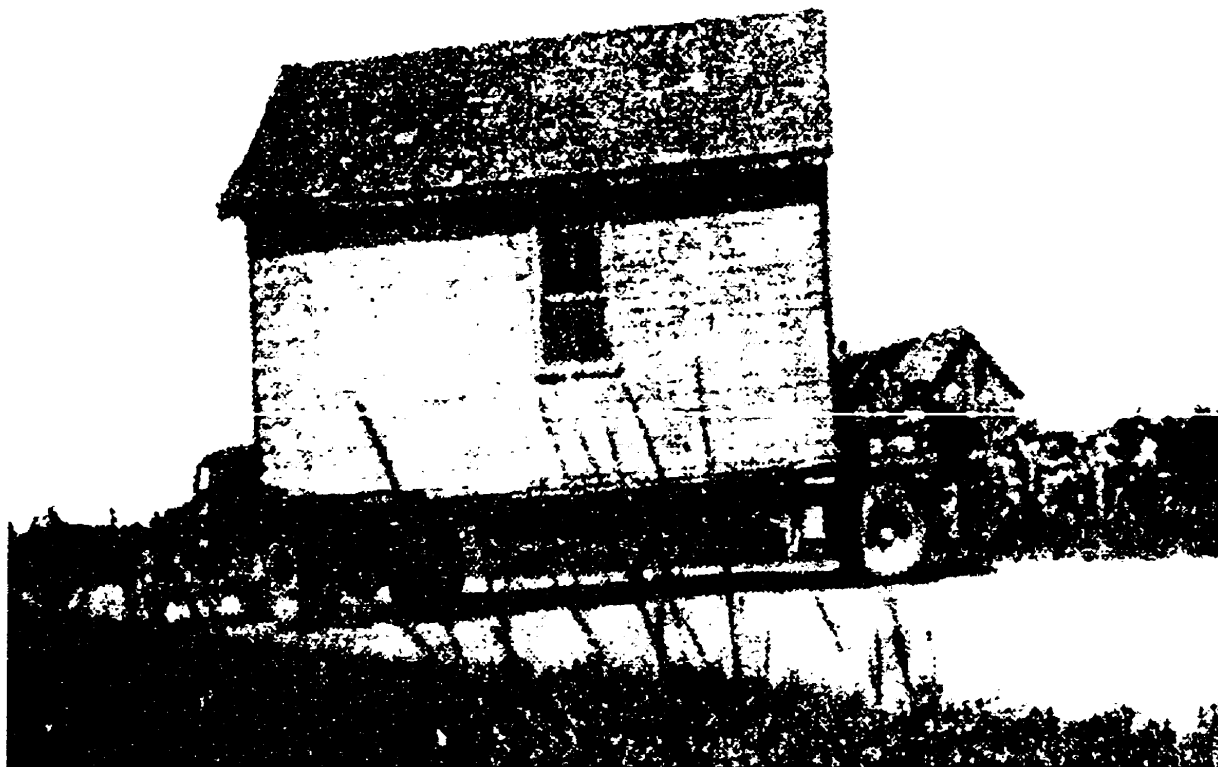
Map of Canada Company Lands – “The Pinery”



Source: Ontario Archives, *Plan showing the Pinery and Other Lands of the Canada Company, Township of Bosanquet, County of Lambton*, 1 March 1946. Map Library, File F129 Map #37, Pkg. 3.

APPENDIX IV

Removal of the Stoney Point Community, 1942.



Source: Victor Gulewitsch, *The Chippewas of Kettle & Stony Point Camp Ipperwash* (Unpublished pamphlet (Kettle Point: Kettle & Stony Point Band Council, 1997), 12.

APPENDIX V

Men Fishing at Kettle Point Reserve #44



Source: National Archives of Canada. *Men fishing for minnows at Kettle Point, Ontario, 1909.* John Boyd Series, File PA 6129S.

APPENDIX VI

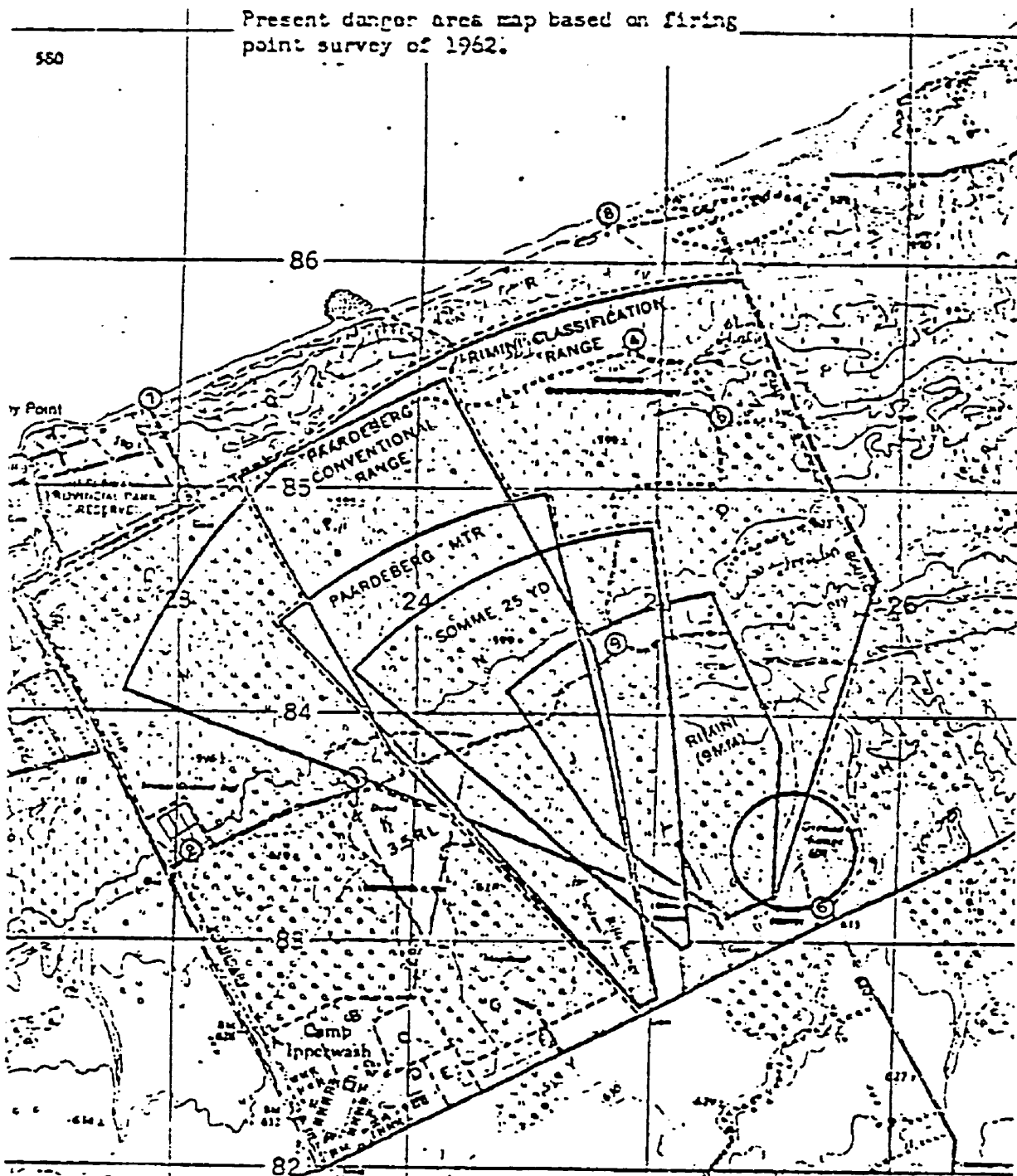
Department of National Defence, Camp Ipperwash, 1947



Source: Canada. [National Topographic Series] Parkhill, Ontario. 1:63,300, Reprinted 1947, I4/04. University of Western Ontario, Cartographic Services.

APPENDIX VII

Camp Ipperwash Ammunition Contamination Areas, 1962



Source: Department of National Defence, *Investigation of Danger Areas: Camp Ipperwash*, 5 March 1971 (Unpublished report, Kettle Point band files).

TABLE 1

Sales of Native Land, 1895 to 1930

	Acres sold	ON	PQ	AB	SASK	MAN	B.C.	N.B.
1895	41287	32385						
1896	32205	24850						
1897	17758	16295						
1899	14451	9262						
1900	65631	55143						
1901	52454	39581						
1902	40720	29504		8212				
1903	103461	32331		67729			10	
1904	109349	57483		31000		13000		
1905	67965	62753						
1906	33840	19824	12000					
1907	38033	17406			17961		535	
1908	80358	43980		18189	18189			
1909	40163	18953	6369				14259	
1910	64924	1338		1000	42475	15203		
1911	81602	1338	10000	27198	49204			
1913	83496	2470	10625	60938	6012	1638		
1914	7834	1402	10628	4558			30225	
1915	4510	266						
1916	15267	8686				3727		
1917	29347	2465						
1918	35121	34110						
1919	34544	33537						
1920	19010	15018						
1922	32491	29354						
1923	5804	3494						
1924	6898	3252		2197				
1925	16480	12019						
1926	21622	20347					1758	
1927	50959	2663		41463				
1928	11480	4077		7403				
1929	19740	6495		13245				
1930	<u>29222</u>	<u>7580</u>		<u>21642</u>				
Total	1,308,026	649,661	49,622	304,774	133,841	33,568	46,787	89,000

Source: Canada. *Sessional Debates*, 1895 to 1930.

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