

Anishinabek Political Alliance in the Post-Confederation Period:

The Grand General Indian Council of Ontario,

1870 – 1936

by

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ABSTRACT

The Anishinabek living in present-day eastern Ontario renewed a longstanding tradition of inter-village alliance in the post-Confederation period of Canada at the Grand General Indian Council of Ontario, the Grand Council. In former times, the general council fulfilled both social and political needs for unity between small, but autonomous, neighbouring Anishinabek communities. Delegates struggled to nurture and extend that unity in the post-Confederation period through various social activities, and many of the attitudes and beliefs that informed leadership at the earlier general councils remained prevalent at the Grand Council. Delegates to the Grand Council principally reviewed federal Indian legislation, which they considered to be a statement of the government's relationship with, and responsibilities to, First Nations in Canada. Additionally, they discussed several other aspects of their relationship with the federal government such as treaties, rights obtained through military service, and the administration of the Department of Indian Affairs. Although the Department of Indian Affairs and the Grand Council maintained generally open and frank lines of communication, few Grand Council recommendations found their way into federal legislation. Notwithstanding the Grand Council's inability to establish truly reciprocal interpersonal relations with the federal government that this failure implied, many Anishinabek communities continued to see merit in expending scarce communal funds for its maintenance. The Grand Council was one political sphere outside the immediate control of the government. At the council, delegates honed their leadership skills, obtained a wider knowledge of Anishinabek history, became mindful of the broader implications of federal legislation and exchanged practical solutions to common problems.

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Chapter 1: Introduction

In 1980, the Chiefs of the Union of Ontario Indians presented a document to the federal government of Canada entitled *A History of the Union of Ontario Indians*. In that document, the Chiefs submitted a list of remedies that were required before they could assent to the patriation of the Canadian Constitution. In making their collective submission, the Chiefs emphasized they were building on a longstanding tradition of alliance among the Anishinabek. Before the arrival of Europeans, the Ojibwa, Odawa and Potawatomi living on the shores of the Great Lakes conceived and organized diplomacy regarding surrounding Nations at general councils composed of representatives from several or more neighbouring communities. Later, they used general councils to determine policy on competing European powers. In the nineteenth century, the Anishinabek living in present-day south-central Ontario held general councils to develop mutually agreeable strategies to cope with the onslaught of European immigration and concomitant social pressures. The Anishinabek residing in the eastern end of Ontario renewed their commitment to inter-village political alliance in the post-Confederation period at the Grand General Indian Council of Ontario. The “Grand Council” became a fixture in Anishinabek political activity in Ontario until the close of the 1940s, at which time the Union of Ontario Indians superseded it. The Anishinabek have always considered inter-village alliance to be an integral component to the pursuit of *pimadaziwin* – of the good life.¹

¹ Union of Ontario Indians, *A History of the Union of Ontario Indians* (UOI: 1980) 11, 22-30.

Although originally convened in the post-Confederation period to respond to a crisis situation, the Anishinabek of eastern Ontario saw some merit to placing the Grand General Indian Council of Ontario, or simply the "Grand Council," on a permanent footing. The Grand Council became the forum where Anishinabek men of the late nineteenth and early twentieth centuries could exchange information and ideas regarding the common aspects of their relationship with the federal government of Canada. The Grand Council's avowed purpose was to review government policy and legislation, to develop consensus thereon, and to propose amendments when appropriate. Although the expansive and fluid Indian Act kept delegates particularly occupied after 1876, the Grand Council also deliberated and passed resolutions on other issues directly concerning the government and its Indian Affairs branch. The high regard the Anishinabek reserved for the Grand Council can be apprehended from the fact that numerous Ontario Bands repeatedly appointed delegates to the conventions and agreed to pay their expenses from scarce Band funds. The "Band" is actually a nineteenth century colonial invention. In the particular case of the Anishinabek of eastern Ontario, rigid rules of Band membership established by the government supplanted their prerogative to determine the composition of their own communities. Delegates to the Grand Council, whose appointments were ratified by a vote of either the Band council or the by the electors as a whole, were often the community's principal political men, veterans of Anishinabek relations with the government. The ease with which the Anishinabek formed the Grand General Indian Council of Ontario and subsequently integrated it into the political activity of individual Bands suggests the value they continued to attach to the tradition of inter-village alliance.

Very little historical work has been done on First Nations' political associations in Canada, and the western provinces dominate what written histories do exist.² The term First Nations, as opposed to other anthropological or colonial expressions, reflects the nation-to-nation basis upon which Canada's aboriginal population related to European states. The histories of western First Nations political organization tended to emphasize the personal qualities of individual 'leaders' and the difficulties of political organizing that they encountered.³ Paul Tennant's work on British Columbia stands out because he refined a growing body of theoretical discussion surrounding First Nations pan-Indian political alliance. Like other First Nations political organization historians for other regions, Tennant viewed the political movement in British Columbia at the dawn of the twentieth century as the work of a handful of innovative leaders whom, through vision and determination, "established a political tradition which remains vigorously alive

² Each of the western provinces has had at least one, sometimes two political organization historians. Joe Sawchuk has extensively researched, and participated in, Métis organizations. In Saskatchewan Norma Sluman and Jean Goodwill collaborated on the biography *John Tootoosis: A biography of a Cree leader* (Ottawa: Golden Dog Press, 1982) and James Pitsula has written more generally on the Federation of Saskatchewan Indians, of which Tootoosis had been president. Harold Cardinal has commented in general terms on western political organization in his *The Unjust Society: The Tragedy of Canada's Indians* (Edmonton AB: Hurtig, 1969), especially in Alberta. Paul Tennant and E. Palmer Patterson have written on the development of British Columbia political organization and leadership.

³ For examples, see Joe Sawchuk, "Fragmentation and Realignment: The Continuing Cycle of Métis and Non-Status Indian Political Organizations in Canada," *Native Studies Review*, v. 10 n. 2 (1995): 77-95. From the same author, Joe Sawchuk, "The Métis, Non-Status Indians and the New Aboriginality: Government Influence on Native Political Alliances and Identity," *Canadian Ethnic Studies*, v. 17 n. 2 (1985): 135-146. James M. Pitsula, "'Education Paternalism' Versus Autonomy: Contradictions in the Relationship Between the Saskatchewan Government and Federation of Saskatchewan Indians, 1958-1964," *Prairie Forum*, v. 22 n. 1 (1997): 47-71. From the same author, James M. Pitsula, "The CCF Government and the Union of Saskatchewan Indians," *Prairie Forum*, v. 19 n. 2 (1994): 131-151. Stan Cuthand, "The Native Peoples of the Prairie Provinces in the 1920s and 1930s," in J.R. Miller, ed., *Sweet Promises: A Reader on Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991) 381-392. E. Palmer Patterson II, "Andrew Paull and Canadian Indian Resurgence" (Ph.D. diss., University of Washington, 1963). From the same author, E. Palmer Patterson II, "Andrew Paull and the Early History of British Columbia Indian Organizations," in Ian A.L. Getty and Donald B. Smith, eds., *One Century Later: Western Canadian Reserve Indians Since Treaty 7* (Vancouver: University of British Columbia Press, 1978).

today.”⁴ The leaders of the political movement adopted aspects of the dominant society’s political culture and retained aspects of their own, a process Tennant called “political adaptation,” and which he considered to be British Columbia’s unique response to internal colonialism in Canada. Internal colonialism is a concept developed in the late 1960s to extend the study of colonialism to former colonies that had become independent nation states. By implication, according to Tennant, all other First Nations in Canada responses to internal colonialism conformed to one or more of the commonly identified strategies: passive endurance, organized violence, revitalization movements, social breakdown, and “personal demoralization [and] assimilation into the majority society.”⁵

The Grand General Indian Council could be construed as having effected conscious political adaptation to Canada. The council’s printed minutes appeared in English and, with its resolutions and adjournments, on the surface reflected any other convention from the period. Delegates elected an Executive, conformed to certain limits on debate, and incorporated Christian reverence in the structure of the proceedings and Christian principles in the discussion. But such surface representations of the Grand Council, and general councils generally in the nineteenth century, masked an underlying continuity. As the Chiefs of the Union of Ontario Indians explained in 1980,

Traditional structures and procedures changed: wampum was less important as a means of keeping records when more people could read and write, and since Government no longer responded to the belts. Older ceremonies were replaced by Christian ones, and the meetings began with prayers [rather than the Condolence Ceremony]. Gradually a structured Indian organization came into being, made up of the same Chiefs that had taken part in the older Councils.⁶

⁴ Paul Tennant, “Native Indian Political Organization in British Columbia, 1900-1969: A Response to Internal Colonialism,” *BC Studies*, n. 55 (Autumn 1982): 3-49; 48. See also by the same author, Paul Tennant, “Native Indian Political Activity in British Columbia, 1969-1983,” *BC Studies*, n. 57 (Spring 1983): 112-136.

⁵ *Ibid.*, 6-8.

⁶ Union of Ontario Indians, *A History of the Union of Ontario Indians*, 4.

The Anishinabek required no discernable political adaptation to develop and maintain an inter-village alliance after contact with Europeans, nor in the post-Confederation period. They simply renewed and extended alliances that had been functioning, in some cases, for hundreds of years. As to the leadership of the Grand General Indian Council, certainly some figures were more prominent than were others. They gave their help or advice when it was requested. But though they may have been influential, they did not dominate the proceedings, had been given specific mandates to carry out like everyone else, and, in the final analysis, cannot be said to have initiated an altered political form. In short, Grand Council leadership followed the dictates of the community to which they belonged and participated in a process whose customs and norms, refined through long usage, had been operating since 'time immemorial.'

In contrast to the existing detailed studies of First Nations political organizations from western Canada, the Grand General Indian Council of Ontario has received only occasional oblique references in First Nations histories, often misleading or mistaken. For example, in her ethnohistory of Ojibwa political leadership at Garden River, Janet Chute suggested that the government had manipulated the 1884 Grand Council into discussing only the Indian Act. To be fair, the Grand Council's self-ascribed mandate was to critique and direct federal legislation, which the Anishinabek understood to be the government's statement of its relationship with, and responsibilities to, First Nations in Canada. Over time, with the influence of certain Chiefs, the Grand Council gave more attention to grievances beyond federal legislation. Moreover, there is no evidence to suggest that either the government or the Department of Indian Affairs ever directly intervened with the actual proceedings of the Grand Council. On the contrary, despite

repeated invitations to attend, the Department of Indian Affairs chose to remain at arm's length from the Grand Council and seldom sent a representative. When it did, the responsibility usually fell to the host reserve's Indian Agent, a field officer appointed by the federal government to administer the affairs of individual Bands and to act as liaison between the Band and the Department of Indian Affairs. In fact, the Indian Agent's authority, theoretically at least, was wholly contingent on departmental approval, and when sent to the Grand Council, he never had authority to speak definitively on behalf of the department. The Grand General Indian Council has also suffered outright omissions. For example, although J.R. Miller dedicated his *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* principally to the western provinces, it is still distressing to note that the chapter devoted to post-Confederation political organizations never even mentions the Grand General Indian Council. The sustained activities of the Grand Council, which preceded and outlasted any other early First Nations political organization in Canada, would seem worthy of some acknowledgement in view of the national perspective of Miller's book.⁷

As the foregoing vignettes suggest, Anishinabek inter-village alliance in the post-Confederation period is barely acknowledged, let alone understood. The absence of a general history of the Grand General Indian Council is curious. The Anishinabek in present-day Ontario have a long history of relations with European peoples and their American and Canadian descendants. In many cases the Anishinabek had accepted Christianity and their children had been educated, to some extent, according to European

⁷ Janet Chute, *The Legacy of Shingwaukonse: A Century of Native Leadership* (Toronto: University of Toronto Press, 1998) 205. Union of Ontario Indians, *A History of the Union of Ontario Indians*, 20. J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* Third Edition (Toronto: University of Toronto Press, 2000) 311-335.

tradition, and therefore knew how to communicate with Euro-Canadians. Additionally, kinship and village structures, a rich web of knowledge, expertise and assistance, were often still intact as the nineteenth century drew to a close. Thus one might expect that the Grand General Indian Council would be the site of considerable wisdom with respect to political relations with other societies, and especially with the colonial government. Instead, both Anishinabek and non-Anishinabek observers are generally reluctant to regard the Grand Council as an effective organization. Even the Chiefs of the Union of Ontario Indians gently chided their organizational predecessor, somewhat unfairly, when they suggested in 1980 that the Grand Council had simply 'mirrored' European parliamentary procedure. The Constitution of the General Council certainly reflected European parliamentary procedure, but a careful reading of the minutes suggests that the Constitution did not seriously obstruct Anishinabek deliberations at the Grand Council. Moreover, the council did not adopt its Constitution until 1884, a simple consolidation of the procedural conventions, not steadfast rules, which had been adopted as a matter of course over the previous fifteen years. The occasional motion to abide by the Constitution, and sometimes to explicitly circumvent it, suggests the European parliamentary conventions expressed therein did not govern the proceedings alone.⁸

Historian Peter Schmalz articulated the prevailing historical attitude toward the Grand Council in his survey of southern Ontario Ojibwa history. According to Schmalz, reserve life and politics after 1860 could best be characterized as "stagnation." Intrusive Indian Agents negated Anishinabek self-determination at every turn, and objections raised in general councils were "meaningless" in the face of internal factionalism and a dictatorial federal government. Schmalz doubted Grand Council delegates fully

⁸ Union of Ontario Indians, *A History of the Union of Ontario Indians*, 6.

understood the intricacies of the Indian Act. More damning, he also doubted the integrity of some of its officials, going so far as to label one President an “uncle tomahawk.” Schmalz’s characterization of the Grand Council and its leadership could have been drawn by any First Nations historian. But his conclusions are unwarranted. The Grand Council was an instrumental component to the Anishinabek determined effort to ensure the posterity of their communities. Although the proceedings were not always pretty, delegates were sincere. It may be true that not all the delegates understood the full ramifications of the Indian Act, but having been advised by their Band council, and sometimes by the community as a whole, they certainly did understand their own interests. Moreover, even a cursory reading of Grand Council minutes reveals that at all times at least some of the delegates had as firm a grasp on the Indian Act as any other.⁹

To understand its political and historical importance, the Grand Council should be situated in a continuous tradition of alliance that existed among the Anishinabek living in the Great Lakes region of Ontario from ‘time immemorial.’ The customs and norms that guided the alliance, refined through long usage, continued to inform Anishinabek political organization in the post-Confederation period. Although substantial external and internal forces colluded to discourage both the tradition of alliance and the values that informed it, a multi-faceted imperative to maintain harmonious inter-village social and political relations compelled the Anishinabek to overcome those disruptions. In 1980, the Chiefs of the Union of Ontario Indians suggested that the general council had always been an integral aspect of the “minimal government” that they preferred. The Grand General Indian Council of Ontario is an important component of that tradition.

⁹ Peter S. Schmalz, *The Ojibwa of Southern Ontario*, (Toronto: University of Toronto Press, 1991) 180, 204, 196.

Chapter 2

The Anishinabek are tied to many important events in the colonial history of present-day Canada and the United States. Accordingly, they have a weighty presence in the written histories of North America. However, except for a few rare and exceptional examples to the contrary, only since the development of 'ethnohistory' in the middle of the twentieth century did the Anishinabek become the explicit focus of the historical studies they populated, as opposed to mere factors in a larger narrative. Then too, according to anthropologist Toby Morantz, only in the mid-1970s did ethnohistory develop to such an extent that it was agreed not only must First Nations be centre stage but their perspective also had to be presented. Morantz's double imperative that First Nations be centre stage and have their perspective presented is far-removed from 'the Indian' in histories, past and present. That said, there is a pronounced trend in contemporary ethnohistory towards evaluating the nature and causes of change in Anishinabek culture. Indeed, as ethnohistorian Theresa Schenck has noted, many researchers have "mistook change in material culture for something far deeper, cultural termination."¹ The Grand General Indian Council of Ontario, with its English minutes, elected Executive and written Constitution could easily succumb to such a perspective.

¹ Toby Morantz, "Discovery and Exploration in Interpreting Native Views of Early Contact," *De-centring the Renaissance*, Conference Proceedings (Toronto: University of Toronto Press, 1996) 338. Theresa M. Schenck, *'The Voice of the Crane Echoes Afar': The Sociopolitical Organization of the Lake Superior Ojibwa, 1640-1855* (New York & London: Garland Publishing, Inc., 1997) 108.

Although ethnohistory has occasionally been understood as the historical reconstruction of a non-literate society, Anishinabek men of the nineteenth century were relatively prolific authors. The many letters, petitions and submissions generated by the Grand General Indian Council suggests at least some of the delegates were very far from 'non-literate,' indeed. Numerous councils recorded by European observers in the seventeenth, eighteenth and nineteenth centuries facilitate a reconstruction of Anishinabek pre-Confederation political organization above the Band, the "general council." Of course the Anishinabek also recorded those councils, but by other means, principally wampum belts and oral tradition. Since the middle of the nineteenth century, the Anishinabek increasingly recorded in English the proceedings of their general councils. The Grand Council was no exception, although discussions were conducted in Native tongues. The printed Grand Council minutes coupled with correspondence between the council and the Department of Indian Affairs, informed by published ethnography and historiography, permits the historical reconstruction of an early and enduring First Nations political organization in Canada heretofore shrouded in obscurity.²

Those sources, however, do not permit a reconstruction of women's relationship with the Grand Council. Women did not participate directly in Anishinabek common and general councils until the middle of the twentieth century. However, it is evident from the proceedings that women took an active interest in the Grand Council's business, for good reason, since their interests were discussed frequently. They attended the meetings

² For nineteenth century Anishinabek authors, see for example, Peter Jones, *History of the Ojebway; with Especial Reference to Their Conversion to Christianity* (Freeport: Books for Libraries Press, 1970 [1861]). William Whipple Warren, *History of the Ojibway Nation* (Minneapolis: Ross & Haines, 1957 [1853]). George Copway, *The Traditional History and Characteristic Sketches of the Ojibway Nation* (Toronto: Coles Canada Collection, 1972[1850]). Enemikeese (C. Van Dusen), *The Indian Chief: An Account of the Labours, Losses, Sufferings, and Oppression of Ke-zig-ko-e-ne-ne (David Sawyer)* (Toronto: Coles Publishing Co., 1974 [1867]).

as visitors, organized and participated in celebrations, feasts and other social activities, and on at least one occasion directly petitioned the Grand Council to pursue a particular course of action. To what extent women influenced indirectly the Grand Council's agenda, or obtained satisfaction from its pronouncements, cannot at present be determined. Although the Grand Council generally sought to improve the lot of women, it must be admitted that, on certain issues, delegates appeared willing to sacrifice women's self-determination, even security, for other ends. That fact caused varying levels of discomfort at the Grand Council, and by the end of the 1920s the member Bands had reached agreement that women required the same voting privileges in their communities as their male counterparts.

Anishinabek means "the people," or "good beings," in *Nishnabemowin*, a language composed of mutually intelligible Algonquian dialects spoken throughout the Great Lakes region. It is the word the Ojibwa, Odawa and Potawatomi use to refer to themselves. At the dawn of the seventeenth century, the Odawa occupied land west of Lake Nipissing as far as Manitoulin Island in present-day Ontario. They used their strategic position to replace the Huron and challenge the Iroquois as 'middle men' in the fur trade in the mid-seventeenth century. Many of the furs they traded with the French came from the people now known as the Ojibwa and Potawatomi, who were their western neighbours. The Ojibwa, including the Mississauga, inhabited the shores of Georgian Bay, Lake Huron and Lake Superior. The Potawatomi lived between Lake Huron and Lake Michigan in what is now known as the state of Michigan.³

³ Basil Johnston, *Ojibway Ceremonies* (Toronto: McClelland and Stewart, 1982) 164. Mae Whetung-Derrick, *History of the Ojibwa of the Curve Lake Reserve and Surrounding Area* v. 1 (Curve Lake ON: Curve Lake Indian Band #35, 1976) 1. Schenck, 'The Voice of the Crane Echoes Afar,' 44. Harold Hickerson, *The Chippewa and their Neighbors: A Study in Ethnohistory* (New York: Holt, Rinehart and

The seventeenth century was a tumultuous time for First Nations residing in the Great Lakes region. The Five, later Six, Nations Confederacy applied constant military pressure to the Huron, Petun and Neutrals, three large Iroquoian groups residing south and east of the Ojibwa, Odawa and Potawatomi, in what is now thought of as south-central and south-western Ontario. Eventually the Huron, Petun and Neutrals dispersed and their former territory became a large hunting ground for the Five Nations, some of whom established villages in the more southerly parts of that region. From there, raiding parties forced even the Anishinabek into a western retreat as far as present-day Wisconsin, where they formed refugee communities with other Algonquians threatened by the Five Nations. During the early 1660s, a large contingent of Anishinabek concluded a series of military victories against the Five Nations residing in former Huron territory, a military victory that survives in oral history to this day. Several decades of uneasy peace with the Five Nations followed that victory, which allowed some Anishinabek to return to their previous homelands. By 1700, the Five Nations completely vacated present-day southern Ontario, the area they had conquered half a century earlier. Henceforth, all of southern Ontario, and in particular the north shore of Lake Ontario, would be known as the territory of the Mississauga, the dominant Anishinabek totem in the region after 1700.⁴

Winston, Inc., 1970) 43-45. Bruce G. Trigger and Gordon M. Day, "Southern Algonquian Middlemen: Algonquin, Nipissing, and Ottawa, 1550 – 1780," in E.S. Rogers and D.B. Smith, eds., *Aboriginal Ontario: Historical Perspectives on the First Nations* (Toronto: Dundurn Press, 1994) 64. Copway, *The Traditional History and Characteristic Sketches of the Ojibway Nation*, 87.

⁴ Elisabeth Tooker, "The Five (Later Six) Nations Confederacy, 1550 – 1784," in Rogers and Smith, eds., *Aboriginal Ontario*, 83, 86. The Tuscarora joined the Five Nations Confederacy about 1722. Trigger and Day, "Southern Algonquian Middlemen: Algonquin, Nipissing, and Ottawa, 1550 – 1780," in Rogers and Smith, eds., *Aboriginal Ontario*, 70-76. Copway, *The Traditional History and Characteristic Sketches of the Ojibway Nation*, 77-94.

Although the specific details change from place to place, many Anishinabek followed a seasonal food cycle into the twentieth century, joining together in summer villages near some preferred fishing territory, and moving out to trapping lands in much smaller "hunting groups" during the winter. In fact, the hunting group was the core of Anishinabek social organization from at least the time of European intrusion to the nineteenth century and the summer villages should be understood as conglomerates of individual, autonomous hunting groups. The hunting groups were typically composed of an extended family of some sort, including a minimum of two married couples. The preferred arrangement was a father with his eldest married son, but hunting group composition was flexible, so that a son-in-law could fulfill the role in the absence of a married son, and two brothers could form a hunting group in the absence of a living father. Families needed to find a hunting group to belong to, and they did. The hunting group possessed recognized boundaries in a "hunting territory system," but there was no clear principle of territorial inheritance because the hunting territory was associated with lineage associations rather than with any one individual. Anishinabek hunting groups probably determined together, in "common council," the extent of hunting territory associated with each hunting group at any one time.⁵

Until the nineteenth century, there were four levels of political activity in Anishinabek life. The primary level was the hunting group, which worked together to earn their livelihood and thus to ensure their continued autonomy. The second level was what has been called the common council, composed of representatives from all the

⁵ A.I. Hallowell, "Northern Ojibwa Ecological Adaptation and Social Organization," in *Contributions to Anthropology: Selected Papers of A. Irving Hallowell* (Chicago: University of Chicago Press, 1976) 334-336. Jones, *History of the Ojebway*, 107. Jones stated that common councils were concerned with local affairs. Hunting territories probably met that criteria.

hunting groups that formed a summer village; the common council met at various times throughout the summer. The third level of Anishinabek political activity was the general council, composed of representatives from numerous villages in a given geographic area. Like the common council, general councils typically convened in summer, though less frequently. Finally, the most expansive form of Anishinabek political activity was primarily military, the Council of the Three Fires, which encompassed the whole breadth and width of Ojibwa, Odawa and Potawatomi territory. The Three Fires was the core of the more familiar Lakes Confederacy of the eighteenth century. By 1830, the Three Fires ceased to be an effective military entity because First Nations' military strength relative to newcomers had greatly diminished, and the United States and Britain had reached an entente in America thereby eliminating its potential as an ally to foreign powers. However, the Anishinabek continued to conduct general councils, ever increasingly in response to American and Canadian expansion and policies. In the post-Confederation setting, the Anishinabek perceived an advantage to placing general councils regarding Indian Affairs in Canada on a permanent footing, and the Grand Council was born. The historic importance of general councils to Anishinabek society, and the Grand Council specifically, should not be underestimated.⁶

An egalitarian worldview that valued autonomy informed political organization at all levels. Persons and things inhabited together the cognitive world of nineteenth century Anishinabek, but things cannot be merely reduced to the Western inanimate category.

⁶ For information on the Council of the Three Fires, see, No Author, "The Brown Pages: Council of the Three Fires," *Ontario Indian* v. 2 n. 5 (June 1979):18-21; especially 18-19. See also, No Author, "The Brown Pages: Consider Confederacies," *Ontario Indian* v. 4 n. 4 (February 1981): 14-18; especially 14, 16-17. The first article, and perhaps the second, was written by Paul Williams, a Six Nations political researcher who worked for the Union of Ontario Indians in the late 1970s and early 1980s. See also, James A. Clifton, *The Prairie People: Community and Change in Potawatomi Indian Culture 1665-1965* (Lawrence: Regents Press of Kansas, 1977) 149.

Because the self resides in what might be called the soul rather than the body, and because the Anishinabek consider the soul to be mobile, trees and rocks and human bodies are all equally capable of personhood, though some more likely than others. What is particularly important to note is that the source of any success or failure is power, and only persons exercise power. That is why Anishinabek causal explanations tend to be personalistic. Impersonal forces are never the cause of events: some one is always responsible. In view of the fact that good or bad events are caused by persons, anthropologists have argued that a central objective for any Ojibwa is to minimize the negative influence other persons exact on one's own life. However, the Anishinabek conceive humans to be "intrinsically weak and helpless" and needing the power provided by the *pawáganak*, spiritual persons accessed in dreams, which they obtain through offerings and respectful behaviour. The *pawáganak* help the Anishinabek achieve balanced living, which should, barring powerful magical intervention, lead to a long, healthy and happy life – *pimadaziwin*. The central moral lesson the Anishinabek derive from their relationship with the *pawáganak* is that the *pawáganak* share their surplus power – hence, the principle of sharing. Sharing permeates all aspects of Anishinabek social life; sharing represents, and promotes, "balance, harmony and sense of proportion."⁷

⁷ A.I. Hallowell, "The Ojibwa Self and Its Behavioral Environment," in *Culture and Experience* (Philadelphia: University of Pennsylvania Press, 1955) 172-174, 177, 181-182. A.I. Hallowell, "Ojibwa Ontology, Behavior, and World View," in *Contributions to Anthropology*, 383. Melissa Pflüg, *Ritual and Myth in Odawa Revitalization: Reclaiming a Sovereign Place* (Norman: University of Oklahoma Press, 1998) 72. Anthropologists throughout the twentieth century have noted the Anishinabek self-conception as weak and helpless. See for example, Paul Radin, "Some Aspects of Puberty Fasting among the Ojibwa," wherein he wrote, "without a guardian-spirit (manito) no individual could possibly surmount the crises in his life." Cited in Frances Densmore, *Chippewa Customs* (St. Paul: Minnesota Historical Society Press, 1979 [1929]) 61. Mary Black, "Ojibwa Power Belief System," in Raymond D. Fogelson and Richard N. Adams, eds., *The Anthropology of Power: Ethnographic Studies from Asia, Oceania, and the New World* (New York: Academic Press, 1977) 144-145. Hallowell, "Ojibwa Ontology, Behavior, and World View," in *Contributions to Anthropology*, 385.

Although the Anishinabek ideal of not being negatively influenced by one's environment reveals a deep-seated commitment to personal autonomy, *pimadaziwin* is not simply an individual motivation and achievement. According to Melissa Pflüg, *pimadaziwin* "informs the interrelational nature of the Algonkian sociocosmos and worldview, which sees persons as being interactive and constructive agents in society."⁸ *Pimadaziwin* depends as much on the balanced behaviour of others as it does on one's own behaviour, and gifting creates the necessary links and attitudes. As Pflüg explained, "Through carefully considered acts of gifting, [Odawa] traditionalists revitalize, reinforce, and cement social relations."⁹ Gifting among human persons is a transformation of the principle of sharing derived from Anishinabek experience with the *pawáganak*, and serves to confirm and accentuate existing links between self-regulating, autonomous Anishinabek groups and individuals.

One consequence of the Ojibwa conception of power is that coercive actions are "negatively evaluated" in the community, and, moreover, are thought to be attended with very negative material consequences. Nevertheless, social tasks often demand a level of bossing and competition that is contrary to the Ojibwa ethic of non-interference. The interference required by society, however, is balanced by a notion of responsibility in place of authority in Anishinabek leadership roles. Thus, power relationships tend to be "generally symmetrical and reciprocal."¹⁰ The symmetrical and reciprocal nature of Anishinabek power relations produced notable effects on the content of traditional Anishinabek leadership roles, of which the civil Chief role is the quintessential example.

⁸ Pflüg, *Ritual and Myth in Odawa Revitalization*, 67.

⁹ *Ibid.*, 76.

¹⁰ Black, "Ojibwa Power Belief System," in Fogelson and Adams, eds., *The Anthropology of Power*, 145-147, 147.

By all accounts, civil Chiefs were notoriously non-authoritarian. Historian Theresa Schenck has noted that civil Chiefs "obtain[ed] everything by eloquence, exhortation, and entreaties," and their influence derived from "their generosity with presents and feasts."¹¹ Moreover, in the pre-reservation period leadership lasted only as long as it was effective. The Potawatomi always structured authoritative roles, such as that of the civil Chief, so that influence rather than compulsion would be the basis of authority and the means of obtaining village support. That said, the civil Chief role that emerged early in the eighteenth century seldom required authoritarian apparatuses. Village Chiefs were expected to be generous to the clan and to visitors; they were also expected to resolve serious village conflicts. According to ethnohistorian James Clifton, the several material privileges Potawatomi civil Chiefs enjoyed were invariably minor concessions toward the better fulfillment of his obligations. Indeed, according to Peter Jones, an Ojibwa who preached Methodism in southwestern Ontario during the nineteenth century, Ojibwa Chiefs formerly received no "emolument," but things had changed since their involvement with the British.¹²

Ethnohistorian Janet E. Chute recently revisited the nature of Anishinabek village leadership. Whatever specific roles the civil Chief adopted, Chute argued his "principal

¹¹ Schenck, *The Voice of the Crane Echoes Afar*, 72.

¹² *Ibid.*, 75. James A. Clifton, "Potawatomi Leadership Roles: On Okama and Other Influential Personages," in William Cowan, ed., *Papers of the Sixth Algonquian Conference, 1974* (Ottawa: National Museums of Canada, 1975) 50, 75, 76, 93. Jones, *History of the Ojebway*, 108, 109. Some scholars have denied that the Anishinabek recognized a civil Chief prior to the reservation period, either in the village or in the hunting group. On that view, "Chiefs" were always merely appointed intermediaries, either by European powers, or by Anishinabek ones. For discussion, see Schenck, *The Voice of the Crane Echoes Afar*, 71 and passim. The more conventional view is that the role of civil Chief emerged at different places throughout the eighteenth century. Such a view corresponds with oral history recalled by James Redsky, who noted that four civil Chiefs could be remembered in the Lake of the Woods region before Mis-quona-queb, which would place the first around the mid-eighteenth century. "There were, I was told by my uncle, Bald Head Redsky, four Ojibway Chiefs before Mis-quona-queb that could be remembered. They were Chiefs long before the white man came." Redsky proceeded to name the four remembered Chiefs before

duty was to establish and sustain political linkages with other powerful agencies, which would secure a stable milieu for his group.”¹³ Shingwaukonse, the noted nineteenth-century Ojibwa Chief from Garden River, illustrated the persistence of Anishinabek leadership values in the nineteenth century. Shingwaukonse’s career demonstrated his commitment to balance, group goals, moderation, persuasion rather than coercion, and reciprocity. Recent scholarship largely corroborates Peter Jones’ characterization of civil Chiefs. He noted that the civil Chief’s authority depended on his “bravery, wisdom, and hospitality” and he thus governed “more by persuasion than by coercion.”¹⁴ According to Jones, civil Chiefs were weak without the “concurrence” of the other principal men, “unsatisfactory actions” resulted in loss of power, and, moreover, they possessed virtually no “executive power” to carry out their mandate.¹⁵

The Anishinabek civil Chief role was not necessarily hereditary, in the more restricted sense of the term, although it certainly appeared to be so. Peter Jones, who described the post as hereditary, noted that upon the death of a civil Chief the village gathered in common council to select the most suitable person in the “family” as his successor. The eldest son received first consideration, but if he were unsuitable, other candidates from the family would be considered. The “family” should be broadly construed. For example, the candidate could be what Europeans considered to be a nephew, or an in-law. Civil Chiefs appeared to be hereditary because children, or close relatives, of civil Chiefs were the most likely to have had exposure to the political life of the village and to have learned the village history. Moreover, civil Chiefs took care to

Mis-quona-queb, and the two that followed him. James Redsky, *‘Great Leader of the Ojibway’: Mis-quona-queb* (Toronto: McClelland and Stewart Ltd., 1972) 24.

¹³ Janet E. Chute, “Shingwaukonse: A Nineteenth-Century Innovative Ojibwa Leader,” *Ethnohistory* v. 45 n. 1 (Winter 1998): 65-101; 68.

inculcate in such persons the necessary attitudes to be an effective and respected Chief. Thus, sons or close relatives of civil Chiefs tended to be suitable successors. Failing the succession of a suitable heir, Jones suggested some other qualified adult male could be elected to the position. In short, rules of civil Chief succession were "based on leadership and consensus as well as on descent."¹⁶ As Flat Mouth explained in 1837, "My ancestors were Chiefs of their tribes and villages while they lived. I do not however hold my title from them, but have derived it from my own merits."¹⁷

In view of their circumscribed authority, it is not surprising that civil Chiefs did not make important decisions regarding the community on their own. Such decisions were made collectively in the common council. Before the nineteenth century, a principal man, or elder, probably represented his hunting group in the common council, but all adult males had the privilege to speak. The Anishinabek reached their decisions in the common council by consensus decision-making. Specific tasks would be assigned to specific individuals, and villagers were encouraged to assist in those pursuits. No one was bound to follow any of the decisions reached at council, but compliance was the norm for two reasons. First, common council decisions, having been reached by consensus, represented a middle ground between the competing opinions of all the adult males. Developing a true consensus was never quick or easy, and the common council took pains to allow sufficient time for the best solution to emerge. Thus, having participated in the process and having witnessed the care taken to reach each decision,

¹⁴ *Ibid.*, 74, 75, 78, 80. Jones, *History of the Ojebway*, 108-109.

¹⁵ Jones, *History of the Ojebway*, 108-109.

¹⁶ *Ibid.*, 107-108. Schenck, 'The Voice of the Crane Echoes Afar,' 75, 81. As Schenck noted, "not all chiefs were sons of chiefs."

¹⁷ Cited in Schenck, 'The Voice of the Crane Echoes Afar,' 75. For an account of civil Chief rules of succession at work, see, Franz M. Koennecke, "Wasoksing: The History of Parry Island, An Anishnabw Community in the Georgian Bay, 1850 - 1920" (M.A. Thesis, University of Waterloo, 1984) 17-19.

adult males could appreciate the rationale for the final outcome. Second, where dissent did exist, approbation and social ostracization were undoubtedly powerful motivational forces for compliance in a village composed largely of blood and marital relations.¹⁸

By the time Anishinabek hunting groups returned to their summer villages in late May or early June, the gathering season was already well under way. The experience of James Redsky, a Mide priest from the Lake of the Woods region, is instructive. He recalled spring and summer subsistence activities to be a central fact of life for his family even in the early twentieth century. A successful gathering season required the expertise and cooperation of everyone in the hunting group, which had, by Redsky's time, transformed into a well-defined extended family unit. The season began with ten intensive days of sugaring in the maple bush, followed by four weeks of trapping and processing muskrat. Timing was important because in early June, the village undertook communal planting of several crops. As usual, children were encouraged to participate, for in the past Anishinabek children learned the skills and attitudes needed to survive principally by observation and participation. Redsky's village planted a variety of staple root crops and corn, which would be divided after harvest in the autumn, probably mid-September at the latest. In the meantime, there was moose to hunt and dry, fish to dry and to boil for oil. The Anishinabek devoted August to gathering berries, a portion of which would be dried and eventually stored with the other provisions obtained throughout the spring, summer and autumn. Redsky's family also had cattle to care for,

¹⁸ Jones, *History of the Ojebway*, 107. Clifton, "Potawatomi Leadership Roles," in *Papers of the Sixth Algonquian Conference*, 1974, 65-66. Relations with Europeans probably became an increasingly frequent topic of discussion in the common council beginning in the eighteenth century. According to Clifton, the increasing importance of the European presence in America led some villages to train or adopt what has been dubbed a 'middle man,' an intercultural "broker in the trading and political relations" between Indians and between Indians and whites, the French in particular. Although the 'middle man' did not necessarily belong to the village, he was accorded equal status at the common council.

and he remembered the chores were divided according to gender: women milked the cows and cared for the calves, while the men fed and cleaned up after the herd. The addition of cattle to the group economy also meant that the whole Redsky family spent July in the fields collecting hay.¹⁹

In addition to convening councils and gathering material and food provisions for the winter, the Anishinabek used spring, summer and autumn to socialize and partake in religious and healing ceremonies. Social activities included dancing and games of chance and dexterity, which served, aside from pure entertainment, to cement social relations and foster an identity beyond the hunting group. Before the intrusion of Christianity, religion and healing for the Anishinabek co-existed in the rites and rituals of the Midéwiwin. The annual atonement ceremonies of the Midéwiwin took place in the summer, while new initiates were admitted during a special ceremony for the purpose in autumn. Although the Midéwiwin originated as a healing society, the rites and rituals associated with that society had a decidedly ethical dimension. As one informant told ethnologist Frances Densmore early in the twentieth century, "The principal idea of the Midéwiwin is that life is prolonged by right living and by the use of herbs which were intended for this purpose by the Mide manido."²⁰ According to Densmore, the Midéwiwin forbade lying, stealing and the consumption of liquor. Members learned to use "moderate speech," to

¹⁹ Redsky, *Great Leader of the Ojibway: Mis-quona-queb*, 118-119. E.S. Rogers, "The Algonquian Farmers of Southern Ontario, 1830 – 1945," in Rogers and Smith, eds., *Aboriginal Ontario*, 140-141. For childhood learning, see examples in Maude Kegg, *Portage Lake: Memories of an Ojibway Childhood* (Edmonton AB: University of Alberta Press, 1991) 17-19, 33-35, 43-45, 59-61 and passim. Note the agency Kegg ascribes to herself as a young girl on page 3: "Well I always tagged along watching how things were done." For childhood learning, see also Densmore, *Chippewa Customs*, 58, 61, where she noted young girls learned principally through "companionship" with their mothers, aunts and grandmothers. Her informant suggested that boys learned by the same method.

²⁰ Jones, *History of the Ojibway*, 134. Basil Johnston, *Ojibway Heritage* (Toronto: McClelland and Stewart, 1976) 83-84, 93. Cited in Densmore, *Chippewa Customs*, 86-87.

be “quiet in manner” and “not hasty in action,” traits Densmore noted as prevalent among trained elders.²¹

The Anishinabek also married in summertime. Parents usually arranged their children’s marriage until the first half of the nineteenth century, interference children seldom resisted. John Tanner, an English boy who was captured and adopted by the Odawa early in the nineteenth century, initially refused his mother’s arranged marriage to a woman from another community. Netnokwa, Tanner’s mother, protested. Through marriage, she argued, John Tanner would receive the typical benefits of matrimony, but, moreover, gain “a powerful protector and friend” in his bride’s father who would be of assistance in times of need. Tanner had his way on that occasion, but when Netnokwa presented a second wife, again from another community, Tanner acceded. In the absence of an arranged marriage, there was courtship. Mis-quona-queb, a ‘Great Leader’ from present-day northwestern Ontario, courted Esh-quashi-gook by asking her to spend time with him to “get acquainted.” Still, Si-Si-Bas, Mis-quona-queb’s ubiquitous mother, pushed him along: “Aren’t you going to get married soon?” she asked.²² In marriage as in other aspects of Anishinabek social organization, ‘gentle coercion’ would be the upper limit of acceptable interference between persons. In the particular case of parents and

²¹ Densmore, *Chippewa Customs*, 87.

²² Jones, *History of the Ojibway*, 79. Edwin James, *Thirty Years Indian Captivity of John Tanner* (Minneapolis: Ross & Haines, Inc., 1956 [1830]) 85, 104. Twentieth century anthropologists have reiterated Netnokwa’s exposition on the value of marriage. See for example noted anthropologist William A. Haviland, who wrote that marriage for “exogamous lineages,” which correspond to Anishinabek hunting groups, “represents an alliance of two lineages [,] serves to maintain open communication within a society and fosters the exchange of information among lineages.” William A. Haviland, *Anthropology Seventh Edition* (Fort Worth TX: Harcourt-Brace, 1994) 520. James Redsky, *Great Leader of the Ojibway: Mis-quona-queb*, 32-33.

children, gentle coercion was usually sufficient to produce, in the words of Peter Jones, a “truly desirable effect.”²³

Until the nineteenth and twentieth centuries, the Anishinabek preferred cross-cousin marriages, and couples tended to live near the husband’s father.²⁴ Under a cross-cousin marriage system, relations to same-generation Anishinabek are divided into two categories: basically, siblings, who are sexually taboo, and other-than-siblings (cross cousins and non-relatives), who are available for marriage. Thus, an Anishnaabe’s mother’s brother’s children are eligible for marriage, as are father’s sister’s children; conversely, mother’s sister’s children are siblings, as are father’s brother’s children, and therefore sexually taboo. Coupled with the usual settlement pattern, the cross-cousin marriage typically resulted in women marrying out of the hunting group, and even village, from which she originated. That pattern probably prevailed for other marriages as well. A totemic taboo, which restricted the marriage pool by proscribing marriage with any other member of the totem, be they within the hunting group, within the village, or even from another village and quite a distant relative, buttressed the intermarriage promoted by the interplay of kinship rules and settlement pattern. The penalty for contravening the totemic taboo could be severe, even death. Nineteenth-century Anishinabek historian, William Warren, said violation of the taboo was “one of the

²³ Jones, *History of the Ojebway*, 56. As Densmore noted, Anishinabek parents would sometimes use fear to induce obedience, “but not to an extent which injured the child.” Densmore, *Chippewa Customs*, 58. Johnston described one example of the use of fear used on him during his childhood on the Cape Croker Reserve. In his case, stories about the Weendigoes and maemaegawaehnssiwuk, “who lurked in the woods waiting to seize and carry off disobedient children,” served to keep him close to home. Basil Johnston, *The Manitous: The Spiritual World of the Ojibway* (Toronto: Key Porter Books, 1995) xi.

²⁴ Regarding settlement patterns, Frances Densmore has claimed quite the opposite, that is, that a matri-local, rather than patri-local, settlement pattern predominated. Densmore, *Chippewa Customs*, 60. She seems to be alone in that claim, although Peter Jones did acknowledge that matri-local settlement occurred during a period of bride-service. Jones, *History of the Ojebway*, 79. In reality, belonging to a hunting group was the principal concern and thus Anishinabek settlement is probably best described as ambi-local, with patri-local predominating.

greatest sins that can be committed in the Ojibway code of moral laws,” and was “rigidly kept.”²⁵ Although Warren did not specify the nature of the moral law contravened, it is interesting to note that contemporary and future Anishinabek commentators have remarked upon the inter-village integrating function of totems, a view echoed by anthropologists.²⁶

Anishinabek general councils, which were convened at the instance of a particular Chief, but conducted according to the same principles and norms as common councils, served to nurture existing inter-village political and social relationships. Basil Johnston has described an eighteenth or nineteenth century general council called by the Chief Ningiziwaush to discuss the “Great White Father’s” desire to purchase land in the area. Johnston noted that Ningiziwaush’s community prepared for the council by procuring additional food supplies. “As hosts,” explained Johnston, “the people were obliged to provide as well as they were able for their guests, friends and strangers alike – not only out of custom but out of simple goodwill. In fact, councils such as this were often occasions for visiting relatives and friends.”²⁷ Ningiziwaush’s welcoming address gives some indication of Anishinabek expectations at general councils. He thanked the delegates for putting aside their other important pursuits to attend the council, and thanked Kitche Manitou for ensuring their safe arrival, asking that their return home be attended with the same security. Ningiziwaush concluded,

²⁵ For fuller discussion of cross-cousin Anishinabek marriage, see Hallowell, “Northern Ojibwa Ecological Adaptation and Social Organization,” in *Contributions to Anthropology*, 339-350. Hallowell, “Cross-Cousin Marriage in the Lake Winnipeg Area,” in *Contributions to Anthropology*, 319-323. Ruth Landes, *Ojibwa Sociology* (New York: AMS Press, 1937) 20 and passim. Hickerson, *The Chippewa and their Neighbors*, 44-46. William W. Warren, *History of the Ojibway Nation*, 42.

²⁶ Jones, *History of the Ojibway*, 139. Johnston, *Ojibway Ceremonies*, 166. Lone Wolf, cited in Pflüg, *Ritual and Myth in Odawa Revitalization*, 67-68. Landes, *Ojibwa Sociology*, 43. Charles A. Bishop, “The Question of Ojibwa Clans,” in William Cowan, ed., *Actes du Vingtième Congrès des Algonquinistes* (Ottawa: Carleton University, 1989) 44.

While you are with us, and for as long as you wish to stay, we shall share with you our fire, our food, our thoughts, and our laughter. You will not be cold or hungry or thirsty. We are glad to see you; and we hope that after the council you will remain with us to smoke the pipe of friendship and to renew the unity of spirit that binds us all.²⁸

Ningiziwaush then turned over the speaking to Mishi-Waub-Kaikaik who explained the government's plan to the council. When he finished, "a heavy silence" ensued. As Johnston explained, the Chiefs were "deferent to each other's opinions" and "guarded their individual integrity." When another Chief finally spoke, he touched off three days of discussion. "There was no debate," wrote Johnston. "Instead, the speakers sought illumination through mutual inquiry." Although the Chiefs could not reach agreement before the end of the council, they "promised to give the matter further consideration before the fall, when they would be summoned to treat with the White Man."²⁹

The general council described by Johnston discussed a land surrender proposed by the government. No doubt many such general councils had been convened since the late eighteenth century, when colonial authorities increased considerably their demands for Native land. In the one hundred years after 1790, Ojibwa Bands alone concluded more than 125 land surrenders to the governments of Britain and Canada. Granted, the bulk of the surrenders were small parcels that could be surrendered by the local common council, but the larger surrenders of southwestern Ontario during the 1820s, of most of Manitoulin Island in 1836, and as part of the Robinson and Huron treaties in 1850, required the convening of a general council. Land did not exhaust the issues the Anishinabek reserved for general councils in the nineteenth century. Several other Anishinabek general councils regarding relations with the colonial authorities that were

²⁷ Johnston, *Ojibway Ceremonies*, 159.

²⁸ *Ibid.*, 168

recorded in English illustrate the types of issues that could be discussed. In 1840, a general council in southern Ontario authorized Peter Jones to translate Ojibwa hymns and have copies printed. In 1846, the Anishinabek discussed in general council a proposal by the government that the various communities 'remove' to one larger settlement, where more efficiency would ensure better education for their children. The delegates agreed to help the government improve the education being extended to their children, but most rejected the removal dimension of the scheme, and it was laid aside. In 1853, the Chiefs and principal men of Saugeen, Cape Croker, New Credit, Sarnia and Garden River assembled at Saugeen to discuss several First Nations applications that had been made to settle at Cape Croker. A small contingent of Six Nations already resided at Colpoy's Bay and they hoped their allotment could be enlarged. They were rejected, however, because the general council decided to accept applications to emigrate from Anishinabek at both Rice Lake and New Credit.³⁰

Several Anishinabek communities in present-day southern Ontario held a general council in 1858 to discuss Indian affairs, probably with special reference to Canada's 1857 "Act to encourage the gradual Civilization of the Indian Tribes." The purpose of that Act was to encourage "progress in Civilization among the Indian Tribes," to gradually erase legal distinctions between Indians and other Subjects, and to facilitate the acquisition of property and accompanying rights, for those First Nations who wished it.

²⁹ *Ibid.*, 171.

³⁰ A list of treaties and surrenders in Canada to 1890 can be found in, Canada, *Indian Treaties and Surrenders* 2 vol. (Ottawa: Brown Chamberlin, 1891). The 1840 general council is cited in Donald B. Smith, "The Mississauga, Peter Jones, and the White Man: the Algonkians' Adjustment to the Europeans on the North Shore of Lake Ontario to 1860," (Ph.D. Thesis: University of Toronto, 1975) 268. *Minutes of the General Council of Indian Chiefs and Principal Men [...] July 1846*. (Montreal: Canada Gazette, 1846). An abstract of the 1853 proceedings is held by the archives of the University of Western Ontario, Wawanosh Family Correspondence, Box 4382, n. 7. "Abstract of General Council held at Saugeen August 29 1853."

In effect, the Act spelled out the terms of “enfranchisement,” the means by which an “Indian” may cease to be considered such, in a legal sense – in short, become a “citizen.” The process of enfranchisement was intended for adult males only. Their spouses and children would gain citizenship, and lose “Indian” status, on the strength of the husband’s ambition and ability. Section by section, the Act negated female and childhood self-determination. For the First Nations adult males who qualified for enfranchisement, there were several benefits attached to the loss of status. They would receive a lump sum payment of their portion of the Band’s capital fund and a “life estate” in lands belonging to the Band. A life estate secured his title to his property during his lifetime, but the property could not be alienated except by will to children or “lineal descendants” who met certain qualifications. Thus, the life estate fell considerably short of the typical fee simple title property ownership. The thrust of the 1857 legislation was to exempt the enfranchised Indian from most, not all, special Indian legislation and to accept him and his family as citizens. Thus, the term “enfranchisement” grossly understates its significance, granting that its framers probably considered the exercise of the franchise to be its central feature. No one subsequently enfranchised.³¹

In 1870, an Ojibwa Chief recalled that the 1858 general council had predicted that encroachment and efforts to drive them away would follow the transfer of administration of Indian Affairs from London to the colonial government. Two pieces of legislation enacted by the Dominion Government, one in 1868, the other in 1869, led him to conclude that the council’s prediction was “coming to pass.” The 1868 Act created the Department of the Secretary of State in Canada, but it is commonly known as the “Indian

³¹ Reverend H.P. Chase referred to the 1858 general council at the Grand River general council in 1870. *The General of the Six Nations and Delegates from different Bands in Western and Eastern Canada, June*

Lands Act,” for it transferred authority for the management of Indian lands to the Dominion Government, and consolidated the laws and regulations relating thereto. The Act also defined who shall be considered an “Indian” and “entitled to hold, use or enjoy the lands and other immoveable property” of the Band. A person who had “Indian blood” and belonged to a Tribe, as well as their descendants, were “Indians” for the purpose of managing Band land. Women who married such people also acquired Indian status. The 1868 legislation was fairly inoffensive in itself, but it was merely a precursor to the 1869 “Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the [Indian Lands Act].” Taken together, as they were intended, the “Indian Lands Act” and the “Act for the gradual enfranchisement of Indians” represent what might be called Canada’s first “Indian Act.”³²

The first two sections of the 1869 Gradual Enfranchisement Act provided that Indians must be “located” on their reserves by the Superintendent General of Indian Affairs to be in legal possession of their lands. By locations, the government wanted to subdivide reserves between Band members, and the procedure has been characterized as the first step to enfranchisement. Those not “located” were subject to removal. The Act contained a liquor prohibition clause and the Superintendent General of Indian Affairs was given the power to apply Band funds, without its members’ consent, to the care of the sick, aged or destitute, as well as to the maintenance of certain public works. Most members of Anishinabek Bands in eastern Ontario were entitled to an annuity for land surrenders concluded in the nineteenth century; Band members also had a stake in interest accrued on the value of the lands surrendered and on funds generated by leasing

10, 1870. (Hamilton, 1870) 16. Canada, Statutes of Canada, 1857, 20 Vict. Chap. 26: 84-88.

unsurrendered land. The 1869 Act contained provisions depriving convicted Indians and deserter husbands of their annuity and interest payments. Additionally, it limited annuity payments to Indians with at least "one-quarter" blood, and established rigid rules of inheritance along the male line, including an amendment to the 1868 definition of Indian, excluding from Indian status, and consequently Band membership, Indian women who married non-Indians, and their children. The 1869 Act also provided that the Governor General may order the election of Chiefs in any Indian reserve. Elected or not, section 12 of the Act established the legislative domain of the Chief or Chiefs in council. Finally, from section 13 to virtually the end, the 1869 Act reframed the enfranchisement scheme of 1857, making one significant revision: that enfranchised Indians would retain their interest in the Band's capital rather than the lump sum payment envisioned in 1857.³³

The Anishinabek of eastern Ontario regarded most of the 1869 legislation to be incompatible with the self-determination of their communities since it touched on so many issues typically discussed and resolved by consensus in the common council. The locations provisions presumed to dictate to communities how they were to manage the landed property of the Band. The Act stipulated specific remedies to social issues such as desertion, social welfare and Band membership. Additionally, the legislation determined what communal projects were worthy of the expenditure of Band funds. The Anishinabek of eastern Ontario responded to the common threat to their communities posed by the new federal legislation by drawing upon a longstanding political tradition. They united with surrounding communities in a general council.

³² *The General Council, 1870*, 16. Canada, Statutes of Canada, 1868, 31 Vict. Chap. 42: 91-100. Canada, Statutes of Canada, 1869, 32-33 Vict. Chap. 6: 22-27.

³³ Canada, Statutes of Canada, 1869, 32-33 Vict. Chap. 6: 22-27.

Chapter 3

Grand River buzzed with excitement. Thirty-six Anishinabek delegates from thirteen settlements, as well as small contingents of Moravians and Munceys, had accepted the Grand River Six Nations' invitation to participate in a general council with the nearly fifty Six Nations delegates representing every one of their Canadian settlements.¹ The invitation had been general: to discuss Indian affairs in Canada. On the morning of June 10th, 1870, no doubt many different issues qualified, but most of the delegates probably realized that discussion would touch on all or parts of recent government legislation. While the Mississauga at New Credit had grown accustomed to relations with the Six Nations at Grand River, many of the other Anishinabek communities represented probably had only rarely contemplated a general council with the Six Nations, on any topic, since historic friendship treaties in the eighteenth century – others not at all.² All of the delegates, Six Nations or Anishinabek, were capable political

¹ In the following chapters, the term Anishinabek will refer to the Ojibwa, Potawatomi and Odawa residing on "Ojibwa" or "Chippewa" reserves in Ontario. Moravians are Delawares (mainly Muncey, "one of the three principal divisions of the Delawares") who came under the influence of Moravian missionaries in the early part of the eighteenth century. They settled in Canada as refugees from the American Revolutionary War beginning in 1791. Being Algonquians, they are also Anishinabek, but they will be referred to as Moravians to reflect their separate historical development. The Moravians, however, should not be confused with the Munceys of the Thames, who settled in Canada shortly after their brethren. The Munceys established their own settlement on the Thames River, in close proximity to the Moravians. They will be referred to as the Munceys of the Thames. Both the Munceys and Moravians sent delegations to the Grand Council regularly until the 1930s. Canada, *Handbook of Canadian Indians* (Ottawa: 1913) 314 – 317.

² For New Credit relations with the Six Nations, see Donald B. Smith, "The Dispossession of the Mississauga Indians: a Missing Chapter in the Early History of Upper Canada," *Ontario History*, v. LXXIII n. 2 (June 1981): 67-87; 79-80. The Mississauga of southern Ontario reluctantly allowed the Mohawks under Joseph Brant to settle on their lands after the American Revolutionary War. According to Smith,

men, some of whom boasted considerable diplomatic and cross-cultural experience. For example, at least five of the Anishinabek delegates were ordained ministers, all of them familiar names in relations with the government: the Reverend John Jacobs from Rama and the Reverends John Sunday, George Blaker, Allan Salt and H.P. Chase from the Rice Lake reserves. Moreover, many of the delegates belonged to prominent political families in their own communities: for example, among the Ojibwa, the Plain and Wawanosh families represented Sarnia, and the Medwayosh family represented Saugeen.³

Late in the morning on Friday the 10th, the eighty-nine delegates representing twenty-one communities gathered for the opening of the general council, which proceeded amicably enough. The Six Nations Fire-Keeper, George Buck, opened the proceedings, which were then turned over to the Speaker of the Grand River Confederacy Council, John Smoke Johnson. A delegate list was taken, a secretary appointed, the delegates welcomed with "shaking of hands," and Chiefs Seneca Johnson and J. Smoke Johnson gave addresses. When the council adjourned immediately thereafter, some of the Anishinabek delegates must have sensed that the Six Nations considered the general council to be entirely within their own political domain, and intended to proceed as such.

"Animosity between the two groups, notwithstanding all the public protestations of good will, had never been very far beneath the surface." Moreover, "Only in moments of extreme crisis could the Confederacy and the Mississauga unite, and then apparently only for a short period." That said, when the Mississauga felt their Credit River homes threatened in the middle of the nineteenth century, the Six Nations at Grand River recalled the Mississaugas' goodwill of sixty years earlier, and offered them a portion of their reserve, which they accepted, but again, only reluctantly. Smith, "The Mississauga, Peter Jones, and the White Man: the Algonkians' Adjustment to the Europeans on the North Shore of Lake Ontario to 1860," 277. Robert Surtees suggested the relationship was somewhat less acrimonious than Smith depicted. See Robert J. Surtees, "Land Cessions, 1763-1830," in Rogers and Smith, eds., *Aboriginal Ontario*, 103. Whatever was the true character of the initial relationship, after 1850, cordial, even friendly relations prevailed between the Grand River Six Nations and their Mississauga neighbours.

³ *The General Council of the Six Nations, and Delegates from different Bands in Western and Eastern Canada. June 10, 1870.* (Hamilton: 1870) 3-4. For the importance of these families to the political history of their communities, see Peter S. Schmalz, *The History of the Saugeen Indians* (Ottawa: Ontario Historical Society, 1977) chapters 2, 3, 4, 5 and 6; and Schmalz, *The Ojibwa of Southern Ontario*, 212 and 251. See also Aylmer N. Plain, *A History of the Sarnia Indian Reserve based on the personal reminiscences [sic] of*

Apparently a contingent of the Anishinabek delegations asked for the topics the Six Nations wished to discuss, but they were "put off" until Saturday. On Saturday, Chief Seneca Johnson opened the council by remarking, "It is necessary to preserve order in order to carry out the old rules and customs of our forefathers [...]."⁴ He asked for patience from the delegates and proceeded to perform the Condolence Ceremony. According to historian Sally Weaver, among the Six Nations, the Condolence Ceremony "mourned the death of a hereditary chief and installed his successor."⁵ However, both the Anishinabek and Six Nations historically performed the Condolence Ceremony before entering into council with other nations. In both instances, the ceremony sought to remove discomfort so that deliberations could proceed with clear minds. It would have been inappropriate to discuss the issues before the Condolence Ceremony had been performed. But at the close of the Condolence Ceremony the council immediately adjourned until Monday the 13th, and the Anishinabek request for information remained unanswered.

On Monday morning the Six Nations displayed a number of their wampum belts and strings to the delegates. Smoke Johnson began a remarkable reading of them that probably would have lasted two full days had he not been interrupted by the growing frustration of certain Anishinabek delegates. The first day's oratory focussed on the theme of strength in unity, recounting first the formation of the Six Nations Confederacy, and second, instances of political and military unity with several Anishinabek nations.

the author (Bright's Grove ON: George Smith, 1975). The documented example of Sarnia and Saugeen no doubt rings true for every other community.

⁴ *The General Council, 1870*, 5, 11.

⁵ Sally M. Weaver, "The Iroquois: The Consolidation of the Grand River Reserve in the Mid-Nineteenth Century, 1847-1875," in Rogers and Smith, eds., *Aboriginal Ontario*, 190. The Condolence Ceremony is partially recorded in *The General Council, 1870*, 5-6. It is also described in Taiaiake Alfred, *Peace*,

He concluded the oratory by reading the wampum given by John Brant, then Superintendent of Indian Affairs, to the Six Nations. Regarding Brant, Smoke Johnson related, "After a while he wished the Six Nations to become as whitemen; then rules were shown to him to show how he had broken the rules. He was convinced and repented. He delivered this wampum to the Six Nations, saying he had erred. His friend Oneida Joseph, did the same."⁶ The effect was not lost on the Anishinabek. The Confederacy Council hoped for their assistance in the resistance to assimilation, but the precise issue remained a mystery when the Anishinabek delegates went to sleep Monday night.

The next morning Smoke Johnson declared that after the council approved the minutes of the preceding day, the reading of the wampums would continue. For his part, Ojibwa Chief William Wawanosh of Sarnia had already heard enough. He told the council that Sarnia and other communities had been notified there was to be a general council to discuss Indian affairs, and that it was to begin on the 10th of June. It was now the 15th, and delegates were anxious to know when they would be apprised of the subjects for discussion. While Wawanosh did not object to the Six Nations reading their wampum, he asked that the Anishinabek delegates be given the subjects, "that they may retire to discuss them."⁷ In reply, Smoke Johnson promised to abbreviate his reading as much as possible and asked for their guests' continued patience. The rest of his oratory drew attention to the fact that the wampum belts showed that the legislature should not enact legislation "injurious" to the Six Nations, and to First Nations generally. Moreover, they also showed that when it became necessary to defend that principle, unity, within the

Power, Righteousness: an indigenous manifesto (Don Mills ON: Oxford University Press, 1999) xix-xxiii. See also Jones, *History of the Ojebway*, 105-106.

⁶ *The General Council, 1870*, 7-10, 10.

⁷ *Ibid.*, 11.

Six Nations Confederacy and occasionally with Anishinabek neighbours, created the necessary political strength. Smoke Johnson concluded his reading by recalling that their forefathers had foretold of removal to the west if First Nations were indifferent to their interests, and that “humiliation” could follow. With that grim reminder, Smoke Johnson concluded the “Indian preliminaries and customary doings,” and the delegates adjourned for lunch.⁸

Full stomachs and the expedited completion of the “Indian preliminaries” probably appeased the perturbed Anishinabek contingent somewhat, but the presence of Indian Agent J.T. Gilkison in the council chambers after lunch re-aggravated an already tense situation. Upon introduction, Gilkison made several condescending remarks culminating in an offer, on certain conditions, to forward the council’s grievances to the government. When Gilkison finished, William Wawanosh bitterly addressed the council, stating that nothing had been “according to our views” since the Anishinabek had arrived at Grand River. They thought every warrior would have an equal voice in the council, but found it otherwise. He therefore objected to the appointment of a Chairman, meaning Smoke Johnson, without a vote of the whole. After Wawanosh had finished, Reverend George Blaker chided the Six Nations for having brought along their Indian Agent, and remarked that the Anishinabek had no need of a white man among them, nor to preside over them. To be fair, although it is true, in the eyes of the government at least, that Gilkison did technically preside over the Confederacy Council, the Six Nations conducted their political business according to their custom, and therefore Blaker’s

⁸ *Ibid.*, 11-14.

calculated remarks somewhat miss their mark. Nevertheless, the mood at Grand River had grown very dark indeed.⁹

The Six Nations and Anishinabek delegates had reached their first of many impasses at the Grand Council. In retrospect, it is a testament to both parties that they were capable of overcoming, or overlooking, as the case may be, as many crises as they did. On this occasion, the Six Nations refused to consider appointing a Chairman in the place of Speaker Smoke Johnson, and the Anishinabek refused to proceed any longer according to Six Nations custom. The Anishinabek actually left the council chambers before their hosts finally acceded to their wish and agreed to elect a Chairman. On their return, the Anishinabek delegates took the high road by nominating three prominent Six Nations Chiefs to the position, G.H.M. Johnson (Smoke Johnson's son), W.J. Simcoe Kerr and N.H. Burning. Kerr had attempted to convince the Six Nations to grant the Anishinabek request for an elected Chairman before their exodus, and he was ultimately elected the Chairman of the general council. Reverend Allan Salt was elected secretary, and the general council adjourned until Wednesday morning. There had been quite enough excitement for one day.¹⁰

The next morning, after the general council had agreed to read through the various Dominion Acts relating to First Nations, the Chairman Chief Kerr, Reverend John Sunday and Reverend H.P. Chase gave advice to the delegates on how to carry out their deliberations. Chief Kerr expressed his desire that the Dominion Government consult First Nations when their interests were to be affected, and to allow them more weight in

⁹ *Ibid.*, 14. For the Agent's role in the Confederacy Council at Grand River, see Weaver, "The Iroquois: The Consolidation of the Grand River Reserve in the Mid-Nineteenth Century, 1847-1875," in Rogers and Smith, eds., *Aboriginal Ontario*, 193.

¹⁰ *The General Council, 1870*, 14-15.

their affairs. He reminded delegates that intelligent deliberations at the general council would help to convince the government of the wisdom of such consultation. Reverend John Sunday echoed Kerr's call for wise deliberations, adding that the Imperial Government had always treated him with courtesy and respect, and granted his people their wishes. He advised the council to keep what was good in the 1869 legislation, and to reject what was bad. Reverend H.P. Chase endorsed Sunday's speech. Both men were veterans of Anishinabek community to government relations, and their words carried considerable weight among their people in southern Ontario. Indeed, the cooperative posture advised by Sunday resonates throughout the history of the Grand General Indian Council. Seldom did the Grand Council communicate with the department in anger. Instead, they considered legislation and policy on its merits, either approving thereof, or giving reasons for its rejection, and sometimes offering alternatives. Occasionally the Grand Council would make a recommendation for new legislation, but almost always with the same reasoned, non-confrontational approach advocated by Sunday.¹¹

Once the Anishinabek delegates discussed the 1869 legislation among themselves, the 1870 general council quickly rejected ten of the first eleven sections of the Act. Only the prohibition on alcohol survived. Anishinabek delegates raised mild opposition to rejecting the provision that the Superintendent General may appropriate Band funds for the care of the sick, aged or infirm, but they ultimately withdrew their opposition, and agreement to reject the bulk of the first eleven sections was virtually unanimous. Not so for section 12 to the end of the legislation, which enumerated the legislative abilities of Bands and laid out the terms of enfranchisement. To better manage their communities, some Anishinabek delegates clearly wanted the legislative provisions provided for in

¹¹ *Ibid.*, 16.

section 12 and most were not opposed to enfranchisement for those who wished it. The Six Nations, however, vehemently opposed both measures, and accordingly, the 1870 general council could make no specific pronouncement on them.¹²

Having worked their way through the first half of the 1869 legislation, the general council formed into a "Committee of the Whole" to generalize their individual grievances respecting the ten of the first eleven sections of the 1869 Act. Anishinabek and Six Nations delegates offered similar, but subtly different reasons for rejecting the controversial locations provided for in sections 1 and 2. Some Anishinabek delegates noted that their communities were unsundered lands, concluding that the location measures were therefore contrary to the Royal Proclamation of 1763, which, among other important matters, entrenched certain procedures for the alienation of "Indian land." Although not stated explicitly, some Anishinabek delegates seem to have felt that if an individual was to obtain a permanent interest in a portion of the Band's lands, a proper surrender ought to be obtained. Others were unsatisfied with a mere life estate, preferring unencumbered fee simple title to their allotments. The Six Nations delegates, on the other hand, all had deeds acquired either through purchase or by grant of land in exchange for military service. They concluded that since they in no sense had ever surrendered their sovereignty, they, not the Superintendent General, should retain control over allotment of the land.¹³

The council approved of the alcohol prohibition contained in section 3 as "conducive to the welfare of the Indian" and actually recommended that the penalties be

¹² *Ibid.*, 16-19. The Six Nations had opposed enfranchisement since its inception in 1857. They blocked the enfranchisement of Elias Hill in 1858, possibly the only successful applicant under the 1857 provisions, by refusing to allow the surveyors to mark off his allotment. Weaver, "The Iroquois: The Consolidation of

doubled. The delegates rejected section 4, the quantum blood provision, on the grounds that it was inconsistent with the 1868 definition of Indian and “uncertain in its wording.” Section 5, incarcerated Indians’ automatic forfeiture of their annuity, was “inconsistent with the justice given to criminals.”¹⁴ The council offered four reasons to reject section 6, women’s status upon marriage outside the Band. As with section 4, the general council considered section 6 to be inconsistent with the 1868 definition of Indian, and more to the point, “unjust in depriving woman of her birthright [...]” The council also complained, obscurely, that section 6 had “a very immoral tendency” for women. The influence of the Six Nations is found in the fourth reason, which resolutely rejected the patrilineal principle of descent contained in section 6, as “break[ing] through an ancient and acknowledged custom of the Indians.”¹⁵ Delegates rejected sections 7, desertion, 8, care of the sick, infirm or elderly, and 11, use of Band funds to perfect statute labour, on the grounds that they removed the power of communities to deal with those problems on their own. Moreover, sections 7, 8 and 11 gave to the Superintendent General the power to dispose of Band funds without their consent. The council rejected section 9, the universal will for First Nations, because individuals should have the right to dispose of their property and chattels as they saw fit, and moreover, the provision potentially deprived widows of their husband’s estate without just cause. Finally, the council rejected section 10, elective Chiefs, on the grounds that it gave the Governor General “too imperative a power.” An amendment making elective Chiefs optional with the Band

the Grand River Reserve in the Mid-Nineteenth Century, 1847-1875,” in Rogers and Smith, eds., *Aboriginal Ontario*, 200. See also, Canada, Debates of the House of Commons, March 21, 1876, 750.

¹³ *The General Council*, 1870, 19-20.

¹⁴ *Ibid.*, 25.

¹⁵ *Ibid.*

carried – but only momentarily, as it turned out. The council adopted the committee report without incident.¹⁶

On the evening of the 18th, and the mornings of the 19th and 20th, the general council adopted a number of resolutions not directly related to the 1869 Act. Motions put forward by Anishinabek delegates included one that would require the Dominion Government to furnish individual Bands with annual audits of their capital accounts; another requested that the First Nations be exempt from game and fishery laws. Reverend Allan Salt and William Wawanosh put forward the idea that First Nations elect four representatives to the House of Commons to look after their interests. All three Anishinabek motions passed. Motions advanced by the Six Nations, which also passed, included requests for the privilege of appointing their own Justices for minor offences, for the principle that reserve lands not be sold without the consent of the majority of the adult male members of the Band, and finally, that Chiefs be enabled to regulate the harvest and sale of timber on reserve lands. The council also called on the Dominion Government to examine the particular grievances of the Lake of Two Mountains and St. Francis Bands.¹⁷

Two other motions put before the council in its waning moments call for special attention. On the evening of Thursday the 18th, it was resolved to meet three years later to “amend, review and discuss” the resolutions adopted in 1870. Thus was born, without the fanfare that would befit such a moment, the Grand General Indian Council of Ontario and Quebec, or the “Grand Council,” Canada’s first “pan-Indian” political organization. In passing the resolution to reconvene, the delegates were perhaps expressing their

¹⁶ *Ibid.*, 25-26.

¹⁷ *Ibid.*, 22-24, 26-27.

enthusiasm. They had, after all, managed to reach consensus on the first eleven sections of the 1869 Act. Unfortunately, harmony between the Six Nations and the Anishinabek in the Grand Council came only in small doses, and never in any sustained way. To illustrate the point, the last motion to be put before the council, on the morning of the 20th, was an Anishinabek resolution from New Credit that a system of elective Chiefs shall be granted when a majority of “warriors” (men over twenty-one) should “require” such. In effect, the motion simply restated the amendment that had been adopted in the Committee of the Whole, and ratified by the general council, two days earlier. This time, however, the motion failed by a vote of 30 to 37, a number that is remarkably proportional to the distribution of Anishinabek and Six Nations delegates.¹⁸

The elective Chiefs incident must have left a bad impression. Between 1870 and 1874 several Anishinabek communities from southwestern Ontario appear to have decided that so long as the Six Nations continued to participate in the general council, votes mattered. Accordingly, they sent as many delegates as possible to ensure they would not be outvoted again. Notwithstanding stuffing the ballot box, as it were, there did appear to be a general goodwill and genuine desire to work together at the Grand Council. However, contrasting political views and attitudes, and occasional outright hostility, continually undermined the efforts of the Six Nations and Anishinabek to achieve integrated political thought and action. Moreover, internal politics complicated Grand River’s participation in the Grand Council. Historian Sally Weaver has noted that “reformer” and “conservative” factions of the Grand River council could not agree on the

¹⁸ *Ibid.*, 21, 24. According to the 1870 delegate list, there were 36 Anishinabek, 2 Moravians, 3 Munceys and 48 Six Nations delegates. The term “pan-Indian” has been used to signify First Nations alliances that crossed national distinctions in the colonial and post-colonial periods. In the present context, it signifies the alliance of people from two linguistic families, Iroquoian and Algonquian. The Grand Council was a

legislation. Reformers were unperturbed by the 1869 legislation, while the more conservative Chiefs were "anxious" to establish their sovereignty and exemption from Canadian laws. Such a view is corroborated by events at the 1874 Grand Council.¹⁹

Friction between the Anishinabek and Six Nations surfaced immediately. The 1874 Grand Council was held at Sarnia, Thursday, June 25th to Friday, July 3rd. The Ojibwa at Sarnia and Walpole Island sent twelve and sixteen delegates respectively. The Chippewas of the Thames added twelve others. In all, Ojibwa Bands sent 69 of the 123 delegates representing twenty communities. The Six Nations sent 45 delegates, and the Moravians and Munceys combined for the remaining nine delegates. Thursday was spent on administrative affairs and settling in. Friday morning the Grand Council proceeded directly to the election of its Executive. For Chairman, the "President" of the council, Ojibwa delegates nominated and voted for William Wawanosh, or Dr. Peter Edmund Jones, or the venerable Reverend H.P. Chase. Six Nations delegates nominated and voted for Dr. Oronhyatakha. In addition to the usual skills required to influence Anishinabek and Six Nations people, the role of President of the Grand General Indian Council required two particular skills. In the first place, the President had to ensure that the meetings were conducted to everyone's satisfaction. Notwithstanding the simmering acrimony between the Six Nations and the Anishinabek, from the outset the Grand General Indian Council's deliberations went fairly smoothly, and the President was almost always congratulated for the satisfactory manner in which he had conducted the meetings. It is interesting to note that only on rare occasions did the President feel

significant "pan-Indian" organization because two historic enemies, Iroquoian and Algonquian speakers, united in common cause.

¹⁹ Weaver, "The Iroquois: The Consolidation of the Grand River Reserve in the Mid-Nineteenth Century, 1847-1875," in Rogers and Smith, eds., *Aboriginal Ontario*, 207-209.

compelled to speak harshly to the delegates. For the most part, the President was utterly absent from the minutes, and no better compliment to an Anishinabek council chairman could possibly be made. In addition to his role as chairman, the President represented the Grand Council to the government. He therefore had to be able to put aside his self-interest and opinion to present faithfully the consensus the council had worked so hard to achieve. Presidents were only a little less successful on the second score than on the first.

Worthier candidates for President than Wawanosh, Jones, Chase and Oronhyatakha would have been difficult to find. Wawanosh was a respected interpreter and knew well the local history. Chase had been an active Methodist Native missionary for thirty years. Jones was the son of the noted Methodist missionary and author Peter Jones, and was himself one of the few First Nations to occupy the role of Indian Agent to their community, a chess master, not to mention, a medical doctor. Oronhyatakha also practiced medicine and is revered at Grand River. In accordance to election rules agreed upon earlier, the lowest nominee was to be dropped from the ballot until a winner emerged. Because there were four delegates, the elections required three ballots, but the results were predictable after the first. Dr. Jones, a relative newcomer to Anishinabek political relations, albeit with impeccable credentials, received only 12 votes. Chief William Wawanosh and Reverend H.P. Chase split the balance of the Anishinabek votes, receiving 28 and 35 respectively. Dr. Oronhyatakha received 37 votes. On the second ballot, Wawanosh and Chase split the bulk of the Jones votes and therefore Wawanosh was eliminated. Finally, the Grand Council elected Reverend H.P. Chase President of the 1874 Grand Council over Dr. Oronhyatakha by a vote of 71 – 41.²⁰

²⁰ NAC RG 10, volume 1942, file 4103. *The Grand General Council of the Chippewas, Munsees, Six Nations, &c., &c., Held on the Sarnia Reserve, June 25th to July 3rd, 1874.* (Sarnia: 1874) 4-6.

The next morning a faction of the Grand River delegation begged leave from the proceedings, citing efficiency of deliberations. Although the minutes were taken in English, the Grand Council, and this remained true until at least 1920, conducted the bulk of its business in Native tongues. The presence of Six Nations, Muncey and Anishinabek delegates necessitated considerable translation. Misunderstandings arising from translation difficulties occasionally interrupted the council, but they were, on the whole, infrequent. Efficiency of deliberations was probably not the true motive for the faction's request in 1874, and all the Anishinabek speakers, as well as some Six Nations speakers, rejected the motion. The Grand Council minutes record the motion as having failed unanimously, but the dissident faction had probably already left the council chambers, not to return, when the vote was taken. As a gesture of good faith, the Anishinabek delegates offered the remaining Six Nations the privilege of nominating the 1st Vice-President, an honour they flatly refused. When it became fully apparent that the remaining Six Nations were reluctant to accept any executive position, the Grand Council acclaimed William Wawanosh the 1st Vice-President, Dr. Jones the 2nd Vice-President, and elected John Wampum, from Moraviantown, the 3rd Vice-President. As always, the council rested on Sunday. On Monday, Wampum surrendered his seat in favour of the Six Nations. After two declinations, John Hill of Grand River finally accepted the post.²¹

After the Grand Council finalized its Executive on Monday morning, William Wawanosh introduced enfranchisement as the first order of business. In fact, enfranchisement dominated the proceedings from beginning to end because the new government under Alexander Mackenzie, whose Superintendent General of Indian

²¹ *Ibid.*, 7-8. For language use at the Grand Council, see NAC RG 10, volume 2641, file 129,690-3A. Undated *Toronto Star* article [1919], "Treaties Are Broken, Declare The Indians: Council of Ojibways Ask

Affairs was David Laird, had solicited the Grand Council's advice on the legislation. Wawanosh delivered a "powerful address" urging that a door be opened to those who wished enfranchisement. He believed that many Anishinabek were competent to be enfranchised and that it was "high time" they be placed on an "equal footing" with other Canadian citizens. Conversely, many more Anishinabek were not yet qualified, and he advised against forcing them to enfranchise. Wawanosh proposed that the procedure for enfranchisement should assign to the Band responsibility to examine and approve, or not, enfranchisement applications. The Band should also determine the location and quantity of allotment the candidate would receive. Finally, the enfranchised Indian should receive his portion of the Band's capital funds and thereafter be removed from Band privileges.²²

John Henry, of the Chippewa of the Thames, followed Wawanosh with an equally powerful address. He had a somewhat different perspective than did Wawanosh, although he too favoured some scheme of enfranchisement. Henry observed that "foreigners" obtain citizenship "at once" – "Why not the original owners of the soil?" he asked. Henry thought that acquiring citizenship was one of the explicit aims of the "great assemblage" before him. He told the Grand Council, "we could never have peace until we opened the door to those yearning for enfranchisement," adding that American blacks began to fill "important positions" immediately upon emancipation and their voices were soon heard in the government. He agreed with Wawanosh's proposed procedures, with two crucial exceptions. The annuity, he felt, was a birthright and should be retained. Moreover, only the male should be enfranchised. Women and children should remain members of the Band, which would encourage the enfranchised Indian to maintain his

for Recognition as a Nation."

²² *Grand General Council, 1874*, 9.

interest in the affairs of his brethren. A few days later, Chief Henry elaborated on his position, stating that he considered it “uncharitable” to remove the wife and children from the Band list upon the enfranchisement of the husband. Henry argued that under his scheme the enfranchised Indian would continue to advocate the rights of the Band to which his family belonged, and moreover, he thought almost no one would enfranchise under Wawanosh’s ‘all-or-nothing’ plan.²³

All day Tuesday and Wednesday the 1874 Grand Council worked at rejecting or accepting the various provisions of the 1869 Act, a process not without controversy. As in 1870, the Grand Council unanimously endorsed the liquor prohibition contained in section 3 of the 1869 Act. Section 5 was rejected because the families of incarcerated men “suffer for the crimes of the father.” Once again, section 8, the care of the sick, infirm or elderly, split the Anishinabek delegates. But as in 1870, delegates ultimately rejected the section because it gave to the Superintendent General the power to dispose of funds without the Band’s consent, and section 11, public works, was rejected for the same reason. The Grand Council rejected unanimously the insulting universal will provided for in section 9. Most of the Anishinabek and Six Nations delegates rejected the quantum blood provision of section 4; indeed, only John Henry and his compatriots from the Chippewa of the Thames spoke in favour of the provision, stating that they were anxious to preserve Indian blood. By way of contrast, some of the delegates thought that intermarriage with whites, particularly in the case of men, had been a positive force in the political and social life of their communities. Others thought that the quantum blood

²³ *Ibid.*, 9-10, 17.

provision directly contravened sacred treaties concluded by their forefathers. Sections 13 to 17, being connected to the flawed scheme of enfranchisement, were all rejected.²⁴

In a startling reversal from 1870, the council approved sections 6, women's status upon marriage outside the Band, and 7, desertion. To be truly egalitarian, the Grand Council ought to have continued to reject these sections, and their approval of the same is indeed surprising. It should be remembered, however, that enfranchisement was the primary issue in 1874, and it does appear that the Grand Council did not want to expend too much time debating these difficult sections in view of the larger project. There is a measure of irony in that fact given that most people who surrendered their status over the following one hundred years did so involuntarily through the operation of section 6. That said, section 6 would surely have been affected by whatever enfranchisement scheme the Grand Council adopted, and with regard to section 7, it seems some delegates doubted that the desertion penalties meted out to men needed to be extended to women. These two clauses would come under much closer scrutiny at future councils.²⁵

Section 12, the legislative powers of Band councils, initially faced some opposition among Anishinabek delegates, who probably viewed the list as a limitation, rather than recognition, of the Band's authority. Nevertheless, the Grand Council thought it better to have a positive statement of the Band's legislative abilities in the Act, rather than not, and Anishinabek opposition was ultimately withdrawn. Section 10, the provision for elective Chiefs met with unanimous rejection by the Six Nations delegates who had decided to stay at the council. Accordingly, the Grand Council passed a

²⁴ Peter Jones remarked in his *History of the Ojebway* that the circulating opinion that the Ojibwa mistreat their elderly was completely false. Jones, *History of the Ojebway*, 68. The thought that the government had found it necessary to legislate on such a matter probably horrified the Anishinabek, which serves to explain

resolution formally exempting the Six Nations from that item of discussion. In this way, the Anishinabek delegates avoided the unsavoury prospect of having to out-vote the Six Nations on such an important and controversial issue, and Six Nations opposition would be formally acknowledged. The Six Nations delegates appear to have appreciated the gesture, for they did not oppose the exemption. Reverend Allan Salt spoke in favour of elective Chiefs, referring to a number of Bands that had adopted the section, "and the working of it had given much satisfaction."²⁶ William Wawanosh praised the section because it allowed Bands to choose the "best men" for Chiefs, and to depose "unfaithful or immoral men" from the posts – not unusual praise coming from a society where influence and satisfactory performance of responsibilities qualified hereditary civil authority. The Anishinabek approved unanimously of elective Chiefs.²⁷

By far, sections 1 and 2, locations, prompted the most discussion, primarily because debate on enfranchisement could not be suppressed. The remaining Six Nations delegates from Grand River reiterated the problem that they had with locations, and with enfranchisement, namely, that owing to the size of their reserve, they could allot only 14 acres to each of their members. N.H. Burning stated that the Six Nations would always reject enfranchisement on that account. He praised the 1870 Grand Council for unanimously rejecting locations, saying that the council's decisive action had spared his community the imminent humiliation of being located in 1870. On Thursday, he further noted that while his community was considerably advanced in education and civilization, only 2% of its members were considered qualified to enfranchise. He always advised his

their reluctance to oppose the section of the 1869 Gradual Enfranchisement Act relating to the care of the sick, infirm or elderly. *Grand General Council, 1874*, 13-17.

²⁵ *Grand General Council, 1874*, 16.

²⁶ *Ibid.*

men to stay in the community and thought it “would be foolish in us to cast away the privileges we enjoy in our present condition.”²⁸ Philip Garlow, of Grand River, thought it might be possible to open a door to enfranchisement in the community, as long as candidates understood that they would receive only a small lot of land. Joseph Sky of Caughnawhaga had no wish to oppose those who wished to enfranchise, but “his feeling” was to “let them go altogether.”²⁹

Some Anishinabek communities not only rejected sections 1 and 2, they also echoed the general Six Nations attitude towards enfranchisement – the two being considered related, although they need not have been. As Dr. Jones, from New Credit, tried to remind the council, the locations required in section 1 were only temporary, and were not necessarily the allotment to be given to enfranchisement candidates. He stated that New Credit was not opposed to locations as such, but that the Band wanted to be able to carry out the project on their own. Dr. Jones urged the Grand Council to take advantage of the new government’s favourable attitude and rewrite the locations sections according to their own tastes. Nevertheless, some Anishinabek delegates viewed the very act of location to be a preliminary to the enfranchisement that they opposed. Prominent among them was Snake Island’s James Ashquabe, who attended the council with his Band’s Chief, George McCue. Ashquabe reminded the Grand Council on Tuesday morning that they had rejected locations in 1872; although others appeared to have changed their minds, his opinion, and that of his Band, had not changed. On Wednesday evening, Ashquabe openly stated that no one at Snake Island wanted to be enfranchised, as they thought “it would be the means to bring them to poverty.” As far as the residents

²⁷ *Ibid.*

²⁸ *Ibid.*, 10-11, 18-19.

of Snake Island were concerned, sufficient progress had been made among their people under the current arrangements, which they were content to retain. Moreover, Snake Islanders considered the reserve to be permanent and did not think that portions of it should be alienated to individual members.³⁰

Other Anishinabek delegates accepted the principle of enfranchisement but remained uneasy about its consequences. Their concern extended to both the candidate and the Band. John Elliott of New Credit, for example, supported opening a door to “educated and temperate Indians,” but could foresee some difficulties. He expressed his concern for the candidate’s potential for economic success, remarking that unless he was securely out of debt, the enfranchised Indian’s “property would never be safe.”³¹ On the other side of the equation, as individual allotments were alienated from the enfranchised member, the Band faced the prospect of tolerating in their midst unsavoury, or meddlesome outsiders – in short, “quarrelsome whites.” Both of Elliott’s difficulties with enfranchisement resonated with other Anishinabek delegates. The Grand Council waxed and waned between the schemes put forward by Henry and Wawanosh. Joseph Wawanosh of Sarnia, for example, echoed Ashquabe’s views regarding the permanency of the reserve and endorsed John Henry’s middle man position for enfranchised Indians rather than absolute legal severance. David Sawyer, representing Kettle Point, thoroughly embraced the concept of enfranchisement, but he preferred Wawanosh’s scheme to John Henry’s. Notwithstanding his enthusiasm, Sawyer urged caution. “If we were to be enfranchised now with the lots of land we now possess [we] would receive 100 or 200 acres each,” Sawyer explained, “[v]ery soon our Reserves would be all gone

²⁹ *Ibid.*, 11.

³⁰ *Ibid.*, 11, 18.

and our funds exhausted. We should subdivide our Reserves first, and also ascertain what money we possess, so that we may know whether we will be able to meet the requirements necessary to carry out enfranchisement."³² As it turned out, no big rewrite of the locations sections emerged. In an act of defiance, the Grand Council unanimously rejected the sections, "as [they] deprive us of our rights and leave us disinherited."³³ Later, delegates resolved to simply add the controversial issue to the Band's legislative abilities, thereby eliminating most of the resistance to locations, as such, without directly opposing enfranchisement.³⁴

The debate surrounding sections 1 and 2 of the 1869 Act exposed an impressive range of Anishinabek opinion regarding enfranchisement, but most agreed that some scheme was necessary for those who were ready for citizenship. The Grand Council confirmed its consensus by means of a unanimous resolution adopted at the beginning of Thursday's sessions. Reverend Allan Salt, William Wawanosh and Dr. Jones led the push to rewrite the enfranchisement procedures. Salt stated that while the Grand Council was unanimous in rejecting the 1869 Act, they had to "act wisely":

The Government wants to know whether we will allow our educated Indians to become citizens, like the whites. I would say yes. After an Indian has been examined by the Council of his Tribe, and if found competent, we can memorialize the Government on behalf of the applicant. If we say 'No' to the Government, then we shall be looked upon as children.³⁵

As Salt's appeal suggests, one of enfranchisement's great failings, from the Anishinabek point of view, had been the Band's exclusion from the process. Moreover, his use of the term 'children' is most significant. As ethnohistorian Rebecca Kugel has explained, in

³¹ *Ibid.*, 12, 20.

³² *Ibid.*, 20-21, 11-12.

³³ *Ibid.*, 13.

³⁴ *Ibid.*, 24.

the nineteenth century, "the metaphor of parents and children was highly charged with meaning; it described the one constant relationship of inequality and dependence between social groups that the Ojibwe recognized."³⁶

Salt responded to Burning's contention that it would be foolish to surrender "privileges" at the present time by noting that citizenship in a large state also carried with it numerous privileges and protections. In true missionary style, Salt reminded the Grand Council of St. Paul's credo: "That if there is any way of gaining a freedom the advantage should be taken."³⁷ The President, H.P. Chase, took up Salt's theme of the privileges of citizenship. Citing the example of protection of property on the one hand, and the construction of poor houses and hospitals on the other, Chase explained that the British constitution honoured all its citizens, rich or poor. By virtue of paying municipal taxes, Chase said that he already enjoyed certain privileges and honours, and when he would decide to take an oath, he knew he would enjoy even more. He felt sure that if anyone abused him, the state would protect him. On the other hand, Chase continually stressed that only the competent should enfranchise and he argued against fee simple ownership of land for enfranchised Indians. Perhaps Chase could perceive that though they may be "honoured," not all citizens were honoured equally.³⁸

Once enfranchisement had been thoroughly discussed, the Grand Council struck a committee of one delegate from each reserve represented to try to come up with an acceptable scheme to present to the government. The "committee" had become a familiar tool to forge consensus among First Nations in southern Ontario during the second half of

³⁵ *Ibid.*, 18.

³⁶ Rebecca Kugel, *To Be the Main Leaders of Our People: A History of Minnesota Ojibwe Politics, 1825-1898* (East Lansing: Michigan State University Press, 1998) 67.

³⁷ *Ibid.*, 19.

the nineteenth century, when two or three-week discussions on one topic were becoming less and less viable, the Grand Council no exception. Two proposals were put forward, the first by Reverend Allan Salt, the second by Dr. P.E. Jones. Salt recommended that the enfranchised Indian should obtain all the rights of citizenship and receive a non-transferable deed to a suitable lot from the Band. The Band should have the authority to approve or reject candidates, as well as to choose the quantity and location of allotments. His proposal addressed several key issues. The harmony of the community would be protected by the inalienable allotment because the land could only be transferred to the enfranchised Indian's heirs, or back to the Band. Also, because the Band retained primary control of approval and allotment, the Band could, to some extent, minimize the potential for disruption of the community. Salt must have realized that for the enfranchised Indian, the encumbered deed, on its own, would remain a severe handicap. So long as land, a citizen's greatest asset, remained inalienable, he could not participate in the economic life of the country to his greatest extent, and moreover, such a deed would always be a source of jealousy among his fellow citizens. On the other hand, as a citizen, the enfranchised Indian would be exempt from legislation that protected the moveable property of Indians from seizure and therefore he could at least obtain small amounts of credit towards improvements and implements for his landed property. Moreover, with a life estate deed, the enfranchised Indian could confidently make such improvements, and purchase such implements, because any uncertainty about future title would have been removed.³⁹

³⁸ *Ibid.*, 19-20.

³⁹ For Six Nations experimentation with committees, see Weaver, "The Iroquois: The Consolidation of the Grand River Reserve in the Mid-Nineteenth Century, 1847-1875," in Rogers and Smith, eds., *Aboriginal Ontario*, 205. *Grand General Council, 1874*, 22.

Most Anishinabek delegates thought the enfranchised Indian should retain some connection to the Band, and many were reluctant to turn away individuals with the skills that enabled them to be enfranchised in the first place. That attitude is reflected in Salt's encumbered deed scheme and in his utter silence on the issue of annuities and councils – the 'privileges of the Band.' On his scheme, the enfranchised Indian would remain tied to the legal, economic and social life of the community. He would be in the 'middle position' strongly advocated by John Henry. Dr. Jones' proposal also revealed a reluctance to sever the enfranchised Indian's connection to the Band. Like Wawanosh, however, he opposed encumbering the enfranchised Indian's deed. Unlike Wawanosh, Dr. Jones advocated the retention of the privileges of the Band, which he considered to be a birthright. Dr. Jones, like his father, married a "white lady," and he made several passionate speeches on the subject of "status" during the almost twenty years he attended the Grand Council. Quantum blood provisions, enfranchisement, and other legislation continually threatened his desire to raise his children as Ojibwa, which included, to his mind, their right to participate in the annuity, rents, interest and councils of the Band.

Dr. Jones combined sections 13 and 16 from the 1869 Act, which together formed the basic terms of enfranchisement, altering certain parts, and dropping others, in order to address many of the concerns expressed by delegates. His scheme provided for fee simple title to an allotment, which could be disposed of according to the laws of the country, and for exemption from all special legislation pertaining to Indians. The enfranchised Indian's wife and children would be enfranchised along with him, but all would retain "their rights to participate in annuities and rent money, and interests and

councils” of the Band.⁴⁰ The Band, not the Superintendent General of Indian Affairs, retained the first right to consider a candidate’s application as well as authority on the size and location of allotments. Under both Jones’ and Salt’s schemes, the enfranchised Indian retained a tangible connection to the Band. The principal distinction between the two proposals was the fee simple title advocated by Jones, which posed a greater risk to the community than the life estate. Salt withdrew his proposal and the committee adopted Jones’ proposal “almost unanimously.” John Henry, who opposed fee simple title, can almost certainly be counted among the committee dissenters. His Band later memorialized Indian Affairs to express their opposition.⁴¹

Jones’ enfranchisement scheme endured a rougher ride at the Grand Council than in committee. The committee report prompted “considerable discussion” on Thursday evening and delegates ultimately decided to lay the issue aside until the morning, “so as to give the Council time for consideration.”⁴² In the morning, opponents to Dr. Jones’ scheme for enfranchisement expressed their views. They were, by no means, of one mind, but criticism was confined to two specific issues. Some delegates continued to express the view that the enfranchised Indian should be “bought out” of the monetary interests of the Band, and therefore its councils also, but they had different reasons to support of their position. In some cases, the attitude seemed to grow out of a sense of rejection, but more often, the contemplated buy-out was simply seen as being consistent. If enfranchised Indians retained an interest in the privileges of the Band, they also remained under the influence, or “tutelage,” of the department. Other delegates probably

⁴⁰ *Ibid.*, 23.

⁴¹ *Ibid.*, 22-23. For Chippewas and Munceys of the Thames opposition to the enfranchisement scheme, see NAC RG10, volume 1948, file 4292. Indian Agent Livingston to Superintendent General of Indian Affairs David Laird, January 15 1875.

had the economic potential of the enfranchisement candidate foremost in their thoughts. An individual's share in the monetary interests of the Band could be a substantial lump sum payment that would help the new citizen establish himself. Opponents to Dr. Jones' enfranchisement scheme also criticized the use of Band lands for fee simple allotments. One delegate suggested that the enfranchised Indian should receive sufficient money to buy land elsewhere. Another reiterated the encumbered deed proposed by Reverend Allan Salt and by John Henry. Despite these criticisms, the Grand Council adopted the committee's report without amendment "by a large majority."⁴³

Once Dr. Jones' enfranchisement scheme had been accepted, the 1874 Grand Council quickly wrapped up its residual business. A number of delegates gave heartfelt speeches expressing gratitude to the Sarnia hosts and hostesses and satisfaction with the amount of business transacted in view of the number of languages. They also took pleasure in the "harmony and friendship" that prevailed – a not so subtle barb at the Six Nations delegates who had abandoned the council after the election of its President. However harmonious were the proceedings, the 1874 Grand Council's conclusions generated much controversy. Protest to Indian Affairs came from two well-defined sources: the Six Nations of Grand River and the Munceys and Chippewas of the Thames. In connection with the Munceys and Chippewas, the Indian Agent for those two communities wrote to the Superintendent General of Indian Affairs that both Bands opposed the enfranchisement resolution about to be presented to Laird. Moreover, they were "prepared to enter a formal protest against the same should it be deemed expedient

⁴² *Grand General Council, 1874*, 23.

⁴³ *Ibid.*, p. 23.

and necessary that they do so.”⁴⁴ The fact that the Munceys and Chippewas of the Thames resisted formally aligning themselves against the Grand Council suggests they retained a general respect for the council and its methods. Moreover, a formal protest was not required, not yet anyway, because the Grand Council delegation to Ottawa simply asked the government not to move on enfranchisement until they had more time to discuss the issue in their communities. The Liberal government honoured their request despite pressure from the Conservative Opposition, stating twice in the House of Commons that in deference to the request of the “Indian Council” they would not proceed on enfranchisement until the following year. On one of those occasions, Prime Minister Alexander Mackenzie flatly told a critic that “whatever had to be done with the Indians [regarding enfranchisement] must be done with their consent.”⁴⁵

The Six Nations from Grand River, on the other hand, protested loudly about the Grand General Indian Council. In a letter to Indian Affairs, they complained that they had “unanimously withdrawn” from the 1874 Grand Council and that the eight delegates who remained (the minutes reveal only six) were there unofficially, as observers only. The implication, although not spelled out directly, was that the Six Nations of Grand River should not appear as delegates to the Grand Council, or at least, should not be construed as having participated in any of its business beyond the election of the President. They stated that the Grand Council minutes perpetrated an untruth where G.H.M. Johnson had claimed “more than half” of the Six Nations remained to participate. This is clearly a question of interpretation. Although it is impossible to determine precisely how many Six Nations delegates remained compared to how many left, it is

⁴⁴ NAC RG 10, volume 1948, file 4292. Indian Agent Livingston to Superintendent General of Indian Affairs David Laird, January 15 1875.

certain that there could not have been much more than half either way. Moreover, of four Six Nations Bands in attendance, only the faction from Grand River departed early; those who remained took an active, not observatory, part in the proceedings. Finally, the Six Nations “thoroughly disapproved” of the council’s conclusions, which seems unwarranted in view of the extraordinary efforts made by the Anishinabek to respect Six Nations opinion on elective Chiefs, locations and enfranchisement. Only the Grand Council’s surprising reversal on section 6, marriage and women’s status, can be said to have had the potential to disrupt Grand River’s self-determination.⁴⁵

In 1876, the Canadian parliament passed “An Act to amend and consolidate the laws respecting Indians,” or more simply the “Indian Act, 1876.” The Indian Act, as its long title suggests, primarily consolidated existing policy and regulations relating to First Nations, but also contained several substantial changes. Unfortunately, the Grand General Indian Council minutes for 1876 are, for the moment, lost. All that remains from their deliberations are two enthusiastic resolutions addressed to Superintendent General of Indian Affairs David Laird – one to accept the Indian Act by a vote of 66-1, the other to “express gratitude” for the enfranchisement section contained therein. Historians have described the Indian Act of 1876 as presumptuous, unwarranted interference with First Nations sovereignty; a sometimes conniving, sometimes blunt, instrument of assimilation. Of the 1876 enactment, one historian has noted that it “contained slight revisions” to enfranchisement, “which it was thought would facilitate assimilation.” Moreover, changes to existing legislation “were related directly to furthering the process

⁴⁵ Canada, Debates of the House of Commons, March 4, 1875: 500. See also, March 1, 1875: 397.

⁴⁶ NAC RG10, volume 1949, file 4324. Grand River Six Nations to Superintendent General of Indian Affairs David Laird, received January 25 1875.

of civilization and permitting the government to encourage and direct it.”⁴⁷ Another historian noted that the Act “was essentially non-democratic since it favoured government control at every point where there was a potential contradiction between Indian wishes and federal authority.”⁴⁸ Hardly the stuff of praise and thus the Grand Council’s endorsements of the Indian Act appear, at first glance, quite strange.

On closer examination, the Grand Council’s endorsements are readily understood. Although the 1876 Indian Act left unchanged several sections of the 1869 legislation that the Grand Council had been rejecting or amending since 1870, it did enact the council’s recommendations on arguably the two most important issues, locations and enfranchisement. The Indian Act, 1876, allocated to the Band the authority to carry out locations and adopted, in principle, Dr. Jones’ enfranchisement scheme. Both were significant revisions. It is true that the government added to Dr. Jones’ scheme two levels of probation periods and a provision that “professional” Indians would be fully enfranchised; those additions would come under heavy scrutiny and criticism later. For now, the Anishinabek members of the Grand Council, for no Six Nations attended in 1876, remained optimistic about the Indian Act and Indian Affairs. The legislation still required major revision, but the department had shown a willingness to consider and implement the Grand Council’s recommendations, and, moreover, the Grand Council delegates considered certain ‘protection’ clauses, such as alcohol prohibition, to be eminently useful. In August 1876 the Deputy Superintendent of Indian Affairs wrote to the Reverend H.P. Chase conveying Superintendent General David Laird’s ‘gratification’

⁴⁷ John L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy,” in J.R. Miller, ed., *Sweet Promises*, 132. See also J.R. Miller’s article in the same publication, J.R. Miller, “Owen Glendower, Hotspur, and Canadian Indian Policy,” in J.R. Miller, ed., *Sweet Promises*, 325.

⁴⁸ Schmalz, *The Ojibwa of Southern Ontario*, 196.

to learn the Grand Council approved of the Indian Act. Successful alteration of Indian legislation coupled with official recognition from the government buoyed the Grand Council's confidence, in their selves, and in their relationship with Indian Affairs. Perhaps the late Reverend John Sunday's wisdom had been correct.⁴⁹

Laird's gratification was not facetious. During the House of Commons debates on the Indian Act in March and April 1876, Laird fought hard against Conservative opposition to Band authority on the enfranchisement scheme. Hector Langevin told the House of Commons that the new enfranchisement scheme would fail as surely as the 1869 and 1857 schemes. "The consent of the band to enfranchisement would not be obtained for this reason," Langevin noted with some justification, "it would introduce whites on the reserves, and bring about all the evils which followed the mingling of the two races."⁵⁰ Laird responded by noting that "the Bill was framed to meet the views of the Indians expressed at their grand council in Sarnia, summer before last. If they did not carry it out the fault would rest with themselves and not with the Government."⁵¹ He also explained why the government heeded the Grand Council's advice:

in the first place the Government thought that it would be very undesirable to frame any scheme for enfranchisement which would not be acceptable to the Indians. If this were done regardless of the consent of the band, confusion, want of harmony, and dissatisfaction would be produced. They knew from experience, and from the deliberations of the Council held the other year at Sarnia, that the Indians generally in these Provinces, were willing to accord enfranchisement to intelligent members of these Bands. By the 88th clause of the Bill, while the enfranchisement enabled them to hold their lands in fee simple, they also had the right to sit in Council and draw their annuities; and this was precisely what the Indians desired.⁵²

⁴⁹ Canada, Statutes of Canada, 1876, 39 Vict. Chap. 18: 43-73; 62, 68-72. NAC RG10, volume 1994, file 6829. Grand Ojibway Council Resolutions, July 12 1876. Secretary of Indian Affairs to Rev. H.P. Chase, August 10 1876. I am grateful to Dr. Donald Smith for alerting me to this correspondence, and for citations to several Grand Council minutes.

⁵⁰ Canada, Debates of the House of Commons, April 4, 1876:1037. March 21, 1876: 752-753.

⁵¹ Canada, Debates of the House of Commons, March 21, 1876: 752-753.

⁵² Canada, Debates of the House of Commons, April 4, 1876: 1037.

Well, not “precisely.” Laird neglected to mention that the government had added probation periods to the Grand Council’s enfranchisement recommendations. He was wrong: the fact that almost no one enfranchised after the 1876 amendments can be attributed to the probation periods rather than any failing on the part of the Anishinabek.

The Grand Council’s attitude towards the Indian Act did not change substantially between 1876 and 1878, but they did begin to articulate some criticisms relating specifically to enfranchisement. The 1878 Grand Council rejected the automatic full enfranchisement of professional Indians because such individuals were thereby denied the option of retaining the privileges of the Band, which remained available to those whom enfranchised under the usual arrangement. The Grand Council felt that all Anishinabek should share the same privileges, especially with respect to maintaining membership in the Band. Accordingly, they also rejected section 91, which established guidelines for enfranchisement allotments, on the grounds that males under 14, and females of all ages, have an equal interest in the Band’s lands, not half, as the legislation permitted.⁵³

The Six Nations of Grand River made another appearance at the 1878 Grand Council, but again left early amidst controversy. Section 63, which enumerated the legislative capabilities of Band councils, once again split the Anishinabek and Six Nations. The Six Nations wanted to strike the section from the Indian Act as being “ineffective,” but the Anishinabek delegates, who outnumbered their counterparts, refused. Discouraged, the Six Nations begged leave from the Grand Council, which was

⁵³ No Author, “The Indian Council at Sarnia,” *Algoma Missionary News and Shingwauk Journal*, August 1878: 112-114. Schmalz, *The Ojibwa of Southern Ontario*, 199-200.

also refused. The Anishinabek delegates apparently did not want to encourage a revolving door policy for the Grand Council, which could only detract from its legitimacy. The Six Nations left anyway, only to rejoin the council in 1880. The continuing conflict between the Six Nations and the Anishinabek at the Grand Council caused considerable anxiety among the Anishinabek members. David Sawyer, who had moved from Kettle Point to New Credit, urged the Anishinabek members to try to mend their relationship with the Six Nations, and to honour them by holding the next council at Grand River. "The great tree of the peace and council had been planted there by his forefathers," Sawyer told the council, "and the language used then was very solemn, and should not now be violated."⁵⁴ On the other hand, John Sumner pointed out that the presence of the Six Nations did retard the business of the Grand Council owing to the number of languages. Cape Croker's Peter Jones Kagedonce was closer to the point when he said that historic conflict between the two peoples continued to fester. Recalling the events of 1870, Kagedonce said he had "felt sorry when the Grand Council was under the control of the Six Nations, and had felt joyful when it was taken away from them."⁵⁵ Abel Waucaush agreed. The Grand Council would never return to Grand River.

After the Six Nations had left, the 1878 Grand Council went beyond solely considering the Indian Act to address another issue that would appear from time to time, namely, concern over the quality of education and living conditions at the Mount Elgin Institute, a residential industrial school the Anishinabek had helped to establish with the Wesleyan Methodists almost thirty years earlier. Although the Grand Council clearly considered critiquing government legislation to be its primary function, they had in the

⁵⁴ Schmalz, *The Ojibwa of Southern Ontario*, 199.

⁵⁵ *Ibid.*

past made recommendations on issues not directly related to the wording of legislation; that lesser mandate would become more prominent later in the Grand Council's history. In the meantime, complaints about the Mt. Elgin Institute prompted the Grand Council to appoint a "Board of Trustees" whose duties would be to "look after the affairs and condition of the Mt. Elgin Institute, and to hold occasional examinations of the students therein." Additionally, the President and Vice-President were deputed to hear the concerns of individual Bands, as well as to "solicit funds from abroad towards the better operation and maintenance of the Institute."⁵⁶ Unfortunately, the activities and effectiveness of the Board of Trustees are presently unknown.

In 1880, the Government of Canada revised and consolidated the Indian Act, prompting what promised to be a thorough re-examination of the legislation at the 1882 Grand Council. In many ways the 1882 meetings resembled the inaugural 1870 council. Six Nations, Moravians, Munceys and Anishinabek joined together to examine new Dominion legislation. But Six Nations participation in the Grand Council had been spotty: no Six Nations attended in 1876, and only Grand River had attended in 1878, leaving the proceedings early. No Six Nations delegate had been elected to the Executive since 1874, and that election, it should be remembered, was quite controversial. By way of contrast, more and more Anishinabek Bands were committing themselves to the council. In 1882, fifteen Anishinabek reserves were represented, including most of the Bands from the Georgian Bay/Manitoulin Island district, who had been slipping slightly from the fold; Anishinabek membership in the Grand Council would increase by an additional four Bands two years later.

⁵⁶ No Author, "The Indian Council at Sarnia," *Algoma Missionary News and Shingwauk Journal*, August 1878: 112-114; 114.

The 1882 Grand Council was truly remarkable. It featured a genuine and fruitful reconciliation between several disparate groups, a huge party to celebrate the grand opening of New Credit's new Council House, the articulation and enforcement of a great Grand Council principle, and Grand River's final contributions as delegates to the Grand General Indian Council of Ontario. Less confrontational than 1870, 1874 and 1878, 1882 nevertheless had a spectacular conclusion. The council was held at New Credit, Wednesday, September 13th to Monday, September 18th. 109 delegates, including 37 Six Nations, represented 21 communities from the southern Great Lakes region of Ontario. On the morning of the first day, outgoing President William Wawanosh reminded the Grand Council of its past success and gave some familiar advice to the delegates. Earlier Indian Acts, said Wawanosh, had been found wanting, but they had been changed according to the Grand Council's advice, such that the present legislation was "far in advance" of the original, though still "capable of improvement." Actually, it appears that by 1882 the council's only direct legislative successes had been on enfranchisement and the addition of locations to the Band's legislative abilities, important though they were. Wawanosh said that each section of the new Indian Act would be "explained to them by men of our own race who were capable of doing so," and asked delegates to "deliberate upon them with an eye to the general good of the race and not simply for the benefit of their own reserves."⁵⁷

After lunch, Reverend H.P. Chase, who had been elected President in 1874 and acclaimed to the position in 1876, was elected by a clear majority of two on the first ballot. The Six Nations nominee for President, James Styers from Grand River, was

⁵⁷ *Minutes of the 7th Grand General Indian Council, Held Upon the New Credit Indian Reserve ... September 13th to September 18th, 1882* (Hagersville ON: 1883) 9.

acclaimed 1st Vice-President, and James Solomon, from Shawanaga, Georgian Bay, was elected 2nd Vice-President. Thus, delegates elected one Anishnaabe from southwestern Ontario, one from the Northern Bands, and one Six Nations delegate to the Executive. The reconciliation evident in the election of its Executive carried over to the Grand Council's first business on Thursday. After addresses by the President and the 2nd Vice-President, the Grand Council worked to resolve some unfinished business. They 'showed themselves honest' and wiped out by contribution the council's small debt. They discussed different formulas for bearing the council's expenses in the future. Most importantly, they agreed that future Grand Council delegations would be no more than one representative per one hundred Band members, tacit acknowledgement that deeper issues had, in the past, divided the council – and indeed, would continue to do so.⁵⁸

With the preliminaries out of the way, the Grand Council moved fairly quickly through a number of Indian Act sections that the delegates singled out for discussion. The Grand Council discussed at length the law relating to women's marriage outside the Band. The legislation had been modified somewhat to women's advantage in 1880 but it continued to deny status to those that married non-Indians. Despite the obvious discomfort the legislation caused the council, delegates could not formulate an amendment that would satisfy everyone and the section was allowed to stand as it was. As they had since 1870, the council continued to insist that First Nations men ought to be permitted to formulate their own last will and testaments. Failing such permission, eligibility for inheritance under the present legislation should be extended beyond the nuclear family. For the seventh consecutive session, the Grand Council rejected section 82, which denied the annuity to an incarcerated Indian and potentially held the Band

⁵⁸ *Ibid.*, 10-13.

accountable for the costs of his or her prosecution. On the positive side, the Grand Council requested that section 36, a new provision that permitted the Superintendent General of Indian Affairs to lease the land of sick and infirm persons without the usual surrender, be extended to include tradesmen and the destitute. Section 74 (formerly 63), the Band's legislative abilities, received "high praise" from Dr. P.E. Jones, Sampson Green of the Six Nations and other delegates, all of whom hoped Indian Affairs would encourage Ontario Bands to formulate their own regulations under its auspices. As usual, the Grand Council approved unreservedly of the liquor prohibition sections.⁵⁹

Predictably, enfranchisement produced the usual tension between the Six Nations and Anishinabek delegates. The government had heeded the 1878 Grand Council's advice regarding professional First Nations. The 1880 revisions now stipulated that such persons could retain the privileges of the Band, should they so choose. However, the legislation continued to state that the Superintendent General was responsible to allot Band property to the professional, a provision contrary to the required Band approval for the usual enfranchisement allotments. Abner Elliott of Cape Croker immediately pointed out the inconsistency. Discussion, pro and con, surrounding enfranchisement in general, however, predominated. The Six Nations expressed their continued opposition to enfranchisement, which they considered to be the means of "breaking up the reserve," a view echoed by the Munceys. By way of contrast, Joseph Wawanosh of Sarnia, and John Sterling and Dr. Jones of New Credit praised the enfranchisement sections. Sterling referred to the certainty of title that the legislation created, and Wawanosh hoped that those qualified would take advantage of enfranchisement and make their presence felt in parliament. Dr. Jones stated flatly that the Band council was the "proper place" for

⁵⁹ *Ibid.*, 15-18.

opposition to enfranchisement in principle. He thought it was “unwise or unpolitic” to oppose enfranchisement at the Grand Council, where so many delegates considered the legislation a “step towards civilization and independence.”⁶⁰ The Grand Council ultimately approved enfranchisement, amended to restore Band authority to the allotment provided to professional Indians. The argument that non-compulsory legislation approved by any member Band ought not to be rejected would become one of the Grand Council’s guiding principles, and would figure prominently at the 1884 sessions.⁶¹

The Grand Council adjourned after the debate on enfranchisement, and the next day, Friday, delegates helped New Credit celebrate the grand opening of their new Council House. Although the celebration of New Credit’s new Council House was an exceptional circumstance, the host reserve always incorporated intimate social activities into Grand Council proceedings. There was always a banquet, and, at the close of the council, delegates and other visitors often socialized together, exchanging stories and vocal renditions of popular and spiritual songs. Anishinabek brass bands from several reserves entertained. More than 3,000 people attended the grand opening of New Credit’s Council House, including a large contingent of ‘white’ participants. Six Nations and Anishinabek Chiefs gave stirring addresses, sometimes in their native tongue, sometimes in English; in all cases speeches were translated for the benefit of all the revellers. A war dance was performed, a “more than ordinarily rich and savory” dinner served, and the celebrants entertained with impressive and amusing solos of English

⁶⁰ Canada, Statutes of Canada, 1880, 43 Vict. Chap. 28: 202-235; 231. *Grand General Indian Council, 1882*, 19.

⁶¹ *Ibid.*

songs. The celebration closed with a solemn naming ceremony for Dr. Jones' wife conducted by the Reverend H.P. Chase.⁶²

Unfortunately, the good cheer and camaraderie evident at Friday's celebrations did not carry over to the Grand Council's deliberations on Saturday. President Chase opened the council by remarking that the Grand Council had reflected upon the Indian Act, but was not prepared to "pronounce" on any more of the sections. Some of the delegates had already left, and he himself had to depart that afternoon to attend to his ministry. Chase asked the council if they should simply leave the remainder of the Indian Act, namely, the "lands" sections and the "miscellaneous" provisions at the end of the Act. The council balked. William Wawanosh thought their deliberations had been going well, that very few delegates had left and that, most importantly, delegates would have little to report to their Band councils if they left now. A prominent New Credit resident added that delegates' wants and needs would be attended to by the Band, and that they need not abandon the council for financial reasons. Chase willingly acceded to the Grand Council's desire to continue, but in truth, little else was accomplished. The debate on enfranchisement resumed, with numerous speeches in favour, and a few against, after which the Grand Council glibly passed the remaining sections of the Indian Act as "acceptable" – all before lunch.⁶³

After lunch, the Reverend H.P. Chase's presidency began to unravel. After the delegates selected Cape Croker as the location for the 1884 Grand Council, Grand River's A.G. Smith, who professed a deep respect for the reverend, explained that lately he had learned Chase did not have the proper delegate credentials. As he understood it,

⁶² *Ibid.*, 23-25.

⁶³ *Ibid.*, 26-27.

apparently no one Band had appointed Chase to attend the Grand Council, and he thought it “contrary to business and custom that any person should hold that important and honorable office [President] unless he were a proper Delegate from some Band of Indians.”⁶⁴ He recommended that Chase, who had already left for his ministry, be summoned to the council on Monday to discuss the irregularity, and asked the Secretary to read over the delegate list in order to confirm his suspicion. Naturally, Smith’s revelations “greatly surprised” Grand Council delegates, and they readily agreed to his recommendations. Smith’s information had been correct: Chase’s name did not appear on the delegate list.⁶⁵

Chase did not handle the adversity very well. On Monday morning he told the Grand Council that although he had been absent from his Rice Lake Band for many years, “he had constantly applied himself to the welfare of his people.”⁶⁶ He explained that he had advised the Rice Lake Band to appoint delegates to the council, and had simply assumed that he had been one of the appointments. Had he stopped there, the Grand Council probably would have worked something out to accept him as a delegate, but the gravity of the situation meant his presidency was in serious jeopardy. A clearly distraught Chase had more to say. He said that since he had been attending “faithfully” since 1870 and had acted as the council’s President in the past, he should be recognized as a delegate according to the principle that “custom becomes law.” He defiantly refused to step down from his position “unless put out by the Council.” As a final blow, Chase

⁶⁴ *Ibid.*, 28.

⁶⁵ *Ibid.*, 27-28.

⁶⁶ *Ibid.*, 29.

stated that Chief Crow, who headed the delegation from his Band, was only a 2nd Chief, implying thereby that Crow's claim to speak on behalf of the Band was illegitimate.⁶⁷

Needless to say, the Grand Council found Chase's explanations to be less than satisfactory. Chief A.G. Smith replied that the argument that "custom becomes law" did not apply in this case; the fact that Chase had been delegated to attend past councils in no way guaranteed that he should be entitled to attend future councils without the proper credentials. He thought that permitting such an irregularity would severely damage the Grand Council's reputation with the government and with those that would assist the First Nations. Chief Crow angrily denied Chase's claims, stating that he was indeed the Head Chief of the Band, and that they conducted their business with no input from Chase. He too questioned Chase's legal logic: Crow "did not believe any of the former Grand Councils had elected officers who were Non-Delegates and it most certainly was not their custom to do so."⁶⁸ Sampson Green from Grand River agreed that the President had not been elected properly and recommended that the Grand Council establish a Constitution to avoid such confusion in the future. An Anishinabek motion to overlook the irregularity of Chase's election failed. In amendment the Grand Council requested Chase to step down by a vote of 34 to 25. As the close margin suggests, Chase's rough handling was the source of discomfort for some of the delegates, Chief Crow among them. He subsequently asked the Grand Council to recognize Chase as a *delegate* from his Band, but whatever sympathy may have initially existed for Chase continued to evaporate, and Crow's request failed on vote by a margin of 2 to 1.⁶⁹

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 30.

⁶⁹ *Ibid.*, 30-32.

In the larger scheme of things, Chase does not deserve his fate as an historical foil, but his missteps, in terms of Anishinabek leadership roles, abound. He insulted Chief Crow. His deployment of the argument that "custom becomes law" seemed vain and self-serving. He put the council in the position of having to force him from the presidency, rather than agree to retain him. Probably his greatest fault, however, resided in his seemingly innocent assumption that the Band had made him a delegate. Chase assumed entirely too much. He attended the council without bothering to confirm that he had been appointed by his Band to do so, and worse, then presumed to speak on their behalf. Could he be trusted to represent the Grand Council's resolutions to the government faithfully? To have concerns in that direction was to have already answered the question. Not only was Chase not a proper delegate, he was not, at this juncture in his life, fit to represent the Grand General Indian Council of Ontario. With Chase formally deposed, the Grand Council proceeded to a new round of presidential elections. Sampson Green won the presidency over Fred Lamorandiere from Cape Croker, a long-time Secretary of the Grand Council. The council appointed a Constitution committee composed of two Grand River and three Anishinabek delegates to report in 1884. After the new President "affirmed" the council's work and the appropriate thanks were given to New Credit, another eventful Grand General Indian Council came quickly to a close.⁷⁰

Chase never again attended the Grand General Indian Council. For that matter, neither did Grand River, although the elected Six Nations executives did continue to carry out their responsibilities until 1884. Two passages in the 1884 minutes suggest several Six Nations men may have attended the 1884 Grand Council as observers. In his introductory notes, Secretary Dr. Jones stated 53 delegates attended the council, although

⁷⁰ *Ibid.*

the official delegate list names only 50. Jones may have made a simple mistake, but it is worth noting that the incumbent President, Grand River's Sampson Green, was included on the ballot for 2nd Vice-President. His nomination for that position is particularly curious given the circumstances of Chase's fall from the presidency two years earlier, that is, the absence of proper delegate credentials; since Sampson Green was not a delegate, he probably could not have been elected. For the decade following 1882, the Grand Council left a light on for the Six Nations. Grand Council Secretary-Treasurers continued to send invitations and printing assessments to Six Nations reserves in Ontario and Quebec. Dr. Jones noted in the circular announcing the 1884 Grand Council that "the invitation to all the Indian Bands in Ontario to send Delegates is a standing one."⁷¹ In the introductory notes to the 1884 minutes, Jones pleaded each reserve to send delegates to the 1886 Grand Council so that the extension of the federal franchise to the 'eastern Indians' in 1885 could be properly discussed. Anishinabek entreaties, however, did not have much success. The Gibson's Landing Six Nations, who emigrated from Lake of Two Mountains to their Parry Sound location in 1881, may have attended one council in the late 1880s.⁷²

One other passage in Dr. Jones' introductory notes to the 1884 Grand Council minutes might be understood as an attempt to appease the Six Nations. Dr. Jones asserted that the new written Constitution would henceforth be "strictly" observed. In truth, such vigilance did not occur, nor was it required. The written Constitution, for the most part a

⁷¹ NAC RG10 volume 6809, file 470-2-3 pt. 1. Sampson Green to Superintendent General of Indian Affairs and Prime Minister John A. Macdonald, July 9, 1884. NAC RG 10 volume 2544, file 111.678. Scobie Logan to Chiefs, November 21 1890. Indian Agent George Long to Deputy Superintendent General of Indian Affairs Lawrence Vankoughnet, December 8 1890. NAC RG10, volume 2263, file 53,590. Dr. P.E. Jones to Chiefs, July 10 1884.

⁷² *Minutes of the Eighth Grand General Indian Council, Held Upon the Cape Crocker Reserve ... Sept. 10th to Sept. 15th, 1884* (Hagersville ON: 1885) 3-5, 8-9.

reiteration of procedural decisions adopted over the previous fifteen years, was never more than a mutually agreed-upon set of guidelines. Delegates tested the Constitution four times in 1884, upholding it, to the letter, only once. With the absence of the President and 1st Vice-President, both Grand River residents, responsibility for the proceedings fell to 2nd Vice President Solomon James. Feeling somewhat overwhelmed by the unexpected duty thrust upon him, James asked the council to appoint a temporary President to assist him in his duties. The written Constitution, however, stipulated that elections would take place at the end of the proceedings. Nevertheless, against very mild opposition, delegates granted James' request, and elected W.B. McGregor of Cape Croker to assist him. The Grand Council accepted David Sawyer, who had been attending regularly since 1870, as an "Honorary Delegate" even though he did not have the proper Band credentials. The same honour was denied Chief Waddilove of the Munceys of the Thames on the fourth day of the proceedings, who was accepted at that late date only as a "visitor." The spirit of the Constitution, which was a commitment to balance and order, superseded its written counterpart. When the written Constitution threatened the harmony and unity of the Grand Council, it was overruled.⁷³

One of the 1884 Grand Council's four encounters with the written Constitution calls for special attention. Garden River and Sault Ste. Marie, two Bands that had not attended since the mid-1870s, were among the four additional Anishinabek Bands to attend the 1884 Grand Council, which was held at Cape Croker September 10th to 15th. They hoped the Grand Council could assist them with several grievances, but they were initially dismayed with the proceedings. Augustin Shingwauk, Chief of Garden River, contemplated abandoning the council after the second day of deliberations. That morning

⁷³ *Grand General Indian Council, 1884*, 9, 11-12, 13-14, 17-18, 22.

he had taunted Grand Council delegates, asking them to “speak louder.” As Jones noted in the minutes, Shingwauk “thought the habit of speaking so low was acquired while the young men were making love to their sweethearts. He hoped they would in future speak out bold and loud and show that they did not sue very long to win their wives.”⁷⁴ That evening, Solomon James attended a council held by the Sault Ste. Marie and Garden River Bands and convinced them to stay, at least until the morning. James explained to the Grand Council:

[the Northern Bands told him] they were not acceptable in the Grand Council, and that they could not understand the work of the Grand Council and had decided to go home. He had asked the Delegates to come to the Council this morning and see if better arrangements could not be made, a greater chance given them to speak.⁷⁵

The Grand Council resolved to overstep the order of business contained in the written Constitution to hear the complaints of the Northern Bands immediately, despite opposition from both McGregor and Jones. Shingwauk was the first to speak, and he intimated that he had only come that morning to “make my parting friendly,” but the Grand Council had convinced him to stay, and he was thankful for their concern.⁷⁶

As it happened, in an incident that sheds some light on the Grand Council’s continuing self-definition, Shingwauk found himself recanting again two days later. In the course of discussion surrounding new legislation, the so-called Indian Advancement Act, Shingwauk said that “he blamed the Indians of the East and South who were educated for having these laws passed, but those of the North and West would not adopt

⁷⁴ *Ibid.*, 14. The delegates must have improved, for Shingwauk later congratulated them on their “fine speeches” but still doubted anything would come of them. 22.

⁷⁵ *Ibid.*, 17.

⁷⁶ *Ibid.*, 18.

them for they were awake and not asleep.”⁷⁷ Evidently someone explained to Shingwauk that evening that the Grand Council held the Band to be self-governing and that the council endeavoured to make all controversial Dominion legislation contingent upon Band consent and authority. The next morning, Shingwauk offered an apology:

He had often heard of the Indian Acts being discussed by the Eastern Bands, and he was under the impression and fear that they were endeavouring to include all the Northern Bands in their request to become unfranchised [sic] also, but now it appeared to him that such was not the case, and he felt more satisfied.⁷⁸

Shingwauk’s experience in 1884 reveals some key aspects of the Grand Council. In 1884, discussing federal legislation, a common concern to all Anishinabek, remained the council’s principal mandate. Delegates consciously rejected interference by the government in the management of their communities, and took care not to allow the Grand Council to become an alternate tool of coercion by insisting on Band consent and authority on particularly sensitive issues.

Part of Shingwauk’s difficulty in 1884 can be attributed to the definition of what constituted a common, as opposed to local, concern. The distinction could be muddy. In a circular Dr. Jones had sent to the Bands announcing the Grand Council, he invited Bands to submit topics for discussion according to certain criteria. Wrote Jones, “Any suggestions you wish to make, or subjects you wish to introduce to the notice of the Council, *of a general character for the benefit of the Indians*, should be sent in to me within one month.”⁷⁹ One of the northern Chiefs acknowledged that “local matters” belonged in the common council of the Band, “but as to their grievances with the

⁷⁷ *Ibid.*, 25.

⁷⁸ *Ibid.*, 28.

⁷⁹ NAC RG 10, volume 2263, file 53,590, Grand General Indian Council circular, Dr. P.E. Jones to Chiefs, July 10, 1884. (emphasis in the original)

Government he thought the Grand Council could assist them."⁸⁰ Shingwauk echoed that sentiment, and asked for the Grand Council's cooperation in obtaining payments for the minerals extracted from his lands, which "came slowly and often not at all."⁸¹

For all practical purposes, the grievances of the Northern Bands met Jones' criteria. Solomon James explained to the Grand Council that many of the grievances in the north were connected to the Robinson Treaty of 1850. That treaty confirmed hunting and fishing rights for the signatory First Nations, but those privileges were being "abused by the whites, who use the hunting and fishing grounds and remove their traps and otherwise interfere with them."⁸² According to James, the same individuals often cheated First Nations men out of their wages. Although the present Indian Agent in his district had been more vigilant than his predecessor, the issue of protection, as Garden River's grievances showed, required more attention from the government. James also complained that "deputations to the Government had not been properly received," and that absentees were denied their interest money. The number of grievances suggests a pervasive failure on the part of the government to meet obligations in the north. James suggested that the Grand Council push for direct representation of First Nations in the House of Commons, "that their interests might be looked after," and asked the council to appoint a spokesperson to "lay before the Department the grievances of the Indians."⁸³ The Grand Council passed a resolution that the Superintendent General of Indian Affairs be requested to investigate "as soon as possible" Robinson Treaty grievances.⁸⁴

⁸⁰ *Grand General Indian Council, 1884*, 28.

⁸¹ *Ibid.*

⁸² *Ibid.*, 18.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, 29.

Notwithstanding Jones' strong appeal for only "general" topics for discussion, other individuals and Bands brought their local grievances, for good reasons, before the Grand Council in 1884. Grievances could invariably be traced to the government through obligations acquired either through the Royal Proclamation of 1763, military service, treaty, or the Indian Act. Chief Peter Megis of Parry Island wondered why he did not receive the pension promised to him when he participated in the War of 1812. The residents of Sheguiandah on Manitoulin Island, who could not send a delegation due to prior commitments, wanted an audit of their annuity money, an explanation regarding the sale of certain islands and the proceeds therefrom, and to register their complaint that the government spent too much Band money on surveys and other public works. Chief Joseph Jaquo, a resident of Manitoulin Island, complained that he was not receiving his interest payments from the Sarnia Reserve, from whence he originated. David Assence alleged that residents on a neighbouring reserve were pillaging their wood. The Grand Council had considered individual grievances in connection with government obligations in the past, but their proliferation in 1884 pushed the Grand Council to expand its self-conception in that direction. Many grievances involved the local Indian Agent. That fact would cause some difficulty in years to come since resolutions to fund delegations to the council had to pass through Indian Agents, many of whom, justifiably, felt threatened.⁸⁵

That said, federal legislation continued to be the principal topic of discussion at the 1884 Grand Council. In addition to the Indian Act, delegates also considered the recently enacted "Act for conferring certain privileges on the more advanced Bands of the Indians of Canada, with the view of training them for the exercise of municipal

⁸⁵*Grand General Indian Council, 1884*, 28-31.

powers,” or more simply, the “Indian Advancement Act, 1884.”⁸⁶ The Act provided for annual elections of a municipal-style government on reserves, extending the powers of the Band council to include taxation and surer enforcement of Band regulations. The Indian Advancement Act encountered considerable opposition at the Grand Council. Shingwauk’s attitude towards the Act has already been noted; other delegates provided more tangible reasons for rejection than being “awake.” George Fisher of the Chippewas of the Thames drew attention to several shortcomings of the Act. He felt that the taxation provision was too severe because it permitted the imprisonment of individuals in default, a view echoed later by Abner Elliott from Nawash. Fisher thought that the structure of the elected council was inappropriate, that most Bands opposed the division of the reserve into distinct electoral districts, and finally, that under the Act Indian Agents had even more latitude to abuse their power. Solomon James did not think the Robinson Treaty Anishinabek were ready for the contemplated government structure and indicated that he would not support the Act.⁸⁷

Against those opposed to the Indian Advancement Act, a series of delegates offered an impressive array of arguments for its endorsement. Dr. Jones of New Credit, the only Band in Ontario to adopt the Act in the nineteenth century, considered it to be a “batch of privileges” for which he was “very thankful.” He reminded the Grand Council that in spite of its terse wording the Indian Advancement Act would only be applied to those Bands that asked for it, and that it would never be foisted upon unwilling Bands. He noted that under the Act, Bands could effect a fairer taxation system on the reserve, to which his New Credit compatriot Charles Herchimer added that Band regulations would

⁸⁶ Canada, *Statutes of Canada*, 1884, 47 Vict. Chap. 28: 116-121.

⁸⁷ *Grand General Indian Council*, 1884, 23-24.

be better enforced because they would have the force of municipal by-laws. The argument that turned the tide towards endorsement, however, was the Act's non-compulsory character. In addition to Jones, John French of the Chippewas of the Thames, William Walker of Saugeen, William Elliott of New Credit and William B. McGregor of Nawash all commented on the fact that the Act was non-compulsory. The Grand Council should not, therefore, reject it if some Bands approved. McGregor, in particular, gave a passionate address to that effect:

... it was now eight years since he had heard the Indian Acts and they were then discussed in the Grand Council. They were of a compulsory nature and he was one who advocated a change and to have them left more optional with the Bands. He was glad to know that the Government had listened to the Indians and the Grand Council. Now every Band was independent of each other. He could not avail himself of the advantages of the Act at present but he would not put any obstacles in the way of other Bands embracing it, and if he saw them getting along well he would imitate them. Applause.⁸⁸

McGregor's address prompted Solomon James to step back from his earlier position, saying he would not oppose the legislation if Bands from southern Ontario wanted it.

William Elliott concluded the discussion by saying the Superintendent General of Indian Affairs "did not wish to force his measures on the Indians against their will." Elliott noted that he would not have supported the Indian Advancement Act if he believed it would cause the Northern Bands any harm. The Grand Council endorsed the Indian Advancement Act by a "large majority."⁸⁹

Amendments to the Indian Act enacted in 1884 contained several victories for the Grand Council and one serious setback. The setback came in the enfranchisement legislation. The government altered several aspects of the enfranchisement scheme, most notably, that Band approval would no longer be required; henceforth, the Band could

⁸⁸ *Ibid.*, 23-27, 26.

only submit their opinions on the suitability of the candidate to the Superintendent General, who would have the final decision. Moreover, authority over enfranchisement allotments reverted to the Superintendent General. The government enacted those changes because they believed that certain Bands were preventing their members from being enfranchised. As a further inducement to consider enfranchisement, the government in 1884 also provided temporary tax exemption for the real property of newly enfranchised Indians. Paradoxically, qualifying for enfranchisement became much more difficult. In addition to the existing two levels of probation periods, the new applicant had to prove that he or she "is and had been for at least five years previous, a person of good moral character, temperate in his or her habits, and of sufficient intelligence to be qualified to hold land in fee simple and otherwise to exercise all the rights and privileges of an enfranchised person..."⁹⁰

Grand Council opposition to the amendments was surprisingly mild given its professed struggle for Band authority, and the enfranchisement amendments eventually carried unanimously. David Sawyer expressed his alarm at the government's re-appropriation of allotment authority and voiced the usual concerns regarding enfranchisement in general: first, that enfranchisement threatened to break up the Band, and second, that enfranchised Indians might squander their assets and be left destitute. Such concerns, however, could not overcome the ethic of non-interference. George Fisher said that he, and all "educated Indians," wanted more freedom and to become citizens. He thought the Act provided "sufficient protection ... to keep out the careless,

⁸⁹ *Ibid.*, 27.

⁹⁰ Canada, *Statutes of Canada*, 1884, 47 Vict. Chap. 27: 107-116; 113-114. John Leslie and Ron Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition (Ottawa: Indian and Northern Affairs Canada, 1978) 82-83. Canada, *Statutes of Canada*, 1884, 47 Vict. Chap. 27: 107-116; 113.

reckless ones.” Moreover, if the Band could produce no good reason to disqualify the candidate, “Why keep him back?” Fisher asked.⁹¹ In fact, Band approval and authority was a moot point because most enfranchisement candidates considered the probation periods to be too onerous.

Although the 1884 amendments to enfranchisement must be considered a setback because the Superintendent General superseded Band authority and qualification became more difficult, other amendments represented substantial victories. The government rewrote the “descent of property” section so that “any Indian” could dispose of his property by will, subject of course to certain conditions. The government also expanded extra-surrender leases to include professionals, teachers and tradesmen. The Grand Council had been requesting the right to make wills since 1870, and in 1882 had recommended expanding the extra-surrender leases to other members of the Band, an innovation originally conceived by the government to formalize their practice of leasing the fields of the elderly. The 1884 amendments also absolved the Band of any responsibility for the costs of prosecution of one of its members, which met with the council’s approval, but the incarcerated Indian still forfeited his right to annuity, rent and interest payments.⁹²

Four sections that had not been amended since 1882 prompted considerable discussion at the 1884 Grand Council. The council approved of section 84, which permitted the Superintendent General to appropriate Band funds towards the care of “sick, disabled, aged, or destitute” members. In the past, the council had reluctantly rejected the section on the grounds that the Band could take care of those persons without

⁹¹ *Grand General Indian Council, 1884*, 21-22.

the Superintendent General's intervention, but especially because of the unauthorized expenditure of Band funds. However, with no Six Nations present to staunchly defend the Band's autonomy, the Anishinabek delegates of the Grand Council voted to retain the section. Regarding "deserters," some delegates recommended they suffer imprisonment in addition to the loss of Band privileges, but their opinion was in the minority. The council did recommend, however, that husbands be punished for deserting their wives, even if they had no children; in the legislation's present form, only wives could be punished for that particular offence. The council recommended that the alcohol prohibition sections include a requirement that the Reeve of any town contiguous to a reserve be required to periodically post a proclamation urging strict observance of the Indian Act's prohibition on liquor. Neither recommendation found its way into the revised Indian Act of 1886. Finally, the Grand Council, behind Dr. Jones, continued to endorse the law relating to women's marriage outside the Band, which deprived her of her share of landed property. Dr. Jones asked the council to "consider the legal points of the question," saying that if they did not uphold the principle of patrilineal descent the "tribal relation" would be endangered. Against considerable opposition, the Grand Council once again voted to retain the section as it stood.⁹³

The minutes for the 1886, 1888 and 1890 Grand Councils have yet to be located, but some of the council's correspondence survives. During those years, the Department of Indian Affairs intensified its gaze on the First Nations of the western provinces, enacting very few changes to legislation relating to the Anishinabek residing in the

⁹² Canada, Statutes of Canada, 1884, 47 Vict. Chap. 27: 107-116; 108-109, 111, 112. *Grand General Indian Council, 1884*, 16.

⁹³ *Grand General Indian Council, 1884*, 16-17, 20, 21, 15. Canada, Revised Statutes of Canada, 1886, 49 Vict. Chap. 43: 647-686; 669-670, 677-681.

eastern end of Ontario. After 1884, the Grand Council worked to expand its membership and especially to place the council on a firmer economic footing through several tax schemes that infuriated the Department of Indian Affairs. The council desperately needed the money to remain self-sufficient; since the host Band paid for most of the expenses of the councils, the Grand Council's actual expenses were embarrassingly small – mostly printing and postage. But even comparatively small sums could be hard to come by with the regularity that the Grand Council required. By authority of the 1886 council, Secretary-Treasurer Scobie Logan sent tax assessments of a mere two cents per person to numerous Ontario and Quebec Bands in the late 1880s and early 1890s. Some had never attended the Grand Council, such as the Dokis and Nipissing Bands, while others had not attended in years, such as Caughnawaga. Of course the Grand Council hoped they would pay the tax and attend the councils, but such hopes were dashed by Indian Affairs who refused even to pay the many resolutions in favour of the assessments, usually amounting to about five dollars. Indeed, the department went so far as to instruct one Agent to “pay no attention to Logan’s letter as it was quite unauthorized by the Dep. [Department].”⁹⁴ Notwithstanding the department’s meddling, or perhaps because of it, the Grand Council had little success expanding its membership in the ten years following 1884. And after 1894 several conspiring factors would threaten the Grand Council’s very existence.

Despite their initial enthusiasm and determination to work together, the Anishinabek and Six Nations residing in eastern Ontario never did forge an effective “pan-Indian” political alliance. Differing political systems, contrasting attitudes towards

⁹⁴ NAC RG 10, volume 2544, file 111.678. Grand General Indian Council Circular, Scobie Logan to Chiefs, November 21, 1890. Secretary to Walton, December 11, 1890.

the federal government rooted in their historic relations with European powers, but especially a festering animosity that continued to exist between the two formerly deadly enemies, insured they would never agree on the two principal issues after Confederation, enfranchisement and elective Chiefs. The Anishinabek, however, remained optimistic about the Grand Council's potential to rectify aspects of their relationship with the federal government. Although it is true that Band authority on enfranchisement returned in 1884 to where it had been in 1869, this would remain a moot point so long as the government insisted on the despised probation periods – and they always insisted. On the other hand, 'bread and butter' issues like wills, leases and locations had been changed for the better, the Grand Council enabled a measure of scrutiny of the Mt. Elgin Institute, and it showed signs of evolving into a lobby group for specific local grievances. Delegates could discuss federal legislation and policy with others, share their perspectives, and exchange solutions to specific problems. Explicit support for the Grand Council came in the form of repeated resolutions to fund a delegation using scarce Band funds.

The fact that the Grand Council conformed to Anishinabek expectations of a general council contributed to the support it received from the communities. The host reserve assumed responsibility for the care and comfort of their guests, including not only delegates, but visiting entertainment such as Anishinabek brass bands and occasionally the families of delegates as well. The bulk of the proceedings were transparent to a gallery of visitors, which included Anishinabek men, women and children, as well as other observers. Either in the council, or in committee, delegates endeavoured to reach consensus on all their decisions, with special effort made on particularly controversial issues. All of the delegates, who were usually given some instruction by their Bands on

what to say on the principal issues and often on some local issue as well, had an equal right to address the council, and that privilege could be extended to any visitor with the President's consent. The President of the Grand Council, who was both Chair and official representative to the government, had the power to force closure on discussion, but that coercive tool was seldom used. Rather, the President trusted delegates to regulate themselves, and allowed them to thoroughly discuss controversial legislation in the hope that consensus might emerge, or failing that, that a better understanding of the different opinions might be reached. Consequently, unanimous agreement, or very nearly so, was the norm, and dissent infrequent. What dissent did exist was tolerated and easily forgiven. John Henry expressed the council's character quite succinctly in 1894:

It is to be hoped that this meeting is not only convened for the purpose of doing business but it will also be the means of more firmly cementing the bonds of friendship and closer acquaintance between the several Bands in the Dominion. Let us hope that the work to be done here by the delegates will be profitable to our people and that the chiefs and delegates will be able on returning home to make a favorable report of the work done here to their respective bands.⁹⁵

The Grand Council answered both a social and political need. Indeed, the two were not so easily separated.

⁹⁵ NAC RG 10, volume 1939, file 3885. Indian Agent Mackenzie to Superintendent General of Indian Affairs David Laird, September 14 1874. Residents of the Sarnia reserve dispensed close to 4000 meals during the 1874 Grand Council, and submitted for departmental approval a food bill in excess of \$1000 to be paid from Band funds. NAC RG 10, volume 2639, file 129,690-1. Moravian Band Council Resolution to Deputy Superintendent General of Indian Affairs, October 1 1894. Moravian Band Council to Deputy Superintendent General of Indian Affairs, November 1 1894. Indian Agent John Beattie to Deputy Superintendent General of Indian Affairs, November 8 1894. In 1894, the department initially refused to reimburse the expense, \$65, of hosting brass bands, but under pressure, relented. There were numerous references to visitors in the minutes of the various Grand Councils, and their privilege to address the council was specifically enshrined in the 1884 Constitution. For specific reference to women and children at the Grand Council, see NAC RG 10, volume 2641, file 129,690-3A. Undated 1919 *Toronto Star* article, "Treaties Are Broken, Declare The Indians: Council of Ojibways Ask for Recognition as a Nation." The Grand Council's experiences with the Six Nations, with the Chippewas and Munceys of the Thames in 1874, and with Shingwauk ten years later, are characteristic of their tolerance of dissent. NAC RG 10, volume 2639, file 129,690-1. *Minutes of the Thirteenth Grand General Indian Council of Ontario and Quebec; Held Upon the Moraviantown Indian Reserve, From 16th to 20th October, 1894* (Warton, 1895) 7.

Chapter 4

During the 1880s and early 1890s, Anishinabek delegates to the Grand General Indian Council maintained their faith in the government and in the Department of Indian Affairs. In 1882, the Reverend H.P. Chase suggested to the Grand Council that relations with the Imperial Government had been better than they had been with the Dominion, for which he received a sharp rebuke from several prominent delegates. In 1885, Dr. Jones praised the federal government for at long last extending the federal franchise to certain First Nations, including the Anishinabek of eastern Ontario, without having to relinquish their Indian status. In 1890, Scobie Logan almost boasted of his communication with several influential politicians, and the action they promised for the Grand Council. But turbulence in the Conservative government after the death of Sir John A. Macdonald severed some of the connections the Grand Council had been so carefully cultivating; wholesale changes under the new Liberal government of 1896 exacerbated the problem. The Grand Council also had to contend with a less receptive Deputy Superintendent General of Indian Affairs after 1893. Although the Grand Council Executive finally succeeded in 1896 to persuade him to attend the council, fate intervened, and it seems neither the Deputy, nor his senior, ever attended a Grand Council. Instead, in all but several cases, when the department did send a representative, the responsibility fell to the local Indian Agent. Unfortunately, their presence coincided with a changing attitude at

the Grand Council. Beginning in 1894 delegates divided their attention more equally between faulty legislation and faulty administration.¹

The 1892 and 1894 meetings illustrate the Grand Council's deteriorating relationship with the government, with Indian Affairs, and with Indian Agents in the field. The 1892 council was held at Alderville, near Rice Lake, September 20th to 26th. Delegates resolved to circumnavigate the federal government on hunting and fishing rights to communicate directly with the Ontario provincial government. They asked the department to furnish them with complete copies of the most recent Indian Acts for their future meetings. Practical as it seems, the request for copies of the Indian Act suggests that the Grand Council was already out of the loop; it was their first such requisition in more than twenty years of meetings. Delegates also discussed establishing an "Indian Advocate," perhaps the President of the Grand Council, who would visit individual communities to hear complaints and use the Grand Council's access to the department to ensure they received proper attention. In the end, the Grand Council left in abeyance the idea of an Indian Advocate, which would have represented an intensification of the Grand Council's previous commitment to local grievances. To press vigorously for individual grievances was incompatible with a cooperative disposition toward the government, and in the 1890s, could have completely closed the lines of communication that were already in jeopardy. But the Grand Council had acknowledged the need for an advocate for local grievances outside the normal channels established by the department.²

¹ *Grand General Indian Council, 1882*, 14-15. *Grand General Indian Council, 1884*, 8-9. NAC RG 10, volume 2544, file 111.678. Scobie Logan to Indian Agent John Thackeray, November 24 1890.

² NAC RG 10, volume 2639, file 129.690-1. *Minutes of the Grand General Indian Council of Ontario, 1892 (partial)*, 4th day page 1, 4th day pages 1 and 2, 5th day page 4.

When the Grand Council reconvened at Moraviantown in mid-October 1894, only the communities residing in southwestern Ontario sent delegations. The 1894 Grand Council expressed even more vividly its diminishing faith in the government. On the morning of the first full day of business, delegates passed a resolution to respect the constitutional limit on debate – each delegate being permitted two turns to speak for ten minutes on each subject. A motion in opposition was advanced, but the original carried. The incident has double significance. Not only does the discussion illustrate the tenuous grasp on proceedings of the written Constitution; it also revealed, in a jocular way, an underlying discontent with federal politics. Discussing the motion to limit debate, one unnamed delegate in favour chided his opponents: “do you want to do as they do in Ottawa, speak 48 hours and yet say nothing.”³ His satire was met with “Laughter.” Dissatisfaction with the state of the federal government would be expressed more pointedly the next afternoon when the Grand Council discussed the plight of the First Nations in the west. President Tobias took the lead, saying that “it appeared to him that the restrictions put upon Northwest Indians with regard to the disposal of their produce by consent of the Department only, as far as the facts now known to him went, [...] was not altogether right.”⁴ After further discussion, the council instructed the President to appoint a fact-finding committee on the west to make reports at the next Grand Council. Tobias’ resolve can be deduced by the quality of the delegates he selected, one from each Band represented: the Grand Secretary Fred Lamorandiere and his Assistant Scobie Logan, Chiefs John Henry, H.W. Medwayosh, D. McDougall, Wilson Jacobs and James

³ NAC RG 10, volume 2639, file 129,690-1. *Grand General Indian Council, 1894*, 10. See Basil Johnston discussion on general councils in which he states that the first principle of credibility is “talk not too much.” Johnston, *Ojibway Ceremonies*, 162.

⁴ NAC RG 10, volume 2639, file 129,690-1. *Grand General Indian Council, 1894*, 19.

Fox, as well as Rev. W.A. Elias and J.B Noah. Noah represented Moraviantown because Tobias resisted nominating himself to the committee. Unfortunately the committee's report, along with the minutes for 1896 and 1898, are for the moment lost.⁵

In between the Grand Council's jocular swipe at Euro-Canadian political culture and its serious commitment to review the government's performance in the west, came criticism of the competence of Indian Agents and displeasure with the presumption of the Superintendent General of Indian Affairs. Discussing the advisability of prohibiting the manufacture of cider, as it was an intoxicant, Chief John Henry remarked that the prohibition sections had been "a failure." Convictions at the Magistrates' Court, said Henry, were "invariably quashed" in the appellate courts because the provinces had the constitutional authority to legislate on liquor. In reply, Lamorandiere said Henry's remarks surprised him because their Indian Agent never had difficulty in obtaining liquor convictions. Failure to obtain convictions, Lamorandiere surmised, "was perhaps due to what sort of men they had for agents."⁶ The next day, several delegates criticized the government for increasing the discretionary power of the Superintendent General in section 20, wills. Amendments made in 1894 ignored the Grand Council's earlier recommendations on descent of property and superseded the Band council's authority. President Tobias said, "he disapproved of the Superintendent General assuming all and every responsibility and entirely ignoring Indian Councils."⁷ A compelling reason for Band authority on wills was the ineffectiveness of some Indian Agents. As Rev. Elias pointed out: "the Superintendent General could not form any correct idea with regard to the sentiment of the Indians and what they thought of that section unless he had a faithful

⁵ *Ibid.*, 19.

⁶ *Ibid.*, 11.

and conscientious Indian Agent to give him the necessary information to make a true diagnosis of the wants of the Indians.”⁸ Although criticism of the government, the department and its Indian Agents arose from legitimate legislative concerns, open dissatisfaction from the Anishinabek represented a radical departure from earlier proceedings.

Legislation concerning the management of the community figured prominently in the early 1890s. In 1892, delegates struggled with some of the finer points of intestate descent of property and discussed improvements to Band electoral procedures provided for in the Indian Act, including the advisability of adopting secret ballots. Both issues went to committee for consensus, whose reports were approved by the Grand Council. Neither report influenced Indian Act amendments in 1894. The 1894 Grand Council wanted the Indian Act amended so that members of a Band would require a permit to cut wood for their immediate use. Delegates also recommended harsher penalties for adulterers and deserters, and against some opposition, that an incarcerated Anishnaabe, not the Band, should be solely responsible for the costs of his or her prosecution. The Grand Council also recommended that Indian Agents be given the authority to issue search warrants for liquor and to try and mete out punishment for theft and assault cases. George Henry of New Credit recommended that candidacy rules under the Advancement Act include honesty, sobriety, morality and competency as qualifications. Delegates discussed but could offer no improvement on Indian promissory notes and automatic loss

⁷ *Ibid.*, 17.

⁸ *Ibid.*

of annuity if absent from the community for over five years without permission from the department.⁹

Three pieces of federal legislation occupied the bulk of the 1894 Grand Council deliberations. Delegates discussed at length children born outside of wedlock and women's marriage outside the Band, and enfranchisement received its usual "serious consideration." Section 9 of the Indian Act provided that any child born out of wedlock, "natural children," could be removed from the Band payroll by the Superintendent General of Indian Affairs. Reverend W.A. Elias from Walpole Island pointed out the injustice that while it was illegal to admit "spurious children" into the Band, the parents went unpunished. Said Elias: "the parents of such children should be dealt with very severely. It would not be giving them any too much if they were banished from the reserves."¹⁰ Although other delegates thought that the present punishment was inadequate, on the whole, they were primarily concerned about the welfare of the children. While Abner Elliott and Chief John George spoke against giving annuity money for the support of children, George saying that such a policy "would look like encouraging the vice," Chief W.B. McGregor, Josiah J. Wilson, Moses Kaikaik, Elias and especially George Fisher argued that support should be provided. Fisher said that he had come to Moraviantown "to do some good and particularly to protect our women who had no voice in the Grand Council."¹¹ He agreed with McGregor that many of the children were the result of seduction by "unprincipled men." Elias and Kaikaik put forward a motion that in cases of seduction, the guilty male should surrender his landed

⁹ NAC RG 10, volume 2639, file 129,690-1. *Grand General Indian Council, 1892*, 4th day, pages 2 and 3. Canada, Statutes of Canada, 1894, 57-58 Vict. Chap. 31: 227-233. NAC RG 10, volume 2639, file 129,690-1. *Grand General Indian Council, 1894*, 17-18, 22-23, 20, 23, 24, 20-21, 13.

¹⁰ NAC RG 10, volume 2639, file 129,690-1. *Grand General Indian Council, 1894*, 11.

property to "the girl so ruined," be expelled from the Band and lose his annuity. A committee stepped back from that admittedly harsh, and no doubt ineffective, scheme. The committee recommended that the father should pay child support of two dollars and fifty cents per week for five years for children born out of wedlock. The Grand Council accepted the committee report, adding that the Superintendent General could increase the remedy should he see fit.¹²

Women's marriage outside the Band, either to another Indian or to a non-Indian, produced considerable discussion, but no conclusion. Under the legislation, women who married treaty Indians were transferred to their Band; if she married a non-treaty Indian, she was transferred to his Band but retained her right to the annuity and interest payments of her former Band. Women who married non-Indians ceased to be an Indian whatsoever, except for her right to the annuity and interests of her Band. Women who married outside the Band but who retained their right to their former Band's annuity and interest payments could be "bought out" at ten years purchase with the consent of the Band. However the law stood, typical of past Anishinabek settlement, new families resided where they could best secure their livelihood. Some Bands tried to overcome the legislated patri-local settlement of the Indian Act by adopting male Indian husbands into the Band. Indeed, one of the grievances Shingwauk brought before the Grand Council in 1884 was that one of their women was not receiving her annuity even though his Band had adopted her husband. Other couples, often including non-Indian husbands, were simply permitted to reside on the reserve, who from a legislative standpoint, ought to have lived elsewhere. By one means or another, husbands often came to live with their

¹¹ *Ibid.*, 11-13, 12.

¹² *Ibid.*, 11-13.

wives' Band in the past, and that fact was the source of increasing disquiet in several communities.¹³

Delegates were not only concerned about "quarrelsome whites," though such persons were the most troubling. Many inter-marriages occurred with non-treaty Anishinabek, Potawatomi and Ojibwa, who had emigrated from the United States. No doubt other non-treaty First Nations men intermarried as well, but probably nowhere near the rate of the emigrant Anishinabek. Not everyone thought highly of the emigrants, as George Fisher of the Chippewas of the Thames amply demonstrated. Said Fisher: "This kind of people [non-treaty Indians] kept roving over the country without any aim in view to bother themselves; they went where [sic] they were not welcome, but from charitable motives were not sent away; they stopped where they made the easiest living."¹⁴ Other delegates felt otherwise; Richard Noon from Saugeen said that he did "not want to drive such people away; they were of his own kind."¹⁵ Moses Kaikaik from Cape Croker thought that room might be made for women who married non-treaty men, "so long only as he behaved properly," but those who married non-Indians, "had full liberty to go and follow her husband, a white man who could support her. She was aware of the consequences and let her abide by them."¹⁶ The Chippewa of the Thames advocated the strictest measures regarding women's marriage outside the Band. 'Whites' who had intermarried with Anishinabek women, said John Henry, came and "took every advantage they could and they could not be driven away."¹⁷ Other delegates took a more conciliatory view, recommending that non-member residents who were subsequently

¹³ Canada, Statutes of Canada, 1876, 39 Vict. Chap. 18: 43-73; 44. *Grand General Indian Council, 1884*,

18. Schmalz, *Ojibwa of Southern Ontario*, 200-204.

¹⁴ NAC RG 10, volume 2639, file 129,690-1. *Grand General Indian Council, 1894*, 15.

¹⁵ *Ibid.*

required to leave because of sections 11 or 12 should at least be fairly compensated for improvements to the land that they may have made. Delegates tried four different amendments to the sections, but could not overcome the differences of opinion, and eventually allowed the sections to stand.¹⁸

As with women's marriage outside the Band, delegates to the 1894 Grand Council shared their various perspectives on enfranchisement, but could not reach consensus. Discussion centered on the Superintendent General's prerogative to determine who was, and who was not, to be enfranchised. Rev. Elias stated that the head of Indian Affairs would never use his prerogative to force enfranchisement. George Fisher, however, was worried that the Superintendent General would not use his prerogative at all. As far as enfranchisement was concerned, said Fisher, "the word 'may' in the section meant 'never.'" Fisher explained:

The Government were masters of the Indians and had control of their money which they would like to keep in their hands, and probably would like to keep things as they were at present, under their thumb. We do not want that probation shackle placed upon us for so long a time. The Government saw fit at one time to give us the franchise to vote at elections. If we can exercise that privilege with judgement surely we can become citizens of the country. Let us go out of bondage in a body; let there be no hanging back."¹⁹

Although Fisher's speech elicited "Cheers" from the council, not everyone agreed. From the Chippewa of the Thames, John French said that he was not prepared to surrender his status under the current terms of enfranchisement, a view echoed by his compatriot John Henry. Henry said that the deed contemplated under the enfranchisement provisions placed its recipients "in no better positions than they were now," and he had decided that

¹⁶ *Ibid.*, 14.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 14-17.

¹⁹ *Ibid.*, 21.

he would accept only fee simple title or “firmly stick to his old homestead.”²⁰ Chief Abner Elliott from Cape Croker called the council’s attention to the fact that enfranchised Indians would receive the best land on the reserve leaving only the worst behind. Moreover, the “culled population” would be left to fend for themselves and “very likely become an expense for maintainance [sic] on the rest of their friends.” Elliott concluded that “the whole project as intended by the law could not be successful; someone would have to suffer.”²¹ The Grand Council tried one motion that would require the Superintendent General to approve the enfranchisement of qualified individuals, but it failed, and enfranchisement was left in abeyance.

After the 1894 Grand Council, Albert Tobias, who had been President since 1892, tried to strengthen lines of communication with the government and mend their deteriorating relationship. He and the other Grand Council officials made their bi-annual pilgrimage to Ottawa to present the printed minutes and explain the various resolutions, probably in the early summer of 1895. In August, Tobias wrote to Deputy Superintendent General of Indian Affairs Hayter Reed to express the Executive’s gratitude for the “interest you have shown in this council.”²² He invited Reed to the June 1896 meetings at Cape Croker, admitting that some sections of the Indian Act were “hard to be understood,” and that the Grand Council would benefit greatly from his expertise. Hayter Reed agreed to attend unless something prevented him, in which case he would send another official of the department. As it turned out, Canada’s general elections landed directly in the middle of the established date for the Grand Council. Duncan Campbell

²⁰ *Ibid.*, 21-22.

²¹ *Ibid.*, 22.

²² NAC RG 10, file 2639, file 129,690-1. Albert Tobias to Deputy Superintendent General of Indian Affairs Hayter Reed, August 23 1895.

Scott replaced Hayter Reed during the election period, and Scott sent the Inspector of Indian Agencies J.D. Macrae to the Grand Council rather than attend himself.²³

Although Macrae was probably something of a disappointment in comparison to Reed or Scott, in retrospect, his timely arrival on the scene was most fortunate for the Grand Council. Macrae, who arrived precisely when the department and the Grand Council were becoming reacquainted and when Indian Agents were shouldering increasing criticism from delegates, turned out to be their biggest, perhaps only, supporter in the department for a number of years. Deputy Superintendent General Hayter Reed, named "Iron Heart" for his earlier administration in the west, had all but ignored the Grand Council until the growing impatience manifest at the 1894 convention caught his attention, and he was not likely to be too sympathetic. According to historian E. Brian Titley, Duncan Campbell Scott "saw Indians as primitive child-like creatures in constant need of the paternal care of the government," and characterized his tenure as Deputy Superintendent General as a "narrow vision."²⁴ The departmental representative also could have been an Indian Agent, as it was in June 1898 at Saugeen, in the person of John Scoffield. Of the council, Scoffield wrote to the Secretary of Indian Affairs J.D. McLean that he had "but little to report." "It appears to me," wrote Scoffield, "that the officers and Delegates of the society urged it to be kept up that they might have a good time at the

²³ NAC RG 10, file 2639, file 129,690-1. Albert Tobias to Deputy Superintendent General of Indian Affairs Hayter Reed, August 23 1895. Deputy Superintendent General of Indian Affairs Hayter Reed to Fred'k Lamorandiere, April 25, 1896. Acting Deputy Superintendent General of Indian Affairs D.C. Scott to J.D. Macrae, June 11 1896.

²⁴ Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990) 144. "Iron Heart" is Carter's invention. E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986) 36.

expenditure [sic] of their Bands.”²⁵ He said delegates displayed enough knowledge to criticize but not to repair the Indian Act and reached no important agreements in two days of discussion. As to the topics discussed, Scoffield noted two. First, owing to the government’s insistence on probation periods, delegates believed the government did not want them to enfranchise. Second, some delegates asserted their communities “were quite capable of managing their own affairs,” which must have been particularly irksome for Scoffield. He reassured McLean that “a very large majority of the delegates present thought different of the bands that they represented.”²⁶

Overall, Scoffield’s report would have been disastrous in 1896. Being the Inspector of Indian Agencies, Macrae endured criticism with more equanimity than did Scoffield. According to Macrae, the Grand Council delegates, whom he assumed to be the “wisest of the Indians,” displayed no “restiveness” towards the government and the department that “so largely controls their affairs,” because they never “los[t] sight of the fact that it is not their interests alone that have to be considered but that both law and policy are intended for a population by no means as advanced as themselves.”²⁷ They believed in the integrity and good intentions of the government and the department, taking care not to embarrass either. As Macrae noted, “One resolution introduced was at once rejected ... for fear it would be understood as an attempt to dictate to the Dept., which it really was not.”²⁸ As to the intelligence of the Grand Council, Macrae was most impressed. “It was astonishing,” he wrote, “to find the Indian Act with its many

²⁵ NAC RG 10, file 2639, file 129,690-1. John Scoffield to Secretary Indian Affairs J.D. McLean, October 4 1898.

²⁶ *Ibid.*

²⁷ NAC RG 10, volume 2639, file 129,690-1. Inspector of Indian Agencies J. Macrae to Deputy Superintendent General of Indian Affairs, July 11 1896, 6.

²⁸ *Ibid.*

amendments understood as it was, and certain of its provisions well debated.”²⁹ Macrae noted, however, that the Grand Council’s constant attempts to grapple with the subtleties of language often ended in clumsily worded resolutions that masked their intelligence and understanding of the wants and needs of their communities. “It would be very misleading,” he wrote, “to judge the character of the council, its intelligence and usefulness from the records of past proceedings. They reflect little of the true worth of the body.”³⁰ He suggested to the council that they should state broadly what they hoped to achieve by proposed amendments and allow the department and those versed in law to find the appropriate wording if changes should be “deemed wise.” “The force of this suggestion was readily appreciated,” Macrae noted with approval.³¹

Not only did the Anishinabek of Ontario benefit from the Grand Council by “more extended ideas, more enlarged understanding,” the government also stood to gain. Macrae thought that if the council could be made more representative of the different Nations in Ontario it would be the site where the department could most easily come into contact with First Nations and where “an expression of Indian thought and feeling [could] most properly be sought.” The Grand Council would be an even greater “instrument of good,” Macrae contended, if the department formally recognized it in the hierarchy of relations with First Nations. As local matters were discussed in the presence of the Indian Agent at Band councils, more general issues could be discussed at the Grand Council in the presence of a departmental representative. The Grand Council would have

²⁹ *Ibid.*, 4.

³⁰ *Ibid.*, 4.

³¹ *Ibid.*, 5.

welcomed such official recognition from the department, and especially its participation. Macrae's vision for the Grand Council, however, never came to fruition.³²

Macrae misunderstood the relationship between delegates and their communities, thinking that the Grand Council could guide the communities rather than the reverse. Moreover, had he known of the tempestuous relations between the Six Nations and the Anishinabek at earlier Grand Councils, he probably would not have clung too zealously to his insistence that the Grand Council expand its membership beyond the Ojibwa Bands. Nevertheless, Macrae did provide useful information and insights on the character of the Grand Council. Most of the delegates were of "mature years," but were joined by "some young and really clever members." He was impressed that the youngsters in no way tried to subvert or disrespect the elders. "On the contrary," wrote Macrae, "though active in debate their activity was tempered with moderation, dignity and good sense." According to Macrae, the Grand Council's deliberations were quite formal, and speakers who wandered from the topic of discussion were kept 'in order.' Delegates observed "proper rules of debate" and guarded carefully their "ordinary procedure," while "the utmost decorum prevailed." The speeches were "intelligent," "reasonably eloquent," marked by "moderation," and showed that considerable attention had been given to detail. Opponents displayed the "utmost courtesy" toward one another and the Chair's rulings "unquestioningly accepted."³³

F.W. Jacobs, the Grand Council President in 1896 and 1898, tried to build upon whatever momentum Macrae's report may have created for greater recognition from the department. He informed the Deputy Superintendent General that the Grand Council had

³² *Ibid.*, 6,7.

³³ *Ibid.*, 3-4.

been “instituted for the purpose of discussing and advocating measures which, to their minds, would bring about civilization in the truest sense of the word, to those Indians whom they represented.” Eerily echoing Macrae, minus the expanded membership, Jacobs thought the Grand Council “might be recognized as a medium at which the Indian Department would get an insight [to] the wants and what is necessary for the elevation of [the] Indians.” He concluded candidly, “If the Indian Department has no need of such, I beg Dear Sir, you will inform me as soon as convenient.”³⁴ Unfortunately, the department’s reply is illegible. The department did send Indian Agent Scoffield as a ‘visitor’ in 1898, but his vitriolic report could not have had a positive effect.

At the same that time the Grand Council struggled to re-establish the type of reciprocal relations with the government they had formerly enjoyed, the Northern Bands were exploring other means to pursue their grievances, and support from southwestern Ontario communities began to erode. At a separate general council convened in the autumn of 1903, Bands from the Georgian Bay, Manitoulin Island and the north shore of Lake Superior agreed to raise funds to pursue their various grievances in the courts, rather than through the Grand Council’s diplomacy. In southwestern Ontario Anishinabek opponents to the Grand Council could count on strong support from their Indian Agent. In 1896, Indian Agent McDougall wrote to the department that some of the Munceys of the Thames opposed spending Band funds on a delegation to the Grand Council. “I quite agree with them,” McDougall added, “and we are of opinion that it would be more in the interests of the Band to use what little money they have on making improvements on their roads and to provide them with road scrapers which they need

³⁴ NAC RG 10, volume 2639, file 129,690-1. Francis W. Jacobs to Deputy Superintendent General of Indian Affairs James A. Smart, April 4 1898.

very much."³⁵ Scott replied that in view of the small balance to the Munceys' credit, a compromise of sending one delegate rather than the proposed three would serve to alleviate the economic burden. The Munceys approved of the compromise, although the fact that Scott sent a cheque sufficient for only one delegate did not leave them very much choice. In 1898, after having resolved to send a delegation to the Grand Council, the Munceys elected instead to spend the money advanced by the department to grade the roads on the reserve. The case of the Munceys was extreme; most communities in southwestern Ontario stopped short of abandoning the Grand Council in the late 1890s. But between 1904 and 1910, only ten different Bands sent delegations to the Grand Council, never more than seven at one time, usually fewer.³⁶

The 1900 Grand General Indian Council was held at Wikwemikong on Manitoulin Island, June 7th to 12th. Forty delegates represented fifteen Anishinabek communities. Neither the Munceys nor the Moravians attended; New Credit, a community that had always figured prominently at the Grand Council, also stayed away, not to return for twenty years. But several Northern Bands from the Georgian Bay and north shore of Lake Huron attended the 1900 meetings, hoping delegates would take decisive action on Robinson Treaty annuity payroll grievances. Their presence temporarily masked diminishing support for the Grand Council. The Northern Bands, however, probably were not satisfied with the outcome. They explained that individuals were being removed from Robinson Treaty paylists, but delegates responded meekly, proposing a two-year fact finding committee. Instead, a committee was appointed to

³⁵ NAC RG 10, volume 2639, file 129,690-1. Indian Agent A.S. McDougall to Deputy Superintendent General of Indian Affairs, June 9 1896.

³⁶ NAC RG 10, volume 2639, file 129,690-1. Acting Deputy Superintendent General of Indian Affairs D.C. Scott to A.S. McDougall, June 11 1896. Indian Agent A. Sinclair to Deputy Superintendent General of

fully hear the nature of the complaints being made by the Northern Bands. That committee could only conclude that they needed more information. Since the department had not seen fit to send a representative to Wikwemikong in 1900, the committee recommended that the Grand Council call upon Mr. Sims, the Indian Agent for Manitoulin Island, to furnish an explanation regarding Robinson Treaty paylists.³⁷

Unbeknownst to the Grand Council, Sims, either through ignorance or arrogance, had recently disparaged the organization. When Wikwemikong requisitioned \$100 to offset some of the expense of hosting the council, Sims appended his negative opinion: "As I have not been advised of the object of the General Council and as there is nothing to warrant such an expenditure, I have the honor to most respectfully say that I cannot recommend the same."³⁸ Nevertheless, Sims agreed to assist the Grand Council on the Robinson Treaty paylists. He explained that owing to the "charitable view" taken previously by the government, many children had been included on Robinson Treaty paylists who did not conform to the literal meaning of the written treaty. Sims said that although it was hard, "the line had to be made some time," and Inspector of Indian Agencies Macrae, who the council knew well, had chosen 1895 as the cut-off date; children born after 1895 would not be included on the paylists. Sims added that since the department had already approved Macrae's solution, "he saw no way of making any changes." He expressed his pleasure to meet the Grand Council, invited the visiting

Indian Affairs James A. Smart, September 15 1898. Secretary of Indian Affairs J.D. McLean to A. Sinclair, September 19 1898.

³⁷ NAC RG 10, volume 2639, file 129,690-1. *Minutes of the Sixteenth Grand Indian Council of the Province of Ontario, Held upon the Indian Reserve at Wikwemikong from the 7th to the 12th of June, 1900*, 13-14.

³⁸ NAC RG 10, volume 2639, file 129,690-1. Indian Agent Mr. Sims to Secretary of Indian Affairs J.D. McLean. May 22 1900.

Chiefs to visit him in Manitowaning and, after “shaking hands with all,” took his leave.³⁹

The council took no further action on Robinson Treaty paylists.

The 1900 Grand Council discussed numerous Indian Act sections relating to the management and life of the community. Descent of property, which remained where it had been in 1894, was carefully explained at the request of the Wikwemikong delegates. For desertion, the council agreed that in addition to financial support, deserted parties should receive the family’s moveable property and chattels. As it presently stood, desertion legislation transferred the family’s real estate to the deserted parties, but delegates agreed Band councils should make that determination. Women who married outside the Band should be entitled to inherit their share of their parents’ moveable property. Delegates wanted some explicit statement against bribery in the section relating to Band elections. In 1895, the government added a section to the Indian Act governing the transfer of Band membership. Under its provisions, departing members could take their share of their former Band’s capital with them. Some delegates wanted more Band control of the process, but others were reluctant to grant that authority and the Grand Council left the legislation as it stood. George Fisher, of the Chippewas of the Thames, thought legislation concerning children born out of wedlock was too strict. He would have liked the legislation “modified so that such people growing up become well behaved and in time may be admitted [to the Band].”⁴⁰ Sarnia’s William Wawanosh disagreed, saying that the “law was just what was required and any one doing wrong under it should be made to suffer for the misdeed.”⁴¹ What wrong the children had committed no one could say, nevertheless, Wawanosh’s arguments held sway and the

³⁹ NAC RG 10, volume 2639, file 129,690-1. *Grand Indian Council, 1900*, 14.

⁴⁰ *Ibid.*, 11-15, 14-15.

council did not recommend any changes. On prohibition, the council recommended that the Indian Agent be required to proceed in the courts against any intoxicated Indian, rather than at his prerogative. And finally, delegates recommended that Band consent should be required before Band funds were disposed for public works on the reserve.⁴²

Fred Lamorandiere, who had been acclaimed Grand Secretary earlier, figured prominently in three important Grand Council discussions in 1900. He recommended that the local Indian Agent rather than the expensive travelling school inspector inspect reserve schools. Not only would a comparatively useless expense be spared, more important, he thought the Indian Agent would be better equipped to assess a school's performance than a travelling inspector who knew little about local conditions.

Lamorandiere's innovation on the inspection of schools ultimately failed, but his motion that the federal franchise be restored to Anishinabek men met with the council's animated approval. Anishinabek men who met the usual property qualifications had been awarded the federal franchise by John A. Macdonald's Conservative government in 1885, but that privilege was negated by legislation that made federal elections conform to provincial election laws, enacted by Wilfrid Laurier's Liberal government in 1898. Lamorandiere's most controversial contribution, however, arose following the discussion on prohibition.

With William Wawanosh as his seconder, Lamorandiere introduced a motion

condemning the appointment of "habitual drunkards" as Indian Agents:

a very serious mistake were too often made by the Government and a very great misfortune for the Indians to have appointed to guard and watch over their interest, men, as Indian Agents, who are known to be habitual drunkards ... [we] request the authorities, in the future, to exercise [sic] more care in choosing sober men to such positions.⁴³

⁴¹ *Ibid.*, 14-15.

⁴² *Ibid.*, 12, 15.

⁴³ *Ibid.*, 15, 12.

Wawanosh, no stranger to controversy and the elected 1st Vice-President in 1900, gave an “eloquent speech” in favour of the motion, and of sobriety in general. The reprimand passed by a vote of 22-2.⁴⁴

The department proved willing to consider the 1900 Grand Council’s legislative recommendations in connection with contemplated changes to the Indian Act in 1902, but the Superintendent General of Indian Affairs Clifford Sifton intervened directly on the “drunkard Agents” resolution. In a memo to his deputy, Sifton remarked that it was “a very serious statement and must be investigated at once.” He instructed Smart to learn the names of the Indian Agents “appointed who have been known as habitual drunkards.”⁴⁵ Smart delegated the responsibility to his assistant, the Secretary of Indian Affairs J.D. McLean. McLean doubted that the present government had appointed any known habitual drunkards as Indian Agents. Nevertheless, in accordance with Sifton’s instructions, he asked Lamorandiere to “furnish the Department at once with the names of the Agents referred to in the resolution, in order that the matter may be thoroughly investigated.”⁴⁶ Three Indian Agents from southern Ontario had been dismissed from their positions in part for intemperance between 1885 and 1897, the last being Dr. Jones from New Credit, who was also cited for “carelessness.” Another Indian Agent had been allowed to retire in 1899 because some undisclosed infirmity prevented him from carrying out the prohibition sections of the Indian Act. It was these Indian Agents, Lamorandiere claimed, that the Grand Council had in mind when they passed the

⁴⁴ *Ibid.*, 12.

⁴⁵ NAC RG 10, volume 2639, file 129,690-1. Superintendent General of Indian Affairs Clifford Sifton to Deputy Superintendent General of Indian Affairs James A. Smart, undated [1901].

⁴⁶ NAC RG 10, volume 2639, file 129,690-1. Secretary of Indian Affairs J.D. McLean to Fred Lamorandiere, May 21 1901.

resolution. McLean reported to Sifton with satisfaction that the Grand Council did not have in mind any Indian Agent currently employed by the government.⁴⁷

During the first decade of the twentieth century, the council continued to review the Indian Act section by section, using committee work to allow the fullest discussion on difficult issues and hopefully reach consensus. The types of sections delegates singled out for discussion had not changed markedly in over thirty-five years. Management of leases, mineral and timber rights, licenses, and the like, received some attention. For the most part, however, Indian Act sections touching on the management of the community and individual lives remained the council's highest priorities. For example, in 1904, the Grand Council made recommendations on enfranchisement, extension of credit, non-Indian reserve occupants, Band membership, costs of criminal prosecution and immoral acts, such as desertion. Many of the same issues were revisited in 1906. The Grand Council generally argued for more individual liberty and responsibility and for Band consent and authority on regulating the community. Those principles meant that convicted individuals should pay for their own criminal prosecution, not the Band, and desertion clauses should carry stiffer penalties and be more vigorously enforced. On the brighter side, individuals should be permitted greater latitude when making their last will and testament and obtain loans against their share of the Band's capital account. Enfranchisement probation periods should be greatly reduced, if not eliminated, and children receive equal consideration for enfranchisement allotments, not half, as the legislation indicated. In terms of Band consent and authority, the Grand Council recommended that change in membership should be approved by the Bands affected; the

⁴⁷ NAC RG 10, volume 2639, file 129,690-1. Fred Lamorandiere to Secretary of Indian Affairs J.D. McLean, May 27 1901. Secretary of Indian Affairs J.D. McLean to Superintendent General of Indian

Band in council, not the Superintendent General and not some pre-ordained formula, should determine the disposal of an intestate's estate.⁴⁸

General resolutions adopted by the Grand Council in 1904 and 1906 confirm the council's preoccupation with issues touching directly on the life of the community. In 1904, delegates resolved to seek a proclamation from the Governor General that would exempt qualified Bands from those sections of the Indian Act that were inconsistent with a "civilized state." They asked the government to restore the federal franchise that had been removed by indirect legislation in 1898, and recommended direct representation in the House of Commons comparable to what the Maories had achieved in New Zealand, not their first such request. Delegates kept up their pressure on Indian Agents by formally 'acknowledging,' to "cries of shame," that appointments were made according to political pressure; in 1906 they recommended Indian Agents be required to pass the civil service exam. Also in 1906, the Grand Council asked the department to furnish Bands with their financial statements much earlier than had previously been the case, six rather than twelve months after the end of the fiscal year, that they may better account for the disposal of their funds and address irregularities promptly. Although a precise procedure could not be worked out, the council agreed that teachers should conform to better standards and that the Band council should be involved in the appointment process. The 1906 Grand Council protested the use of Band resources for the department's own purposes.⁴⁹

Affairs Clifford Sifton, June 4 1901.

⁴⁸ NAC RG 10, volume 2640, file 129,690-2. *Minutes of the Eighteenth Grand Indian Council of Ontario, Held Upon The Saugeen Indian Reserve, From the 9 to the 13 of June 1904. Minutes of the Nineteenth Grand Indian Council of Ontario, Held Upon The Saugeen Indian Reserve, From June 12th to 15th, 1906.*

⁴⁹ *Ibid.*

Criticism of the government, the department and its Indian Agents produced predictable results. John McIver, the Indian Agent for Cape Croker, wrote a scathing letter to the department regarding the proposed 1906 council. After noting that the poor turnout in 1904 was being blamed on the Secretary of the Grand Council, McIver opined:

However, I think the last Grand Council as well as perhaps others was simply a waste of time and money, only giving the Indians a chance to find fault with their Officers and Management in general. They are wonderful peopel [sic] to see everything wrong with other peopel [sic] and can see nothing wrong with Indians or their ways. But when completely destitute from their own indolence immediately look around for somebody or circumstance to lay the Blame to. However, I suppose if they are not given a chance to attend and have an outing they will feel as if they were Hampered in Privelages [sic].⁵⁰

When McIver forwarded Cape Croker's requisition for delegates' expenses in 1908, he reiterated his opinion that "these Grand Councils costs [sic] far more for Delegates expences [sic] than any good accomplished at them." He said that some members thought two delegates would be sufficient, and concluded his letter by noting that some "older heads outside of the [Band] council" thought the Grand Council was just an "excursion" at the expense of the Band.⁵¹ Accordingly, the department limited funding to two delegates, Saugeen and Cape Croker in particular, Scoffield and McIver's Bands. Scoffield, the Indian Agent for Saugeen whose report on the Grand Council in 1898 so sharply contrasted Macrae's favourable opinion in 1896, was instructed to 'visit' the council in 1906. Although his second report can not be located, his attitude may be inferred from the fact that he made only a "brief response," none of which was recorded by the Secretary, when thanked for his contributions at the end of the Grand Council. Not only Saugeen and Cape Croker were affected by interference from either the

⁵⁰ NAC RG 10, volume 2640, file 129,690-2. Indian Agent John McIver to Secretary of Indian Affairs J.D. McLean, May 5 1906.

department or Indian Agents, or both. A Muncey requisition for \$44 to fund a delegation in 1906 was refused due to insufficient funds, but they still managed to attend.⁵²

The Grand Council's 1904 and 1906 recommendations fared little better than Band council resolutions to fund delegations. In June of 1908, J.D. McLean wrote a three-page letter to John Case, Secretary of the Grand Council, rejecting every 1906 resolution, with the exception of the enfranchisement probation periods, which "were being considered with other proposed amendments to the Indian Act."⁵³ What those other amendments were, he did not offer, nor did the government reduce the probation periods. The acrimonious relationship between the department, its Indian Agents and the Grand Council, came when the council most needed cooperation. Owing to the recent decline in membership, in 1906 the council had accumulated a debt of \$70, not a substantial sum, but more than delegates could collect among themselves. They resolved to ask the government for a one-time payment to help erase the debt. McLean, however, did not deign to respond to that suggestion in his item by item rejection of 1906 resolutions. The 1906 Grand Council also resolved to sell the printed minutes at fifteen cents each; by 1908, only twenty-six had sold, for \$3.90, not the cash infusion the council was looking for, and that fundraising scheme was quickly discontinued.⁵⁴

⁵¹ NAC RG 10, volume 2640, file 129,690-2. Indian Agent John McIver to Secretary of Indian Affairs J.D. McLean, April 8 1908.

⁵² NAC RG 10, volume 2640, file 129,690-2. Indian Agent John McIver to Secretary of Indian Affairs J.D. McLean, April 8 1908. Secretary of Indian Affairs J.D. McLean to Indian Agent John Scoffield, May 13 1908. Secretary of Indian Affairs J.D. McLean to Indian Agent John McIver, April 14 1908. *Grand Indian Council, 1906*, 14. Secretary of Indian Affairs J.D. McLean to Indian Agent S. Sutherland, June 13 1906.

⁵³ NAC RG 10, volume 2640, file 129,690-2. Secretary of Indian Affairs J.D. McLean to John L. Case, June 3 1908.

⁵⁴ NAC RG 10, volume 2640, file 129,690-2. *Grand Indian Council, 1906*, 5, 12-13. *Grand Indian Council of Ontario, Held on the Caradoc Reserve, June 9th 1908*, 3.5. Resolutions for \$100 and \$300 contributions from the department in 1924 and 1928 also failed to elicit a response from the department. See, NAC RG 10, volume 2641, file 129,690-3B. *The Minutes and Proceedings of the [...] Grand General Indian Council of Ontario, Regularly Convened in the Council House, Sarnia Indian Reserve, September 2, 3, 4, 5,*

The 1908 Grand Council focussed on reclaiming the power of the Band to manage the life of the community, principally by amending certain sections of the Indian Act that superseded Band authority or consent. Delegates recommended that the Band council should approve applications for extra-surrender leases, for the expropriation of reserve lands for public works and railways, as well as for reductions of purchase price or lease terms on surrendered lands that were current in the first decade of the twentieth century. Some delegates wanted the latter power stricken from the Indian Act altogether; they thought lessees and purchasers should pay the price they had bid for the land, that the Governor in Council had "too much power," and that the application of the legislation would be a "great injustice to Indians." The Grand Council wanted more certain election procedures written into the Indian Act and thought the Band council's responsibility for roads and bridges should include negotiating the necessary contracts. The Band council, not the Superintendent General, should determine the validity wills.⁵⁵

Other clauses amended by the Grand Council touched the individual more directly. Delegates recommended that Indians with no children or widow ought to be permitted to will their property to persons as far removed as a second cousin, rather than the brother or sister stipulated by the Act. They resolved to seek more input from individual Bands regarding the removal of illegitimate children from the Band list. Delegates recommended changes to alcohol prohibition they hoped would eliminate the prejudice at many taverns that resulted in "good Indians" being "turned out." They acknowledged that the desertion legislation was deficient, and moreover, prevented adequate redress in the civil courts. Finally, the Grand Council recommended that

1924. 5. NAC RG 10, volume 2642, file 129,690-3C. *The Minutes and Proceedings of the [...] Grand General Indian Council of Ontario, At Garden River, Sept. 11, 12, 13, 14, 1928, 2.*

persons “living immorally” with another married person should be deprived of their interest in the Band’s landed and monetary property. The change, its proponents explained, was to prevent the younger generations from enticing older married men and women.⁵⁶

Education figured prominently at the 1908 council, which featured an address to the Grand Council from Reverend T.T. George, the Principal of the Mt. Elgin Institute. Reverend Mr. Saunders also spoke, noting his pleasure that English was so well understood at the “Council of War.” As the Secretary noted in the minutes, the Grand Council “in truth is a ‘Council of Peace.’”⁵⁷ Saunders urged delegates to pay close attention to the schools and their teachers, advice they hardly required. For his part, Rev. George invited the Grand Council to send a delegation to the Institute for inspection. Earlier, the suggestion that the Grand Council send an official delegation to the Institute to investigate complaints had generated some controversy. Some delegates thought the council might be overstepping its bounds by presuming to inspect the school without any formal recognition from the government of their right to do so, and no one wanted to go as “spies.” The delegation found that Principal George was fulfilling his duty and that the buildings of the Institute were in good order. Delegates recommended, however, that the legislation enabling the regulation and construction of schools be amended to require the consent of the Executive of the Grand General Indian Council of Ontario. That recommendation may seem a bold move for the Grand Council. But the Grand Council would have been the proper body to approve school regulations that would be uniform

⁵⁵ NAC RG 10, volume 2640, file 129,690-2. *Grand Indian Council, 1908*, 6-7, 9, 17, 11, 6, 10.

⁵⁶ *Ibid.*, 6, 5, 13-14, 15.

⁵⁷ *Ibid.*, 9.

throughout the province. The Grand Council did not presume to replace the Band council for the appointment of teachers on reserves.⁵⁸

Indeed, the first item of business at the 1910 Grand Council was to refine the 1906 recommendation on the appointment of teachers. Delegates suggested that the Band council be responsible for the appointment of teachers, with the School Inspector's approval. The department had rejected the similar 1906 recommendation on the grounds that other agencies funded the schools besides the Band; it would not be correct, according to departmental logic, to force those agencies to conform to the wishes of the Band. In rebuttal, the 1910 Grand Council noted that first, some schools were maintained solely by Band funds, and second, since it was their children compelled to attend they had a rightful interest in the management of the schools. Other business in 1910 included the council restating its dissatisfaction with the wills of Indians with no children or widow, suggesting that restrictions be removed, and with the desertion clause, although they left that section unchanged. They recommended that surveys of the reserve require Band consent. Surrenders of reserve land, they suggested, should not only require the assent of the majority of the Band, as had been the British custom since earliest times, but also of those members who possessed location tickets to the area contemplated for surrender. The proprietary rights of women who married outside the Band needed to be clarified; delegates recommended that the legislation be amended to stipulate that women may enjoy their full privileges to the Band's real and monetary property during her

⁵⁸ *Ibid.*, 8-10, 16.

lifetime. Finally, delegates asked again that "Ontario Indians" be granted direct representation in the House of Commons, to be elected by the Grand Council.⁵⁹

Grand Council resolutions during the first decade of the twentieth century had little appeal to the department. Certainly, Band consent and authority made little progress, and neither direct representation in parliament nor the reinstatement of the federal franchise appear to have received serious departmental consideration. Instead, Deputy Superintendent General Frank Pedley cooperated with Superintendent General Frank Oliver, Clifford Sifton's successor in 1905, on legislation exacting even more departmental control of reserves. 1910 amendments, for example, extended departmental control of Indian lands, Indian contracts and goods or monies obtained through treaty. Although couched in the language of 'wardship,' federal legislation in the first decade of the twentieth had more to do with satisfying settler land hunger, particularly in the west, than protecting the interests of First Nations. Surrenders illustrate the point. To encourage First Nations to part with their land, terms of surrenders were changed so that fifty per cent of the purchase price, rather than the customary ten, could be paid out to members of the Band immediately upon surrender. As before, the remainder would be applied to the funds of the Band. The new terms of surrender, however, did not always have the contemplated effect and there are two startling examples of forced surrenders in the west during that decade, the Songhees reserve in British Columbia and St. Peter's in

⁵⁹ NAC RG 10, volume 2640, file 129.690-2. *Minutes of the Twenty-First Grand General Indian Council of Ontario, St. John the Baptist Parish Hall, Walpole Island Reserve, June 14th, 1910*, 3, 5-6, 4, 6, 7, 4, 7-8.

Manitoba. They were clear violations of longstanding British procedure that required the consent of the majority of the Band for surrender.⁶⁰

A new section added to the Indian Act in 1911, section 49A, commonly known as the "Oliver Act," made legal the government's new approach to surrenders and poignantly illustrated its disregard for sacred treaties. The Oliver Act enabled forced surrenders upon the recommendation of the Exchequer Court of reserve land situated in, or adjacent to, a city with a population of 8,000. Leader of the Opposition and soon-to-be Prime Minister, Robert Borden, thought the Oliver Act a "very extreme step": "The Indians of Canada have certain rights granted them by the treaties, and heretofore, these treaties have never been departed from except with the consent of the Indians themselves," he told parliament.⁶¹ The mood in parliament, however, was uncompromising. Oliver ultimately had to reduce the city size to 8,000 during debates from the original figure 10,000. Moreover, he is said to have remarked in connection with the Bill that Indian rights cannot be permitted "to become a wrong to the white man." So much for Band consent.⁶²

The Oliver Act reinvigorated interest in the Grand Council. The Sarnia Band, in particular, felt threatened by the legislation. Immediately after its passage, F.W. Jacobs sent a letter to the Superintendent General of Indian Affairs on behalf of the Band council expressing the discomfort the legislation created in the community. He stated that their forefathers had reserved the land and it was unfair that reserves were now considered an impediment to the growth of cities, noting that the Sarnia Band had always cooperated

⁶⁰ Leslie and Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition, 105-110. For an account of the St. Peter's Reserve surrender, see Sarah Carter, "St. Peter's and the Interpretation of the Agriculture of Manitoba's Original People," *Manitoba History*, n. 18 (1989): 46-52.

⁶¹ Leslie and Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition, 107-110, 109.

with the city of Sarnia's requests for residential and industrial land. From the turnout at the Grand Council, it is evident that other Bands were also concerned even though the Act did not immediately threaten their communities. No delegate list for the meetings survives, but it is known that aside from the usual Bands from southwestern Ontario, at least Henvey Inlet, Shawanaga and Wikwemikong passed resolutions to fund delegations to the council, which was to convene at Garden River. The department refused Henvey Inlet and Shawanaga due to insufficient funds; the fate of Wikwemikong's requisition for expenses is unknown, but their Agent noted that he did not approve of the measure, which did not bode well. At the time, the department also more vigorously enforced delegation limits it had been trying to establish by forwarding cheques sufficient only for two delegates. Whether or not interference from the department on the one hand, and the Indian Agent on the other, prevented Wikwemikong, Shawanaga, Henvey Inlet or any other Band from attending the Garden River council is unknown. In the past, Bands denied travelling expenses could not always overcome the difficulty.⁶³

The 1912 Grand Council concentrated on three principal issues. They asked the new Superintendent General of Indian Affairs Robert Rogers to repeal the Oliver Act, "a menace to our future welfare," to eliminate the three-year probation period connected to the granting of letters patent in the enfranchisement legislation and to restore the federal franchise to the Indians of Ontario. Precisely the same three issues predominated in the summer of 1914 and at all subsequent wartime Grand Councils. The Secretary of Indian Affairs J.D. McLean replied to F.W. Jacobs that the government considered the rights of

⁶² *Ibid.*, 110.

⁶³ NAC RG 10, volume 6809, file 470-2-3-6. F.W. Jacobs to Superintendent General of Indian Affairs Frank Oliver, April 14 1911. NAC RG 10, volume 2640, file, 129,690-2. Secretary of Indian Affairs J.D. McLean to Indian Agent Alexander Logan, June 5 1912. Secretary of Indian Affairs J.D. McLean to Indian

First Nations amply protected by the Oliver Act and that enfranchisement amendments were not presently being considered. For the franchise, McLean reminded Jacobs, the Grand Council would have to turn to the province of Ontario. The department's dismissal of their requests strengthened their resolve. In 1914 all three issues went to committee. The Grand Council ultimately reiterated its longstanding position that the probation periods attached to enfranchisement should be eliminated. They petitioned Deputy Superintendent General D.C. Scott for assistance in reinstating the federal franchise, pointing out that since they paid indirect taxes on purchased goods and maintained their "municipal public affairs the same as any other municipality," they deserved the franchise as much as the ordinary citizen. The Grand Council petitioned Prime Minister Borden directly for the repeal of the Oliver Act. The Oliver Act, read their petition, "is not in our humble opinion doing justice to the Indian race." Signatories noted that the reserves had been established by treaty and that their forefathers had fought for the British when the United States invaded early in the nineteenth century. Although the council did not draw out the relationship between justice and the two points submitted, the inference appears to have been that the government should honour the obligation acquired through military service to protect the First Nations by repealing the Act that so threatened the legacy of sacred treaties. Although Borden had questioned the disregard for treaties inherent to the Oliver Act when in the Opposition, First Nations found him slow to respond as Prime Minister.⁶⁴

Agent Alexander Logan, June 7 1912. Indian Agent Mr. Sims to Secretary of Indian Affairs J.D. McLean, May 12 1912.

⁶⁴ NAC RG 10, volume 2640, file 129,690-2. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, February 27 1914. Secretary of Indian Affairs J.D. McLean to F.W. Jacobs, March 3 1914. *Abstract of the Proceedings of the Grand General Indian Council of Ontario, June 11 1912*, 2-3.

In addition to the three principal issues articulated throughout the First World War, Grand Council delegates adopted numerous other resolutions relating to the life of their communities. The Grand Council wanted more Band control on extra-surrender leases for members of the Band and on absenteeism from the reserve. They protested the compulsory aspect of dog licensing, enacted in 1918 to protect neighbouring livestock. In 1916 the Grand Council argued for Band consent before any changes were made to membership and in 1917 entered into a lengthy discussion on women's proprietary rights upon marriage outside the Band, but could reach no conclusion on the issue. The Grand Council had been trying for some time to develop a mechanism by which members could borrow against their interest in the Band's capital fund; in 1917, delegates proposed advances of one to ten years of annuity to approved members. Delegates resolved to bring the matter of building a "house of refuge" for the poor before their respective Bands in 1919, but the scheme was dropped in 1920. The council continued to demand better Indian Agents. In 1916, they petitioned the department to seek a three-year limit to Indian Agent appointments. "This will do away [with] their independence," the council noted, "as some Indian Agents do not make reports according to the resolutions passed by the Indian Council."⁶⁵ Also in 1916, the council authorized President Jacobs to seek counsel on its resolutions before submitting them to the department, which could not have impressed Deputy Superintendent General Scott.⁶⁶

⁶⁵ NAC RG 10, volume 2640, file 129,690-2. *Abstract of the Proceeding of Grand General Indian Council of Ontario, June the 16th, 1914*, 2. NAC RG 10, volume 2641, file 129,690-3A. [Abstract of the 1919] *Grand General Indian Council of Ontario*, 2. NAC RG 10, volume 2640, file 129,690-3. *The Grand Indian Council of Ontario, Rama Reserve, June 13th 1916*, 2, 3. Grand General Indian Council Petition to Deputy Superintendent General of Indian Affairs D.C. Scott, June 16 1916. *Abstract of the Proceedings of the Grand General Indian Council of Ontario, October 2nd, 1917*. *Grand General Indian Council, 1916*, 3.

⁶⁶ NAC RG 10, volume 2640, file 129,690-3. *Grand Indian Council, 1916*, 3.

Quality of education in the reserve day schools and at the Mt. Elgin Institute received considerable attention during the war years. Education amendments enacted in 1914 did not include Band authority on the appointment of teachers and accordingly, the Grand Council decided to re-submit its resolutions from 1910. In 1916, delegates informed the Principal of the Mt. Elgin Institute of a grievance lodged against the school, and asked the government to establish a Collegiate Institute for the Anishinabek of Ontario, or all First Nations if necessary, noting that similar facilities already existed in the United States. In March 1917 President Jacobs requested a "definite answer" on the Collegiate Institute resolution because the Chiefs were anxious to know the department's position. Scott, however, does not appear to have answered the question.⁶⁷

In order to secure a stable source of income for the clerical expenses of the Grand Council, delegates decided in 1914 to levy a five dollar membership fee on Bands with a population of 100 or greater, and \$2.50 for those under 100. The resolution did not meet with the department's approval, but after the 1916 council, the department decided it was 'advisable' to allow the member Bands the choice of paying the levy. About twelve of fifteen Bands petitioned readily paid the five dollars. Rice Lake, who had not participated for some time, refused to pay; their Indian Agent noted that the Band "do not seem to take much stock in the Grand Council."⁶⁸ The Munceys of the Thames also refused to pay, Chief George Fisher Sr. saying that the President did not receive a salary, even though he was present at the 1916 council when the measure was approved. The

⁶⁷ NAC RG 10, volume 2640, file 129,690-2. *Grand General Indian Council*, 1914, 2. NAC RG 10, volume 2640, file 129,690-3. *Grand Indian Council*, 1916, 2. Grand General Indian Council Petition to Deputy Superintendent General of Indian Affairs D.C. Scott, June 16 1916. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, March 20 1917. Deputy Superintendent General of Indian Affairs to F.W. Jacobs, March 26 1917.

⁶⁸ NAC RG 10, volume 2640, file 129,690-3. Indian Agent R.J. McCamus to Secretary of Indian Affairs J.D. McLean, March 21 1917.

salary, \$25 every two years, was an admittedly modest sum, sufficient one might say, to enable the President to better carry out his duties. McLean noted at the end of October that the President, F.W. Jacobs, had been paid neither his salary nor his expenses for the June 1916 council. Payment would be forthcoming April 1917.⁶⁹

The main reason the five-dollar levy had not been implemented earlier was that Jacobs did not submit the 1914 resolutions until early March 1916. The outbreak of war, he explained to Deputy Superintendent General D.C. Scott, forced him to reconsider submitting the council's business, thinking their petition "would not have the consideration which it would have if it was otherwise."⁷⁰ With the end of the war nowhere in sight and the 1916 Grand Council rapidly approaching, Jacobs could not wait any longer to submit the council's business. His tardiness was the first of a series of questionable decisions he made as President of the Grand Council during the war years. Jacobs had participated in the council since the early 1890s, elected President twice during that decade, served as Secretary on several occasions and would be made an Honorary Member in 1926. Articulate, intelligent, experienced, Jacobs' communication with Scott during the period of his second presidency, however, casts doubt upon his ability to put aside his views when communicating the stated wishes of the council. When he finally submitted the 1914 business to Scott in March 1916, he drew particular attention to the petitions on enfranchisement probation periods, on restoring the federal franchise and to repeal the Oliver Act. Being the three principal legislative grievances of the Grand Council in 1914, Jacobs had been instructed to carefully explain the council's

⁶⁹ NAC RG 10, volume 2640, file 129,690-3. Indian Agent H. Janes to Secretary of Indian Affairs J.D. McLean, December 9 1916. *Grand Indian Council, 1916*, 2. Secretary of Indian Affairs J.D. McLean to Indian Agents, October 31 1916. Secretary of Indian Affairs J.D. McLean to F.W. Jacobs, April 16 1917. F.W. Jacobs to Secretary of Indian Affairs J.D. McLean, April 23 1917.

positions on those items. For the Oliver Act, however, Jacobs confided in Scott, "I have no comment to make, as it strikes me that the act might be necessary in some extreme cases as it stands," a statement contrary to his position in 1911, and more importantly, to the Grand Council's in 1914.⁷¹ Jacobs was entitled to change his mind like anyone else, but as the President of the Grand Council, he had a responsibility to faithfully express Grand Council resolutions.

Discussion on the Oliver Act, which concentrated on the sanctity of treaties, concerned Jacobs. He had his own ideas on treaties, and he sought Scott's endorsement of them. In a March 1917 letter, Jacobs posed the following question to the Deputy: "Can the Indian Department legislate to give the Indians the same rights, same privileges and same responsibilities as other people enjoy without first changing the complexion of the treaties made between the British Government and the Indians. As I understand it a treaty cannot be changed unless both parties concerned are willing."⁷² Scott could not see the complexity in the issue. He replied to Jacobs, in his opinion, "parliament could legislate to enfranchise any special Band of Indians in Ontario, or all the Indians of Ontario," as long as it was convinced that it was in the best interests of the Indians involved to do so. Scott's frank response may have been deliberate foreshadowing. At Scott's request, parliament soon after enacted a compulsory enfranchisement scheme.⁷³

Jacobs thought otherwise on the relationship between treaties and citizenship. In the circular he sent inviting the Bands to a special session of the Grand Council in 1917

⁷⁰ NAC RG 10, volume 2640, file 129,690-3. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, March 30 1916.

⁷¹ NAC RG 10, volume 2640, file 129,690-3. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, March 30 1916.

⁷² NAC RG 10, volume 2640, file 129,690-3. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, March 20 1917.

to discuss the Military Service Act and other matters, Jacobs made a startling appeal. He noted that the government may be bound to "certain lines of protection" acquired through treaty, and recommended cooperating with the government to "abrogate" those treaties. Only by those means could the people be liberated to "become identified with the peoples of this country and become factors side by side with them in shaping the destinies of our country."⁷⁴ Despite Jacobs' appeal to consider how the treaties must be abrogated to achieve proper citizenship, the Grand Council's only action on treaties in 1917, ironically, was to instruct him to inquire into why and how Ontario game laws were permitted to negate treaty hunting and fishing rights. When Jacobs, as a member of a short-lived Grand Council "Advisory Board," sent to the department a 1919 resolution in favour of treaty hunting and fishing rights, he voiced his displeasure. "In commenting [on] the discussion and arguments advanced by some of the Chiefs," Jacobs wrote to Scott, "it is a noticeable fact that they are still clinging to the old Indian Ideals, and still longing for the happy hunting days that have long past and gone. [E]ven some of the educated Indians were in sympathy with those sentiments."⁷⁵ On Jacobs' view, the treaties stood in the way of an equitable relationship with other Canadian citizens, while most of his older and younger contemporaries, like their forefathers, thought the treaties defined the proper relationship.

Anishinabek contributions to the First World War were impressive. As early as the summer of 1916 the Governor General of Canada recognized Anishinabek

⁷³ NAC RG 10, volume 2640, file 129,690-3. Deputy Superintendent General of Indian Affairs D.C. Scott to F.W. Jacobs, March 26 1917. Canada, Statutes of Canada, 1920, 10-11 George V Chap. 50: 307-312.

⁷⁴ NAC RG 10, volume 2640, file 129,690-3. F.W. Jacobs to the Chiefs of the Different Bands in Ontario, August 12 1917.

⁷⁵ NAC RG 10, volume 2640, file 129,690-3. *Grand General Indian Council, 1917*. NAC RG 10, volume 2641, file 129,690-3A. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, October 24 1919.

contributions to the Patriotic Fund. In 1918, Jacobs proudly reported to Deputy Superintendent General Scott that the Grand Council delegates had agreed to ask their Bands to redouble their war efforts in four areas, military manpower, wartime labour, food cultivation and monetary contributions. In 1917, the Chiefs expressed to Jacobs their desire to discuss the recently enacted Military Service Act, whose central feature was conscription. In his request for departmental sanction of the meetings, Jacobs noted that, in general, the Chiefs seemed willing to suffer the "Conscription Law" if they were extended the franchise. Jacobs pleaded for Scott to attend or send a representative to "explain matters to the people." "It is a very serious matter to the Indian," Jacobs noted, "to be compelled to go to war. Compulsion is most distasteful. They seem to have inherited from their forefathers a perfect freedom to do as they pleased. Hence the anxiety about the conscription law."⁷⁶

True to Jacobs' word, the 1917 special session of the Grand Council resolved not to oppose the Military Service Act by a margin of three to two. In January 1918, Canada's First Nations were legally exempted from overseas military service, which somewhat muted the Grand Council's act of good faith. But it should be remembered that many of the eligible Anishinabek had already enlisted and served overseas by the time conscription was introduced, let alone the exemption accorded in January 1918. Although precise figures do not exist, it is known that the First Nations enlisted at a rate greater than the national average, and Ontario's enlistment rate among First Nations was particularly high. As to Anishinabek contributions, President Henry Jackson reported to

⁷⁶ NAC RG 10, volume 2640, file 129,690-3. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, June 18 1918. Grand General Indian Council of Ontario petition to Deputy Superintendent General of Indian Affairs D.C. Scott, June 16 1916. F.W. Jacobs to Secretary of Indian Affairs, September 24 1917.

the 1919 council that just three Grand Council Bands contributed 130 men, from a total population of 800, none of whom were compelled either by the government or their communities to enlist. Although it is impossible to extrapolate total Anishinabek enlistment from Jackson's figures, it may be surmised that a considerable number of returned soldiers must have been represented by the eighteen delegations in 1919. Support for the soldiers in the communities appears to have been high. Indeed, Jackson expressed his confidence that the returned soldiers' "respective tribes will make ample provision for them according to their means."⁷⁷

Jackson's faith was vindicated by the fact that Bands began electing returned soldiers to the Grand Council as early as 1916. Both Garden River and New Credit deliberately included a returned soldier in their 1919 delegations, apparently at Jackson's request. No doubt there are other examples as well. Jackson may have been one. He competed in a twenty-mile race in Toronto earlier in the decade, so he was certainly strong enough to go to war, which one informant insists he did. If Jackson did serve, it must have been early on because in the summer of 1916 he was elected Assistant Secretary of the Grand Council, a duty he fulfilled by mailing circulars and other council communication throughout 1917 and 1918. In 1918, at the tender age of 33, delegates elected Jackson President of the Grand Council, the youngest in its history. Whether he served overseas or not, Jackson takes his place among the group of young First Nations men across Canada who responded more openly and forcefully to government policy after the First World War, some of them veterans themselves. Returned soldiers were

⁷⁷ Fred Gaffen, *Forgotten Soldiers* (Penticton BC: Theytus Books, 1985) 19-20. Canada, *Native Soldiers, Foreign Battlefields* (Ottawa: 1993) 5-6. NAC RG 10, volume 2641, file 129,690-3A. Undated *Toronto Star* article [1919], "Treaties Are Broken, Declare The Indians: Council of Ojibways Ask for Recognition as a Nation."

among the 'educated Indians' who, to Jacobs' dismay, supported the old view of treaties. They also had what many Anishinabek had coveted since the Grand Council in 1874: in consideration for their military service, returned soldiers had been awarded the federal franchise in 1918 without any loss of status. To what extent their new status as electors contributed to their appointment to the Grand Council is unknown, but in October 1921 Jackson appealed to returned soldiers to use their votes for the benefit of Indians at the coming elections, just as Dr. Peter Edmund Jones had advised in 1885. Non-veteran status Indians would have to wait until 1960 to exercise the federal franchise.⁷⁸

Jackson took his presidency seriously. He called two special assemblies during his two terms as President, one in 1919, the other in 1921. He carried out the usual communication with the department and the Bands and actively sought to expand the Grand Council's membership, beginning with his former Band, New Credit. On Jackson's assurance that the department's law clerk was to be in attendance, New Credit sent a delegation to the 1919 meetings, the first since 1898. In 1922, Jackson visited the Chapleau district to discuss the possibility of those northeastern Ontario Bands sending delegations to the Grand Council. Although he was not immediately successful, Chapleau district Bands soon accepted his invitation. Jackson had the foresight to seek official sanction from the department before he undertook his journey, a testament to the repression being exerted on First Nations political organizing after the First World War. The Secretary replied that the department had "no objection" to Jackson's plans,

⁷⁸ NAC RG 10, volume 2641, file 129,690-3A. Indian Agent W.C. Van Loon to Secretary of Indian Affairs J.D. McLean, April 23 1919. Indian Agent A.D. McNabb to Secretary of Indian Affairs J.D. McLean, April 19 1919. Undated [1919] newspaper article, "Treaties Are Broken. Declare The Indians: Council of Ojibways Ask for Recognition as a Nation." Henry Jackson to Chiefs, October 17 1921. For Dr. P.E. Jones' appeal to Anishinabek electors, see, *Grand General Indian Council, 1884*, 9.

“understood, of course, that this visit is made on your own initiative, and that the Department will not be responsible for any expenditure that may be incurred.”⁷⁹

It did not take long for Jacobs to object to Jackson. Just days after the 1918 Grand Council adjourned, he wrote to Scott that he was “very sorry” the Grand Council had elected Jackson President. He subsequently learned that Jackson,

with Lawyer A.G. Chisholm of Toronto have been exploiting the fears of the Indian population of the “Military Service Act.” I am informed from a reliable source that these two men have already received from those poor ignorant Indians a sum of money amounting to nearly Three Hundred Dollars and are working now to get another five Houndred [sic] fifty Dollars from those poor people and I think it is a shame if it is true. I would not have helped him to get the Position had I known what I found out afterwards. If at all possible an enquiry ought to be had and stop this daylight robbery, if the Department thinks it worth while to hold investigation and mete out the punishment deserved by those who can take money from the deluded Indians in that manner.⁸⁰

The truth of Jacobs’ allegations cannot be determined, but he certainly did not waste any time making his conclusions known; the council convened the second week of June, and he composed his letter on the 18th. Clearly, he did not investigate the matter any further on his own and the Grand Council’s handling of Jackson suggests that there was more to the story than Jacobs knew; delegates re-elected Jackson President in 1920. Even Scott questioned Jacobs’ presumption, replying, “all that you can do now, I think, is to give the new President a fair trial and to see how he administers his office, time will tell whether he is worthy of the honour which the Grand Council bestowed upon him.”⁸¹ Jacobs apparently did not soften his opinion of Jackson. In the autumn of 1921, Jackson issued an invitation, as was customary, to a special meeting to discuss making a presentation to

⁷⁹ NAC RG 10, volume 2641, file 129,690-3A. Indian Agent W.C. Van Loon to Secretary of Indian Affairs J.D. McLean, April 23 1919. NAC RG 10, volume 2641, file 129,690-3B. Acting Secretary of Indian Affairs A.F. MacKenzie to Henry Jackson, May 4 1922.

⁸⁰ NAC RG 10, volume 2640, file 129,690-3. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, June 18 1918.

the proposed parliamentary committee on Indian Affairs. Jacobs immediately sent the circular to the Secretary of Indian Affairs asking, "if there is any truth in the matter as set forth in the circular."⁸² As he did with the Oliver Act and with treaties, Jacobs undermined the Grand Council's decisions on its leadership.

One very important issue discussed at Jackson's special session in 1919 was the new League of Indians of Canada, organized by F.O. Loft. Delegates invited the League "to unite with the Grand Council of Ontario, to become a unit in action for the general advancement of the different Indian Tribes in Ontario," but Loft did not send a representative to the 1920 convention. After considering contrast between the two organizations and discussing the advisability of merging with the League, delegates in 1920 decided to drop the matter, although they continued to discuss the issue privately. In early 1922, Stephen Elliott wrote to the Secretary of Indian Affairs J.D. McLean that the Grand Council were considering merging with the League of Indians of Canada since the department did not appear to adopt its resolutions. McLean advised against such an action, noting that the department did not recognize Loft as representing any body of Indians. Deputy Superintendent General D.C. Scott repeated that view to F.W. Jacobs two years later when Jacobs complained that the 1922 executive were being "led away by this so called League of Indian Nations to the detriment of the Grand Council's business being attended to."⁸³ In 1926, delegates resolved to invite to the 1928 meetings either

⁸¹ NAC RG 10, volume 2640, file 129,690-3. Deputy Superintendent General of Indian Affairs D.C. Scott to F.W. Jacobs, June 21 1918.

⁸² NAC RG 10, volume 2641, file 129,690-3A. F.W. Jacobs to Secretary of Indian Affairs J.D. McLean, October 29 1921.

⁸³ NAC RG 10, volume 2641, file 129,690-3A. *Grand General Indian Council* [1919] 2. NAC RG 10, volume 2641, file 129,690-3B. Stephen Elliott to Department of Indian Affairs, March 10 1922. Secretary of Indian Affairs J.D. McLean to Stephen Elliott, March 20 1922. F.W. Jacobs to Deputy Superintendent General of Indian Affairs D.C. Scott, January 5 1924. Deputy Superintendent General of Indian Affairs D.C. Scott to F.W. Jacobs, February 8 1924.

F.O. Loft's League of Indians of Canada, or the imposter Chief Thunderwater's Council of the Tribes, an international pan-Indian political organization that gained some prominence in the 1920s, it is not clear which. No matter, because neither operated in Ontario by 1928. Whatever relations the Grand Council maintained with pan-Indian organizations in the early 1920s, the decision not to merge was wise. Had he been affiliated with the League of Indians of Canada rather than with the Grand Council, Jackson probably would not have received the department's sanction for his recruitment trip to Chapleau in 1922. As Deputy Superintendent General Scott explained to the American Consulate in November 1926, "There are several organizations among the Indians of Ontario, some of these are endorsed by the Department; others are not."⁸⁴

During the decade of the 1920s the Department of Indian Affairs had to contend with a marked growth in First Nations political activism above the level of the Band. As historian Stan Cuthand has shown in connection with the western provinces, pan-Indian political organization developed in response to a multitude of problems, including education, property ownership, health, economic development, treaty rights and the Indian Act. Most organizers met with either hostility or indifference from Indian Agents and from the department. Indeed, Deputy Superintendent General Scott initially intended to handle Loft by simply ignoring him. Scott did not answer letters from Loft and the department refused Band council resolutions to fund delegations to their meetings. In fact, both Cape Croker and Rama were denied expenses by the department for the 1921 special session of the Grand Council because officials thought the resolution was for the League of Indians of Canada. When ignoring him failed to discredit Loft and disband the

⁸⁴ NAC RG 10, volume 2641, file 129,690-3B. Deputy Superintendent General of Indian Affairs D.C. Scott to Consul General John G. Foster, November 4 1926.

League, Scott applied more vigorous methods. He attempted to forcibly enfranchise Loft in 1921 using compulsory enfranchisement provisions adopted by parliament a year earlier; by the mid-1920s Loft was observed by a "vast network of spies," and in the early 1930s the subject of an active RCMP investigation, at Scott's insistence. According to historian E. Brian Titley, Loft was not revolutionary; the explanation of his persecution "probably lies in his persistent claim that the principal difficulty facing the native population was its subservience to the federal Indian Department."⁸⁵

In reflecting on the Grand Council, it is noteworthy that none of their delegates appear to have suffered the full weight of departmental repression experienced by Loft and others. Henry Abetung is an obvious exception. Abetung was delegated by the Shawanaga Band to attend the Grand Council periodically between 1916 and 1928. In 1926, he helped form the Union Council of Ontario Indians, which researched and lobbied for treaty rights, especially north of Lakes Huron and Superior. In 1931, the department learned that over the past several years Abetung received for his services and expenses as much as \$700, or more. They threatened to prosecute him for soliciting funds for Native claims without permission and told him flatly that henceforth the department would not respond to his communications unless submitted through the normal channels, that is, through the Indian Agent of his reserve. But Abetung's difficulties with the department were unrelated to Grand Council business. By forming the Union Council, Abetung had become an "intermediary," or "agitator." In fact, Abetung had a reputation for agitation long before the Union Council. In 1918, the

⁸⁵ Stan Cuthand. "The Native Peoples of the Prairie Provinces in the 1920s and 1930s," in J.R. Miller, ed., *Sweet Promises*, 381. NAC RG 10, volume 2641, file 129,690-3A. Acting Deputy Superintendent General of Indian Affairs J.D. McLean to Charles W. Myers, June 9 1921. Acting Deputy Superintendent General of Indian Affairs J.D. McLean to R.G. Garland, June 6 1921. Titley, *A Narrow Vision*, 102-107, 107.

Shawanaga Indian Agent, Alexander Logan, expressed his view that the Grand Council was merely an excuse “for men of the Abetung type to have a trip once a year at the expense of the band and he will do anything but work but always wants to appear in the lime light.”⁸⁶ As his comments suggest, Abetung, not the Grand Council, was Logan’s principal concern. Indeed, in 1919, having witnessed a council first hand, he somewhat softened his view on the Grand Council. Forwarding a Parry Island resolution for Band funds to cover host expenses, Logan declared the delegates “had a big time. I do not know whether their meetings are any good but it seems to please some of them.”⁸⁷ He recommended the resolution be approved.

Logan’s resolve to endure the Grand Council is representative of most Indian Agents during the 1920s. Aside from trying to effect departmental instructions on the size of delegations and accounting of expenses, Indian Agents appear to have dutifully submitted delegate resolutions. If for some reason, other than financial, the Indian Agent gave a negative report on a requisition either to fund a delegation or to pay membership fees, the department usually sided with the Band. Things changed during the Depression. Some Indian Agents complained, in view of the present calamity, about the toll Grand Council expenses exacted on Band funds. The department increasingly agreed, with a noticeable turn for the worse immediately upon Scott’s retirement in the spring of 1932. When an Indian Agent complained to the Secretary of Indian Affairs in August 1932 that Band funds could be better used elsewhere, the Secretary agreed, and more. “The Department agrees with you,” replied Secretary of Indian Affairs A.F. MacKenzie, “that

⁸⁶ For the department’s handling of Henry Abetung in the early 1930s, see correspondence between July 1930 and July 1932, NAC RG 10, volume 2547, file 111,834-3 pt. 1. NAC RG 10, volume 2640, file 129,690-3. Indian Agent Alexander Logan to Secretary of Indian Affairs J.D. McLean, June 20 1918.

the money could be used to better advantage than spending it on delegates to this Council where nothing is accomplished to assist the Indians but very often it is the case that grievances are aired and the Indians go home dissatisfied and make trouble for the Indian Agents as well as the Department."⁸⁸ MacKenzie made similar comments to other Indian Agents as well. That same month, he wrote to Indian Agent John M. Daly to suggest that just one delegate from Shawanaga would be sufficient representation at the Grand Council. "As you know," MacKenzie confided, "little or nothing is accomplished at these meetings."⁸⁹ In 1933 the department refused to sanction a Grand Council special session to discuss proposed legislation that would make enfranchisement compulsory. MacKenzie informed Sarnia Indian Agent J.C. McCormick: "I do not see that any good purpose would be served by such a meeting and considerable expenditure would be incurred from Band funds without justification. You may inform the President that there is no intention on behalf of the Government," MacKenzie misled his intended audience, "to enfranchise all the Indians of Canada."⁹⁰

Until Deputy Superintendent General Scott's retirement in 1932, the department and the Grand Council maintained a generally open and frank dialogue. Beginning in 1919, the department provided Grand Council Presidents or Secretaries with detailed responses to Grand Council resolutions, albeit almost always ending in rejection. Although Grand Council resolutions had little influence on the department, at least they

⁸⁷ NAC RG 10, volume 2641, file 129,690-3A. Minutes of Parry Island Council Meeting, May 3 1919. Indian Agent Alexander Logan to Secretary of Indian Affairs J.D. McLean, May 20 1919.

⁸⁸ NAC RG 10, volume 2642, file 129,690-3D. Indian Agent R.J. Lewis to Secretary of Indian Affairs A.F. MacKenzie, August 25 1932. Secretary of Indian Affairs A.F. MacKenzie to Indian Agent R.J. Lewis, August 31 1932.

⁸⁹ NAC RG 10, volume 2642, file 129,690-3D. Secretary of Indian Affairs A.F. MacKenzie to Indian Agent John M. Daly, August 22 1932.

⁹⁰ NAC RG 10, volume 2642, file 129,690-3D. Secretary of Indian Affairs A.F. MacKenzie to Indian Agent J.C. McCormick, March 25 1933.

were not ignored, and not every resolution failed. In 1926, Scott forwarded eight copies of the Indian Act to Grand Secretary Alfred McCue to distribute to eight Chiefs who complained their councils did not possess recent copies of the Indian Act. In 1925, the department agreed to investigate additional claims for property damage, caused by pollution, the Whitefish Lake Band may have had against the Canadian Copper Company. For the most part, however, local grievances, like general grievances, made little progress during the 1920s and 1930s.⁹¹ Grand Council delegates passed a resolution in 1922 calling on the government to amend the Indian Act to their satisfaction and that henceforth no changes were to be made without first interviewing them. As might be expected, that did not happen, despite repeated assurances from the department that Grand Council resolutions always received careful consideration. Although there is documentary evidence that the department did give certain Grand Council legislative recommendations full consideration, in the final analysis, few are reflected in amendments to the Indian Act in the 1920s and 1930s.⁹²

The fact that their recommendations had little influence on federal legislation during the 1920s and 1930s must have been particularly disappointing for delegates because after the First World War there was no shortage of legislative activity. The

⁹¹ For departmental responses to Grand Council resolutions, see for example, NAC RG 10, volume 2641, file 129,690-3A. Secretary of Indian Affairs J.D. McLean to Henry Jackson, June 17 1920. See also, NAC RG 10, volume 2641, file 129,690-3B. Deputy Superintendent General of Indian Affairs D.C. Scott to Alfred McCue, February 9 1927. Secretary of Indian Affairs J.D. McLean to Alfred McCue, April 7 1925. Acting Deputy Superintendent General of Indian Affairs J.D. McLean to Alfred McCue, June 1 1927.

⁹² NAC RG 10, volume 2641, file 129,690-3B. "Grand Council Resolution re: Indian Act amendments, September 6 1922." For reassurances that Grand Council resolutions received careful consideration, see, Acting Secretary of Indian Affairs A.F. MacKenzie to Alfred McCue, January 20, 1928. *Grand General Indian Council, 1924*, 2-3. Deputy Superintendent General of Indian Affairs D.C. Scott to F.W. Jacobs, February 8 1924. Deputy Superintendent General of Indian Affairs D.C. Scott to Alfred McCue, July 29 1926. For examples of serious consideration of resolutions by the department, see, Supervisor of Indian Timber Lands to Mr. Caldwell, February 9 1928. See also the departmental copy of the 1926 minutes, which shows that the resolutions were copied for consideration. *Grand General Indian Council of Ontario [1926]*.

federal government enacted changes to the Indian Act in 1919, 1920, 1922, 1924, 1927, 1930, 1933 and 1936. One 1924 amendment that does seem influenced by the Grand Council was the implementation of a loan system, through which a Band member could borrow up to fifty per cent of the appraised value of his landed property. Other important amendments came in 1920, 1927 and 1933. In early 1927, the federal parliament added an infamous section to the Indian Act that prohibited the solicitation of funds from First Nations for legal claims without the written consent of the Superintendent General of Indian Affairs, which Scott used to intimidate activists like Loft and Abetung. The legislation was the result of Scott's growing frustration with the use of lawyers and other intermediaries to pursue claims against not only the Canadian government, but the American government as well. In 1920, the government made enfranchisement compulsory upon the recommendation of a three-person Board, on which there would be only one Band member, reducing the probation period to two years. First Nations protest from across the country and negative public reaction caused the government to step back from compulsion in 1922. In 1933, however, parliament re-enacted compulsory enfranchisement, with the provision that treaty rights would not be impeded.⁹³

Continuing a trend that began at the time of the Oliver Act, the Grand Council no longer reviewed the Indian Act section by section, as had been the case until 1910. A few of the other 190 or so sections of the Indian Act would be discussed, but during the 1920s and early 1930s, recent amendments, there were many, accounted for the bulk of Indian Act discussions. That was the case with compulsory enfranchisement in 1920, and

⁹³ Leslie and Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition, 120-126. Canada, Statutes of Canada, 14-15 George V Chap. 47: 165-167; 166-167. Canada, Statutes of Canada, 17 George V Chap. 32: 157-158; 158. Canada, Statutes of Canada, 10-11 George V Chap. 50: 307-312; 309-312. Canada, Statutes of Canada, 23-24 George V Chap. 42: 223-225; 224.

was true again in 1928, when the Grand Council discussed, in connection with reserve election amendments from 1927, the merits and weaknesses of three year as opposed to the now prescribed one year mandates. Delegates agreed to bring the matter before their Bands to report in 1930. Differences of opinion could not be overcome in 1930 and the issue was again referred back to the Bands. Delegates do not appear to have ever reached consensus on the issue. On the compulsory enfranchisement enacted in 1933, however, delegates could unanimously agree in 1934 that the legislation ought to be repealed.⁹⁴

The Grand Council's response to the advent of compulsory enfranchisement in 1920 would be surprising for anyone unaccustomed to its cooperative disposition and long history with enfranchisement. After a full day of discussion, a committee finally approved of the "spirit" of the enfranchisement amendment, "in its entirety," except for the "compelling part," which of course legislators considered to be the central feature of the legislation. As Deputy Superintendent General Scott explained to his superior, Arthur Meighen, in January 1920, compulsory enfranchisement was calculated to take "away the power from unprogressive bands to prevent their members from advancing to full citizenship."⁹⁵ What the council approved was the reduced probation period of two years, as compared to the previous minimum of six years. As to compulsory enfranchisement, delegates offered familiar reasons for its rejection, "1st, That the qualified Indian may be very necessary for the best interests of the Band. 2nd, That the qualified Indian may decide to defer his enfranchisement for his minor children's

⁹⁴ NAC RG 10, volume 2642, file 129.690-3C. *Grand General Indian Council, 1928*, 7. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council of Ontario, Held At Shawanaga Reserve on September 9th, 1930*, 2. University of Western Ontario, Regional History Collection, John L. Case Papers. *The Minutes and Proceedings of the Grand General Indian Council of Ontario, Held at Rama Reserve, Sept. 10, 11, 12, 13, 1934*, 4-5.

benefit.”⁹⁶ Delegates agreed to the compulsory education provisions contained in the same Bill as compulsory enfranchisement, provided the government agreed to insert a clause that “only qualified teachers shall be employed to teach in Indian schools, subject to the approval of the Chief and Council.”⁹⁷ According to instructions from the council, Jackson immediately dispatched a letter to the Deputy Superintendent General Scott expressing its views on compulsory enfranchisement and education.

The 1920 Grand Council also considered several local grievances and kept up its pressure on the federal government to restore treaty hunting, fishing, and trapping rights, as it did in 1922 and 1924. In 1920, the appointed delegation to Ottawa asked the department to arrange a reference to the Supreme Court on treaty rights. For its part, the department insisted that federal regulation of hunting, fishing and trapping would be as strict as Ontario’s, and thus a reference would be a moot point, and “not likely [to] be favourably considered.”⁹⁸ In 1924 the Grand Council established a permanent committee to inquire into “what treaties and rights of Indians have been violated by the present government.”⁹⁹ That committee subsequently engaged a lawyer to make a thorough investigation into their treaty rights. After he received a cold shoulder from the department in early 1926, the Grand Council returned to their old tactic of simply appealing to the department to help restore their rights. Besides recent Indian Act amendments and treaty grievances, Anishinabek Bands in Ontario, especially north of Lake Huron, used the Grand Council to discuss their local grievances and express their

⁹⁵ NAC RG 10, volume 2641, file 129,690-3A. *Abstract of the Proceedings of the Grand General Indian Council of Ontario, Wikwemikong, Manitoulin Island, June 16th, 17th, 18th, 19th, 1920*, 3-5. Scott cited in Leslie and Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition, 118.

⁹⁶ NAC RG 10, volume 2641, file 129,690-3A. *Grand General Indian Council, 1920*, 5.

⁹⁷ *Ibid.*, 4. Henry Jackson to Deputy Superintendent General of Indian Affairs D.C. Scott, June 25 1920.

⁹⁸ NAC RG 10, volume 2641, file 129,690-3A. Secretary of Indian Affairs J.D. McLean, “Memorandum,” February 7 1921.

conclusions to the department. The Grand Council considered local grievances in committee, rejecting some on the grounds that no statutory requirement had been contravened, and submitted recommended actions to the department, typically simply a call to investigate. Some of the grievances included women's non-receipt of annuity payments, unpaid timber dues, poor medical services, encroachment on the reserve by government officials and many others. Typically, local grievances were supposed to be submitted through the Indian Agent; their proliferation in the 1920s suggests the confidence placed in those gentlemen. Indeed, one of the last transactions in 1920 was a "demand" that "only qualified men be appointed to the position of Indian Agent."¹⁰⁰ In 1934, the Grand Council submitted its last recommendation on the appointment of Indian Agents. They recommended Indian Agents be appointed from the civil service, on the recommendation of the Members of Parliament for the district of the reserve. By that means, Indian Agents would become indirectly responsible to the Anishinabek who had obtained the franchise either through enfranchisement or military service.¹⁰¹

Throughout the 1920s, the Grand Council pressed the government to extend the franchise to the Anishinabek of Ontario and, new to the 1920s, discussed allowing women the right to vote on the reserves. In accordance with instructions from the 1926 Grand Council, the Executive issued a passionate memorial on the issue of the franchise, which the Chiefs were to present to their local Members of Parliament. The federal

⁹⁹ NAC RG 10, volume 2641, file 129,690-3B. *Grand General Indian Council, 1924*, 6-7.

¹⁰⁰ NAC RG 10, volume 2641, file 129,690-3B. J. Carlyle Moore, Barrister, to Superintendent General of Indian Affairs, January 4 1926. Secretary of Indian Affairs J.D. McLean to J. Carlyle Moore, Barrister, January 9 1926. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council, 1930*, 5, 4. NAC RG 10, volume 2641, file 129,690-3A. *Grand General Indian Council, 1920*, 6-7. NAC RG 10, volume 2641, file 129,690-3B. *Grand General Indian Council [1926]*, 3-6. NAC RG 10, volume 2641, file 129,690-3A. *Grand General Indian Council, 1920*, 6.

¹⁰¹ University of Western Ontario, Regional History Collection, John L. Case Papers. *Grand General Indian Council, 1934*, 5.

franchise suffrage received lengthy discussion again in 1930, but was finally left aside; after 1930, the Grand Council made no further recommendations on the franchise. Not all delegates agreed by 1930 that women should be permitted to vote. Delegates first struggled with that issue in 1924. In that year, they voted 17 to 9 against extending voting rights to women at reserve elections and other "important matters." In 1926, delegates reversed their decision, recommending that the section governing elections on reserves be amended to extend the franchise to all men and women who had reached the age of majority, apparently with no property qualifications. The Department of Indian Affairs expressly rejected woman suffrage. Undeterred, the Grand Council formed a committee in 1928 to enumerate the arguments in favour of woman suffrage. Women should be permitted to vote, the committee explained, because many were property owners, most were mothers who had legitimate legislative concerns for their children, they were "generally speaking" equally intelligent as their male counterparts and, moreover, had "always shown active interest in all matters concerning their reserves."¹⁰² Their pronouncement, however, had no effect.

In 1934 the issue of women's votes on reserves resurfaced. Women of the Chippewa of the Thames petitioned the Grand Council to request that female spouses and property holders be granted the right to vote on reserves. After some discussion, the issue was referred back to the member Bands, whose opinions were to be submitted in writing to the Grand Council in 1936, but that council did not address the issue. Three other issues discussed by the Grand Council during the 1920s and 1930s had special

¹⁰² NAC RG 10, volume 2641, file 129,690-3B. Emerson Snake and Alfred McCue, Grand General Indian Council of Ontario, "Memorial," September 16 1926. *Grand General Indian Council* [1926], 7. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council, 1930*, 4-5. NAC RG 10, volume 2641, file 129,690-3B. *Grand General Indian Council, 1924*, 3. Acting Secretary of Indian Affairs A.F. MacKenzie

significance for women. Women fared particularly poorly in 1924. Besides being denied the vote on reserves, delegates also recommended tighter controls on marriage into and subsequently out of the Band, and rejected, after lengthy discussion, a Moravian resolution that husbands require their wives' consent before being permitted to sell their moveable and immoveable property. In 1934, the Grand Council recommended that Band consent be required for buy-outs of women married outside the Band, as formerly.¹⁰³

During the 1920s, the Grand Council gradually abandoned its long struggle for Band consent on teacher appointments and on improved educational standards in general, the department having made clear its earnest attempts to meet provincial standards and recommendations. Indeed, when the 1921 delegation to Ottawa brought up the matter of educational improvements they received a stern lecture that the member Bands should take fuller advantage of the facilities already available to them. The 1922 Grand Council responded to the department's rebuke by appealing to religious and fraternal societies to help them achieve a higher standard of education, particularly in the north. Later in the decade, however, their energy appeared spent. In 1928, after recommending that Bands have the option to appoint their own teachers, delegates drafted a glowing petition to Deputy Superintendent General D.C. Scott praising departmental efforts in education, which earned Scott's sincere appreciation. In 1930, the Grand Council discussed, for the last time, Band consent on the appointment of teachers. Conceding that educational facilities were presently "adequate," delegates set the 'school question' aside.¹⁰⁴

to Alfred McCue, January 20 1928. NAC RG 10, volume 2642, file 129,690-3C. *Grand General Indian Council, 1928*, 2, 8.

¹⁰³ University of Western Ontario, Regional History Collection, John L. Case Papers. *Grand General Indian Council, 1934*, 3, 4. NAC RG 10, volume 2641, file 129,690-3B. *Grand General Indian Council, 1924*, 3, 4.

¹⁰⁴ NAC RG 10, volume 2641, file 129,690-3A. Secretary of Indian Affairs J.D. McLean, "Memorandum," February 7 1921. NAC RG 10, volume 2641, file 129,690-3B. "Report of Committee on Memorial," June

Other social issues were discussed during the 1920s as well. In 1922, delegates asked the department to amend the Indian Act to permit the garnishee of Indian wages to support deserted parties. They also asked the government to spend public money, not Band funds, to erect suitable monuments to fallen Anishinabek soldiers, and for Tecumseh in 1926 and 1931. In 1924, the question of building a house of refuge for the poor and aged Anishinabek resurfaced, and after considerable discussion, the Grand Council referred the issue back to the member Bands for consideration. The same process was repeated in 1926, and the Grand Council never did elect to build such a facility. In 1934, delegates petitioned the federal government to extend its pension plan to Anishinabek senior citizens.¹⁰⁵

Historian E. Brian Titley has written that the “innocuous tone” of Grand Council resolutions probably accounts for its evasion of departmental hostility. According to Titley, the council “failed to establish itself as the voice of Ontario Indians.” Although it received a “tenuous sanction” from the government, by the early 1920s, “its members were deserting for F.O. Loft’s League of Indians of Canada,” and at the end of the decade, wrote Titley, its “subservience to the government meant that it continued to lose support on the reserves.”¹⁰⁶ The Grand Council was not subservient to the department. One of the reasons historians have tended to misunderstand the Grand Council was its cooperative, non-adversarial approach, which the Grand Council had observed almost

22 1922. NAC RG 10, volume 2642, file 129,690-3C. *Grand General Indian Council, 1928*, 7. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council, 1930*, 3.

¹⁰⁵ NAC RG 10, volume 2641, file 129,690-3B. “Grand Council Resolution re: Monument to Indian Soldiers.” “Grand Council Committee Report re: Garnishee of Deserters’ Wages.” *Grand General Indian Council* [1926], 5, 2-3. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council, 1931*, 2. NAC RG 10, volume 2641, file 129,690-3B. *Grand General Indian Council, 1924*, 5-6. University of Western Ontario, Regional History Collection, John L. Case Papers. *Grand General Indian Council, 1934*, 6.

¹⁰⁶ Titley, *A Narrow Vision*, 95-96.

religiously since 1870. That approach was less a strategy than proper interpersonal relations in Anishinabek ethics. Moreover, resolutions adopted by Grand Council delegates were often the products of years of discussion amongst themselves and with the department; they were calculated for success, not headlines. The Anishinabek member Bands understood the Grand Council's character and, contrary to Titley's claim, supported the organization as ever before. Twelve different Bands sent delegations to the 1924 council at Sarnia. More than twenty attended at Chemong in 1926 and Garden River in 1928. In 1930, one year into the Depression, the number of delegations fell sharply to eleven. Figures are not available for 1932, but judging from delegation resolutions, there appears to have been a modest recovery. In 1934, sixteen Anishinabek Bands sent delegations and eighteen did so in 1936, in addition to four out-of-province delegates representing three eastern Canada Bands.

The view that the Grand Council's cooperative approach was rooted in a commitment to proper interpersonal relations is corroborated by the fact that delegates continued through the 1920s and 1930s to cultivate other aspects of the council's Anishinabek character. For example, in 1920 and 1928 respectively, delegates passed resolutions confirming the right of individual Bands to withdraw support from any business transacted at the council and to use the "Indian language" as much as possible. In 1930, delegates agreed to receive into the Grand Council for free Northern Bands that did not have a Band council and therefore could not appropriate communal funds in the same way as their southern counterparts. Committees continued to articulate Grand Council consensus and Executives were given specific instructions to carry out. Entertainment and festivities served to cultivate unity. The importance of unity and

brotherhood was repeated often. In 1928, the President of the Grand Council, Emerson Snake, noted that the Grand Council's "interest is to work in unity for the good of the Indian race in general."¹⁰⁷ Grand Secretary-Treasurer Archie Peters elaborated in 1932: "We will never be better united unless we set ourselves to knowing each other more intimately and exercise the principle of co-operation. We must work together, help each other with the spirit of unity and brotherhood, which is the foundation on which we may hope to build the welfare of our future race."¹⁰⁸

The Grand Council, of course, had its Anishinabek detractors, but they were fairly rare. Its most persistent critics were the Moravians. The Grand Council received negative evaluations from Moravian delegates throughout the 1920s, culminating in a decision to forego the 1928 meetings. The Moravians again sent delegations to the council in 1930, 1931 and 1932, always against strong opposition. After the 1932 meeting, frequent delegate Emerson Stonefish reported to the Band council that he thought the \$82.30 expended on the Grand Council was "wasted."¹⁰⁹ In 1928, Thomas Big Canoe of Georgina Island notified the department that some Georgina Island members opposed "throwing money away" on the Grand Council. Acting Secretary of Indian Affairs, A.F. MacKenzie, replied that the department concurred with the expressed wishes of the majority of the Band, adding, "it seems advisable for the Georgina Island

¹⁰⁷ NAC RG 10, volume 2641, file 129,690-3A. *Grand General Indian Council, 1920*, 4. NAC RG 10, volume 2642, file 129,690-3C. *Grand General Indian Council, 1928*, 2. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council, 1930*, 6. NAC RG 10, volume 2642, file 129,690-3C. *Grand General Indian Council, 1928*, 3.

¹⁰⁸ NAC RG 10, volume 2642, file 129,690-3C. Grand General Indian Council of Ontario, "Final Notice of conference," 1932.

¹⁰⁹ NAC RG 10, volume 2641, file 129,690-3B. Indian Agent E. Beattie to Secretary of Indian Affairs J.D. McLean, June 10 1922. Indian Agent Nelson Stone to Secretary of Indian Affairs J.D. McLean, August 24 1926. NAC RG 10, volume 2642, file 129,690-3C. Indian Agent Nelson Stone to Secretary of Indian Affairs J.D. McLean, undated [received September 8 1928]. *Grand General Indian Council, 1928*. NAC RG 10, volume 1993, file 6828. *Grand General Indian Council, 1930*. *Minutes of the Grand General*

band to be represented.”¹¹⁰ Most Bands did not need the department to convince them to send a delegation. For example, in 1920, twelve or more Bands agreed to pay the \$5 levy and at least four Bands attended the regular session of the Grand Council despite having received no advance for expenses from the department. Although the Anishinabek living in the eastern portion of Ontario corresponded with the League of Indians of Canada, and may have participated to some degree, the Grand Council was never seriously imperilled. Most of the Bands in southwestern Ontario, on Manitoulin Island, around Georgian Bay and Lake Simcoe, and on the north shore of Lake Huron, continued to send delegations until 1936. Indeed, far from losing support to the League of Indians of Canada, the Grand Council’s membership base actually increased during the period to include a number of Bands north of Lake Superior that had never previously participated.¹¹¹

Between the 1890s and the 1930s, the Grand General Indian Council of Ontario overcame numerous internal and external pressures to maintain the ancient tradition of inter-village alliance, general councils, in pursuit of the ‘good life.’ Throughout most of the period, the Anishinabek living in the eastern end of Ontario used the alliance to discuss relations with the federal government, principally the Indian Act, but increasingly including treaty rights, local grievances arising from non-performance of government’s obligations and, of course, Indian Agents. Like other First Nations elsewhere in Canada, the Anishinabek of Ontario participated in new pan-Indian political organizations after the First World War, but the Grand Council continued to be their principal means of

Indian Council of Ontario, Held At Sarnia on February 25, 1931. NAC RG 10, volume 2642, file 129,690-3C. Indian Agent Nelson Stone to Secretary of Indian Affairs A.F. MacKenzie, January 5 1931.

¹¹⁰ NAC RG 10, volume 2642, file 129,690-3C. Thomas Big Canoe to Secretary of Indians Affairs J.D. McLean, August 20 1928. Acting Secretary of Indian Affairs A.F. MacKenzie to Thomas Big Canoe, August 29 1928.

political expression above the level of the Band. Although the Grand Council engaged in frank communication with the highest levels of the Department of Indian Affairs, its recommendations seldom influenced the Indian Act in the twentieth century. That does not mean the Grand Council was a failure. On the contrary, the Anishinabek continued to see merit in the Grand Council because through its auspices communities educated themselves on the broader implications of federal legislation, became mindful of other opinions, and developed a sense of unity above the level of the Band, and of the region, that remains prevalent today. Unity, knowledge, consensus: the Anishinabek began to reap the rewards of inter-village alliance more directly after the Second World War when Canadians, including their elected representatives and bureaucrats, were generally more willing to listen to what First Nations had to say.

¹¹¹ NAC RG 10, volume 2641, file 129,690-3A. Secretary of Indian Affairs J.D. McLean to Secretary of Grand General Indian Council Alfred McCue, February 24 1920. Indian Agent R.J. Lewis to Secretary of Indian Affairs J.D. McLean, September 3 1920.

Chapter 5: Conclusion

After Confederation, the Anishinabek living in the eastern portion of Ontario responded to internal colonialism by organizing a permanent general council to discuss among themselves their relationship with the federal government. Although surface representations of the Grand General Indian Council of Ontario suggest “political adaptation,” longstanding general council principles and norms continued to inform the council’s deliberations and demeanour. Drawing on several existing inter-village networks, the Grand Council at times swelled to as many as twenty or more delegations, between ten and twenty being the norm. The number of delegations as a measure of the Grand Council’s overall support, moreover, can be deceiving. Besides the comparatively little disenchantment with the Grand Council, a host of reasons could prevent a Band from sending a delegation: the department’s rejection of an expenses resolution, the allocation of scarce political resources elsewhere, or even a simple conflict in scheduling. Between 1870 and 1936, over thirty Anishinabek Bands in Ontario participated in the Grand Council. Their level of participation varied over those sixty-five years, but by 1936, all recognized the Grand Council as a potential resource in the pursuit of the ‘good life.’

The Grand General Indian Council of Ontario, however, did not have overwhelming success molding federal legislation to meet the wants and needs of

Anishinabek communities. After sixty-five years, the Grand Council could boast of only a small list of legislative successes. Of those, the department adopted none precisely, and some altered legislation eventually reverted to its original state or evolved into some new unacceptable form. Why then did so many Anishinabek Bands pledge their support over such a long period? The Grand Council provided communities with one form of political activity beyond the immediate control of the federal government. Delegates could explain, in their own language, and to a sympathetic but not uncritical audience, what was thought needed to be done to improve the lives of their people. The Grand Council also served to develop the knowledge and quality of political leadership. At the council, delegates honed their consensus-building skills and learned the proper attitude for sensitive discussions. Exposure to the combined experience of between one and two dozen communities insured a broader understanding of the implications of federal legislation than local experience alone could allow. The Grand Council's silent influence on the political life of individual communities may have been significant.

Neither should the Grand Council's social aspect be underestimated. Other Band members often travelled with appointed delegates to observe the council and to visit with friends or relatives. The entertainment and festivities that always accompanied the regular sessions promoted good feelings and a sense of community. Through storytelling, singing and other social activities, delegates and council visitors learned about neighbouring and distant communities and obtained a broader understanding of Anishinabek history and culture. Late in the evenings, at Sabbath picnics and at scheduled celebrations, the Anishinabek attending the Grand Council cultivated existing

relations with other communities and developed new ones. What new endeavours, what old commitments, were cemented on those occasions, at present, can only be imagined.

In October 1936, the Department of Indian Affairs informed the Grand Council that delegation expenses were not considered a "proper charge" against Band funds and would no longer be approved. Several factors may have influenced the department's decision. The severity of the Depression increasingly resulted in departmental hostility towards the expenditure of Band funds for the Grand Council and towards the council itself. In the summer of 1936, Indian Affairs was transferred from the Ministry of the Interior to Mines and Resources. The new Superintendent General of Indian Affairs, Thomas Crerar, had little patience for communal organization and he may have been suspicious of the Grand Council from the outset. If that were the case, the 1936 Grand Council would have particularly perturbed him. Four visitors from Nova Scotia, New Brunswick and eastern Quebec were accepted as official delegates, the council changed its name to the Grand General Indian Council of Canada and the principal work done was revising the written Constitution and planning the establishment of a satellite Grand Council in the Maritimes. Whatever the cause of the department's decision to discontinue the use of Band funds for Grand Council delegations, it had an immediate effect. The Grand General Indian Council of Ontario did not meet again until 1946, and then under very difficult circumstances.¹

It has been said that the department's discontinuance of the use of Band funds for the Grand Council caused it to 'disintegrate.'² Such a view is only part true. The Grand

¹ University of Western Ontario, Regional History Collection, *The Minutes and Proceedings of the Grand General Indian Council of Canada Held at Wikwenikong Reserve, Sept. 15, 16, 17, 1936.*

² Titley, *A Narrow Vision*, 96. His opinion appears to be based on research conducted by Rick Lueger for the National Indian Brotherhood in 1972, 7ff.

Council could not convene a regular session after 1936, but general councils continued. One was held at Parry Island October 30 and 31 1940. When the federal government called on First Nations to make presentations to a joint parliamentary committee on Indian Affairs in 1946, the Anishinabek of eastern and southwestern Ontario quickly reconvened the Grand Council. Henry Jackson, now in his early sixties and the Secretary of Andrew Paull's developing North American Indian Brotherhood, made the call. Jackson issued a circular in the summer of 1946 to convene a "Grand Council of Ontario Indians" at Parry Island in October. The purpose of the council, wrote Jackson, was to lend support to the North American Indian Brotherhood, and to "collectively, authoritatively, speak and make representations, as may be decided by the Indians of this Province."³ Jackson, of course, notified the Department of Indian Affairs of his intentions, and invited the department to send a representative. Due to an "acute shortage of staff," the Director of Indian Affairs R.A. Hoey could only concede sending the local Indian Agent as an observer.⁴

The reconvening of the Grand Council did not go as smoothly as one may have liked. H.B. Williams, the elected 1st Vice-President in 1936, now President after the recent death of John Nahmahbin in the summer of 1946, soon learned of Jackson's memo from an unidentified member of the North American Indian Brotherhood. The informant invited Williams to the meetings, but as Williams explained it, "I did not know how to answer him, for I thought that the officers of the Grand General Indian Council is still

³ NAC RG 10 volume 8480, file 1/24-2-17 pt.1. Circular, Henry Jackson to Chiefs and Bands of Ontario, 1946.

⁴ NAC RG 10 volume 8480, file 1/24-2-17 pt.1. Henry Jackson to Director of Indian Affairs R.A. Hoey, August 2 1946. Director of Indian Affairs R.A. Hoey to Henry Jackson, August 8 1946,

very much alive, and should have been consulted before printing an advertisement.”⁵

Williams resolved to reconvene the Grand Council as well, but he could not muster the same support as Jackson, and the controversy appears to have soon subsided. The Anishinabek of eastern Ontario re-convened their extensive, permanent, general council to discuss Indian Affairs at Parry Island in October 1946, as planned, changing its name to the Union of Ontario Indians. By May 1947, member Bands were making joint submissions to the parliamentary committee on Indian Affairs. The committee's mandate was to consider and recommend changes to the Indian Act and administration, with special reference to treaty rights and obligations, Band membership, taxation, voluntary and involuntary enfranchisement, the federal franchise, encroachment on reserves, day and residential schools, and “any other matter or thing pertaining to the social and economic status of Indians and their advancement.”⁶ Owing to the general council tradition sustained through Canada's first eighty years, the Union of Ontario Indians was particularly well placed to speak on those issues.

⁵ NAC RG 10 volume 8480, file 1/24-2-17 pt.1. H.B. Williams to Director of Indian Affairs R.A. Hoey, August 8 1946.

⁶ Cited in Leslie and Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition, 133.

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