

RESERVATIONS ABOUT DEMOCRACY

**RESERVATIONS ABOUT DEMOCRACY:
THE DEPOSITION OF INDIAN CHIEFS AND COUNCILORS
IN ONTARIO, 1897 TO 1944**

By

DAWN NITA, B.A.

A Thesis

Submitted to the School of Graduate Studies

in Partial Fulfillment of the Requirements

for the Degree

Master of Arts

McMaster University

©Copyright by Dawn Nita, September 2000

**MASTER OF ARTS (2000)
(Sociology)**

**McMaster University
Hamilton, Ontario**

**TITLE: Reservations About Democracy: The Deposition of Indian Chiefs and
Councilors in Ontario, 1897 to 1944**

AUTHOR: Dawn Nita, B.A. (Bishop's University)

SUPERVISOR: Professor Victor Satzewich

NUMBER OF PAGES: v, 132

Abstract

The elective form of band governance that was imposed on Indian people was part of Canadian Indian policy. The purpose of this policy, from the development of the *Indian Act* in 1876 to the 1950s, was protection, civilization and assimilation. The government attempted to teach Indian people European values so that they would renounce their traditional ways and assimilate into the general Canadian population. One area in which European values were to be taught was politics. Indian people were introduced to the democratic form of electing chiefs and councilors. The limited amount of responsibility given to these elected officials was intended to give Indians limited control over their own affairs and to introduce them to the Euro-Canadian definition of the democratic process. Those government officials who were given the task as guardians of Indian people were also given the authority to relieve chiefs and councilors from their positions on four grounds. This study focuses on how the legislation regarding the deposition of chiefs and councilors was used; by whom, how frequently, and whether it was used as a weapon of social control. By examining the correspondence between government officials and their superiors at Indian Affairs headquarters in Ottawa, I found that not only were government officials using the legislation, but so too were Indian people. Although Indian people provided more recommendations for deposition, Indian agents had a higher rate of successful depositions. During the time frame studied, there were a low number of depositions and government officials did not appear as though they were motivated by social and political differences. This study does demonstrate that Indian people had some control over their leadership in the form of band council, but it was still limited by the larger system of control imposed by Canadian government officials.

Acknowledgements

It is with the deepest gratitude that I wish to thank the following people for their contributions to this piece of work. I wish to thank Victor Satzewich, my supervisor, for all of his ideas and guidance. I would also like to thank the rest of my committee for their contributions, William Shaffir and Pamela Sugiman. This thesis would not have evolved as easily without the continuous revisions and suggestions made by Hans Nita and Gillian Snow. Furthermore, I am forever grateful for those who lent their continuous support to this project, especially my parents, Jasminka Nita and Hans Nita. Finally, I would like to thank Giuliano Valentino who saw me through every step of the way, and who now understands why it is always about the Indians with me.

Table of Contents

<i>Introduction</i>	1
1 <i>Theoretical Framework</i>	7
The Policy Dimension	7
The Administration Dimension	15
2 <i>Historical Context – Canadian Indian Policy</i>	24
General Policy	24
Administration: The Department of Indian Affairs	31
Group Management: Indian vs. European Governance	37
Band Governance Policy	40
Conclusion	48
3 <i>Examining the Files</i>	52
The Source	52
Organization of the Findings	57
Depositions in Ontario: 1897 to 1944	62
Defining Dishonesty, Intemperance, Immorality and Incompetence	71
Conclusion	84
4 <i>Conclusion: The Relationship Between Indian Affairs and Band Governance</i>	86
A Comparison Between the East and the West	86
The Recommendations and the Depositions	95
The Larger Picture	105
Conclusion	112
<i>Appendix 1</i>	114
List of Files Found on Microfilms	
<i>Appendix 2</i>	120
List of Indian Agencies in Ontario	
<i>Appendix 3</i>	125
Recommendations by year for each agency	
<i>Appendix 4</i>	128
Depositions by year for each agency	
<i>Bibliography</i>	130

Introduction

The British North America Act of 1867 gave responsibility for “Indians and lands reserved for Indians”¹ to the federal government. This represented a new phase in the imposition of a bureaucratic structure on the lives of Indian people in the newly created Canada because it symbolized independent and local self-interest. Since multiple administrative structures were imposed on Indian people before Confederation, it was believed that consistent legislation for the whole country was necessary. Thus, in 1876, the *Indian Act* was created.² The *Indian Act* consolidated a wide range of existing legislation and policy directives. The Act, and the administrative structure created to implement and initiate its provisions, is considered a ‘total institution’ because it affected almost every aspect of the lives of Indian people in Canada. As well, the federal government and its administrators were given overwhelming power over the administration of Indian affairs.³ When the Act was first developed, the Indian Branch was under the jurisdiction of the Department of the Interior, but an amendment in 1880 resulted in the creation of the Department of Indian Affairs. The Superintendent General was in charge of this department, and along with his representatives administered the Act. Between 1870 and 1970 it was these representatives, referred to as Indian agents, who dealt directly with Indian people in their communities.⁴

1 Titley, 1986:8.

2 Titley, 1986:8-11.

3 Ponting and Gibbins, 1980:8-9,11.

4 Titley, 1986:11-13.

The publicly stated goal of Canadian Indian policy until the 1950s was protection, civilization, and assimilation. By giving Indian people special status within Canadian society, Indian people and their land were supposed to be protected from 'exploitation by Europeans'. In trying to impose European values through education, religion, and different economic and political systems, the government attempted to teach Indian people European values so that they would renounce their traditional ways. In this respect, government bureaucrats believed that Indian people would no longer require their special status and would eventually assimilate into the general Canadian population. It was thought that one way that Indian people would further develop the 'Canadian way of life' was to adopt an elective system of governance. This new elective system was meant to create administrative uniformity among Indian groups in Canada, and to eliminate traditional Indian tribal systems.⁵

Clauses 61 to 63 of the *Indian Act* of 1876 dealt with the election of band chiefs and councilors. Chiefs were to be elected by male band members (twenty-one years of age and older) and could hold office for three years. Chiefs and councilors were given limited responsibilities: they could make regulations concerning the granting of reserve lots, building and maintaining schools and other public buildings, and suppressing intemperance. These responsibilities were intended to give Indian people limited control over their own affairs, and to introduce them to an Euro-Canadian definition of the democratic process.⁶ This section of the *Indian Act* also gave departmental

⁵ Dickason, 1992:284-286.

⁶ Titley, 1986:12.

administrators authority to relieve chiefs from their positions on four grounds; dishonesty, intemperance, immorality, or incompetence.⁷

This thesis will focus on how the Department of Indian Affairs attempted to transform Indian peoples'⁸ system of governance. Specifically, it examines how the legislation regarding the deposition of chiefs and councilors was used in relation to three particular questions. How frequently was it used? Was it used as a weapon of social and political control? And, were government officials the only ones who used the legislation? By presenting the historical and conceptual development of the policy objectives, I will demonstrate that the policy regarding band governance was another attempt at assimilating Indian people into the Canadian (political) way of life. What should be realized is that this policy could never fully realize its goal due to its own internal contradiction. The elective system of governance imposed on Indian people was meant to prepare them for full participation in Canadian politics, but it was government officials who made the ultimate decisions and maintained control over the lives of Indian people. The actual practices of the Department, through the work of Indian agents, will be examined because they were the people carrying out the policy in Indian communities. It is believed that these agents, due to their influence over elections and their power to

7 Statutes of Canada 1876, Ch.18, S.62.

8 The 1876 *Indian Act* states that a person is considered to be an Indian if they are a male person of Indian blood who belongs to a particular band, a woman who is married to such a man, and any children born to such a person (Statutes of Canada, Ch.18, S.3.3). In certain cases, other terms (e.g. aboriginal) will be used interchangeably with the term Indian because different authors use different terms to describe Indians in Canada. Since this thesis deals with legislation of a particular section of the *Indian Act*, those who fit the Act's definition of Indian are those who will be discussed in this thesis.

depose chiefs and councilors, ensured that “chiefs and councilors acted as arms of Departmental policy and authority, and not as advocates for their people”⁹.

Chapter one provides the theoretical framework for this thesis. This chapter is divided into two sections. The first section deals with the development of Canadian policy, within which Indian policy is created. The second section examines how Indian policy has been administered.

Chapter two discusses the historical context of Canadian Indian policy. It outlines the development of Indian policy and places the band governance policy into the context of the overriding goals of the Canadian government. This is followed by a summary of the organization of the Department of Indian affairs; the responsibilities of those employed by the department, as well as the authority given to the employees of the department under the *Indian Act*. Of particular interest to this thesis is the role that the Department of Indian Affairs and its employees played in carrying out the federal government’s policies, and whose interests they served. In order to fully comprehend how this new system would affect traditional systems of Indian people, a description of the differences between Indian and European forms of government will also be discussed. Finally, a description of the band governance policy imposed by the Canadian government on Indian people will provide a way of understanding what was being forced on Indian people, and the rules that governed bands under the elective system.

Chapter three explains the findings that were collected from the data set. This information has been divided into four sections. The first section looks at the number of

⁹ Satzewich and Mahood, 1994:42.

recommendations for deposal made by Indian agents, Indian people and other individuals who were outside of the two previously mentioned groups, and compares them to the number of actual depositions. The next section explores the different grounds upon which recommendations were made, as well as the stated grounds used as the basis for depositions. The third examines how each ground for deposal was defined. The final section focuses on the chain of command concerning the depositions, questioning who had the most influence over whether an individual was deposed or not. The purpose of chapter two is to determine who made the majority of the recommendations for deposal, on what grounds, and who was the most successful in getting their recommendations to result in depositions.

The conclusion (chapter four) begins with a comparison of the findings of this study with the work done by Satzewich and Mahood (1994). They performed a study on similar files that focused on the depositions of chiefs and councilors in western Canada. The similarities and differences between their findings and those found in this thesis will be used to further examine the question of how policy directives were implemented by the Department of Indian Affairs. Next, the results from the information gathered from the files, primarily the low number of depositions in relation to the amount of recommendations, and the fact that there were so few of both during this 47-year period in Ontario, will be examined. This chapter will also attempt to explain why there are no recommendations from one of the largest reserves in the province, Six Nations. Finally, this chapter will answer the initial questions posed regarding the use of the legislation (How frequently was it used? By whom? To what ends?).

In this thesis, I argue that it was not only government officials who used the legislation. Indian people also used the legislation concerning the deposition of chiefs and councilors to rid themselves of leaders who they thought were unfit to remain in office. There appears to be a larger number of recommendations made by Indian people in relation to those made by Indian agents, but not the same ratio of depositions. Thus, this provides evidence that the influence Indian agents was greater than that of Indian people. But, it was not found that these officials were motivated by political or social differences. It will also be shown that within the time frame of this study there were a relatively low number of depositions and a high involvement of Indian people making recommendations. This leads one to question the effectiveness of the legislation. Therefore, I demonstrate that Indian people had some control over their leadership in the form of their band council, but it was limited by the larger system of control established by the Department of Indian Affairs.

Chapter 1: Theoretical Framework

In this chapter, I set the overall theoretical context for this thesis. There have been several ways in which social scientists have attempted to understand the relationship between Indian people and the state, two of which will be discussed here. One set of literature deals with policy development, while the second deals with how that policy has been administered.

The Policy Dimension

Menno Boldt suggests that policies that affect Indian people are part of a larger policy making process, which he terms the 'national interest'. This claim, that there is a national homogeneity of interests from which government policies are developed is "a device of the reigning Canadian 'establishment' for asserting its political, economic, and social hegemony over the Canadian nation" (Boldt,1994:67). The purpose of promoting the idea of a 'national interest' is to legitimize government policies that are not derived from the will of the majority of Canadians, but by those with powerful voices (political, bureaucratic and corporate interests) (1994:67). Although the 'national interest' is not well defined, "it denotes no more than the convergent or mediated interests of the powerful as arbitrated by the federal cabinet" (Boldt,1994:67).

Boldt suggests that within this national interest policy paradigm, the interests of Indian people are always sacrificed to the 'national interest'. This means that Indian policy has served the so-called 'national interest' rather than the interests of Indian

people.¹ One of the best examples of this is section 91 (24) of the British North America (BNA) Act. It facilitated the 'national interest' by giving control and jurisdiction over Indian people and their lands to the federal government. This in turn facilitated the coordination of "Indian policy with national military, settlement, and economic policies" (Boldt,1994:68). Under this section of the BNA Act, the federal government is affirmed as the sole trustee of Indian people and the lands reserved for their use. This implies that the government has a legal and moral obligation to continually act in the best interest of Indian people, particularly within the total 'Canadian policy' framework. But, the Canadian government is placed within an ongoing conflict of interest vis-à-vis Indian interests. This is because the federal government is obliged to ensure that Canadian policies do not intentionally sacrifice Indian interests to the Canadian interest, while requiring them to maintain their position as the author and executor of Canadian 'national interest'. It can be inferred then that Canadian interests have been served by Canadian policy, while Indian interests have not been served by Indian policy. For this reason it can be stated that "'Indian policy' has always been,...,a design for sacrificing Indian interests for the general 'Canadian good', that is, the 'national interest'" (Boldt,1994:69). Boldt concludes that "[n]owhere is the 'national interest' written more explicitly and unambiguously than in 'Indian policy'" (Boldt,1994:69). An example of such is the *Indian Act* because it was developed with the 'national interest' in mind, rather than taking into consideration the interests, rights and needs of Indian people. This means that given the choice between the interests of Indian people and the 'national interest', those

¹ Resource development is a contemporary example of this, whereby the government works to remove

interests of Indian people will be subordinated or sacrificed by Canadian politicians (1994:66-72).

Boldt states that the elimination of the special status of Indian people under the BNA Act has been considered part of the 'national interest' for the past half-century. One of the main pressures for the elimination of this special status has been the process of institutional assimilation; that is, "the progressive incorporation of Indians into the political, legal, social, and economic institutional framework of Canadian society" (Boldt,1994:79). The end result would be the elimination of those institutional arrangements that have been specially developed for Indian people. Boldt explains that there are three main strategies that have been used by the Canadian government in their approach to institutional assimilation. The most relevant to this study is structural integration. This is the process within which traditional Indian social systems were replaced by the federal government with Euro-Canadian political, economic, legal and social structures. These imposed structures were first placed under the control of the Department of Indian Affairs and were separated from similar institutions in Canadian society. This allowed Indian people to be schooled within Canadian models of institutional structures, while at the same time shielding them from complete cultural assimilation. The second, more current phase of this strategy, is the incorporation of Indian people into existing federal and provincial institutional structures. The way to achieve the elimination of this special status has been through institutional assimilation and its three strategies, one of which is structural integration (1994:79-81,85). The

legal constraints to allow corporate exploitation of such things as mineral, logging and hydro potential.

Canadian government's ultimate objective would be achieved once Indian people were fully assimilated into Canadian institutions.

From Boldt's analysis, the implementation of the elective system was arguably successful in the destruction of traditional forms of Indian governance and their assimilation into the Canadian political structure. "Under the government's model Indians are required to 'construct' their self-government from a set of approved parts. They are not being given the opportunity to derive self-government from an indigenous set of philosophies and principles" (Boldt,1994:91). Rather than being allowed to remodel their own social systems to meet the needs of their changing conditions, these systems were replaced with Euro-Canadian social systems. Furthermore, the implementation of Canadian policy has created chiefs and band councils who might be prepared "for the vocation of band/tribal self-administration within the existing colonial institutional structures and norms, but it has not prepared them for *Indian* self-government" (Boldt,1994:139). The irony is that although the elective system introduced Indian people to the Euro-Canadian democratic process, they were never allowed to fully engage within it because they were not allowed to pursue their interests independently. Indian people remained outside of the real decision-making power that affected their lives. This is where the contradiction of Indian policy, particularly band governance, lies. The model of 'self-government' found in the *Indian Act* did not allow Indians to establish a new form of self-government that would have allowed them to deal with changes in their surroundings or to take a role in "establishing the basic principles and precepts of self-government, nor in determining the spheres and scope of their authority"

(Boldt,1994:91). Indian people were to participate in a form of government that did not give them full authority over that government. Final authority over this new form of government was given to those acting on behalf of the 'national interest', not those participating in it. The deposition of chiefs and councilors was part of this because Indian agents, as appointed officials, were to ensure that the interests of Canada were being served at council meetings. Thus, this specific policy that was initiated in the 'national interest' in the early twentieth century sacrificed the interests of Indian people at the time and is continuing in its contribution to the maintenance of the current 'national interest'. "By conforming Indian political, administrative, and legal institutions to provincial municipal-type structures, it will facilitate the next phase of institutional assimilation, that is, fully assimilating Indian governments into the provincial municipal system" (Boldt,1994:93).

In order to explain why Indian interests are placed after the 'national interest', one can turn to the work of Rianne Mahon. Mahon presents a Marxist explanation for the way public policy is developed. She suggests that there is an unequal structure of representation within the Canadian state. This structure facilitates the roles of the federal government as the "organizer of the hegemony of the bourgeoisie as a whole and of a definite fraction of the bourgeoisie in particular" (Mahon,1977:166). The actions of the federal government work in such a way that the bourgeoisie remains the dominant class by organizing the consent of the subordinate classes, while promoting consensus among the bourgeoisie to facilitate capital accumulation and to ensure that they remain as the dominant class. Often this involves the government intervening in the economic system

of the society. This is done by putting the decision-making into the hands of a centralized authoritative executive who then has the power to command a hierarchically ordered group of civil servants. The power bloc is made up of the politically dominant classes and those under the protection of the hegemonic fraction, all of whom are allied through private agencies. The state then becomes the agent that compels particular fractions to make concessions that maintain the interests of the bloc as a whole. The increased involvement of the state in the economy is the result of working-class struggles, as well as “the consequence of conflict within the power bloc and the need to maintain the hegemony of a particular fraction of the bloc” (Mahon,1977:169). Therefore, the structure of the state comes to represent socio-economic inequalities, as they are manifested politically (1977:166-169).

Once the unequal structure of representation which has evolved over time in a given social formation has been identified, it becomes possible to link a particular policy instance to the effective ‘national policy’ by tracing the relation of the forces involved to a broader structure of representation (Mahon,1977:165).

Mahon argues that there is an unequal system of representation among the departments that comprise the Canadian state because the long-term interests of the hegemonic fraction create unity within the state. Based on this assumption, some departments will be better represented in the negotiation process, as well as within the Canadian state. The quality of the representation is based on the inequalities between the power bloc and the subordinate classes, as well as the inequalities between certain members of the power bloc (the dominant classes and fractions) and the hegemonic

fraction (the bourgeoisie). In order to maintain unity within the state, the long-term interests of the hegemonic fraction are upheld (1977:170-171).

Thus, the dominant classes and fractions which belong to the power bloc are likely to have a more 'positive' role – able to negotiate concessions which enhance the ability of those they represent to perform their leading role in the economic and social spheres. Conversely, the representatives of the subordinate social forces are likely to have a more limited mandate – (Mahon, 1977:170-171).

As Satzewich and Wotherspoon state, “[g]iven that political power in capitalist societies is closely related to economic power, it is clear that economically powerful groups are better represented at the cabinet table than are others” (1993:36). Mahon explains that the state functions with certain branches or apparatuses that have dominance over others, and that there is usually one branch or apparatus that is dominant. That branch or apparatus that dominates is considered to be the seat of power of the hegemonic class, and is placed in a position of authority vis-à-vis the other branches. Due to its position of authority, this branch is empowered to limit the concessions made to the other representatives (of the other social forces) when creating public policy. Thus, the Department of Finance holds the most important seat within the Canadian state because it gives final approval to the activities and budgets of the other departments (1977:170-171,175). “The notion of the unequal structure of representation...suggests that a particular policy can be analysed by identifying the forces directly and indirectly (...) involved in relation to a reading of the overall structure of representation” (Mahon, 1977:171).

The close relationship between the Department of Finance and the Canadian merchant and finance capitalists has led Satzewich and Wotherspoon to the conclusion that “economically powerful classes have their interests better represented within state policy than do less powerful subordinate groups” (1993:37). Although the interests of the less powerful groups need to be taken into account in order to maintain their adherence to the capitalist system, Mahon suggests they have little participation in the development of policy through their representatives due to their subordinate position in the economy and in civil society. Each government department plays two roles; one is to represent the interests of its client group at the cabinet table, and the other is to act as an agent of social control over that same client group. In other words, the latter role is to persuade client groups to accept compromise (which would aid in the maintenance of the hegemony of the power bloc) (1977:182-183).

The Department of Indian Affairs, according to Mahon, can be considered to belong near the bottom of the ranks because of the subordination of the interests of Indian people to the development of the Canadian state. The marginalization of Indian people emerged out of Canada’s commitment to the development of a national economy that would be based on urban and rural settlement. The reserve system sealed many Indian people off from the emerging capitalist economy, and this position was legitimized through the *Indian Act*. Furthermore, the department’s relation to Indian people has been defined by the *Indian Act*, which places them as colonial people who are incapable of self-development and are dependent on the assistance of the federal government. This relationship of dependency has kept Indian people in a marginal position within Canadian

society (1977:189-190). In their conclusion, Satzewich and Wotherspoon explain that not all of the groups that are represented in the Canadian state share the same dialectic of representation and social control. “Historically, federal authorities were more concerned over the social control of aboriginal peoples than the representation of their interests at the cabinet table” (Satzewich and Wotherspoon,1993:41). Therefore, it can be said that the needs and interests of Indian people in Canada have been neglected and ignored because of the government’s desire for increased social control, and to a lesser extent, because of their economic marginalization.

The relationship between the work by Boldt, and to a lesser extent, Mahon, to this thesis is the issue of ‘in whose interest’. This thesis will look at the deposition process in terms of whose interests were served when considering a band council member be deposed, and who was given authority over whether the deposition was upheld or not. Thus, this section will focus on determining the motivations that influenced whether or not to depose a certain individual. This raises the question of whether those upholding the deposition of a chief or councilor were looking after the perceived interests of the country, or whether they were taking into consideration the well-being of the band under the leadership of the accused.

The Administration Dimension

Dyck defines coercive tutelage as “a form of arbitrary restraint or guardianship exercised by one party over another” (1991:3). The tutelage experienced by Canadian Indians has been a continuous and central feature in what Dyck terms the ‘Indian problem’. This ‘problem’ is the underlying premise of the relationship between Euro-

Canadians and Indians. Not only are the attitudes of Indian people toward their own continuance important, but so are the attitudes and actions of Euro-Canadians towards Indian people. “Euro-Canadian economic interests have from the outset been closely associated with a set of cultural beliefs – namely, the ‘superiority’ of Euro-Canadian society, culture and morality – and a program of consequent social purposes – primarily, the ‘civilizing’...of Indians...” (Dyck,1991:3). This leads to an examination of the motivations and actions of the government and the administration of Indian affairs (1991:2-3).

Implicit in the notion of tutelage is a relationship based on unequal status and power. Dyck explains that one party exercises restraint or control over the other party, who is subjected to this form of guardianship. For Canadian Indians, the tutelage that they have experienced “has been based neither upon a contractual agreement nor a negotiated understanding but upon the power of one side to regulate the behaviour of the other in accordance with a set of unilaterally selected purposes” (Dyck,1991:24). What this means is that Indian people have been subjected to involuntary tutelage that has become a permanent condition, which in turn has created an endless task for the tutor. What has placed Euro-Canadians in the status of tutor is their presumed moral and cultural superiority over Indian people. Thus, the identity and self-worth of Indian people has been deemed inferior to those of Euro-Canadians and has provided the rationale for the control of Indian lands, communities and ways of life. According to Dyck, the presumed superiority of Euro-Canadian society provided ample justification to empower them to appropriate solutions for Indians (1991:24-25).

Underlying the belief of the superiority of Euro-Canadians, according to Dyck, was the assumption that Indian people would not be able to survive in mainstream society unless they changed. This belief has “always been the central assumption that provides justification for schemes undertaken or sponsored by governments to transform Indians, to remake them into persons who exhibit conduct and characteristics idealized within Euro-Canadian society” (Dyck,1991:25). What this does is devalue Indians and what it means to be Indian, while at the same time create an ideal image of the values and virtues found among Euro-Canadians. This also allows the tutors to realize their goal; “to reshape Indians so they may acquire and reflect the civilized ways of life and ideals of Euro-Canadian society” (Dyck,1991:26). In the opinion of the tutors, they are motivated by feelings of charity, not self-interest. Tutelage is promoted as the means for helping Indian people free themselves from a fate that is believed to be inescapable without the help of the tutors. In other words, to rescue Indians “from their own inadequacies and shown by tutelage agents how to accommodate themselves to the society that has grown up around them” (Dyck,1991:26). In reality, there is an expectation of reciprocity on the part of those placed under tutelage, that Indians “will eventually acknowledge the superiority of the tutor’s values and demonstrably adopt these” (Dyck,1991:26) as their own. Thus, not only do Euro-Canadians know what is in the best interest of Indian people, but also Indian people are supposed to transform themselves as a way of saying thanks to their tutors (1991:25-27).

What is interesting to note is that these civilizing efforts have continued throughout several generations, yet Indian communities have survived. According to

Dyck, many Indian people have been taught since childhood that to be an Indian is unacceptable, and in order to become worthwhile they must change to reflect the attitudes and behaviours of their tutors. Although Indian people have been able to continue to survive as Indians, their resistance is interpreted by the tutor as a further sign of their inability to know what is best for their own survival. For the tutor, this provides ideological justification to continue to subject their clients to tutelage without their consent. The resistance by Indian people to tutelage has come in different forms. Some of it has been incidental whereby programs implemented by the government failed to take local conditions into consideration (e.g. insufficient land available to teach Indians how to be farmers). In other cases Indian people have welcomed the tutor's gifts of the introduction to new economic activities, instruction in reading and writing, and introduction to the Christian faith. But, these gifts came wrapped in the expectation that Indians would change and renounce their Indianess. This meant that in order to be saved from their predicament, Indian people would also have to give up the survival of their communities' ways of life and this has created resistance to coercive tutelage (1991:27-28).

There are three main stages to explain how tutelage came about in Canada. Dyck has described these as the demand for Indian land and resources, religious and ideological arrogance, and bureaucratic disposition to disempower clients to accept the system that was created to manage them. Material interests were the motivation behind this first stage when large-scale immigration to Canada began. Tutelage provided an effective and inexpensive means of creating transfers of Indian lands to Euro-Canadian settlers. In the

stage of religious and ideological interests, it was missionaries who believed that it was their duty to teach Indian people the more civilized and acceptable way of life. In the final stage, institutions were set up to deal with the Indian 'problem'. Not only does institutionalized tutelage manufacture the Indian 'problem', but it also validates the tutor's society while invalidating their client's society. "The protection and instruction extended to Indians through coercive tutelage involves not so much altruism as a symbolic celebration of the ideals of Euro-Canadian society" (Dyck,1991:30). This means that the values and ideals of Indian society serve as an indicator of the legitimate values and ideals of social order promoted by the tutelage agent. In other words, "[c]oercive tutelage is by its very nature well suited to advancing the interests and ideals of the ruling classes within civil society" (Dyck,1991:30). In order to achieve their political, ideological and economic goals, tutors must destroy aboriginality and create dependence. Since Indian people did not embrace the premise of tutelage, often their compliance had to be forced. The instruments of power have included state controlled and assisted mechanisms for exercising control, including legislative sanctions and bureaucratic structures (1991:28-30,74-75). The disempowering of Indians

has been employed routinely as a means of protecting the emerging 'professional' interests of tutelage agents and institutions, interests that can be presented as being 'really' those of Indians only as long as the tutors' presence and powers are based upon a shared belief in the inherent inferiority of native cultures and society (Dyck,1991:31).

Dyck explains that in order to maintain and justify the imposition of tutelage, the tutors need to present Indians as being unable to look after their own interests. This means that the tutelage agents need to manage the public's understanding of their own

activities and the activities of Indian people in order to achieve their goal. Furthermore, those working for the tutors also have to believe in the material and ideological interests of Euro-Canadian society. This included employees of the Department of Indian Affairs.

[T]he new employee of an agency such as the Department of Indian Affairs encountered a set of existing bureaucratic roles, formally stated moral purposes and underlying institutional beliefs concerning the nature of aboriginal peoples and the most appropriate ways of managing their lives (Dyck, 1991:77).

Even though a new employee might have their own impression of the situation, conformity to these preexisting beliefs was encouraged because of the personal costs that could be incurred. Often those who did not follow orders were quickly dismissed. In order to sustain the need for tutelage, those within the department often had to justify their power by discrediting the worth and abilities of Indian people:

Unless they [field officers] accepted the proposition that native peoples could not lead a decent life without the direction that they provided, tutelage agents were cast in a role in which they would arbitrarily and self-consciously exercise power over other human beings for no good reason. As a result, ideological and social distinction were carefully maintained between aboriginal peoples and their 'keepers' and were reinforced by the images used within tutelage agencies to depict those whose lives were thus supervised (Dyck, 1991:77).

Descriptions of Indian people were as 'they were', rather than 'what they once were' or 'what they would become', meaning that they would always be dependent and subordinate wards of the state. Such descriptions served as justifications for the continued control over the lives of Indian people by the Department of Indian Affairs and became an important part of the Indian 'problem' by incorporating those factors that are believed to be relevant to the 'problem' while excluding those that do not fit into its definition. This allowed the government to turn popular assumptions about the nature of

Indian people into administrative realities. The definition of the Indian 'problem' has been given to the Department of Indian Affairs and the federal cabinet who not only defines the problem, but also devises the appropriate measures to resolve it. This arrangement clearly does not allow for the views of Indian people to be sought out in order to decide the course of federal Indian administration (1991:55-56,76-78,81).

The introduction of the band governance policy was meant to teach Indian people the Euro-Canadian political system. In this way, Indian people would be prepared for integration into the political sphere of mainstream society, adopting at least one aspect of so-called 'civilized' society. By adopting Euro-Canadian political ideals, they would have to renounce their own forms of traditional governance, thus ridding themselves of part of their Indianess and acknowledging the superiority of the democratic system used by Euro-Canadians. It will be shown that this form of band governance was not willingly adopted by Indian people when it was first introduced, which resulted in its forced implementation in the eastern part of the country in the late nineteenth century. As the number of bands under the elective system increased, issues concerning the legislation resulted in further amendments and increased regulation by the state.

The relevance of Dyck's work to the present study is seen in relation to the imposition of Euro-Canadian values and ideals on Indian people as a means of assimilating them into the larger population. This forced assimilation came in the form of elected band councils whereby Indian people would participate in and legitimize Canada's democratic form of governance. Although the federal government kept Indian people under a form of tutelage, at least in the political sphere, data in this thesis indicates

that Indian people appeared to be embracing this new elective system. Indian people became familiar with the deposition process and ended up taking an active interest in those elected as their leaders. Although their recommendations for deposition did not always result in a deposal, at least some Indian people seem to have committed to this new form of band governance because these recommendations appeared throughout the years and were made in numerous agencies around the province of Ontario. Therefore, what will be shown is that Indian people did not require further tutelage in this area, as they had transformed this area of their culture to mirror that of Euro-Canadian society and to adapt to the world that was developing around them. Thus, there was no 'Indian problem' in the sense that further tutelage was not required in the area of band governance.

One area that appears to be lacking in the two theoretical dimensions is that there is little emphasis on the issue of resistance. Dyck briefly discusses some examples of resistance, but uses these as a way of showing how the tutors increased their authority as a means of maintaining and justifying the imposition of their tutelage. Boldt appears to see the assimilation of Indian people as inevitable and that it will be realized through the implementation of further Canadian policies, meaning that the issue of resistance is of little significance. Both authors tend to portray Indian people as passive victims who were powerless over the processes that controlled them. This research suggests Indian people did play an active part in the composition of their band councils. It was not only Indian agents, but also Indians who made recommendations regarding the suitability of their leaders. Thus, the government was not the only figure that was using this legislation

to their advantage. Since Indian people made so many recommendations for deposition in Ontario, it would appear as though certain bands were understanding this new form of band leadership and were actively involved in the processes spelled out in the legislation. This could also lead one to conclude that perhaps some Indians were interested in assimilation because they were absorbed in the political process that was being imposed on them. Therefore, Indian people learned how the system worked, without actually having any experience or authority to fully participate in it.

Chapter 2: Historical Context – Canadian Indian Policy

This chapter traces the history and the role of the administrators within the administration of Indian affairs. In particular, it discusses Canadian government intentions regarding the implementation of the elective system of band governance. It shows that the elective system of band governance was one cornerstone of the federal government's policy of assimilation. In other words, this policy was meant to introduce Indians to the Canadian political system, and help them integrate into Canadian society.

General Policy

Before Confederation, there were several policy initiatives that were put into place to deal with Indian people. The Royal Commission on Aboriginal Peoples (RCAP) suggests that in 1763 the British Crown undertook measures to stabilize relations between colonists and Indians. "The method chosen was a public proclamation confirming the nature, extent and purpose of the unique relationship that had developed in North America between the British Empire and Indian nations" (RCAP, 1996:260). The *Royal Proclamation of 1763* dealt mainly with issues of separating, protecting, and purchasing tribal lands. The matter of protection is what will become significant for later Indian policy. The Crown drew boundaries that separated Indian lands from lands that were being set aside to form colonies. This was to ensure that the lands reserved for Indian people no longer suffered from colonial pressure for lands and to prevent new wars between Indians and colonists (1996:260-261). "By guaranteeing Indian lands, the

Crown established itself as their protector, thereby undertaking a role that continues today" (RCAP,1996:261).

The first part of the nineteenth century has been labeled by the RCAP as the 'civilizing' period. This was a period marked by the establishment of reserves, fixed locations where the policy of civilization could be carried out. On reserves, Indian people were introduced to Christianity, trained on farming and other trades, and were educated in missionary-run schools. Policy makers believed this training would allow Indian societies to develop along the same model as Europeans, and that Indian people would become civilized farmers and tradesmen. It was also hoped that Indian communities would become economically self-sufficient. By the end of the 1830s, colonial authorities determined that the civilization program failed. Indian people were not willing to abandon their traditional ways that easily, and conflict among the various church groups hindered the effectiveness of the christianization program (1996:264-266).

The RCAP states that the final phase of pre-Confederation Indian policy was assimilation. In 1844 a commission set up by Governor General Sir Charles Bagot produced a report on the conditions affecting Indian people, including the administration of band funds and the problem of squatters. Among other recommendations, the report suggested that there should be a centralization of control over all matters dealing with Indian people. This would "bring order to the development of Indian policy and to end the varying practices in the different colonies" (RCAP,1996:268). Other recommendations included establishing boarding schools for young Indians as a means of separating them from the traditional teachings of their parents, preparing band lists that

would reduce financial obligations of the Crown, and developing an Indian department. Many of the provisions that are found in the current *Indian Act* have their origins in the recommendations made by the Bagot commission (1996:263,267-269). These pre-Confederation policies were initially implemented in the areas that came to be Upper and Lower Canada (Rotman,1996:67).

The British North America Act of 1867 gave responsibility for “Indians, and Lands reserved for the Indians” (section 91(24)) to the federal government (Rotman,1996:70). Under the new tripartite system (composed of the Crown, the dominion, and the provinces) Indian nations were not recognized. Rotman explains that under the *Royal Proclamation*, Indian people were recognized as political units within the territory that would become Canada within British North America. The *Royal Proclamation* served a dual function; it signified the Crown’s assertion of sovereignty of Canada, and affirmed the inherent sovereignty of Indian people. The British Imperial system was composed of three political entities: the Imperial Crown, the colonies and Indian nations. Matters were conducted on a nation-to-nation basis between the Crown and Indian nations because of their treaties and alliances. This meant that Indian people were recognized as allied nations, rather than subjects of the Crown (1996:38-39;RCAP,1996:261-262). Thus, under the new system, the RCAP explains that while many Indian nations were still self-governing, Indian people would only be recognized within the body politic if they renounced their Indian identity (1996:274). In terms of Indian policy, the new Dominion chose to continue and build upon the models that had

previously been established under the imperial government, rather than introducing original policies (Titley, 1986:8).

In 1869, Parliament took formal action to realize its goal of assimilation by introducing the *Act for the Gradual Enfranchisement of Indians*. Enfranchisement provisions found in the *Gradual Civilization Act* of 1857 were repeated in this new legislation, according to the RCAP¹, and even stronger measures were introduced to prepare Indian people for absorption into Canadian society. “With these provisions Parliament entered a new and definitive phase regarding Indian policy, apparently determined to recast Indians in a mould that would hasten the assimilation process” (RCAP, 1996:275). The *Act for the Gradual Enfranchisement of Indians* permitted interference with tribal governments, which officials believed would allow them to remove the main obstacle to their policy goals. (The previous 1857 act only interfered with tribal land holding patterns). Government officials felt that the major impediment to achieving their goals was the opposition of traditional Indian governments. “This new act, it was hoped, would allow those traditional governments to be undermined and eventually eliminated” (RCAP, 1996:275). The *Act for the Gradual Enfranchisement of Indians* also dealt with issues of Indian patterns of land tenure, and the loss of Indian status for Indian women who married a non-Indian (1996:271,274-276). The *Act for the Gradual Enfranchisement of Indians* is important to this discussion because the band council system found in this legislation is later found in the *Indian Act*.

¹ Although the RCAP uses the term *Gradual Enfranchisement Act*, the official policy title is the *Act for the Gradual Enfranchisement of Indians*.

Ponting and Gibbins explain that the most important aspect of the *Indian Act* is that it combined all existing legislation and policy directives into one instrument that would dominate Indian Affairs for the next century. They argue that the *Indian Act* approximates what Irving Goffman called a 'total institution' because it affected virtually every aspect of Indian people's lives (1980:8-9; Dickason, 1992:286). According to Titley, Indian people were placed in a distinct legal category and were treated as wards of the federal government who were not granted the privileges of full citizenship (1986:11). The prevailing philosophy of wardship was reflected in the 1876 Annual Report of the Department of the Interior:

Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. ... the true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship (as cited by RCAP, 1996:277).

When the *Indian Act* was first introduced to the House of Commons, the Minister of the Interior and Superintendent General of Indian Affairs, David Laird, explained that it was in the best interests of Indian people to have all the laws concerning them consolidated and that they should either be treated as minors or as white men (Leslie and Macguire, 1978:60). This comment was made in reference to the franchise, in that Indian people should either assimilate and become like the rest of Canadians or they should remain as wards of the state. As explained by Dyck in chapter one, this meant that Indian people needed to be rescued from their own incompetence and to learn from their

guardians how to adapt to the society that had grown up around them. By rejecting this gift from the tutor, Indian people were believed to be confused and unable to appreciate what was best for them (1991:26-27).

Kathleen Jamieson² states that nineteenth century Indian policy was based on the notion of the natural superiority of European culture. Until Indian people were able to acquire European lifestyles, customs, beliefs and values (the elements of civilization), they would be subject to special laws that would aid in their transition from barbarism. "The culmination of this process was the act of enfranchising" (Jamieson,1971:13). When an Indian person was enfranchised, they were no longer an Indian as defined by law. Rather they were considered 'civilized' and entitled to the same rights and responsibilities of other Canadians (1971:12-14;Dyck,1994:25). Therefore, unlike the rest of Canadians, Indian people were to be protected by the federal government until they earned the right to become Canadian citizens (a right afforded to non-Indian people at birth). The myth of duty and the delusion of paternal responsibility appeased feelings of guilt that might have arisen from conquest and expropriation (Tittley, 1986:201;Dyck,1991:26).

According to Leslie and Macguire, the next major piece of legislation to be introduced in the effort to civilize Indian people was the *Indian Advancement Act* of 1884. This act was intended to introduce Indian people to a municipal style of government. Under this new act, tribal regulations were transformed into municipal laws. It was also hoped that band councils would be introduced to a system of self-

government. This Act was not supposed to be forced upon bands. Instead, Deputy Superintendent General Vankoughnet asked his officers what bands they believed were sufficiently advanced to have the *Advancement Act* applied to them. Many of his officers felt that those Indians in their charge were not ready for this legislation and wanted to maintain the tribal governments that had been established under the *Indian Act* (1978:77,84-85). The difference between these two pieces of legislation is that under the *Indian Act* elections of chiefs and councilors were to be held every three years, while under the *Advancement Act* elections were to be held annually and the reserve was to be divided into sections that would be similar to municipalities. In addition, chiefs and councilors were given the power to collect taxes and enforce by-laws under the *Advancement Act*. Whereas with the *Indian Act*, chiefs and councilors were only given limited local administrative powers, like maintaining schools and building bridges (Statutes of Canada 1876, Ch.18, S.61-63; Statutes of Canada 1884, Ch.28, S.4,7,10).

Therefore, to summarize this discussion of the history of Indian administration, Tobias states that the publicly stated goal of Canadian Indian policy until the 1950s was that of protection, civilization, and assimilation. By giving Indian people special status within Canadian society, Indians and their lands were to be protected from 'exploitation by Europeans'. But, by imposing European values through education, religion, and different economic and political systems, the government was attempting to teach Indian people European values so that they would renounce their traditional ways. In this respect, government bureaucrats believed that Indian people would no longer require

2 Jamieson is cited throughout the text because she was the contributor to the book that is authored by the

their special status and would eventually assimilate into the general Canadian population (1976:13,18). For Titley, assimilation would be facilitated by teaching Indian people how to be farmers and wage labourers. This would lift Indian people out of their dependence, and would allow for a smoother transition into the Canadian population. Thus, Indian people would cease to exist as a separate people. These policies were inspired by “the assumptions of nineteenth-century evangelical religion, cultural imperialism, and laissez faire economics” (Titley,1986:201). Due to the absence of shared aims, those in charge of Indian administration were constantly faced with difficulties and Indian people were seen as a problem (1986:201). The RCAP suggests that the period between 1880 and the 1930s is considered to have been the peak of the government’s assimilative thrust. This is when most provisions and practices arose. Over the years, amendments were made to the *Indian Act* as a result of unanticipated problems that federal officials experienced when implementing the government’s policies. Although changes were made throughout the years to the *Indian Act*, it remained relatively unchanged in substance and approach until 1951 (1996:280,281).

Administration: The Department of Indian Affairs

Titley explains that in 1873 jurisdiction over Indian Affairs was given to the newly created Department of the Interior. The position of Superintendent General of Indian affairs was passed on to the Minister of the Interior. With the creation of the Dominion of Canada, the Indian Branch was faced with the challenge of developing a way to extend its jurisdiction to all areas in the country. The administrative structure

based on what had evolved in Upper and Lower Canada would be used: “[a]t that time Ontario was divided into seven superintendencies, each containing a number of reserves, with officials bearing the title of visiting superintendent or agent in charge” (Titley,1986:9). A board of Indian Commissioners was appointed in Manitoba and the North West Territories in 1873 to supervise relations with the Indian population. In British Columbia, a branch of the federal bureaucracy was established in 1872. By 1874 there were two superintendencies established in British Columbia. “As an Indian administrative structure was being created in the new provinces and territories, it also became necessary for the Dominion to introduce order and consistency to the legislation affecting Indians” (Titley,1986:11). As noted in the previous section, the *Indian Act* of 1876 consolidated all existing legislation concerning Indian people and was to have uniform application across the country (1986:8-11;Dickason,1992:283).

An amendment in 1880 created a freestanding Department of Indian Affairs (DIA). The Superintendent General of Indian Affairs was in charge of this department. Titley notes that although the cabinet minister (of the Ministry that housed the Department of Indian Affairs as one of its branches) held the title of Superintendent of Indian Affairs, this position was regarded as a minor component of his responsibilities. This meant that the actual decision-making was placed in the hands of the head of the department, the Deputy Superintendent General (1986:13;RCAP,1996:278,280). In addition,

The new *Act* also affected some bureaucratic changes. First, it formalized the duties in the Canadian Cabinet of the Superintendent General of Indian Affairs. It also diminished the Governor-in-Council's authority respecting Natives, and gave much more discretionary power to the Superintendent-General (Frideres, 1988:28).

(Part of the scope of the Superintendent-General's duties will be dealt with in relation to the elective system) The Indian Affairs Branch of the federal government was created to administer the lands and affairs of Indian people. The Department of Indian Affairs was given its powers under the *Indian Act*, giving exclusive jurisdiction over Indian people to the department and its officers (Dyck, 1991:83).

The Indian Affairs Branch was organized into two sectors, an inside and outside service. Titley explains that the inside service consisted of the staff located at department headquarters in Ottawa. By the early 1880s, the number of 'inside' employees was less than forty. It consisted of the Deputy Superintendent General, a chief clerk, an accountant, a small clerical staff and unskilled personnel. The outside service consisted of those people "who dealt with Indians directly and who were responsible for policy implementation at the local level" (Titley, 1986:13). By 1890 there were 460 employees in the outside service, and by 1913 the number of employees was up to 651 (1986:13-14,37). Dyck explains that the activities of the outside service were organized around agencies. Each agency was responsible for one or more bands or reserves. There were regional supervisors who oversaw the work done by the Indian agents, and who reported either to regional supervisors or directly to department headquarters in Ottawa (1991:83).

Between 1870 and 1970, Indian agents were responsible for carrying out Indian policy. The responsibilities of the Indian agents³ consisted of “implementing state policy within Indian communities, administering the Indian Act, and for supervising departmental employees (Agency assistants, Clerks, and Farming Instructors) who worked under them” (Satzewich and Mahood, 1994:47). Titley suggests that Indian agents were considered the most important employees of the outside service because they were responsible for administrative units that contained one or more reserves. Indian agents were charged with responsibilities that included presiding over band council meetings and school inspections. In 1881 they were made justices of the peace under the *Indian Act* (1986:13-14). “The Indian agent became an increasingly powerful influence on band social and political matters and on most reserves came to dominate all important aspects of daily band life” (RCAP, 1996:281).

But, Indian agents were seen in a different light by their charges, “[f]rom the vantage point of reserve residents, however, the Indian agent personified the Department, which in turn represented the federal government as a whole” (Dyck, 1991:83). The reason for this, according to Dyck, was because of all the duties that the Indian agent was supposed to perform. These duties included the enforcement of the *Indian Act*, distributing rations and other forms of relief, and determining the suitability of those individuals who ran for the band council (1991:83-84).

Donald Purich tends to emphasize the amount of bureaucracy imposed on Indian people in the form of Indian agents and government legislation. The *Indian Act* was the

3 According to Ponting and Gibbins, the official title for Indian agents was Agency Superintendent

tool that outlined the rules regarding the governing of reserves. This meant that the rules to be enforced by Indian agents were to be found in the *Indian Act*. These rules were sometimes modified within particular local conditions. Often there was confusion within the department since the policy was not always clear-cut. Furthermore, those within the bureaucracy operated with little understanding of Indian people. This meant that people who were not experiencing first hand contact with Indian communities were making the decisions in Ottawa (1986:122-123).

From a case study done on John Daly, Indian agent in Parry Sound (Ontario) from 1922 to 1939, Brownlie provides a better understanding of the role of the Indian agent. Indian agents “were expected to provide reliable data to facilitate informed decision-making, and then to carry out the policies and instructions of their superiors at headquarters” (Brownlie,1994:66). Agents often exercised personal power over day-to-day matters, despite the strict enforcement of hierarchy in the decision-making that was associated with the department. Agents were expected to control the political⁴ and economic affairs of the band, as well as to exert moral and cultural influence over those placed under their tutelage. The distribution of rations and relief was one of the agents’ sources of economic power. At times Indians received varying responses to their requests for rations based on the agent’s impressions of the options available to them, and the agent’s opinion of their character. By the 1920s, this system of agents was a well-entrenched institution. Agents “enjoyed a position of strength because First Nations

(1980:137).

⁴ The control over band councils by agents will be discussed in the section entitled Band Governance Policy.

people had always had limited credibility at the Department when attempting to state their grievances or appeal the decisions of the agents” (Brownlie,1994:69). Although agents were supposed to achieve the department’s goal of self-sufficiency and independence among Indian people, “their political agenda was shaped by their personal interest in maintaining Departmental control over the reserves” (Brownlie,1994:85). In the end, this meant that the department would never realize its official goal (1994:66-70,85). Indian people “remained a distinct group living largely separate from the mainstream population, on reserves which were intended to be absorbed into the surrounding white communities” (Brownlie,1994:70).

The case discussed here by Brownlie, of the Indian agent in Parry Sound, is relevant to this study because of what it is able to contribute to the study of government and Indian relations.

The role of the Indian agent has never been fully documented in Canadian history. This is largely because the work of these local reserve representatives... was usually conducted in geographically remote areas, far from the scrutiny of most Canadians. Moreover, Indian Affairs were, until relatively recently, well down the list of preoccupations of most Canadians (RCAP,1996:297).

Since there is a lack of information concerning this area of Canadian history, Brownlie has provided one of the few cases in which the opinion of the Indian agent was available. This work allows us to understand how Indian policy was implemented by looking at the career of someone who was directly involved in its implementation (1994:63). It provides insight into the actual dealings of the Indian agent with those under his charge as well as his dealings with the department, and offers an account of the relations between Indian people and the department and the effects of the agent’s judgments.

Therefore, in relation to this study, it allows one to see how the legislation was used, particularly by a government official.

Group Management: Indian vs. European Governance

In order to understand why the Canadian government was determined to change traditional forms of governance among Indian communities and the transition that Indian people were going to face, it is necessary to understand what was going to be changed. Menno Boldt explains that traditional Indian leadership originated from the social systems of the tribal community, which were arranged around extended kinship groups. This community was the source of the entire political, social, spiritual and economic functions of the group. This meant that in most Indian communities, power was not classified into specialized institutional structures. Decisions were reached through a consensual approach because all of the members of the group constituted 'the government' in respect of its functions (1994:118-119). Since all members of the tribal community took part in the decision-making, "[p]ower and authority were vested only in the band or tribe as a whole. Thus, the dichotomy of 'rulers' and 'ruled' did not exist between leaders and members" (Boldt, 1994:119). The reason that Indian people engaged in this form of collective ruling derives from their 'spiritual compact', instead of a social contract, as suggested by Boldt and Long. Individual self-interest among Indian tribal societies are intertwined with the tribal interest, which meant that Indian values included sharing and co-operation, rather than competition and the notion of private property. Thus, what will not be found among these tribal communities are individuals who exercise authority over other members of the group (1984:537-543). This does not mean

that there were never any leaders within Indian communities. Boldt explains that chiefdoms had a certain authority attached to the leader in terms of decision-making and the redistribution of goods and services. These leaders had to earn their status and influence by building a reputation based on certain attributes, including generosity, wisdom, spirituality, and courage. Indian 'elders' also exerted influence among their communities in political, social and moral matters. These elders played an important function in these communities because they passed on tribal traditions and customs to future generations, which is an important role in oral societies (1994:119). These elders often "played a special role in identifying band/tribal members who displayed the qualities of leadership" (Boldt,1994:119) as well.

Boldt and Long point out that the reason that Indian communities do not have formal institutions or positions of authority is because of their customs. "Indians invested their customs and traditions with the authority and power to govern their behaviour" (Boldt and Long,1984:543). All the members of the community were subject to the same customs, which meant that everyone accepted the same moral standards as everyone else and that it was not necessary to appoint agents to enforce custom because everyone was governed equally by the same impersonal authority demanded by tradition. Thus, this system obliges individuals to obey by conscience. Furthermore, the notion of equality was derived from the Creator's founding directions, not as a reaction to excesses of hierarchal authority (1984:542-545). "The creation myth held that, from the *beginning*, all members of the tribe shared and participated *equally* in all privileges and responsibilities" (Boldt and Long,1984:542). This type of political system is possible in

Indian communities, according to Boldt and Long because they are face-to-face societies in which individuals have immediate contact with one another. Duties and responsibilities are specified through custom, and as long as everyone upheld their obligation to the customs of the group, all members would be assured equality. The participation of all members in the decision making process was also made possible because of this type of society, in an effort to maintain the common good. Thus, with a collective working for the common good, there is a lesser chance for offenses against an individual to occur, and the need for protection of individual rights is lessened (1985:168-170).

The electoral system that was imposed on Indian groups by the Canadian government was a product of the Western liberal tradition, as noted by Boldt and Long. In this political system, each individual has their own self-interest, and society is the product of the association of these individuals. The state is created to perform the necessary functions for the common good, whereby individuals place themselves under a common political authority and agree on a mutual obligation to this political authority. They explain that this political tradition places the interests of the individual before those of the group and the state. "The modern western capitalist polity and economy represent a society in which the individual is in need of protection against forces that threaten to overwhelm him. In this context, individualized rights have emerged as a response to existing objective conditions" (Boldt and Long, 1985:168). Therefore, what can be seen here is that there are two different models of political traditions that have been built around different conceptions of mankind (1985:165-168). Indian communities place the

common good before self-interest, whereas Western societies emphasize individual self-interest. Decisions were made by all members in Indian communities, while on the other hand, individuals in western societies place themselves under the authority of those members comprising the state. This type of formal authority is not found among Indian communities because their obligation to custom is the only real authority that they conform to. “[W]estern-liberal philosophies define man in terms of individualism, competition, and self-interest, traditional Indian philosophies define man in terms of spiritual unity, consensus, co-operation, and self-denial” (Michael Melody, as cited by Boldt and Long, 1985:167). Therefore, the reason why Indian communities rejected the imposition of elective system was because this hierarchal structure placed most community members to the periphery of the decision-making (Bold and Long, 1984:548).

Band Governance Policy

To this point the elective system has only been touched upon. The place that this feature of Indian policy assumes in the motives of the Canadian government has been explained, but in this section I want to break down the elements of the policy dealing with the implementation of the elective system. In this section I discuss the specific purpose of this section of the *Indian Act*, the elements of the policy (who was it imposed upon, those eligible for office, term of office, etc.), as well as amendments that were made to this section of policy in the early twentieth century.

“The ‘great aim of our legislation,’ Sir John Macdonald noted, ‘has been to do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the Dominion, as speedily as they are fit for the change’”

(Miller,1989:189). Daugherty and Madill⁵ explain that the elective system was part of the government's assimilation project because this form of leader selection was considered to be a mark of progress and civilization. By introducing Indian people to the elective system it was hoped that they would abandon their traditional political systems. These outdated systems were considered impediments to progress (1980:1;Tobias,1976:19). According to the RCAP, the introduction of the *Act for the Gradual Enfranchisement of Indians* was to psychologically prepare Indian people for the replacement of their traditional culture and their incorporation into Canadian society (1996:274-275). Dyck also notes that the establishment of band councils would serve another function; "band councils were intended to serve as a pliable instrument that would advance the general aims of federal tutelage and support the particular day-today objectives of field officers" (1991:91;Satzewich and Mahood,1994:42). This elective system was first applied under the 1869 *Act for the Gradual Enfranchisement of Indians* and was maintained under subsequent *Indian Acts*.

Daugherty and Madill state that the Mississauga Band was the only band that took on the elective system by 1877. In June 1895, the Department increased the number of bands under this elective system by applying it to several bands in the older provinces. Thus, forty-two bands in Ontario, six bands in Quebec, and seven in New Brunswick were placed under the elective system. Apparently, the department exercised its option to impose the elective system on these bands through the Governor in Council because there is no indication that these bands requested to be placed under this system. By 1899 the

⁵ Daugherty and Madill are cited in this text, rather than the Research Branch of the Department of Indian

elective system was applied to all of the bands in Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island by a general Order in Council (except for four bands) (1980:4-6; Dickason, 1992:320).

Clearly the Department of Indian Affairs was given significant power over matters dealing with the election of chiefs. Daugherty and Madill explain that this power was exercised through the Governor in Council. It was the Governor in Council that decided, after receiving a recommendation from the department, what bands would have the elective system applied to them. The consent of the band was not required (1980:2).

The Governor may order that the Chiefs of any tribe, band or body of Indians shall be elected by the male members of each Indian Settlement of the full age of twenty-one years at such time and place, and in such manner as the Superintendent General of Indian Affairs may direct,...

(Statutes of Canada 1869, Ch.6, S.10).

The Governor in Council could not impose the elective system if a band was under the authority of a life chief, unless that chief vacated that position either through resignation, death, or if removed from office by the Governor. "Provided always, that all life chiefs now living shall continue as such until death, or resignation, or until their removal by the Governor for dishonesty, intemperance or immorality" (Statutes of Canada 1869, Ch.6, S.10). This provision was amended under Section 72 of the 1880 *Indian Act*. The Governor could now call an election that would only allow life chiefs to maintain their position if they were elected. "Provided also, that in the event of His Excellency ordering that chiefs of a band shall be elected, then and in such case the life chiefs shall not exercise the powers of chiefs unless elected under such order to the exercise of such

powers” (Statutes of Canada 1880, Ch.28, S.72). According to Satzewich and Mahood, there was no need to provide a rationale for their removal because this constituted a de facto deposition of chiefs and councilors (1994:43). The purpose of this last provision, according to Daugherty and Madill, was to diminish or eliminate the influence of hereditary chiefs (1980:4).

The components of the legislation will now be further examined. Under the *Act for the Gradual Enfranchisement of Indians*, once the Governor ordered an election, only male members of the given band who were twenty-one years or older could vote in that election (Statutes of Canada 1869, Ch. 6, S. 10). This aspect of the legislation was not amended when the *Indian Act* was enacted in 1876 and remained until 1951. Jamieson explains that the patriarchal nature of the policy was meant to undermine matrifocal Indian societies (1971:9; Miller, 1989:194-195; Purich, 1986:136). The *Indian Act* of 1876 stipulated that an election was to be held at a council or meeting of the band, and could be held according to the rules of the band. As well, either the Superintendent General of Indian Affairs or one of his agents needed to be present at the election to monitor the vote. In order to make a vote legal, a majority of those eligible to vote was required (Statutes of Canada 1876, Ch.18, S.61; Daugherty and Madill, 1980:3).

The next component of the elective system found in the *Act for the Gradual Enfranchisement of Indians* was that the term of office for a chief or councilor (second chief) was three years. The number of chiefs and councilors per band depended on the size of the band. There could be one chief and two councilors for every two hundred people. If there were bands consisting of thirty people, they were entitled to one chief

and no councilors (Statutes of Canada 1869, Ch.6, S.10). The *Indian Act* of 1880 added a limit to the number of chiefs and councilors that a band could elect. "Provided, that no band shall have more than six head chiefs and twelve second chiefs, but any band composed of thirty Indians may have one chief" (Statutes of Canada 1880, Ch.28, S.72).

The powers given to those elected under the *Indian Act* were limited to: public health; order and decorum at assemblies or on other occasions; repression of intemperance and profligacy; the prevention of trespass by cattle; the maintenance of roads, bridges, ditches and fences; the construction and repair of school houses and other public buildings; the establishment of pounds and the appointment of pound-keepers; and locating of reserve land. Furthermore, these rules and regulations were subject to the approval of the Governor in Council (Statutes of Canada 1876, Ch.18, S.63). Since all decisions were subject to approval, the RCAP concludes that chiefs and councilors had no power to enforce this authority, and the laws they composed were ineffective. Therefore, under the elective system, Indian people were left with significantly less power than they had experienced under their own self-governing regimes (1996:275).

In 1884 the *Indian Advancement Act* was passed as a way of introducing 'more advanced' bands to a form of municipal style government (Statutes of Canada 1884, Ch. 28). Daugherty and Madill explain that Lawrence Vankoughnet, Deputy Superintendent General of Indian Affairs, had first proposed this idea in 1880. The premise was that an elective council would manage each reserve in terms of local affairs of the band. The council would be composed of representatives of the band (each representing a different ward), with one band member (who would hold a position similar to that of a mayor)

presiding over the council (1980:10;RCAP,1996:281). Under the *Indian Advancement Act*, each reserve that fell under its jurisdiction would be divided into sections with an equal proportion of reserve residents living in each section (RCAP,1996:281). Elections were to be held annually. The council would have the power to make by-laws that were subject to the approval of the Superintendent General (Statutes of Canada 1884, Ch.28, S.4,7,10). Tobias explains that the *Indian Advancement Act* gave the band council a few extended powers than those found in the *Indian Act* by giving them the power to levy taxes on the property of band members, as well as extending their power over police and public health matters. The act also increased the powers of the Superintendent General in the political affairs of the band (including deposition of councilors) (1976:19). In 1906, the *Indian Act* and the *Indian Advancement Act* were consolidated; the *Indian Advancement Act* became part two of the *Indian Act* (Daugherty and Madill,1980:21).

Although chiefs and councilors were to be elected for three years under both the *Act for the Gradual Enfranchisement of Indians* and the 1876 *Indian Act*, the Governor in Council had the power to depose chiefs and councilors. Under the 1869 *Act for the Gradual Enfranchisement of Indians*, the Governor could depose chiefs and councilors on the grounds of dishonesty, intemperance, or immorality (Statutes of Canada 1869, Ch.6, S.10). Under the *Indian Act* of 1876, in addition to the three grounds found in the 1869 Act, the Governor was also given the authority to depose chiefs and councilors on the basis of incompetence (Statutes of Canada 1876, Ch.18, S.62). These grounds for deposal were left undefined in the *Indian Act* so that it was up to the discretion of department officials to determine what constituted dishonesty, intemperance, immorality

or incompetency. In addition to depositions, another form of penalty was added to the 1884 *Indian Act*. An amendment allowed the Governor in Council to set aside an election if it could be proven that fraud or gross irregularity had occurred. Furthermore “any Indian proved to have been guilty of such fraud or irregularity or connivance thereat may be declared ineligible for re-election for six years” (Statutes of Canada 1884, Ch.27, S.9.2). Daugherty and Madill state that the reason for this provision was to prevent the election of traditional or hereditary leaders through sham elections. It did not matter if the band was under the elective system or not because this section of the policy was applied to all bands (1980:4-5).

One final issue that Satzewich and Mahood raise in relation to the legislation relating to the elective system is that there was no means for appeal. “There were no legislative avenues of recourse by a chief or councilor if they disagreed with or wanted to challenge the recommendation that they be deposed” (Satzewich and Mahood,1994:44). It will be shown that although there was no formal mechanism for appeal, among the cases studied from Ontario, there was one individual who did make a formal complaint against their deposition. Unfortunately, the final outcome is unknown.

Several authors discuss the role of the Indian agent in the implementation of the elective system, particularly in relation to the vast amount of power conferred to the position of Indian agent. Most of the powers that were acquired over the years by the Superintendent General were also available to his agents, according to the RCAP. Thus, the powers to intervene in almost all areas of the daily lives of Indian people were extended to Indian agents (1996:297-298). At the political level, Brownlie suggests that

agents were expected to exert considerable control over band councils. In addition, agents were to call and chair band meetings, and express their own and the department's viewpoint in deliberations. They were, however, excluded from voting. Since band resolutions needed approval from the Superintendent General, the agent acted as the messenger of the band. Often the resolutions were accepted or rejected based on the recommendation of the agent. Not only did the opinion of the agent influence the decision to pass a resolution or not, but it also influenced the composition of the band council (1994:66-67). "[I]t was frequently the Department's local representative who advised the Department as to the 'competence' and 'morality' of uncooperative chiefs and council members, an assessment which was naturally contingent on the tenor of relations between the two" (Brownlie,1994:67). This meant that an agent played a significant role in the decision of whether a band council member was deposed or not. "[T]he threat of deposition was employed as a means of imposing limits on the political leadership exercised by the elected representatives of aboriginal communities" (Brownlie,1994:67).

As stated earlier, the elective system was introduced as a means of civilizing Indian people. Daugherty and Madill state that there were two main reasons why Indian people did not generally and willingly adopt this new system. First of all, the hierarchal structure of government was a foreign concept to Indian people because their styles of government relied on consensus. Secondly, Indian people probably resented the imposition of laws of the 'white men' (1980:5). Tobias, who suggests that this system was rejected because of the overwhelming power it gave to the Canadian government,

provides a third point of view. Tobias further suggests that those Indian people living in the eastern part of the country (particularly those for whom these acts were designed⁶) realized that with this elective system, the Superintendent General would have supervisory and veto power over band decisions, and could “force the band council to concern itself with issues with which it did not wish to deal” (Tobias,1976:19). They chose not to adopt this system, thus choosing not to be managed and governed by the government of Canada (1976:19)⁷.

Conclusion

As Miller notes, these provisions in the *Indian Act* concerning the elective system of government were meant to undermine traditional forms of self-government. He further notes that the legislation allowed Ottawa to actively interfere in band matters (1989:190). This can be seen in the power given to government officials to impose the elective system on Indian people (without their consent), the need to approve the rules and regulations passed by band councils, and the power to depose chiefs and councilors. Rotman summarizes the reasoning behind, and the effects of the implementation of the elective system:

6 “This Act [for the gradual enfranchisement of Indians], designed for the Six Nations and other Indian people with long contact with Europeans and who were supposed to have received a rudimentary training in ‘civilization’ under earlier legislation and missionaries, was to provide further training in Euro-Canadian values” (Tobias,1976:17).

7 It is interesting to further note that the rejection of government legislation was interpreted by officials as a need for stricter direction for Indian people, which led to further amendments to Indian legislation, and the

In other words, rather than allowing the aboriginal peoples to determine the composition of their own governments, as they had for centuries, the Crown decided that these people were either no longer capable of making such determinations or wanted to prevent them from doing so. In eliminating the ability of Native peoples to be self-determining and with that their traditions and choices, traditional aboriginal identities were destroyed and replaced by statutory ones (Rotman, 1996:54).

James Frideres notes the contradiction of Canadian Indian policy. On the one hand, the federal government was encouraging Indian people to become self-sufficient and civilized, or in other words less dependent and less native. On the other hand, the federal government treated Indians as children who were in need of protection (1988:29-30,37;Rotman,1996:54). “On the one hand, it has accorded Indians special status, legally and constitutionally; on the other, it has denied them equality in any realm of Canadian life” (Frideres,1988:37). To examine the *Indian Act* on its basic premise, it can be seen that the main thrust of this policy was to make Indian people more independent and to assimilate them into larger society. But, as the years passed, there were increasingly more and more regulations imposed on Indian people, so that they would never achieve the publicly stated goal of the federal government, especially since the Governor in Council could remove the protection at any time. A good example of this is the increase in the amount of regulations regarding the elective system of band governance that were made since 1876. Included in this was the requirement to have to elect hereditary leaders and the inability for chiefs or councilors who had been deposed to run again for three years. It seems that when Indian people appeared as though they were thinking for

increase of power for the Superintendent General in matters of the band and personal affairs (Tobias, 1976:19).

themselves and taking control over their lives, the government needed to put them under stricter control. At the same time, it was not in the department's interest to make Indian people independent from the state because it would eliminate the necessity for the Department of Indian Affairs. As Brownlie explained in relation to Indian agent Daly and other agents at the time, it was in their best interest to maintain departmental control over Indian people. Although Indian agents were supposed to achieve self-sufficiency and independence among those in their charge, they did not want to encourage the evolution of self-governing reserve communities (1994:85-86). The nature of their job "compelled them to quell any aboriginal attempts at political self-assertion, and to restrict the expenditures from band funds which might have allowed First Nations to develop economic autonomy" (Brownlie, 1994:86).

Milton Gordon would interpret the contradiction of Canadian Indian policy as one between cultural and civic assimilation, and structural assimilation. He describes cultural assimilation as a change among the soon to be integrated society's cultural patterns to those of the host society⁸. Structural assimilation is described as "[l]arge scale entrance into cliques, clubs and institutions of [the] host society, on [a] primary group level" (Gordon, 1964:71), and is believed to be central tenet of the process of assimilation because it produces acculturation. Civic assimilation would mean that there would be no value or power conflicts between the two groups (1964:70-73,80-81). The Department of Indian Affairs wanted to achieve cultural and civic assimilation, but was denying the

⁸ Gordon terms the dominant subsociety that provides the standard to which the other groups have to adjust as the host society, or 'core group'. A certain group will become the 'core group' by virtue of original settlement, the preemption of power or predominance in population. In North America, the reference point has been the middle class patterns of white Protestant, Anglo-Saxon origins.

structural assimilation of Indian people. In other words, Indian people were expected to change their cultural patterns and not to question those values, by rejecting their previous core beliefs. Thus, Indian people were expected to become like the rest of Canadians, but were not allowed to fully participate in its institutions. Indian people were taught these values and beliefs on reserves that were geographically distant from the rest of society. If Indian people had created their own self-governing and independent reserves, or if they had incorporated themselves into the rest of Canadian society, the federal government would have no longer been necessary to take care of them. Therefore, it is unclear whether the federal government really wanted to achieve its goal of Indian assimilation.

The following chapter will further examine the process of depositions. I examined files that concerned the depositions of chiefs and councilors in Ontario in order to determine the extent of the power of Indian agents over Indian people, as well as the amount of power that Indian people had over their own affairs.

Chapter 3: Examining the Files

Chapter two suggested that the band governance policy imposed on Indian people was part of the Canadian government's assimilation policy. In theory, this new system of band governance was meant to prepare Indian people for full participation in Canadian politics, but it was government officials who made the ultimate decisions affecting Indian people; when to call an election, accepting or rejecting band resolutions, and deciding whether a band council member should be deposed. This allowed the government to maintain control over the lives of Indian people. At the agency level, it was the Indian agent who was charged with implementing the policy. The focus of this thesis explores how the legislation was used, particularly by government officials. By examining the correspondence between agents and their supervisors, one can begin to answer the proposed questions.

This chapter begins with an explanation of the material used to gather information on the depositions of chiefs and councilors. This is followed by a detailed summary of the contents of the correspondence between agents and the Department of Indian Affairs.

The Source

The primary source of data came from correspondence between Indian agents and their supervisors from the late nineteenth century to the middle of the twentieth century. This correspondence is contained on microfilms from the National Archives of Canada in Ottawa. Bill Russell, Archivist, explains that there is one important factor that needs to

be remembered when looking at the materials provided from the National Archives; they are the records of a bureaucracy that present a perspective that does not reflect the cultural values or historical traditions of Indian people. Rather, they are records from the department's perspective. These include the only "historical record of aspects of Indian life as *documented for the purposes of the government*" (Russell,1998:5). As the Department developed the records that it created came to reflect its all-encompassing mandate. "The simple truth is that the DIA came to create and maintain records on virtually every aspect of a status Indian's life, from birth to death" (Russell,1998:5). This meant that in certain spheres, the Department of Indian Affairs controlled the sole written record for every aspect (legal, social, economic, cultural) of an Indian person's life because of its role as record creator and keeper (1998:1,5).

In many ways the Department of Indian Affairs is an ideal typical bureaucracy. As Max Weber explains, one of the characteristics of a bureaucracy is a hierarchical system with "a firmly ordered system of super- and subordination in which there is a supervision of the lower offices by the higher ones" (Gerth and Mills,1953:197). Weber further explains that a bureaucracy usually has jurisdiction over a fixed area, and that laws or administrative regulations usually govern this jurisdiction (1953:197). Finally, "[t]he management of the modern office is based upon written documents ('the files'), which are preserved in their original or draught form" (Gerth and Mills,1983:197). These three points relate directly to the information that is contained on these microfilms. First, as noted in chapter two, Indian people were placed under the jurisdiction of a single department that was responsible for all of the matters dealing with Indian people. A

Deputy Superintendent General presided over the department and its employees, and who had to answer to the Superintendent General of Indian Affairs. Secondly, the department had jurisdiction over those Indian people who fell under the *Indian Act*. Each province was divided into agencies, and within each agency, areas were divided into reserves in order to make the agency more manageable. Indian agents were assigned to each agency and the *Indian Act* defined how Indian people were to be governed. Finally, these microfilms were used because they contain the original correspondence found within the Department of Indian Affairs.¹ These eleven microfilms are specifically comprised of the letters and documents that relate to the elections of chiefs and councilors for each reserve. It can be seen in Appendix 1 that each agency has its own file number, and for certain agencies the files have been subdivided into different time periods².

The letters are written in both English and French. Each letter deals with a particular issue concerning the situation on a specific reserve. For example, there are letters that request permission to hold an election or to impose the elective system on a particular band, there are questions about how to implement policy, ballots, reports of the election results, and the official Declarations of Chief and Councillor that were signed by newly elected officers. Besides the letters written by agents and the responses to their letters by Department officials, there are letters that have been written by some of the Indian people who had been placed under the tutelage of the Department of Indian

1 According to Russell, Record Group 10 (R.G. 10) brings together records that have been grouped together in order to display administrative continuity. Records of an entire federal department are often found in one group because it exhibits administrative continuity over a period of time. The DIA is one such department because it has been the responsibility of several Ministries throughout the years, and the records have traveled with the responsibility (1998:13).

2 Appendix 1 provides a listing of all of the files found on microfilms C-13501 through C-13511.

Affairs. These letters deal with complaints about candidates and elected officials, as well as complaints about the department or agency. There are also requests for women to be eligible to vote in band elections, letters of resignation, and requests for further details about the duties of their newly elected position as either a chief or councilor. This thesis will focus on reels C-13501 through C-13507, and C-13510; only those agencies located in Ontario (in which all the letters were written in English).

These eight reels are believed to contain a complete record of those depositions and recommendations for depositions in Ontario because, as Russell has alluded to, government records are often grouped together to display administrative continuity. For this reason, it would be likely that all of the files that concern the elections of chiefs and councilors would be grouped together to provide administrative continuity over a period of time. It can also be seen that the recommendations and depositions were found over a substantial period of time, with the first recommendation made two years after the policy was implemented on all bands in the eastern part of the country and up until a few years before the department revised the *Indian Act* in 1951. Furthermore, there are several years in which there are a number of recommendations, as well as depositions that occur in several agencies, e.g. 1907, 1920, 1926 (see Appendix 3). Thus, it can confidently be concluded that these files contain the most complete record of the cases that concern the depositions of chiefs and councilors in Ontario. It should be noted that there are likely to be cases missing and documents that have been lost over time. In addition, this not an area of departmental records that can be further substantiated by Annual Reports of the

Department of Indian Affairs because these were matters that were local, and of little significance to include in the annual reports.

There are four reasons for this empirical focus on Ontario Indian agencies. Indian groups living in Ontario were considered more advanced than those groups in the West, and much of the legislation that was developed was continually framed in the context of eastern Indian groups. Secondly, this is a geographic area that the researcher is familiar with. Third, Satzewich and Mahood have already conducted a similar study on the bands found in Western Canada. Therefore this research focused on a different part of the country. Finally, upon brief examination of the data, there were many files for the various bands and reserves in the Maritimes (Nova Scotia, New Brunswick, Prince Edward Island), but they contained little documentation. The research will focus on letters that were written as of 1895 because it was noted in chapter two that the Department of Indian Affairs began to apply the elective system to bands in Ontario, Quebec and New Brunswick during that year. The end date for the research was 1944 since this is the date of the last letter concerning the deposition of a chief or councilor in Ontario that was found on these microfilms.

Although these microfilms contain a vast amount of data concerning the elective system of band governance on the various reserves across Canada, I examined the data in order to find those letters that deal specifically with the depositions of chiefs and councilors. These letters were analyzed in order to determine who recommended that a chief or councilor be deposed, and for what reason. Furthermore, it will be established how many of these recommendations were carried through in order to determine how

many chiefs and councilors were actually deposed, and for what reason. These microfilms allow for an inquiry into the actual practices of the Department of Indian Affairs.

Organization of the Findings

The research focused on the files of those bands in Ontario, focusing mainly on the years 1895 to 1948 (reel C-13502, file 32-16:2 of the Hagersville agency contains correspondence up to 1948). Appendix 2 provides a listing of all of the agencies found in Ontario during this time period, and a breakdown of the bands that formed each agency. It appears that between 1916 and 1929 there were 29 agencies in Ontario³. This information demonstrates that there were numerous agencies that were composed of several bands, while others contained just a few bands. This means that there might be a larger number of recommendations in certain agencies because they contain a larger number of bands, and a larger overall population of Indian people. Although the microfilms provided correspondence for the agencies found in Ontario, recommendations and depositions did not occur in all of the agencies. Furthermore, it was not until 1897 that the first recommendation for deposal occurred. The final recommendation for deposal contained within these files occurred in 1944 in the Walpole Island agency. Therefore, the study spans a 47-year period.

³ There is no list available from the Department of Indian Affairs that provides a listing of all of the bands and agencies that existed in Ontario during the years of this study. Appendix 2 was compiled from a few departmental annual reports. Thus, there could be bands missing or bands that existed one year, but not the next. This could also be the reason why there are files that relate to 24 agencies in Ontario on the microfilms (not 29, as I found from the Annual Reports).

The total number of cases in this study was 103. This means that there were 103 chiefs or councilors who were recommended for deposal. There are instances in which the same individual was recommended more than once for deposal. Often one letter contained complaints about several individuals. Therefore, a case refers to a complaint made against an individual, whether the complaint was made in a letter containing several complaints or if this one complaint was the main purpose of the letter. If the same individual was the subject of a subsequent complaint, it was treated as a separate case. In other words, one complaint per individual was treated as a case.

There were a total of 28 depositions found among the 103 cases. A deposition was made official when an Order in Council was passed. The procedure once a complaint was made against a chief or councilor is as follows: the department would ask the Indian agent to investigate the matter and provide a report; if the agent felt that the complaint warranted a deposition they would make that recommendation to the Deputy Superintendent General's office, who would review the case; if the Deputy Superintendent General concurred with the recommendation, he would pass that recommendation along to the Superintendent General of Indian Affairs; at this point the Superintendent General would present the recommendation to the Privy Council. Once a recommendation was made to the Superintendent General of Indian Affairs, in most cases, the Privy Council passed the recommendation for deposition⁴. In most cases where the agent did not recommend a deposal of the chief or councilor, the Deputy Superintendent General either concurred with the recommendation or gave the individual

a warning that the next time they acted in a similar fashion (for which the letter of complaint was made) they would be subject to deposal.

Deposals were made by three groups of people. One group consisted of the agents assigned to each agency. Another consisted of Indian people who charged members of their band council with wrongdoing. The last group consisted of people who were neither an Indian agent nor Indian. This last group included those who held positions within the Department of Indian Affairs or who were external to the department and who simply registered a complaint based on personal observations.

There were four grounds upon which chiefs or councilors could have been deposed: intemperance, dishonesty, incompetency and immorality. These four grounds are included in the *Indian Act*, but are not specifically defined in the Act. Thus, the ground for deposing an individual was to be determined by subjective interpretation of the Act. This also implies that cases in which people were convicted of wrongdoing based on the same ground did not always receive the same outcome. The researcher will attempt to define these four grounds based on the findings of this study.

The findings will be presented in four areas. The first area will focus on the breakdown of the number of cases and depositions for each of: agents, Indian people and the others. This section will provide the number of cases, how many of those individuals were actually deposed, cases in which the outcome was unknown, and a 'success rate' for each agency.

4 "Once a recommendation was made by the Deputy Minister's Office in Ottawa, Cabinet approval was forthcoming in most of the cases considered" (Satzewich and Mahood, 1994:47).

The second area will break down the cases on the basis of the grounds that each were recommended. It should be noted here that not all of the cases were specified on the basis of one of the four grounds. As such there are several cases that are classified as "unknown". In a few instances, I had to classify some ambiguous cases into one of the four grounds, based on the previous research of Satzewich and Mahood (1994). Once again the findings are categorized according to the three groups who made the recommendations. The total number of grounds for deposition is higher than the total number of cases because in some instances an individual was recommended to be deposed for more than one reason.

The third area examines how each ground for deposal was defined by looking at both the cases in which the individual was deposed and the cases in which they were not deposed. This allows insight into what did or did not constitute intemperance, dishonesty, incompetency and immorality. For those cases in which the chief or councilor was deposed, the researcher looked at the reason used in the Order in Council. For those cases in which the chief or councilor was not deposed, the reason for deposition was based on either what was stated by the person who lodged the complaint or the researcher's interpretation of the situation.

The final area focuses on the chain of command concerning the depositions. This section will look at those cases in which the chief or councilor was not deposed. If a chief or councilor was deposed, this obviously meant that their deposition had been recommended through the ranks of the department. But, an interesting question arises concerning those not deposed. At what level of the Department of Indian Affairs

bureaucracy were most recommendations for deposition halted? Since the majority of the cases in this study did not result in deposal, who had the most influence over that decision? In chapter two, the study by Brownlie revealed that the Indian agent's advice had a significant influence over the department's recommendation for deposal (or not). This section will examine whether or not the agents' recommendations were that influential.

Of further importance to this research is to explain what types of cases were omitted from the study. When looking for correspondence that dealt with the deposition of band council members, I included only those letters that were written about the behaviour of the chief or councilor after they were elected. There were some instances in which a complaint was lodged against an individual concerning offences that were alleged to have occurred before they were elected or complaints made after they had left their position on the council. These letters were excluded because the department did not have the authority to depose council members based on previous behaviour. This study also excludes those who were elected and then not confirmed in their position due to their behaviour⁵, focusing only on those who were in elected positions on the band council. Furthermore, inquiries into behaviour were also excluded. There were several letters that dealt with inquiries into how to deal with the actions and behaviours of certain individuals, as well as letters that threatened deposal. The letters included in this study only focused on actual requests for deposals. This usually meant that investigations were

⁵ The way that a chief or councilor became an official council member is as follows. An election is held, and those who were elected by a majority of votes are conditionally elected. The agent then sends a letter to the department with the results of the election. A letter of confirmation is sent back to the agent if there

requested from agents by the department and evidence was to be procured for cases in which the recommendation led to a deposition. Therefore, letters requesting the deposal of a chief or councilor needed to meet certain qualifications. This included: an initial complaint and evidence to support the charge, usually accompanied by a recommendation one way or another by the agent positioned; and in the majority of cases, a reply from the department explaining how to proceed.

As with any study, there are certain limitations. The microfilms contained reproductions of letters that were written as many as one hundred years ago. Often, letters were illegible, were torn or had sections missing. Also, the transfer of the original letters to microfilm meant that there were times when the letters were too light to read. Finally, as Russell suggests, records have been lost and their fate may never be known (1998:14-15). For example, if one were to look at Appendix 1, file 32-6:3 is missing for the Penetanguishene Agency on reel C-13501. For this reason, there are several cases in this study in which the outcome is unknown, as well as potential missing cases.

Depositions in Ontario: 1897 and 1944

There were a total of 103 recommendations found among the research material, 90 of which had a known outcome. The cases with unknown outcomes were not placed in the number of recommendations column because they could not be calculated into the 'success rate'. From these 90 cases, there were a total of 28 depositions: 31.1% of the recommendations were upheld while 68.9% of the recommendations were overturned

have been no problems reported in relation to the election, and every new chief or councilor signs a letter of declaration (oath of office).

either by the Indian agents, the Department of Indian Affairs in Ottawa or the Cabinet. Table one provides a breakdown of the number of recommendations and depositions by those making the recommendation. This table shows that there were 67 recommendations made by Indian people, with 12 of those recommendations resulting in depositions (17.9%). It is also noted that Indian people recommended all of the cases with unknown outcomes. Indian agents had the highest 'success rate' (70.6%) out of all of the recommendation groups, with 12 out of 17 recommendations being upheld. Those who were neither band members nor Indian agents had a total of six recommendations, with four (66.7%) upheld.

Table 1: Numbers of Recommendations and Actual Depositions of Band Chiefs and Councilors, Ontario, 1897-1944

	<i>Number of Recommendations</i>	<i>Number of Actual Depositions</i>	<i>Cases with Unknown Outcomes</i>	<i>'Success Rate'</i>
Indians	67	12	13	17.9%
Indian agents	17	12	0	70.6%
Others	6	4	0	66.7%
Total	90	28	13	31.1%

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

Table two is the first of three tables that present a listing of the number of recommendations and actual depositions for each agency. Table two shows the agencies in which Indian people made recommendations. Recommendations for depositions were found in 17 of the 24 agencies listed for Ontario.⁶ In ten of these agencies (Alnwick, Penetanguishene, Caradoc, Georgina Island, Mud Lake and Rice Lake, Simcoe, Sarnia, Saugeen, Thessalon, Walpole Island) none of the recommendations were upheld. The highest 'success rate' (100%) was found on the Savanne and Kenora agency with three recommendations being passed by Cabinet. In the Fort William agency three out of eight recommendations resulted in depositions (37.5%), and in Gore Bay two out of six recommendations were supported (33.3%). The Tyendinaga agency had a 'success rate' of 20%, or one out of the five recommendations resulted in deposal, and Rama had one of eight recommendations upheld (12.5%). In each of the Parry Sound and Manitowaning agencies one of the nine recommendations made by each agency was upheld. Cases with unknown outcomes were found in five agencies: Caradoc (2), Rama (1), Sarnia (1), Tyendinaga (4), and Walpole Island (5).

⁶ See Appendix 1 for a listing of the entire agency files found on microfilms C-130501 to C-130511. All of the Ontario agencies are those entries with a shaded background.

Table 2: Numbers of Recommendations and Actual Depositions of Band Chiefs and Councilors as Recommended by Indian People for Each Agency, Ontario, 1897-1944

<i>Agency</i>	<i>Number of Recommendations</i>	<i>Number of Actual Depositions</i>	<i>Cases with Unknown Outcomes</i>	<i>'Success Rate'</i>
Alnwick	1	0	0	0
Penetanguishene	1	0	0	0
Caradoc	1	0	2	0
Fort William	8	3	0	37.5%
Georgina Island	1	0	0	0
Gore Bay	6	2	0	33.3%
Manitowaning	9	1	0	11.1%
Parry Sound	9	1	0	11.1%
Rama	8	1	1	12.5%
Mud Lake & Rice Lake	1	0	0	0
Simcoe	1	0	0	0
Sarnia	5	0	1	0
Saugeen	2	0	0	0
Tyendinaga	5	1	4	20%
Thessalon	4	0	0	0
Walpole Island	2	0	5	0
Savanne & Kenora	3	3	0	100%
Total	67	12	13	17.9%

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

Table three provides a listing of the agencies in which recommendations for the depositions of chiefs and councilors were made by Indian agents. As noted earlier, the 'success rate' was highest for Indian agents (70.6%). Although the 'success rate' was higher for Indian agents than for Indian people, it should be noted that there were fewer recommendations made by Indian agents. One issue that will be explored later is the influence that Indian agents had in the recommendations made by Indian people. Recommendations, as well as depositions were found in nine of the 24 agencies listed for Ontario. There were five agencies with a 'success rate' of 100%⁷: Caradoc (1), Gore Bay (2), Parry Sound (2), Saugeen (1), Thessalon (1). The Fort William agency had the next highest 'success rate' (66.7%) with two out of three recommendations resulting in deposal. The Walpole Island, and the Savanne and Kenora agencies both had a 'success rate' of 50% with one out of two recommendations being upheld. The Rama agency had the lowest 'success rate' (33.3%), with two out of the three recommendations being rejected.

⁷ The number in brackets represents the number of recommendations made in each agency.

Table 3: Numbers of Recommendations and Actual Depositions of Band Chiefs and Councilors as Recommended by Indian agents for Each Agency, Ontario, 1897-1944

<i>Agency</i>	<i>Number of Recommendations</i>	<i>Number of Actual Depositions</i>	<i>'Success Rate'</i>
Caradoc	1	1	100%
Fort William	3	2	66.7%
Gore Bay	2	2	100%
Parry Sound	2	2	100%
Rama	3	1	33.3%
Saugeen	1	1	100%
Thessalon	1	1	100%
Walpole Island	2	1	50%
Savanne & Kenora	2	1	50%
Total	17	12	70.6%

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

Table four looks at the six recommendations made by individuals who were neither members of the band nor were Indian agents. One of these individuals was a doctor, and another was a church official. The four others were employees of the Department of Indian Affairs, including an Inspector and an Indian Commissioner. Once again, it can be seen that the success for these six cases is higher (66.7%) than in those cases recommended by Indian people. Recommendations for the deposal of chiefs and councilors were found in five of the 24 agencies listed for Ontario. In two of these agencies there was a 'success rate' of zero (Caradoc and Manitowaning). In the other

three cases, there was a 'success rate' of 100% (Fort William, Walpole Island, Kenora and Savanne).

Table 4: Numbers of Recommendations and Actual Depositions of Band Chiefs and Councilors as Recommended by Other Individuals for Each Agency, Ontario, 1897-1944

<i>Agency</i>	<i>Number of Recommendations</i>	<i>Number of Actual Depositions</i>	<i>'Success Rate'</i>
Caradoc	1	0	0
Fort William	2	2	100%
Manitowaning	1	0	0
Walpole Island	1	1	100%
Kenora & Savanne	1	1	100%
Total	6	4	66.7%

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

The next two tables examine the different grounds that formed the basis of the recommendations for deposit. As table five demonstrates, there were a total of 113 stated grounds for depositions.⁸ This table shows that dishonesty and immorality were the basis for ten recommendations each; intemperance was the basis for 44 recommendations, and incompetence 24. There were 25 cases where the grounds for deposit were either unknown or could not be classified within the four categories provided by the *Indian Act*. Intemperance was used most often (38.9%) as the ground for deposit by Indian people, agents and others. Indians used intemperance as the ground for

making a complaint in 27 instances, Indian agents in 12 instances and others in 5 instances. Incompetence was the next most frequently used ground for making a recommendation (21.2%) by Indian people and Indian agents, with 23 and one charges respectively. Indian people were the only ones to use dishonesty as a ground for complaint, in 10 instances (8.8%). Immorality was also used in 8.8% of recommendations, by both Indian agents (4) and Indian people (6). Finally, there were 25 occasions (22.1%) when the actual ground for deposal was unknown, 24 times by Indian people and once by another individual.

Table 5: Grounds for Recommending the Deposition of Band Chiefs and Councilors, for All Recommendations, Ontario, 1897-1944

	<i>Dishonesty</i>	<i>Intemperance</i>	<i>Immorality</i>	<i>Incompetence</i>	<i>Other Grounds</i>	<i>Total</i>
Indian	10	27	6	23	24	90
Indian agents	0	12	4	1	0	17
Others	0	5	0	0	1	6
Total	10	44	10	24	25	113

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

8 There are more stated grounds for depositions than total cases because there were instances when a

Table six is the second table that examines the different reasons for the recommendations for deposals, but it looks specifically at those grounds used in those cases in which the chief or councilor were actually deposed. From the 28 cases in which a band council member was deposed, intemperance was used in 18 of those cases (64.3%). Out of those 18 cases, intemperance was used in six cases recommended by Indian people, eight in which the Indian agent made the recommendation, and in four cases recommended by others. Incompetence was the rationale used in five depositions (17.9%); Indians recommended four cases and one case was recommended by an Indian agent. Immorality was used as the ground to depose four individuals (14.3%); Indians recommended one case and Indian agents recommended three cases. Dishonesty was only used once (3.6%) as the ground for deposal; a case that was recommended by Indians. There are no cases in which the ground for deposal is unknown or based on multiple grounds. When a recommendation for deposal was introduced to the Cabinet, it was based on one of the four grounds stated by the *Indian Act*. Therefore, intemperance was the most common ground used to make a recommendation for deposal, as well as being the ground used most often as the reason for a deposition. Incompetence was the second most commonly used ground as the basis for recommendations (excluding those cases where the grounds are unknown) and depositions, followed by immorality and dishonesty.

person was charged on more than one ground. Table five includes those cases with unknown outcomes.

Table 6: Grounds for Recommending the Deposition of Band Chiefs and Councilors, for All Depositions, Ontario, 1897-1944

	<i>Dishonesty</i>	<i>Intemperance</i>	<i>Immorality</i>	<i>Incompetence</i>	<i>Total</i>
Indian	1	6	1	4	12
Indian agents	0	8	3	1	12
Others	0	4	0	0	4
Total	1	18	4	5	28

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

Defining Dishonesty, Intemperance, Immorality and Incompetence

In this section I discuss how those four grounds were defined. As noted earlier in this chapter, as well as chapter two, there may have been a deliberate ambiguity about what constituted intemperance, incompetence, immorality and dishonesty since these terms were not defined in the *Indian Act*. Those making recommendations based on the behaviour of a certain chief or councilor had to use their discretion in determining the rationale for the charge.⁹

For those depositions that were passed on the basis of intemperance, these were cases that dealt with liquor or other intoxicants. The person accused was either found in a state (or convicted) of drunkenness or found in possession of liquor. The *Indian Act* of 1876 stated that "It shall be lawful for any constable without process of law, to arrest any Indian or non-treaty Indian whom he may find in a state of intoxication," (Statutes of

Canada 1876, Ch.18, S.83). Thus, Indian people could be arrested and jailed if they were found intoxicated. If an Indian person was convicted of drunkenness, they could be sentenced to a term in jail that was not supposed to last more than one month. Furthermore, if an Indian person was convicted of making, selling or being in possession of an intoxicant, they could face a period in jail of between one and six months. In order to make a conviction based on possession of liquor, a credible witness other than the informant needed to testify (Statutes of Canada 1876, Ch.18, S.79,83). Thus, many of the convictions concerning drunkenness derived from letters concerning individuals who were convicted of being drunk, those who were arrested and fined for being drunk, those who continued to use intoxicants, and those in possession of liquor. It was often a member of the Department of Indian Affairs who stated that the ground constituted intemperance (usually the Superintendent General of Indian Affairs or someone in his office). For example, three individuals from the Fort William band were deposed on the grounds of intemperance because,

Luke Boucher, Jr., Councillor, spends a considerable portion of his time in town drinking; that Luke Boucher, Sr., Chief, was arrested on the 11th ultimo (January, 1915) and fined for being drunk, and also that Louis Cadieux, the other Councillor, was arrested on the 15th ultimo and fined for being drunk.¹⁰

There are several similar cases that involve similar charges, including one from the Parry Sound agency, "Chief Stanley Manitowaba, of the Parry Island band, was found guilty of

⁹ For all of these cases, the researcher looked at the Orders in Council to determine the grounds for deposition, and the behaviours that resulted in deposal were determined by looking at the letters closest to, and including, the Orders in Council.

¹⁰ Copy of a report of the Committee of the Privy Council to the Superintendent General of Indian Affairs, February 18, 1915, NAC, R.G.10, vol.7923, file 32-9 pt.1.

drunkenness and also of impersonating a Peace Officer contrary to the C.G. of Canada”¹¹. Habitual intoxication was the basis of a number of depositions, including Councilor Louis Shabineau of the West Bay band who “has been repeatedly fined and apprehended for being drunk and disorderly”¹². And finally, there were cases involving the possession of liquor. “While members of the This Force were on duty at the Rama Indian Reserve, William Martel, an Indian residing on the Rama Reserve, was found in possession of a quart bottle of wine”.¹³ Councilor Martel spent three months in jail for his conviction and was deposed from office for “being unlawfully in possession of intoxicants”¹⁴.

There were a variety of definitions of what constituted incompetence. One individual was believed to be encouraging others to drink on the reserve by telling those who had been drinking to leave before the police arrived.¹⁵ Another individual was accused of not attending council meetings, and therefore not performing his duties,

Indian agent A.S. Anderson reports that councillor Charles George has abstained from attending the meetings of the Rama Indian Reserve council for nearly two years.

He was warned a couple of times that he should attend the meetings of the council or resign his position, but he has disregarded any advice from the Agent.

11 Letter from Henri Fabieu to Mr. Scott, Deputy Superintendent, November 19, 1926, NAC, R.G.10, vol.7927, file 32-22 pt.3.

12 Letter from R. Thorburn, Indian agent to the Secretary, Department of Indian Affairs, December 1, 1910, NAC, R.G.10, vol.7923, file 32-12 pt.1.

13 Letter from R. Armitage, Inspector, Royal Canadian Mounted Police to the Deputy Superintendent General, Department of Indian Affairs, September 20, 1934, NAC, R.G.10, vol.7928, file 32-24 pt.3.

14 Copy of a report of the Committee of the Privy Council to the Superintendent General of Indian Affairs, October 19, 1934, NAC, R.G.10, vol.7928, file 32-24 pt.3.

15 Letter from J.G. Burk, Indian agent, to Secretary, Department of Indian Affairs, November 12, 1926, NAC, R.G.10, vol.7923, file 32-9 pt.1.

As it is shown that this man is abstaining himself from the duties of his councillorship through deliberate stubbornness, I beg to recommend that he be deposed on the ground of incompetency pursuant the section 99 of the Indian Act.¹⁶

In the other cases, it was a matter of individuals not attending to their duties as chief or councilor, particularly if they lived away from the reserve for long periods of time and they could not carry out their duties. For example:

We the undersigned on behalf of all the members of the North West Angle No 33 Band of Indians hereby petition that Chief Powassin may be deposed under Section 96 of the Indian Act for the following reasons, viz:-

- (1) The old Chief is too old to act any more.
 - (2) He is incompetent.
 - (3) He does not give out fall supplies to the needy.
 - (4) The powder and shot was at the Chiefs house when the Agent came up to pay Treaty in June, and had not been given out since the fall.
- He is away in the States too often, and leaves the Reserve for a long time without telling his Councillors.¹⁷

Therefore, it can be stated that incompetence is based on a neglect of the regulations that are spelled out in the *Indian Act*, and neglecting the duties for which they were elected.

A charge of immorality usually involved a sexual act. In three of the four cases where leaders were deposed on the ground of immorality, they had either run away with another man's wife¹⁸ or were living with another man's wife. For example, the resolution passed by the Indians of Manitoulin Island Unceded band resulted in one of their council members being deposed because they felt that "Jonas Odjig, Chief, be disqualified from the office he now holds as chief on account of being accused [of] him living immorally

16 Letter from H. Fabieu, to Deputy Minister, Department of Indian Affairs, January 8, 1929, NAC, R.G.10, vol.7928, file 32-24 pt.2.

17 Letter from Councilors of North West Angle Band, to Deputy Minister, Department of Indian Affairs, NAC, R.G.10, vol.7940, file 32-129 pt.1.

with another man's wife"¹⁹. And, in reference to those deposed for running away with another man's wife, one such case occurred in the Thessalon agency. The case was based on the initial report from the Indian agent stating that "I beg leave to report that the Thessalon Chief has gone wrong he has ran away from this part and one of the band has lost his wife and it is reported that she has gone with the chief, he has left his own wife and children"²⁰. Upon further investigation, it was reported that the chief left with this woman and established themselves in Michigan.²¹ The other case of immorality that resulted in the deposition of an elected band council member involved an allegation of sexual intercourse with his daughter-in-law.²²

Since there was only one case in which dishonesty was used as the ground for dismissal, there may have been other behaviours that would have resulted in the same verdict. This case is interesting because the chief was found guilty of stealing trees from a church cemetery. He was deposed on the ground of dishonesty, but the chief had actually been convicted of something else. The chief was fined for having cut the trees, and convicted of unlawfully damaging property. The Assistant Deputy and Secretary points out to the Indian agent in this letter that although a jail sentence might have been considered sufficient grounds for deposal, a deposal might not have been considered

18 Letter from Samuel Hagan, Indian agent, to Secretary, Department of Indian Affairs, August 20, 1919, NAC, R.G.10, vol.7933, file 32-36 pt.1; Letter from Frank Edwards, Indian agent, to Assistant Deputy and Secretary, Department of Indian Affairs, July 21, 1928, NAC, R.G.10, vol.7940, file 32-129 pt.1.

19 Letter from the Councilors of the Manitoulin Island Unceded Band to R.J. Lewis, Indian agent, May 3, 1920, NAC, R.G.10, vol.7926, file 32-19 pt.1.

20 Letter from Samuel Hagan, Indian agent, to Secretary, Department of Indian Affairs, July 23, 1919, NAC, R.G.10, vol.7933, file 32-36 pt.1.

21 Letter from Samuel Hagan, Indian agent, to Secretary, Department of Indian Affairs, August 20, 1919, NAC, R.G.10, vol.7933, file 32-36 pt.1.

22 Memo from Henri Fabieu to Deputy Minister, April 30, 1927, NAC, R.G.10, vol.7927, file 32-22 pt.3.

advisable on that ground alone.²³ This case will be discussed in further detail later because it deals with a form of appeal process. But, for the purposes of the present discussion, it can only be assumed that those convicted of property crimes could be deposed on the ground of dishonesty.

This is not to say that those who were not deposed behaved in such ways that would not constitute intemperance, immorality, incompetence or dishonesty. Twenty-five of the recommendations that were made on the ground of intemperance had to do with drunkenness (people arrested, charged and convicted of being intoxicated) and the possession or supplying of intoxicants. For those 19 cases that were based on a charge of incompetence, several had to do with chiefs or councilors who did not attend band council meetings on a regular basis or did not attend to their elected duties. Some of the other cases involving charges of incompetence recommended deposal because the band council member could not read or write, or had a limited ability to speak English.²⁴ Furthermore, those cases that were recommended on the ground of immorality were based on inappropriate sexual behaviour. The point in all of this is that it could not be assumed that if a charge based on one of the four grounds mentioned in the *Indian Act* would end in deposal because the behaviour of the chief or councilor resembled the behaviour of another who was deposed. Committing an indiscretion did not immediately lead to deposal. Many recommendations ended up with the offending individual receiving a warning from an official within the department. In a sense, this could mean

23 Letter from J.D. McLean, Assistant Deputy and Secretary to J.R. Stainton, Indian agent, March 13, 1913, NAC, R.G.10, vol.7932, file 32-34 pt.1.

24 Petition from members of the Band of Chippewas of the Sarnia Indian Reservation to the Superintendent General of Indian Affairs, received February 19, 1920, NAC, R.G.10, vol.7929, file 32-29.

that either the agents or the department did not want to lose a chief or councilor who was actually helping to advance the government's policies. Rather than deposing the individual, they would be given a warning to make them aware of their behaviour and that there would be the possibility of deposal if the behaviour was continued. This way the complaint would be dealt with and the department could keep one of its allies.

The final area of the data summary examines those cases in which the chief or councilor were not deposed. The purpose of this section is to determine the influence of Indian agents, or other members of the Department of Indian Affairs, in the deposition process. By looking at those recommendations that were not made by either Indian people or Indian agents, it was found that the recommendations made by people who were not employed by the Department of Indian Affairs did not have their recommendations upheld. In both cases, one made by a church official and the other made by a doctor, the Indian agent did not feel that action should be taken at that time and the department concurred with the agent. In the case concerning the Reverend, the agent did not feel that the complaint made against the Chief of the Sucker Creek Band could be sustained. Although the church official complained that the work done by the chief was unsatisfactory (this Anglican priest feels that the chief is preventing the Anglican members of the reserve from making a decent living)²⁵, the agent felt that the opposite was true:

I have the honour to report that Charles Obotossaway has been chief of Sucker Creek by the elective system for over twenty five years past and only last year was re-elected by acclamation as there was not one complaint against his work as chief by any of the members and taking this into consideration it would appear that his work among the Indians at Sucker Creek Reserve can not be so unsatisfactory [as] represented by the Reverend Weeks.²⁶

In the case recommended by the doctor, the department felt that the chief should be let off with a warning after having received a report from the Indian agent.²⁷ The Indian agent had informed the department that the chief had taken a drink of liquor, but according to the witness accounts had not been intoxicated. Therefore, the Indian agent told the chief that the next time he took a drink, he would have to resign from his position.²⁸

Only five of the seventeen cases that were recommended by Indian agents did not end in depositions. Four of the complaints that were not upheld had been made on the grounds of intemperance. In two of those cases, either the Deputy Superintendent General or the Secretary felt that the accused individual should be allowed to finish their term in office because the department did not feel there was sufficient evidence to warrant a deposal in both cases.²⁹ In the other two cases, it was advised that the accused should be given a severe warning (in one case the advisement was made by a Director,

25 Letter from Reverend Weeks, Priest in Charge to A.F. MacKenzie, Secretary, March 30, 1932, R.G.10, vol.7926, file 32-19 pt.2.

26 Letter from R.J. Lewis, Indian agent, to Secretary, Department of Indian Affairs, May 14, 1932, NAC, R.G.10, vol.7926, file 32-19 pt.2.

27 Letter from Deputy Superintendent General to Dr. W.H. Woods, September 15, 1924, NAC, R.G.10, vol.7922, file 32-7 pt.3.

28 Letter from Thomas McGookin, Indian agent, to The Secretary, Department of Indian Affairs, September 9, 1924, NAC, R.G.10, vol.7922, file 32-7 pt.3.

29 Letter from Frank Pedley, Deputy Superintendent General of Indian Affairs, to Neil McDougall, Indian agent, June 22, 1907, NAC, R.G.10, vol.7923, file 32-9 pt.1; Letter from A.F. MacKenzie, Secretary,

the other advisement was made by the Assistant Deputy and Secretary).³⁰ The other case that was recommended by an Indian agent was not upheld because the Secretary of the Department of Indian Affairs did not feel there was sufficient evidence to warrant a deposition.³¹ All of these five recommendations were quashed before they could reach the office of the Superintendent General of Indian Affairs. Indian agents had the second highest number of recommendations (17) among the three groups, and equaled the number of depositions of Indian people (who made a total of 67 recommendations). Thus, from the fact that Indian agents had the highest 'success rate' (70.6%) for depositions among the three recommendation groups, the influence of Indian agents has been demonstrated.

To further illustrate the influence of the Indian agents in the deposition process, I examined those recommendations that were made by Indian people. There were a total of 80 cases (excluding those with unknown outcomes) recommended by Indian people, with only 12 resulting in depositions. Of those 68 cases that were dismissed, they were either quashed by the Assistant Deputy and Secretary, or the Deputy Superintendent General. This excludes those cases in which the accused chief or councilor died or resigned before a decision to depose was reached. There were 17 recommendations made by Indian people on the ground of intemperance in which a decision was made against deposing the accused chief or councilor. The majority (14) of these cases were stopped

Department of Indian Affairs, to A.S. Anderson, Indian agent, October 4, 1934, NAC, R.G.10, vol.7928, file 32-24 pt.3.

³⁰ Letter from the Director, Department of Mines and Resources, Indian Affairs Branch to J.W. Daley, Indian agent, May 29, 1944, NAC, R.G.10, vol.7933, file 32-40 pt.2; Letter from J.D. McLean, Assistant Deputy and Secretary to R.S. McKenzie, Indian agent, NAC, R.G.10, vol.7940, file 32-129 pt.1.

by the Assistant Deputy and Secretary, while the Superintendent General of Indian Affairs opposed the other two recommendations. In ten of these cases, the agent did not feel that the band council member in question should be deposed.³² In terms of reasons for not proceeding with the recommendations, in seven cases the accused band council members were to be given a warning.³³ In three cases, the Assistant Deputy and Secretary agreed with the agent's counsel not to depose the chief or councilor.³⁴ In four cases, there was insufficient evidence.³⁵ There were two cases in which the Assistant Deputy and Secretary simply did not recommend deposing the individual in question.³⁶ And, in one case the Assistant Deputy and Secretary denied a recommendation because an election was to be held soon.³⁷

31 Letter from A.F. MacKenzie, Secretary, Department of Indian Affairs to A.S. Anderson, Indian agent, July 25, 1933, NAC, R.G.10, vol.7928, file 32-24 pt.3.

32 In the other seven cases, the opinion of the Indian agent was unavailable.

33 Letter from J.D. McLean, Assistant Deputy and Secretary to A. Bannan, Sr., J. O'Connor, and others, August 25, 1914, NAC, R.G.10, vol.7923, file 32-9, pt.1 (in reference to three cases); Letter from J.D. McLean, Assistant Deputy and Secretary to W.R. Brown, Indian agent, March 22, 1916, NAC, R.G.10, vol.7923, file 32-9 pt.1; Letter from J.D. McLean, Assistant Deputy and Secretary to Chief Stanley Manitowaba, May 21, 1926, NAC, R.G.10, vol.7927, file 32-22 pt.3; Letter from J.D. McLean, Assistant Deputy and Secretary to T. Maxwell, Indian agent, February 7, 1917, NAC, R.G.10, vol.7929, file 32-29; Letter from Frank Pedley, Deputy Superintendent General of Indian Affairs to William R. Aylsworth, Indian agent, December 15, 1905, NAC, R.G.10, vol.7932, file 32-34 pt.1.

34 Letter from H.C. Ross, Department of Indian Affairs to the Secretary, Department of Indian Affairs, April 9, 1907, NAC, R.G.10, vol.7923, file 32-12 pt.1 (in reference to two cases); Letter from J.D. McLean, Assistant Deputy and Secretary to F.W. Baxter, Indian agent, October 19, 1912, NAC, R.G.10, vol.7923, file 32-12 pt.1.

35 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, December 9, 1926, NAC, R.G.10, vol.7926, file 32-19 pt.2; Letter from Thomas McGookin, Inspector to Mister Williams, October 12, 1932, NAC, R.G.10, vol.7928, file 32-24 pt.3; Letter from the Law Clerk to the Deputy Superintendent of Indian Affairs, October 21, 1903, NAC, R.G.10, vol.7929, file 32-29; Letter from J.D. McLean, Secretary to Jesse Green, September 9, 1910, NAC, R.G.10, vol.7932, file 32-34 pt.1.

36 Letter from J.D. McLean, Secretary to Peter Rodd, Indian agent, January 16, 1904, NAC, R.G.10, vol.7929, file 32-29; Letter from Frank Pedley, Deputy Superintendent General of Indian Affairs to William R. Aylsworth, acting Indian agent, April 20, 1906, NAC, R.G.10, vol.7932, 32-34 pt.1.

37 Letter from J.D. McLean, Secretary to Alex Debakonag and other Indians, Fort William reserve, April 2, 1904, NAC, R.G.10, vol.7923, file 32-9 pt.1.

For the 17 cases where incompetence was the ground for deposal, there were six cases where the agent did not agree with the recommendation.³⁸ But, in four of those cases, the agent did agree with the recommendation; the Assistant Deputy and Secretary did not concur with the agent in three of these cases, and in the other case, the case was brought to the attention of a member of the House of Commons by an unknown informant who appears to speak on behalf of the department and explained that no action had been taken in the matter because there would be an election in one year. Looking specifically at who halted the recommendations made by Indian people on this ground, it was found that the Assistant Deputy and Secretary stopped 14 cases, while the Deputy Superintendent General³⁹, an Inspector⁴⁰ and the person corresponding with the member of the House of Commons⁴¹ all opposed one recommendation each. In five cases the Assistant Deputy and Secretary did not recommend the deposition of the band council members.⁴² In three cases, no action appears to have been taken.⁴³ In another two cases, the department received the additional information that they had requested, and no longer

38 In the other seven cases, the opinion of the Indian agent was unavailable.

39 Letters from the Deputy Superintendent General to R.R. McKessock, R.R. McKessock & Co., Barrister, Solicitors, & c., January 28, 1924, NAC, R.G.10, vol.7926, file 32-19 pt.1.

40 Letter from Thomas McGookin, Inspector of Indian Agencies to the Director, September 9, 1939, NAC, R.G.10, vol.7923, file 32-10 pt.1.

41 Letter from ***, to Lieutenant-Colonel J. Arthurs, M.P., February 12, 1935, NAC, R.G.10, vol.7927, file 32-22 pt.3.

42 Letter from A.F. MacKenzie, Acting Assistant Deputy and Secretary to Alexander Logan, Indian agent, April 11, 1922, vol.7927, file 32-22 pt.2 (in reference to two cases); Letter from J.D. McLean, Assistant Deputy and Secretary to Thomas Williams, Indian agent, March 22, 1920, NAC, R.G.10, vol.7929, file 32-29 (in reference to two cases); Letter from Frank Pedley, Deputy Superintendent General of Indian Affairs to C.L.D. Simms, Indian agent, May 27, 1903, NAC, R.G.10, vol.7926, file 32-19 pt.1.

43 Letter from T.R. MacInnes, Acting Secretary to A.S. Anderson, Indian agent, September 25, 1934, NAC, R.G.10, vol.7928, file 32-24 pt.3; Letter from T.R.L. MacInnes, Secretary to R.P.G. Laurence, Indian agent, April 27, 1940, NAC, R.G.10, vol.7933, file 32-36 pt.1; Letter from A.F. MacKenzie, Secretary to Messrs. Hall, Hall and Stevenson, Barristers, etc., March 11, 1932, NAC, R.G.10, vol.7929, file 32-25 pt.1.

needed to pursue the matter.⁴⁴ In one case there were insufficient grounds to warrant a deposition.⁴⁵ In one case the individual was given a warning that if he did not begin attending meetings he should tender his resignation or would be liable for deposal⁴⁶, and another warning was given to an individual who had been circulating petitions written by a “trouble maker” to improve his conduct⁴⁷. And, in one case the department received a counter-petition.⁴⁸

There were four cases based on acts of immorality that were recommended to the department from Indian people. The agent agreed in one of these cases, and disagreed in another.⁴⁹ The Assistant Deputy and Secretary stopped three of these cases; in one case the individual was given a warning⁵⁰, in the other two cases there were insufficient grounds to warrant a deposal⁵¹. In the fourth case, an Inspector did not find sufficient evidence to support the recommended deposal.⁵²

Dishonesty was the basis of eight recommendations made by Indian people. In three of these cases the Indian agent felt the band council member in question should be

44 Letter from A.F. MacKenzie, Acting Assistant Deputy and Secretary, to Oliver Wabagwaun, Indian Councilor and Antonio Niganadgawan, Indian Chief, July 25, 1922, NAC, R.G.10, vol. 7933, file 32-36 pt. 1 (in reference to two cases).

45 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, December 9, 1926, NAC, R.G.10, vol.7926, file 32-19 pt.2.

46 Letter from A.F. McKenzie, Acting Assistant Deputy and Secretary to A.S. Anderson, Indian agent, July 29, 1927, NAC, R.G.10, vol.7928, file 32-24 pt.2.

47 Letter from J.D. McLean, Assistant Deputy and Secretary to Chief Stanley Manitowaba, May 21, 1926, NAC, R.G.10, vol.7927, file 32-22 pt.3.

48 Letter from J.D. McLean, Assistant Deputy and Secretary to John M. Daly, Indian agent, March 6, 1925, NAC, R.G.10, vol.7927, file 32-22 pt.2.

49 The opinions of the Indian agents were unavailable in the other two cases.

50 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, September 5, 1917, NAC, R.G.10, vol.7926, file 32-19 pt.1.

51 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, December 9, 1926, NAC, R.G.10, vol.7926, file 32-19 pt.2; Letter from J.D. McLean, Assistant Deputy and Secretary to T.A. Stout, Indian agent, March 9, 1932, NAC, R.G.10, vol.7930, file 32-31 pt.1.

deposed, but disagreed in two other cases.⁵³ The reasons for not following through with the recommendations include: taking the advice of the agent⁵⁴, giving a warning⁵⁵, insufficient grounds to warrant a deposal⁵⁶, not recommending the deposition⁵⁷, receiving a counter-petition⁵⁸, and in one case the Secretary, A.F. MacKenzie, did not feel that the conduct constituted dishonesty⁵⁹. In all of these cases, it was the Assistant Deputy and Secretary who did not agree with the recommendations.

In addition, there were eight cases in which a complaint was made on more than one ground. Three cases were based on the grounds of incompetency and dishonesty, two based on immorality and intemperance, one based on immorality and dishonesty, another based on incompetency and intemperance, and finally one case based on all four grounds⁶⁰.

52 Letter from Thomas McGookin, Inspector to Mister Williams, October 12, 1932, NAC, R.G.10, vol.7928, file 32-24 pt.3.

53 The opinions of the Indian agents were unavailable in the other three cases.

54 Letter from the Acting Secretary to A.S. McDougall, Indian agent, May 26, 1897, NAC, R.G.10, vol.7922, file 32-7 pt.1; Letter from J.D. McLean, Assistant Deputy and Secretary to Thomas A. Stout, Indian agent, April 18, 1923, NAC, R.G.10, vol.7930, file 32-31 pt.1.

55 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, September 5, 1917, NAC, R.G.10, vol.7926, file 32-19 pt.1.

56 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, December 9, 1926, NAC, R.G.10, vol.7926, file 32-19 pt.2.

57 Letter from A.F. MacKenzie, Acting Assistant Deputy and Secretary to Alexander Logan, Indian agent, April 11, 1922, vol.7927, file 32-22 pt.2 (in reference to two cases).

58 Letter from J.D. McLean, Assistant Deputy and Secretary to John M. Daly, Indian agent, March 6, 1925, NAC, R.G.10, vol.7927, file 32-22 pt.2.

59 Letter from A.F. MacKenzie, Secretary to Messrs. Carscallen & Carscallen Barristers, etc., February 17, 1936, NAC, R.G.10, vol.7933, file 32-40 pt.2.

60 The researcher did not examine those cases in which the complaints were made on grounds that could not be defined based on the grounds stated in the *Indian Act*.

Conclusion

The majority of the recommendations for deposal came from either Indian people or Indian agents. It would appear that the department relied heavily on the opinions of its Indian agents when considering deposition cases: Indian agents had the most success getting their recommendations turned into depositions. Recommendations for deposal made by Indian people were less likely to result in depositions. Furthermore, Indian agents tended to have a strong influence over decisions made in the dismissal of recommendations for deposal made by Indian people (particularly in those cases based on the grounds of incompetence and intemperance). For those chiefs and councilors who were convicted of intoxication or in possession of intoxicants, they would have been recommended for deposal on the basis of intemperance. If a chief or councilor was found to be having illicit sexual relations, they were liable for deposal on the ground of immorality. Certain types of property crimes could be the basis for a charge of dishonesty. A charge of incompetence usually involved neglect of duties. The proceeding chapter will attempt to decipher the meaning behind these numbers and statements.

In addition to examining the findings in terms of determining what they tell us, we should also look at what they do not tell. I refer here to two matters that will be addressed in the next chapter, but which are briefly mentioned here. First, there is the exclusion of any cases involving the Six Nations reserve. Six Nations is one of the largest reserves in Canada. This particular agency had the largest number of parts (5)

within a file (32-35) and took up the majority of the space on one of the microfilms. For these reasons, the significance of this one reserve will be examined in chapter four.

Second, in attempting to take a different approach to one of the questions posed in the introduction of this thesis, how did government officials (especially Indian agents) use their power and position not to depose chiefs and councilors in order to carry out the policies of the Department of Indian Affairs? This point relates to the last statement made in the preceding paragraph in which I mention that during this 47 year period there were a relatively low number of depositions. It is believed that this could mean that the government's aim of producing Indian people who would act as arms of the department was a success. Perhaps Indian agents and government officials were more forgiving of those individuals who were helping the federal government to carry out their policy, rather than acting as representatives of their people; those who made the civilizing program appear successful. This is a significant issue that will be addressed in the next chapter.

Conclusion: The Relationship Between Indian Affairs and Band Governance

In this final chapter, I was to address a number of issues raised in the introduction. This chapter begins with a comparison between the findings of this study from the province of Ontario, and the findings from the work of Satzewich and Mahood in the western provinces. The purpose of this is to find similarities between policy directives among departmental employees. This is followed by a discussion of the two main findings of this study; first is the low number of depositions in relation to the high number of recommendations; second is the low number of depositions and recommendations during the time frame of this study. In addition, I address the fact that there were no recommendations made in the largest agency in the province. This section will also deal with the questions that were posed in the introduction. How frequently was the legislation used? Was it used as a weapon of social and political control? Were government officials the only ones who used the legislation? Finally, this chapter will address the main issues of this thesis as they relate to the theoretical framework that was established in chapter one.

A Comparison Between the East and the West

Satzewich and Mahood examined government records¹ that dealt with the appointments and depositions of chiefs and councilors between 1896 and 1911. They

¹ R.G. 10, Volumes 3939-3945, reels C-10164 to C-10165.

analyzed the number of times that an Indian agent recommended the deposition of a chief or councilor in the four western provinces: Manitoba, Alberta, Saskatchewan and British Columbia (1994:47-48). From this introductory information, there are a number of contrasts between my work and Satzewich and Mahood's study. Their research focused on a different part of Canada, and there is also a significant time difference. Satzewich and Mahood have only looked at files for a 15-year period, whereas this study examined almost 50 years of files. What makes this more interesting is that Satzewich and Mahood found a total of 75 recommendations for deposit in those 15 years, while this study found 90 recommendations in the 47 years. Clearly one of the questions that needs to be addressed is why there is such a concentration of recommendations in the west compared to Ontario.

One answer might be that these policy directives were initiated and more uniformly applied to those bands in the eastern part of Canada. Thus, they were more organized and under a more uniform and universal system. In the west, Satzewich and Mahood explain that there were four types of strategies used by the department in relation to the appointment of chiefs and councilors before the First World War. Two bands were placed under the elective system; several chiefs who were appointed during the treaty making process continued to be recognized as chiefs; others were simply appointed as chief or councilor for an indefinite term (and subject to deposit). This was the most common practice, and in other communities the positions of chief or councilor were eliminated. It is further noted that although there were a variety of band governance practices in the west (1994:44-47), "the Department had the power to depose those who

were selected on the basis of tradition, those who the department had appointed, and those who were elected” (Satzewich and Mahood, 1994:46-47).

The other significant difference between these two studies is that Satzewich and Mahood found recommendations made solely by Indian agents, and only “[i]n a few cases, though, the recommendation to depose was initiated by the Indian Commissioner or by band members who were dissatisfied with their chiefs or councilors” (1994:47). In chapter three, it was noted that there were three groups of people who made recommendations, with Indian people making the greatest number of recommendations of the three groups. The significance of the high number of Indian recommendations will be dealt with in the second half of this chapter.

There are several similarities when comparing the findings on the relationship between the number of recommendations and depositions, and the grounds of the recommendations. First, in both studies not all recommendations were approved. If one were to look at specific ‘success rates’, this study has a lower ‘success rate’ overall (31.1%) compared to that of Satzewich and Mahood (76.0%). But, if one were to look specifically at the ‘success rate’ for Indian agents in this study in comparison to Satzewich and Mahood (because their information was gathered from recommendations made by Indian agents), the ‘success rate’ is comparable, with ‘success rates’ of 70.6% and 76.0% respectively (1994:47). Clearly the department seriously took into consideration the opinions of Indian agents when recommendations for depositions were made.

When looking at the grounds for recommending the depositions, in both studies incompetence and intemperance were the most frequently used grounds for deposing chiefs and councilors while dishonesty and immorality were the least frequently used grounds. For Satzewich and Mahood, incompetence was the most frequently used ground for recommending depositions (33 cases), followed by intemperance (32 cases). The reverse is true for this study; intemperance was the most frequently used ground for recommending depositions (44 cases), while incompetence remained the second most frequently used ground (24 cases). Furthermore, in this study dishonesty and immorality were used in an equal number of recommendations (10 cases each). In the study done by Satzewich and Mahood, dishonesty was used as the basis of recommendations in eight cases and immorality in seven cases. Satzewich and Mahood only had one case in which the ground for deposition was unknown, while the present study contained 25 cases in which the ground for deposition could not be placed in the four grounds stated in the *Indian Act*. Finally, it should be noted that there was one variable that was not included in the current study, but was factored into the work of Satzewich and Mahood; those who were denied their appointments as chiefs or councilors (1994:47-48). As explained in chapter three, this study only focused on those cases in which the recommendation was made concerning someone who had been elected, and granted their position on the band council.

Satzewich and Mahood do not provide a general description of what constituted dishonesty, but they do provide four examples of people who were deposed based on this reason. One chief did not repay the credit given to him from the Hudson's Bay

Company; two councilors were alleged to have taken money from a reserve in Manitoba; and a chief sold timber off reserve land without first asking the permission of the agent (1994:48-49). For the one case that was found in this study in which the chief was deposed on the grounds of dishonesty, it was based on him having cut down trees without permission. Many of the recommendations made on this ground did have to do with money, individuals not completing work that was entrusted to them, and not consulting the council on certain matters. For example, councilor Jonas Odjig was to ensure that the cutting of ties, posts and sawlogs was to be carried out properly one summer, to report to the agent, and to properly pay his workers. The work did not appear to have been completed. The other band council members wrote a letter of complaint on the ground of dishonesty, but Mr. Odjig was given a warning but not deposed.² In another case, a chief was entrusted to care for a horse that he sold to the band, based on the understanding that he might one day buy it back. But, while in his care, the chief sold the horse without consulting the rest of the council members.³

In both studies immorality was found to deal with cases that were sexual in nature. Satzewich and Mahood discuss two cases in which two councilors were deposed for having had relations with women (or girls) of the tribe. One individual had several relations with women of the tribe, with several of these women giving birth to his children. In the other case, the councilor was deposed for having been immoral with a girl who gave birth to his child (1994:49). In this study, cases involving immorality also

2 Letter from the Chief and four Councilors of Wikwemikong to R.J. Lewis, Indian agent, August 25, 1917, NAC, R.G. 10, vol. 7926, file 32-19 pt.1.

3 Letter from Nelles F. Timothy to Clifford Sifton, Superintendent General of Indian Affairs, March 30, 1897, NAC, R.G. 10, vol. 7922, file 32-7 pt.1.

involved illicit sexual relations, often involving men who were believed to be having intimate relations with another man's wife. Three individuals who were deposed on the basis of immorality were found to be living with other men's wives. The other case involved a father having sexual intercourse with his daughter-in-law.

Similar to this study, Satzewich and Mahood found that those cases recommended on the basis of intemperance "seemed to be subject to a variety of interpretations. In some cases, intemperance was defined as providing liquor to other Indian people; in others, it was having a single drink; while in other cases it was repeated 'drunkenness'" (1994:50). They cite cases in which chiefs and councilors were deposed for possessing liquor, allowing friends drink at their house, and having been found drinking themselves (1994:50). Chapter three provided examples of individuals who were found guilty in ways that were similar to those found by Satzewich and Mahood. For example, Louis Cadieux of the Fort William band was deposed for having been arrested and fined for having been found drunk one day, while Louis Shabineau of the West Bay Band was deposed for having continually being found drunk. There was also the case of William Martel who was found in possession of intoxicants and was deposed.

Finally there were those cases that were based on charges of incompetence. This is the category in which there are significant differences between the findings of Satzewich and Mahood, and the findings of this study. Satzewich and Mahood explain that the department's control over the positions of chiefs and councilors was evident in the use of this category. They argue that chiefs and councilors were to act as extensions of the department by helping the Indian agent to carry out the policy directives of the

government and to set a good example for other Indian people. Some of the cases they found were legitimate charges of incompetence (e.g. a chief who had not lived on the reserve for five years and a chief who had been committed to a sanitorium). But, “most of the cases within this category reflected political differences between chiefs and Indian Agents, or an unwillingness on the part of the chiefs to cooperate with the Agent to regulate Indian people and carry out Departmental policy” (Satzewich and Mahood,1994:50). These authors found that they could classify these differences into four categories, including residential schools, agriculture, land leases and surrenders, and the promotion of traditional cultural practices. For example, three chiefs in the Qu’Appelle Agency were deposed between December 1900 and August 1902 because of their participation in the sun dance⁴ (1994:50-51).

The interesting difference between the work done by Satzewich and Mahood and this study is that they based their findings on their research of Indian agents, meaning that all of the cases that they found were recommended by Indian agents. With this study, only one recommendation out of 24 total recommendations based on the ground of incompetence was made by an Indian agent, while Indian people made all the rest. This is further supported by the fact that out of the five actual depositions based on incompetence, Indian people made four of the recommendations, with the one recommendation made by the Indian agent. This raises questions about whether the cases in Ontario demonstrate that the Indian people were concerned with the abilities of those

⁴ Indian dancing was targeted by the department because they offended European Christian sensibilities (redistribution and mutilation were practiced in some of these ceremonies), and they disrupted summer work regimes (e.g. breaking land, fence repairs). Indian people could be, and were, arrested and charged with illegal dancing (Satzewich and Mahood,1994:50-51).

who were supposed to be governing them, as opposed to political differences between band council members and Indian agents. If we are to look at the behaviours that were considered to constitute incompetence in this study, they were mainly about neglect of duties for which they were elected to carry out. Similarly, if we are to look at the recommendations that did not result in deposal, many of the allegations were that elected as chiefs and councilors were not attending meetings, living away from the reserve for several months at a time, allowing trespassers onto the reserve, not performing their elected duties or neglecting to consult the council about certain decisions. Thus, in this study most of the cases involved allegations that leaders were neglecting the duties for which they were elected, as opposed to chiefs and councilors who were attempting to take active control over their destiny in terms of making their lives more efficient and maintaining their traditional practices.

By comparing their research with my own, it has been shown that incompetence and intemperance were the most frequently used grounds for deposing chiefs and councilors, while dishonesty and immorality were the least frequently used grounds. Charges of intemperance involved possession of liquor as well as drunkenness (regular convictions or first offences). Immorality charges usually involved sexual indiscretions. Charges of dishonesty usually involved deceiving others or not carrying out promises. And, incompetence charges usually involved those who were not carrying out the duties for which they were elected, or being in a position in which they could not carry out those duties. What Satzewich and Mahood found was that in the west, charges of incompetence were also made against those who were seen as uncooperative; those not

carrying out departmental policy or those seen as making the Indian agent's job more difficult. What should be remembered, though, is that with the work of Satzewich and Mahood we have the understanding of the policy from the Indian agent's point of view. By adding the findings of this study, it can be seen that the understanding of the policy by Indian people is comparable to that of the agents.

One issue that needs further explanation is the one case in which a chief was deposed on the ground of dishonesty and then appealed the decision. This is relevant because Satzewich and Mahood argue that there were no formal means for appealing depositions: "there were no legislative avenues of recourse by a chief or councilor if they disagreed with or wanted to challenge the recommendation that they be deposed" (1994:44). There was one case in the Tyendinaga agency in which Chief David J. Brant appealed his removal from office. According to the Indian agent's report, the chief was sentenced to 30 days for having stolen trees from a church cemetery, after having already been fined for cutting trees. Based on this report, the chief was deposed. The department later received evidence that the chief had been acquitted of the charge of theft but had been convicted for unlawfully damaging property. The department felt that the cause of Brant's incarceration might have been considered sufficient grounds for deposing him, but it might not have necessarily been considered advisable to recommend his deposal solely for that reason.⁵ The evidence was presented to the department from a deputation from the Mohawk band of Tyendinaga, who "submitted a certificate from Mr. P.J.M. Anderson, Clerk of the Peace for the County of Hastings certifying that in the case

against Brant for stealing trees, a verdict of ‘not guilty’ was returned”⁶. Correspondence went back and forth within the department concerning this matter. Finally, on June 12th, the Acting Superintendent General of Indian Affairs requested that the Order in Council deposing Brant be rescinded.⁷ Unfortunately, no further correspondence can be found, and the ultimate outcome of this case is unknown. What this case shows is that although there were no official means of filing an appeal, it was at least possible to present evidence as a means of appealing a decision.

The Recommendations and the Depositions

The two issues to be examined in this section are the rather high number of recommendations made by Indian people, and the low number of depositions in relation to the high number of recommendations.

One of the differences between this study and the research by Satzewich and Mahood is that I distinguished between those recommendations made by Indian agents and those made by Indian people themselves. By examining the data in this manner I was able to treat Indian recommendations for what they were, rather than as potential agent recommendations. What this has led to is evidence of a substantial amount of Indian band members who were concerned about the leadership of their band within the newly imposed elective system of governance. It is possible that the policy was more successfully implemented in Ontario than in the west. Indian people may not have

⁵ Letter from J.D. McLean, Assistant Deputy and Secretary to J.R. Stainton, Indian agent, March 13, 1913, NAC, R.G.10, vol. 7932, file 32-34 pt.1.

⁶ Letter from Frank Pedley, Deputy Superintendent General to T.W. Crothers, Acting Superintendent General of Indians Affairs, April 7, 1913, NAC, R.G.10, vol.7932, file 32-34 pt.1.

tolerated ineffective leaders, so they took the initiative to depose those council members who were not representing their interests.

Satzewich and Mahood conclude that chiefs and councilors were expected to act as extensions of the Indian department's authority within Indian communities and that punishment was meted out to those who pursued the interests of their people and not those of the state. This meant that Departmental officials "had the ability to disempower those who did not accept the bureaucracy that was constructed to manage them, and that they had the power to compel Indian people to acquiesce in this regime" (Satzewich and Mahood, 1994:55). Those who were labeled as 'troublemakers' were often deposed for incompetence. In addition, those who did not aid the Indian agent in his work were also liable for deposition (1994:54-55). Satzewich and Mahood discuss this in relation to those accused of intemperance, which was the ground used most often when making a recommendation for deposition in this study:

What seems to have happened in many cases of alleged intemperance was that when a chief or councilor had gotten along well with the Agent, the Agent was more likely to overlook instances of drinking. On the other hand, when chiefs or councilors did not work well with, or fell out of favor with the Indian Agent, drinking was used as a pretext to rid the band of a leader (1994:50).

In this study, this pattern was present, but not prevalent. In terms of the recommendations made by Indian people, the Indian agent did not always provide a character account when providing a report to the department. But, because a large number of recommendations did not result in depositions, there were several letters written

7 Letter from the Acting Superintendent General of Indian Affairs to the Administrator in Council, June 12,

by Indian agents that praised certain chiefs and councilors, and of course there were those who gave bad references as well. Several examples will be provided to demonstrate that these types of cases did exist when reporting on recommendations made by Indian people. One such case involves a chief from the Manitowaning Agency who was recommended to be deposed on all four grounds by the members of a faction of his band because he had considered merging his band with another. It appears that the chief and Indian agent were on good terms because the agent felt that “the character of the chief is not all that can be desired, and on one occasion he was up in court for misbehaviour, but his qualities and ability to carry on as chief are equally as good as any other member of the South Bay Band”⁸. He was not deposed⁹. Another example comes from the same agency. The chief was accused of being away from the reserve for long periods of time (incompetence). The agent defended the chief by suggesting that he often left the reserve in winter to earn his livelihood by trapping, and that when he was away he ensured that there was someone to look after the interests of the reserve. Furthermore, the agent felt that the chief “[was] one of the most honest, industrious and careful members of the Whitefish Lake Band as has served several terms as chief, and his work has been satisfactory with the majority of the members”¹⁰. The chief was not deposed.¹¹ One final example of a council member engaging in behaviour that others had been deposed for

1913, NAC, R.G.10, vol.7932, file 32-34 pt.1.

8 Letter from R.J. Lewis, Indian agent to The Secretary, Department of Indian Affairs, November 24, 1926, NAC, R.G.10, vol. 7926, file 32-19 pt.2.

9 Letter from J.D. McLean, Assistant Deputy and Secretary to R.J. Lewis, Indian agent, December 9, 1926, NAC, R.G.10, vol. 7926, file 32-19 pt.2.

10 Letter from R.J. Lewis, Indian agent to The Secretary, Department of Indian Affairs, January 23, 1924, NAC, R.G.10, vol. 7926, file 32-19 pt.1.

occurred in the Tyendinaga Agency, whereby the chief was not able to remain sober during the previous year (intemperance). Although the agent was aware of the chief's situation and continually warned him about his behaviour, the agent felt that the chief should be given a strong warning from the department and should be deposed only if he did not stop drinking after the warning. The agent explained that he would do anything to save this man from destruction.¹² After attending the next council meeting sober, the department felt that he had reformed and was not deposed.¹³ These are all examples of Indian council members who engaged in behaviours that in other instances had been enough grounds to depose chiefs and councilors. However in these cases, because of their personal relationship with the Indian agent, they were not deposed. As it was alluded to in chapter three, it appears that Indian agents did use their power to keep certain individuals as council members.

There were also examples of those who were deposed because of poor personal relations between the chief or councilor and Indian agent. In 1907, a chief in the Gore Bay Agency was deposed on the ground of intemperance because the agent reported that he drank heavily.¹⁴ The agent further noted that "the chief has not complied with the regulations of the Department and that his influence is for that which is opposed to law

11 Letter from the Deputy Superintendent General to Hon. Charles Stewart, January 31, 1924, NAC, R.G.10, vol. 7926, file 32-19 pt.1.

12 Letter from William R. Aylsworth, Indian agent to J.D. McLean, Deputy Superintendent General, December 8, 1905, NAC, R.G.10, vol. 7932, file 32-34 pt.1.

13 Letter from J.D. McLean, Deputy Superintendent General to William R. Aylsworth, Indian agent, December 15, 1905, NAC, R.G.10, vol. 7932, file 32-34 pt.1.

14 Order In Council, May 7, 1907, NAC, R.G.10, vol. 7923, file 32-12 pt.1.

and order”¹⁵. Other council members had been given warnings upon first notification of their intemperate habits, but not in this case. The other example, once again, comes from the Manitowaning Agency on a charge of immorality. Councilor Odjig was first brought up on charges of immorality in 1917, but the department dismissed them by giving him a warning.¹⁶ The same charge was brought up again in 1920, and there was a significant shift in his degree of support for the department. The letter written by the Indian agent demonstrates this:

I wish to inform the Department that besides this man being a very immoral character he is against everything that would help the progress of the Indians and since he has become chief the progress of the Indians of the Manitoulin Island Unceded Band has gone back. He is against the Indians improving their roads, the survey of the reserve, the Indians going into farming extensively, as he maintains that Indians are Indians and should live as Indians, and if the Indians wish to live the as Whitemen they should leave the reserve.¹⁷

Chief Odjig was deposed from office on the ground of immorality in May 1920.¹⁸ Clearly, there were occasions when political differences between the Department of Indian Affairs and their wards made a difference.

In this study there was no overwhelming sense of council members being deposed for their political differences, at least not enough to substantiate the argument to the same extent as Satzewich and Mahood. Perhaps this is because there was such a low overall ‘success rate’. This might also be because the high number of Indian recommendations

¹⁵ Letter from R. Thorburn, Indian agent to Secretary of the Department of Indian Affairs, March 26, 1907, NAC, R.G.10, vol. 7923, file 32-12 pt.1.

¹⁶ Letter from the Assistant Deputy and Secretary to R.J. Lewis, Indian agent, September 5, 1917, NAC, R.G.10, vol.7926, file 32-19 pt.1.

¹⁷ Letter from R.J. Lewis, Indian agent to J.D. McLean, Assistant Deputy and Secretary, May 14, 1920, NAC, R.G.10, vol. 7926, file 32-19 pt.1.

¹⁸ Order In Council, May 24, 1920, NAC, R.G.10, vol.7926, file 32-19 pt.1.

meant that Indian people became actively involved in the system of governance set up for them by the Canadian government.

To return to the 'success rates', only 31.1% of all recommendations resulted in depositions. Indian agents had the highest 'success rate' with 70.6%, while Indian people had the lowest 'success rate' with 17.9% of all recommendations being upheld. What this shows is the significance of the power of the Indian agent, as well as the acceptance of the elective system by Indian people. The influence of the Indian agent over whether a deposition was upheld or not has been shown in chapter three. Could it not also be said that Indian people were also given a degree of power? Satzewich and Mahood found that only in a few cases was the recommendation to depose made by "band members who were dissatisfied with their chief or councilors" (1994:47). The opposite is true of this study. Indian people made the majority of recommendations, although they had the least number of recommendations resulting in deposition.¹⁹ Even though Indian people were under the control of the Department of Indian Affairs, who had the final word as to whether a deposition was upheld or not, their opinions did matter in 17.9% of the cases. The department no longer had to rely solely on the concise power of agents as to whether a chief or councilor would be helpful in the realization of the departmental goals because

¹⁹ One of the reasons that Indian people did not make up a larger proportion of the recommendations in the west is because the elective system was not pursued as aggressively in the west as it had been in the east. It would appear that, according to Satzewich and Mahood, the reason for this was because Indian people in the west had not experienced the same amount of contact with Europeans as those Indians living in the east and were therefore considered less advanced than their eastern counterparts (1994:44). This provides an adequate explanation as to why there were various strategies applied to Indians in the west (refer to p.86). Since most chiefs in the west had been appointed by the Department of Indian Affairs, Indian people were not even electing their leaders or even participating in the elective system. Therefore, they probably did not feel as though they were in a position to recommend depositions, particularly since they would be questioning the authority of the department in choosing qualified leaders.

Indian people were now actively involved in this same arrangement. Thus, by accepting the elements of the elective system and concerning themselves with the personalities and abilities of their leaders, as chosen under the components of the *Indian Act*, Indian people had acknowledged and involved themselves in the democratic form of government that had been imposed on them and were conscious of their actions and the actions of their leaders within this system. This was not only happening in a handful of agencies in the province, but in a large majority of them (17 out of a possible 24 agencies).

The only agency that stands out in this study is the Six Nations reserve in Brantford. This is one of the largest reserves in Canada, yet during the period of study there were no depositions made, let alone recommendations. The lack of cases involving the Six Nations reserve likely had something to do with the fact that they were not put under the elective system in 1895 along with several other bands in Ontario. According to Daugherty and Madill it was not until 1924 that those living at Six Nations were placed under the elective system, specifically the *Advancement Act*. Although in 1894, several band members petitioned the Department of Indian Affairs to be placed under the elective system, the majority were opposed. Correspondence between members of Six Nations and the Department continued over several years concerning this matter. Those who opposed the introduction of elective system feared that they would lose their treaty rights, and were reassured in 1910 that the election provisions of the *Indian Act* did not negate their treaty rights. Once the First World War ended, the issue of the form of government on the Six Nations reserve arose once again, and a Royal Commission was struck in 1923. "It would seem the Government felt that the lack of discipline displayed by the

Council and the general management of the reserve warranted such intrusion” (Daugherty and Madill,1980:50). The Commissioners concluded that the elective system should be implemented as soon as possible. They felt that the council was not composed of elected men, the right to a seat in council was only vested in certain families, and that there was no written constitution (1980:45-51). In addition to the fact that the Six Nations were late in adopting the elective system of band governance, the lack of cases on this reserve could have also been due to the fact that there was a relatively low number of recommendations and depositions during the time period of this study.

Another feature of this study is that there was such a low number of actual depositions. It may be that the majority of the chiefs and councilors elected in Ontario were quite satisfactory for the band, as determined by the department. This is once again where we see the significance of the power of the Indian agent. As noted in chapter three, there were only five recommendations (out of a possible 17 cases) that did not result in depositions. The high ‘success rate’ for Indian agents speaks for itself in terms of evidence of the overriding power of the agents over their wards. In regards to the Indian recommendations, it was once again shown that the Indian agents had significant power over the outcome of their wards. In over half of the cases involving charges of intemperance, the Indian agent did not feel that the chief or councilor should be deposed. Since this was the ground most often used for making recommendations and the ground that had the largest number of depositions, the agent’s opinion seemed to have carried weight. Considering the other three reasons, when the opinion of the agent was available, the opinions of the agent were not as significant. Often there were cases in which the

agent did feel that the individual should be deposed and were not, but there were a few times when the agent did not recommend the deposal of an individual. For instance, in the ten cases of incompetence that did not result in depositions (in which the opinion of the agent was available) the agent did not agree with the recommendation in six of those cases. In the cases where the agent's opinion was available, they did not agree with the recommendation at least half of the time.

What this tells us is that the department, by basing its judgment on agent statements, was generally content with the leaders elected to each band council. If we were to break the numbers down there were approximately two and a half recommendations made every year, and one deposition every year and a half. That does not amount to very many recommendations or depositions over a 47-year period, especially when taking into account the number of Indian people and bands placed under the elective system in Ontario. This leads me to conclude that the Department of Indian Affairs was satisfied with the individuals elected under the system. Since there were a relatively low number of recommendations made by Indian agents (17) and that they did not agree with the majority of the recommendations made by Indian people, this means that they were satisfied with the council members in their agency. It is true that there are quite a number of Indian recommendations that were made in this same period, appearing as though they were actively practicing in the system of band governance. But since the agents did not agree in the majority of these cases, it appears as though the Indians were still being treated as wards. Indian agents were telling the department what would be in the best interest of the Indian people in their agency. There were very few council

members who did not fit the moral and behavioral codes set out by the department, and many were deposed. But, there were still a relatively low number of these individuals overall.²⁰

In chapter three I noted that the records of the National Archives document information for the purposes of government. This study has provided evidence to support this statement. All of the original correspondence concerning the elections of chiefs and councilors are grouped together in 11 microfilms, with the correspondence organized in chronological order and then grouped by band. For each election and recommendation for deposition there exists a paper trail that could be followed from either the Indian agent or Indian through the ranks of the Department of Indian Affairs. The information contained in these microfilms can therefore be considered records of a bureaucracy, for the purposes of bureaucracy, because of how the information was organized, the proper processes were followed, and the information is all related to the one category by which it was classified which allows for uniformity and accuracy. What these files lack also demonstrates their specific purpose. These files do not contain letters that relate to issues outside of the elective form of band governance. Therefore, it can be inferred that the government kept and continues to keep as complete and accurate records as possible (notwithstanding any records lost through the passage of time). Furthermore, based on these statements I am confident that the files have provided as complete and accurate a

²⁰ To compare the numbers of recommendations and depositions in this study to that of Satzewich and Mahood, those two authors found 75 recommendations for deposal, with 57 of them resulting in depositions within a 15 year period (1994:48).

portrait of the implementation of the elective system of governance imposed on Indian people.

The Larger Picture

In the introduction to this thesis, I reviewed two theoretical contexts within which the relationship between Indian people and the state has been understood: the development of policy and coercive tutelage. The issue of coercive tutelage in relation to this study will be dealt with first. Indian people have been subjected to involuntary tutelage, which has been imposed upon them due to the presumed moral and cultural superiority of Euro-Canadian society. This philosophy provided the justification for the continued guardianship relationship that has enabled Euro-Canadian society to offer solutions to what they see as the problems faced by Indian people. The projects sponsored by various governments over the years to transform Indian people are based on the belief that Indian people would not be able to survive in Canadian society unless they changed, and remade them into people who held the same attributes as those found in the rest of Canadian society. This act of 'charity' comes with the price of having to demonstrate that they, the Indian people, have adopted the values of their tutors while simultaneously renouncing their Indianess.

One such change was made in the political systems of Indian people. By introducing Indian people to the elective system of governance, they were supposed to gain a sense of responsibility over matters that concerned them, and to provide them with experience in the democratic process. By abandoning their traditional political systems, Indian people were expected to achieve a certain level of 'development' and allow their

society to take on a more Western structure. This new system of governance told Indian people who was eligible for a position on the council, by what means, and for how long, as well as clearly listing their duties and how certain behaviours could lead to their dismissal. By subjecting Ontario bands to this policy (by 1899), Indian people became dependent on their tutors for validation. By introducing Indian people to a western democratic form of governance, Indian people demonstrate to their tutors that the democratic system is a legitimate form of governance that is able to advance the interests of those placed under its system. Although Indian people were functioning within a democratic system, their elections, actions and resolutions required the approval of the Department of Indian Affairs; approval from the tutor. This seems to suggest that the tutors would allow their wards to hold certain values and ideals as long as they were consistent with their own. In terms of the elective system of band governance imposed on Indian people, those who accepted those values would remain in office. Those who were found behaving in ways that were considered immoral, intemperate, incompetent or dishonest were believed not to share in the same values as the rest of Canadian society.

What appears to have happened in Ontario is that many Indian people came to believe in those values and ideals that had been learned from their tutors. Indian people made the majority of the recommendations for deposal made between 1895 and 1944. Except for a handful of cases, these recommendations were made on one or more of the four grounds stated in the *Indian Act*. Arguably, Indian people did take on the values learned from their tutors because they found that under this new political system, their leaders were not always acting in the appropriate manner, as outlined by their tutors. The

fact that there were more recommendations made by those placed under the tutelage, rather than those working for the tutors demonstrates that Indian people had successfully adopted the tutor's values as their own, at least in the political sphere.

However, this assessment needs to be placed in context. Indian people did not have complete control over their own band councils. As Dyck explains, tutelage is perpetuated because the tutor controls the definitions of the 'problems' that are faced by Indian people. In other words, tutors know what is in the best interest of their wards, and the tutors know what is the best way to advance these interests. This was the role taken up by the Department of Indian Affairs, and this is where the significance of Indian agents in the deposition process will be discussed. Although Indian people were given a limited amount of power over the governance of their bands, and could voice their opinions about certain leaders, it was the Indian agent that the department relied upon. These agents reported on the qualities of uncooperative chiefs, which often seemed to be based on the personal relationship between the two. This meant that Indian agents held significant power over whether a band council member was deposed or not. When Indian agents made a recommendation for the deposition of a chief or councilor, they often resulted in a deposal. When recommendations for deposal came from Indian people, the department often relied on the judgment of the Indian agent. Since there was not a proportional 'success rate' for recommendations made by Indian people and Indian agents, it could be that from the department's point of view Indian people were not 'fully prepared' for this new system. Recommendations for depositions went through the department so that the proper decision could be made as to whether or not the deposition

would be in the best interest for the band, or in other words, whether it would be the proper decision for the promotion of the interests for the tutor. As long as Indian people were not given the full power to depose of a chief or councilor, and while the department maintained authority over what constituted dishonesty, intemperance, incompetence and immorality, Indian people would have to remain dependent on the Department of Indian Affairs. As long as the department believed that Indian people could not determine for themselves which leader did or did not maintain the imposed values, the department would continue to believe that this was a problem that had to be managed under their supervision. If Indian people were believed to be capable of determining the merits of their leaders, the role of the tutor would no longer be necessary.

The final issue to be addressed is the relation between Boldt's concept of the 'national interest' and the depositions of chiefs and councilors. Boldt explains that policies developed by the Canadian government serve the so-called 'national interest'. The policies that have affected Indian people have been framed within this national interest paradigm, while at the same time the interests of Indian people have been subordinated to the larger interest. Part of this process has been the imposition of Euro-Canadian social, political and economic systems on Indian people. In terms of politics, Indian people were introduced to the democratic process, but were never allowed to fully engage in this system because the ultimate decision concerning virtually all matters rested with the Department of Indian Affairs; including council resolutions and deposition of council members. Indian people were not able to pursue their interests independently of the 'national interest'. In order to ensure this, the Department of Indian Affairs was

established, and placed within Indian communities were agents to carry out these policies.

The system of deposing chiefs and councilors can be seen as part of the system of maintaining the 'national interest' in a way that is similar to Dyck's notion of coercive tutelage. Both Boldt and Dyck argue that the Canadian government promoted the values, ideals and interests of the ruling class as part of its Indian policy. This translated into Indian interests mirroring the interests of the society that was growing up around them. And, as it was stated in relation to the discussion on Dyck, there appears to be a low number of depositions in Ontario for almost 50 years perhaps because many chiefs and councilors had adopted the values being forced upon them. So long as the aims of the policy appeared as though they were being achieved, there was no need to get rid of those Indian people who appeared as though they understood the benefits of these changes and acted accordingly. Indian agents ensured that the government's interests were being served by either recommending that those who were believed not to be contributing to the advancement of these interests be deposed, and those contributing to the advancement remained in office. If a chief or councilor appeared to have the same interests as the department, there was no reason to depose them.

Where these two authors differ is in their understanding of the ultimate goal of the Canadian government. Dyck appears to argue that tutors continuously change their administration of Indian people to ensure that their wards remain as such. This would guarantee that the tutors would always be needed, and could continue identifying and appearing as though they were solving the 'Indian problem'. It was alluded to earlier that

although Indian people were actively involved in the elective system, they were not completely trusted by the department to govern themselves, and thus would require further guidance by the tutor. By never fully setting up guidelines for the deposition process, as well as requiring the approval from the department for their decisions, the department ensured its continued existence while still appearing to act in the interests of assimilation. Boldt explains that the elimination of the special status accorded to Indian people under the British North America Act has been the goal of the Canadian government. Part of the realization of this goal has been to transform Indian political, economic and social systems to make them consistent with Euro-Canadian society. Indian people have been taught the necessary skills to administer themselves and to ensure the competence of their leaders. This study shows that Indian people made the majority of the recommendations for depositions but they have not been given the necessary power to completely manage their own affairs. Nor were they allowed to be responsible or accountable for their own actions or composition of their councils. Therefore, although Indian people were given the power to present cases of questionable characters found in their leaders, they were not given the ability to rid themselves of those leaders. It was the employees of the department who had the final decision. Thus, Indian people had acquired the skills to participate in the democratic process, but were not able to exercise those skills. Although the government wished to assimilate Indian people into greater governmental structures, they were afraid that their assimilation would lead them to use 'the system' to pursue interests that are at odds with what is defined as the 'national interest'.

In chapter one the topic of resistance is mentioned, but not examined in detail. It is possible that the involvement in the elective system of band governance by Indian people could be interpreted as a form of resistance. Upon further reflection, I do not feel that the data provided in this study warrants the conclusion that by understanding and respecting the rules of the band governance system and reporting on infractions, Indian people were mounting resistance against the Canadian government. One of the reasons is because Indian people around the province and throughout several years were participating in this system. There is no evidence (correspondence by agents insinuating as such²¹) to demonstrate that there was an organized and concerted effort to suggest the existence of an organized resistance. Furthermore, one of the most organized Indian groups, Six Nations, was not even put under this system after many years of overt resistance to this style of government. Six Nations set a precedent that was not picked up on by any other reserves or bands. Another reason that this does not look like a form of resistance is because the letters seemed to contain legitimate complaints about chiefs and councilors who were not performing the duties for which they were elected or who were setting bad examples for others on the reservation. In addition, the single appeal that was made demonstrates willingness on the part of Indian people to understand and work within this new system because if they were to resist, it could not be through legitimate means. Finally, it can be assumed that by working within the system, Indian people would impress their tutors and might hope to benefit from it. By appearing as though

21 Perhaps if the correspondence was not collected for the purposes of government bureaucracy, there might be evidence of such a resistance.

they understood and could work within the system, Indian people might have hoped to gain independence and increased participation over their own affairs.

One idea that has not been touched upon is the motivation of adopting the elective system of band governance on the part of Indian people. It is unclear whether Indian people adopted this elective form because they felt compelled to take on the trappings of Canadian society, or whether they believed that by adopting this system they could regain control over their destiny. There appears to be no evidence to suggest that there existed a coordinated effort and rationale to adopting the system between bands in an effort to work simultaneously towards a common goal. This type of exploration would require an examination of each individual band and their situation at the time of their introduction to the system. Once again, due to the nature of the source of the information used in this study, the government records would only allow me to speculate on the inner workings of each band within the elective system.

Conclusion

This study has demonstrated that within the policies of the Department of Indian Affairs, Indian people seemed to know the skills to function within the Canadian political system. They were given the power to recommend the deposals of certain leaders who were not demonstrating the implied values stated in the *Indian Act*, which were the underlying changes expected of the implemented Indian policy. However, they were not given the authority to actually depose those leaders. That decision was left to the Department of Indian Affairs, who relied heavily on the opinions of their agents located within Indian communities. Due to the low number of both recommendations and

depositions over a period of almost 50 years, it can be concluded that Ontario Indians adopted the necessary values and beliefs that would help the Canadian government to achieve its goals in at least one facet of Indian society.

Appendix 1

List of Files found on Microfilms

<i>File Number: Part Number</i>	<i>Agency</i>	<i>Province</i>	<i>Years</i>	<i>Reel C-135**</i>
32-1:1	General		1859-1911	01
32-1:2	General		1924-1942	01
32-1:1x	General		1947-1948	01
32-2:1	Alnwick	Ontario	1903-1935	01
32-2:2	Rice and Mud Lake (Alnwick)	Ontario	1940-1944	01
32-3	Bersimis	Quebec	1904-1930	01
32-5:1	Caughnawaga	Quebec	1887-1897	01
32-5:2	Caughnawaga	Quebec	1903-1910	01
32-5:3	Caughnawaga	Quebec	1911-1917	01
32-5:4	Caughnawaga	Quebec	1919-1928	01
32-5:6	Caughnawaga	Quebec	1938-1939	01
32-5:7	Caughnawaga	Quebec	1940-1945	01
32-6:1	Penetanguishene (Christian Island)	Ontario	1886-1894	01
32-6:2	Penetanguishene	Ontario	1903-1915	01
32-6:4	Penetanguishene	Ontario	1934-1939	01
32-7:1	Caradoc	Ontario	1894-1902	01
32-7:2	Caradoc	Ontario	1904-1917	01
32-7:3	Caradoc	Ontario	1920-1934	04,01
32-7:4	Caradoc	Ontario	1934-1939	04
32-8	Cape Croker	Ontario	1903-1935	04
32-9	Fort William	Ontario	1903-1935	04

32-10	Georgina Island	Ontario	1904-1939	04
32-12:1	Gore Bay	Ontario	1903-1935	04
32-13:1	Sault Ste. Marie (Garden River Band & Batchewana Band)	Ontario	1897-1915	04
32-13:2	Sault Ste. Marie	Ontario	1930-1931	04
32-14:1	Lorette	Quebec	1895-1901	04
32-14:2	Lorette	Quebec	1903-1936	04
32-14:3	Lorette	Quebec	1931-1940	04
32-15:1	Morivan	Ontario	1904-1939	04,03
32-16:1	Hagersville	Ontario	1903-1917	03
32-16:2	Hagersville	Ontario	1918-1948	03
32-17:1	Maria	Quebec	1903-1936	03
32-17:2	Maria	Quebec	1936-1948	03
32-18:1	Maniwaki	Quebec	1884-1893	03
32-18:2	Maniwaki	Quebec	1905-1936	03
32-19:1	Manitowaning	Ontario	1903-1925	03
32-19:2	Manitowaning	Ontario	1925-1934	03
32-20:1	Oka	Quebec	1903-1929	03
32-20:2	Oka	Quebec	1929-1943	03
32-22:1	Parry Sound	Ontario	1894-1901	03
32-22:2	Parry Sound	Ontario	1903-1925	03,02
32-22:3	Parry Sound	Ontario	1926-1937	02
32-23:3	St. Francois	Quebec	1910-1916	02
32-23:4	St. Francois	Quebec	1916-1935	02
32-24:1	Rama	Ontario	1885-1912	02
32-24:2	Rama	Ontario	1912-1930	02

32-24.3	Rama	Ontario	1930-1939	02
32-25.1	Mud Lake & Rice Lake	Ontario	1904-1934	02
32-26:1	Restigouche	Quebec	1903-1934	02,05
32-26:2	Restigouche (Eel River Band)	Quebec	1933-1943	05
32-27	Simcoe (Scugog Indian Reserve)	Ontario	1904-1947	05
32-29	Sarnia	Ontario	1903-1931	05
32-31:1	Saugeen	Ontario	1903-1934	05
32-32:1	Six Nations	Ontario	1904-1910	05
32-32:2	Six Nations	Ontario	1909-1923	05
32-32:3	Six Nations	Ontario	1924-1926	05
32-32.4	Six Nations	Ontario	1926-1935	05
32-32.5	Six Nations	Ontario	1935-1947	05,06
32-33:1	St.Regis	Quebec	1889-1893	06
32-33:2	St.Regis	Quebec	1889-1909	06
32-33:3	St.Regis	Quebec	1903-1916	06
32-33:4	St.Regis	Quebec	1916-1935	06
32-34:1	Tyendinaga	Ontario	1903-1918	06
32-34:2	Tyendinaga	Ontario	1916-1934	07
32-36:1	Thessalon	Ontario	1904-1947	07
32-38:1	Viger	Quebec	1911-1948	07
32-40:1	Walpole Island	Ontario	1904-1934	07
32-40:2	Walpole Island	Ontario	1934-1944	07
32-41	Mingan	Quebec	1903-1919	07
32-42	Temiscamingue	Quebec	1907-1932	07
32-45	Micmacs of Annapolis County	NS	1904-1932	07

32-46	Micmacs of Antigonish County	NS	1908-1943	07
32-47	Colchester County	NS	1906-1940	07
32-48	Cumberland (Micmac)	NS	1894-1940	07
32-49	Digby County	NS	1894-1938	07
32-52	Halifax County	NS	1895-1932	07
32-53	Inverness County (Whycocomagh Reserve)	NS	1911-1937	07
32-54	Kings County (Cambridge Reserve)	NS	1895-1942	07
32-55:1	New Brunswick, North Eastern Division (various bands)	NB	1906-1922	07
32-55:2	NB, North Eastern Division	NB	1922-1933	07
32-55-2:1	NB, North Eastern Division	NB	1934-1941	07
32-55-3:1	NB, North Eastern Division (Big Cove & Eel Ground Bands)	NB	1933-1948	08
32-55-4	NB, North Eastern Division (Eel Ground Band)	NB	1933-1945	08
32-55-6	NB, North Eastern Division (Burnt Church Reserve)	NB	1934-1947	08
32-55-9	NB, North Eastern Division (Indian Island Band)	NB	1934-1940	08
32-56	NB, South Western Division	NB	1894-1925	08
32-56-2:2	NB, South Western Division (Kingsclear Band)	NB	1925-1945	08
32-56-3:1	NB, South Western Division (Oromocto Band)	NB	1926-1945	08
32-56-4:1	NB, South Western Division (Devon Band)	NB	1927-1947	08
32-56-5:1	NB, South Western Division (Woodstock Reserve)	NB	1925-1943	08
32-57	PEI – Lennox Island (Lennox Island Band)	PEI	1897-1935	08
32-58	Pictou County (Grant Reserve)	NS	1909-1941	08
32-59	Lunenburg County (Micmacs of Lunenburg)	NS	1911-1932	08
32-60	Richmond County (Richmond Reserve)	NS	1894-1940	08

32-61	Cape Breton County (Sydney Reserve)	NS	1902-1936	08
32-61:2	Cape Breton County (Sydney Reserve)	NS	1937-1942	08
32-62:1	Shelburne County (Shelburne District)	NS	1894-1932	08
32-63:1	Victoria County (Middle River Reserve)	NS	1911-1938	08
32-64	Yarmouth County	NS	1911-1940	08
32-66:1	NB, Northern Division (Edmundston Reserve)	NB	1919-1946	08
32-102	Qu'Appelle (Assiniboine Reserve)	Sask.	1913-1944	08
32-104	Blackfoot (Blackfoot Band)	Alberta	1914-1943	08
32-105	Battleford (various bands)	Sask.	1913-1940	08
32-106	Battle (Waywayseecappo & Keeseekoowenin bands)	Sask.	1913-1947	08
32-107	Carlton (various bands)	Sask.	1895-1930	08,09
32-110	Edmonton (various bands)	Alberta	1913-1935	09
32-111	File Hills (various bands)	Sask.	1915-1947	09
32-113	Moose Mountain (White Bear Band)	Sask.	1916-1932	09
32-115	Onion Lake (various bands)	Sask.	1913-1937	09
32-115:2	Onion Lake (various bands)	Sask.	1938-1948	09
32-116:1	Peigan (Peigan Reserve)	Alberta	1913-1949	09
32-120	Sarcee (Sarcee Reserve)	Alberta	1917-1947	09
32-123	Norway House (Cross Lake Band & Others)	Manitoba	1913-1940	09
32-124	Fort Frances (various bands & reserves)	Ontario	1913-1940	09
32-125:1	Clandeboye (various bands & reserves)	Manitoba	1913-1930	09
32-125:2	Clandeboye	Manitoba	1930-1937	09
32-125:3	Clandeboye	Manitoba	1937-1947	09

32-126:1	Manitowapah & Portage Agencies (various reserves)	Manitoba	1914-1935	10
32-126:2	Manitowapah	Manitoba	1935-1948	10
32-127	Portage LaPrairie (various bands)	Manitoba	1914-1936	10
32-128	The Pas (various bands)	Manitoba	1913-1935	10
32-129:1	Savanne & Kenora Agencies (various bands)	Ontario	1913-1930	10
32-129:1	Savanne & Kenora Agencies	Ontario	1930-1936	10
32-130	Kenora & Savanne Agencies	Ontario	1895-1927	10
32-132	Treaty No.10 – The Pas Agency & Ile-a-la-Crosse Agency	Sask.	1921-1936	10
32-133	Griswold (Oak River Reserve)	Manitoba	1913-1948	10
32-136	Fisher River (Peguis Reserve)	Manitoba	1913-1933	10
32-145	Stony Sarcee (Rocky Mountain House)	Alberta	1940-1946	10
32-154	Kamloops	BC	1913-1934	10
32-164:1	Okanagan	BC	1913-1929	11
32-164:2	Okanagan	BC	1930-1946	11
32-165	Lytton	BC	1913-1936	11
32-168	Skeena River	BC	1913-1935	11

Source: 'Central Registry System', R.G.10, Series B3, Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

Appendix 2

List of Indian Agencies in Ontario¹

Alnwick Agency

Mississaugas

Cape Crocker

Chippewas of Nawash

Caradoc Agency

Chippewas of the Thames

Munsees of the Thames

Oneidas of the Thames

Chapleau Agency

Metagama

Moose Factory Crees, Chapleau

Moose Factory Crees, Missinaibi

Ojibbewas, Chapleau

Ojibbewas, New Brunswick Post

Ojibbewas, Flying Post

Ojibbewas, Metagami

Michipicotent

Mississagi River

Spanish River

Christian Island (Penetanguishene)

Chippewas of Beausoleil

Clandeboye Agency

Deer Lake

Pekangekum

Fort Frances Agency

Couchiching

Hungry Hall No.1

Hungry Hall No.2

Lac La Croix

¹ National Archives of Canada, 1996; Parliament, 1916:28-34; Parliament, 1930:36, 58-62.

Little Fork
Long Sault, No.1
Long Sault, No.2
Manitou Rapids Reserve, No.1
Manitou Rapids Reserve, No.2
Nickickonsemincaning
Naicatchewening
Seine River
Stangecoming
Sturgeon Lake

Fort William Agency

Fort William
Gull Bay
Long Lake
Martin Falls
Pays Plat
Pic
Red Rock (Lake Helen)
Sand Point
Various Places
Whitesand and Jackfish

Georgina Island Agency

Chippewas of Georgina and Snake Islands

Golden Lake Agency

Algonquins of Golden Lake

Gore Bay Agency

Cockburn Island
Obidgewong
Sheshewaning
West Bay

Hagersville Agency (New Credit)

Mississaugas of the Credit

Kenora and Savanne Agency*Assabaska**Big Island**Buffalo Point**Dalles**Islington**North West Angle No.33**North West Angle No.37**Rat Portage**Shoal Lake No.39**Shoal Lake No.40**Whitefish Bay**Eagle Lake**Frenchman's Head**Grassy Narrows**Ignace**Lac des Milles Lacs**Lac Seul**Wabigoon**Wabuskang***Manitowaning Agency***Beausoleil**Manitoulin Island, including West Bay**Point Grondin**Sheguiandah**South Bay**Spanish River**Sucker Creek**Sucker Lake**Tahgaiwinini**Whitefish Lake**Whitefish River**Maganatawan***Morivan Agency***Morivans*

Parry Sound Agency*Gibson**Henvey Inlet**Maganatawan**Moose Point**Parry Island**Shawanaga***Rama Agency***Chippewas of Rama***Rice Lake Agency***Mississaugas of Mud Lake**Mississaugas of Rice Lake***Sarnia Agency***Chippewas of Sarnia and Kettle and**Stony Points***Saugeen Agency***Chippewas of Saugeen***Sault Ste. Marie Agency***Batchawana**Garden River**Michipocoten***Scugog Agency***Mississaugas of Scugog**Non-Treaty Indians***Six Nations Agency***Six Nations of the Grand River***Sturgoen Falls Agency***Dokis**Matatchewan**Nipissing**Temagami*

Thessalon Agency*Mississagi River**Serpent River**Spanish River Band No. 1**Spanish River Band No. 2**Thessalson***Timiskaming Agency***Abitibi (Ont.)**Argonaut and Larder Lake***Tyendinaga Agency***Mohawks of the Bay of Quinte***Walpole Island Agency***Chippewas**Pottawattamies**Non-members of any band***District of Patricia***Agumiska Island**Albany**Attawapiskat**Bear Island**Beaver House**Cat Lake**Deer Lodge**English River**Fort Hope and Landsdowns**Fort Severn**Martin Falls**Moose Factory**New Post**Osanaburgh**Trout Lake**Winisk River*

Appendix 3

Recommendations by year for each agency¹

	Alnwick	Penetanguishene	Caradoc	Fort William	Georgina Is.	Gore Bay	Manitowaning
1897			1				
1903	1						1
1904				1			
1905							
1906							
1907				1		3	
1908		1					
1910				1		1	
1911						2	
1912						2	1
1913							
1914				3			
1915				3			
1916				2			
1917							1
1919							
1920				1			1
1921							
1922							
1923							1
1924			1				
1925							
1926				1			1
1927							
1928							
1932							4
1933							
1934							
1936			1				
1937							
1939					1		
1940							
1944							
Total	1	1	3	13	1	8	10

¹ This chart excludes those cases in which the outcome of the recommendation was unknown.

	Parry Sound	Rama	Mud Lake	Simcoe	Sarnia	Saugeen	Tyendingaga	Thessalon	Walpole Is.
1897									
1903					2				
1904						1			
1905							1		
1906							1		
1907							1		
1908									
1910							1		
1911								1	
1912							1		
1913									
1914									
1915									
1916									
1917					1				
1919								1	
1920					2				
1921	2	4				1			
1922								2	
1923						1			
1924									1
1925	1								
1926	2								
1927	1	1		1					
1928		1							
1932	2	1	1						
1933		1							
1934	2	3							
1936									1
1937	1								
1939									
1940								1	2
1944									1
Total	11	11	1	1	5	3	5	5	5

	Savanne	Kenora	Total ²
1897			1
1903			4
1904			2
1905			1
1906		1	2
1907			5
1908			1
1910			3
1911			3
1912			4
1913	1		1
1914			3
1915			3
1916			2
1917			2
1919	1		2
1920			4
1921	1		8
1922			2
1923			2
1924			1
1925			1
1926			4
1927			3
1928	2		3
1932			8
1933			1
1934			5
1936			2
1937			2
1939			1
1940			3
1944			1
Total	5	1	90

Source: 'Central Registry System', R.G.10, Series B3,
Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

² For both Appendix 3 and Appendix 4, whenever there was a case that spanned two years, the case was counted in the year in which the first correspondence was made.

Appendix 4

Depositions by year for each agency

	Caradoc	Fort William	Gore Bay	Manitowaning	Parry Sound	Rama	Saugeen	Tyendinaga
1897								
1903								
1904							1	
1905								
1906								
1907			1					
1908								
1910		1	1					
1911			2					
1912								1
1913								
1914								
1915		3						
1916		1						
1917								
1919								
1920		1		1				
1921								
1922								
1923								
1924								
1925								
1926		1			1			
1927					1			
1928						1		
1929								
1932								
1933								
1934					1	1		
1935								
1936	1							
1937								
1939								
1940								
1944								
Total	1	7	4	1	3	2	1	1

	Thessalon	Walpole	Savanne	Kenora	Total
1897					
1903					
1904					1
1905					
1906				1	1
1907					1
1908					
1910					2
1911					2
1912					1
1913					
1914					
1915					3
1916					1
1917					
1919	1		1		2
1920					2
1921			1		1
1922					
1923					
1924					
1925					
1926					2
1927					1
1928			2		3
1929					
1932					
1933					
1934					2
1935					
1936					1
1937					
1939					
1940		2			2
1944					
Total	1	2	4	1	28

Source: 'Central Registry System', R.G.10, Series B3,
 Vols.7920 – 7940, microfilm reels c-13501 to c-13511.

Bibliography

- Advisory Council on the Status of Women (Kathleen Jamieson, contributor). 1971. *Indian Women and the Law: Citizens Minus*. Ottawa: Supply and Services.
- Boldt, Menno. 1994. *Surviving as Indians: The Challenge of Self-Government*. Toronto: University of Toronto Press.
- Boldt, Menno, and J. Anthony Long. 1985. "Tribal Philosophies and the Canadian Charter of Rights and Freedoms". In Menno Boldt and J. Anthony Long (eds.), *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, pp.165-179. Toronto: University of Toronto Press.
- Boldt, Menno, and J. Anthony Long. 1984. "Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indians". *Canadian Journal of Political Science*, vol. XVII, no. 3, September, pp.537-554.
- Brownlie, Robin. 1994. "Man on the Spot: John Daly, Indian Agent in Parry Sound, 1922-1939". *Journal of the Canadian Historical Association* (new series), vol. 5, pp.63-86.
- Dickason, Olive Patricia. 1992. *Canada's First Nations: A History of Founding Peoples from Earliest Times*. Don Mills, Ontario: Oxford University Press.
- Dyck, Noel. 1991. *What is the Indian 'Problem': Tutelage and Resistance in Canadian Indian Administration*. St. John's, Newfoundland: The Institute of Social and Economic Research (Memorial University of Newfoundland).
- Frideres, James S. 1988. *Native Peoples in Canada: Contemporary Conflicts* (3rd ed.). Scarborough, Ontario: Prentice-Hall Canada Inc.
- Gerth, H.H., and C. Wright Mills (eds.). 1953. *From Max Weber, essays in sociology*. New York: Oxford University Press.
- Gordon, Milton. 1964. *Assimilation in American Life: The Role of Race, Religion, and National Origins*. New York: Oxford University Press.
- Leslie, John, and Ron Macguire (eds.). 1978. *Historical Development of the Indian Act*. Ottawa: Treaties and Historical Research Centre, P.R.E. Group, Indian and Northern Affairs.
- Mahon, Rianne. 1977. "Canadian public policy: the unequal structure of representation". In Leo Panitch (ed.), *The Canadian state: political economy and political power*, pp. 165-198. Toronto: University of Toronto Press.

- Miller, J.R. 1989. *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*. Toronto: University of Toronto Press.
- National Archives of Canada. 1996. *ArchiVIA: Aboriginal Peoples* (CD-Rom). Ottawa: National Archives of Canada.
- Parliament (Canada). 1916. "Annual Report of the Department of Indian Affairs for the year end March 31, 1915". In *Sessional Papers of the Parliament of Canada*, 27-28, vol. L1, No. 23. Ottawa: J. de L. Taché, Printer to the King's most excellent majesty.
- Parliament (Canada). 1930. "Annual Report of the Department of Indian Affairs for the year end March 31, 1929". In *Annual Departmental Reports, 1928-1929, Vol. II*. Ottawa: Printer of the King's most excellent majesty.
- Ponting, J. Rick, and Roger Gibbins. 1980. *Out of Irrelevance: A socio-political introduction to Indian affairs in Canada*. Toronto: Butterworth and Company (Canada) Limited.
- Purich, Donald. 1986. *Our land: native rights in Canada*. Toronto: James Lorimer & Company, Publishers.
- Research Branch, Department of Indian Affairs (Wayne Daugherty and Dennis Madill, contributors). 1980. *Indian Government Under Indian Act Legislation 1868-1951*. Ottawa: Department of Indian and Northern Affairs.
- Rotman, Leonard Ian. 1996. *Parallel Paths: Fiduciary Doctrine and the Crown-Native Relationship in Canada*. Toronto: University of Toronto Press.
- Royal Commission on Aboriginal Peoples. 1996. *Looking Forward, Looking Back*. Ottawa: Supply and Services
- Russell, Bill. 1998. *Indian Affairs Records and the National Archives of Canada*. Toronto: The Ontario Genealogical Society.
- Satzewich, Vic, and Linda Mahood. 1994. "Indian Affairs and Band Governance: Deposing Indian Chiefs in Western Canada, 1896-1911". *Canadian Ethnic Studies*, vol. XXVI, no. 1, pp.40-58.
- Satzewich, Vic, and Terry Wotherspoon. 1993. *First nations: race, class, and gender relations*. Scarborough, Ontario: Nelson Canada.

Titley, Brian E. 1986. *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada*. Vancouver: University of British Columbia Press.

Tobias, John L. 1976. "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy". *The Western Canadian Journal of Anthropology*, vol. VI, no. 2, pp.13-30

Statutes of Canada

1869 32-33 Victoria, chapter 6 (Act for the Gradual Enfranchisement of Indians)

1876 39 Victoria, chapter 18 (Indian Act)

1880 43 Victoria, chapter 28 (Indian Act)

1884 46-47 Victoria, chapter 27 (Indian Act)

1884 46-47 Victoria, chapter 28 (Indian Advancement Act)

1951 14-15 George VI, chapter 29 (Indian Act)