Sir John A. Macdonald's Influence on the Development of Canadian Indigenous Policy, 1844-1876.

by

Sarah Taekema
Bachelor of Arts, Redeemer University College, 2011
Bachelor of Education, Redeemer University College, 2011

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF ARTS

in the Department of History

© Sarah Taekema, 2020
University of Victoria

All rights reserved. This Thesis may not be reproduced in whole or in part, by photocopy or other means, without the permission of the author.

Supervisory Committee

Sir John A. Macdonald's Influence on the
Development of Canadian Indigenous Policy, 1844-1876.

by

Sarah Taekema
Bachelor of Arts, Redeemer University College, 2011
Bachelor of Education, Redeemer University College, 2011

Supervisory Committee

Dr. John Sutton Lutz, Department of History
Supervisor

Dr. Peter Cook, Department of History
Departmental Member

Abstract

John A. Macdonald was not only Canada's first Prime Minister; he played a significant role in framing much of Canada's early "Indian policy" including legislation that was incorporated into the Indian Act (1876) which is still in effect today. Despite his central role, in all the voluminous analyses of Macdonald's life and career, there is no in-depth scholarly study of Macdonald's Indian policies or how his ideas about Indigenous people or race were formed. In this thesis, I examine Macdonald's early personal context, how he may have developed his ideas about Indigenous people, the development of his Indigenous policies, and the local contingencies that shaped the rolling out of this legislative framework including the Gradual Civilization Act (1857) and the Gradual Enfranchisement Act (1869).

Table of Contents

Supervisory Committee ii
Abstract iii
Table of Contents iv
Acknowledgments v
Introduction 1
Chapter 1: The Evolution of a Corporate Memory for Managing Indian Affairs 12
Chapter 2: A Scottish Boy Becomes a Canadian Politician 40
Chapter 3: Macdonald’s Influence on Canadian Indigenous Policy Development 72
Conclusion 110
Bibliography 121

Acknowledgments

This was a long undertaking – much longer than I intended when I set out in 2016. However, during the years I spent working on this project, Sir John A. Macdonald had a resurgence in the public discourse following the Truth and Reconciliation Commission Report in 2015 and Canada's sesquicentenary in 2017. It was eye-opening to observe and consider this new wave of interest and engagement with Canada's first Prime Minister and it helped me to gain a sense of how he fits into the public imagination at this moment. I was not surprised to see the incredible criticism leveled at Macdonald for his actions and policies in the last decade of his life and public service, but I was surprised that no one seemed to be asking why Macdonald did what he did, or what shaped his perspective of Indigenous peoples. I watched the resulting entrenchment of both camps – those who celebrated Macdonald as a Great Man in Canadian history, and those who saw him as a great villain. As a scholar of Macdonald, I thought that it would be of some use to both camps, and to the national commitment to reconciliation, to investigate how Macdonald formed his ideas of Indigenous people, and how that understanding shaped the Indigenous policies that he had a hand in developing. I am humbled to contribute my research to this conversation.

I am deeply indebted to the scholars before me, whose work I could engage with and build upon. An incredible amount of heavy lifting was done by Macdonald's biographers, and Dutil and Hall's edited book for Macdonald's 200th birthday was a wealth of scholarly insight, criticism, useful sources, and food for thought. I am also grateful to Dr. Donald Smith for his insights at the start of my project, and for sharing his previous work and work in progress so generously with me. This thesis is itself a consolidation of a considerable number of drafts and edits and has benefitted greatly from close readings by and contributions from Dr. Peter Cook and Dr. Hamar Foster. I was privileged to draw on the expertise of these scholars and I am deeply grateful for their willingness to share resources, knowledge, and many very useful, thoughtful, and insightful comments on my work in progress.

I owe a sincere and heartfelt thank you to my supervisor, Dr. John Lutz, for taking a chance on my research project back when John A. was an unpopular topic. I feel deeply privileged to have had the opportunity to work with John at the University of Victoria. John is a thoughtful scholar and a kind, generous, supportive and patient supervisor. He was always willing to make time for a call to work through challenges, and he included me in some of the very interesting projects he was working on – I truly appreciated those opportunities! Through the Ethnohistory Field School, co-supervised by John and Keith T. Carlson, which I participated in in 2017, my understanding of history – who tells it and how we tell it – and my own understanding of myself as an historian, was reshaped. I may never fully understand how impactful that incredible experience was, but I will forever be grateful I had the opportunity to participate in that course. John encouraged me to be curious about new ways of researching old topics, and to listen to unconventional voices. Thank you, John, for your influence and impact on my development as an historian!

Working from my home in British Columbia's West Kootenay region could have been a challenge, but thanks to a true Canadian treasure, Canadiana.org and the Canadian

Research Knowledge Network, I was able to easily access thousands of digitized documents online. Also, my sincere gratitude to the staff at the Library and Archives of Canada for direction, guidance, and generously spending hours of their time over the course of my project to help me gather useful resources from a surprising variety of angles.

My love of history was inherited from my parents, Henry and Sylvia Taekema. Family vacations spent exploring Ontario and visiting historic sites instilled in me a love of Canadian history, and nurtured an interest in the stories, people, and places that shaped and continue to shape the country we call home. Thank you, Mom and Dad, for taking us to museums and heritage sites and encouraging us to be curious about our history. I also could never thank you enough for your endless support, for happily spending hours listening to me talk about my research and providing helpful feedback, and for cheering me on. My sincere thanks also to my parents-in-law, Rens and Elizabeth Slot, for an incredible amount of encouragement and support, and for always taking an interest in my work. To my friends and family across the world, my incredible support network, thank you so much for frequently checking in, asking questions, and indulging me with long conversations about my research – I could not have done this without you all cheering me up and cheering me on!

Finally, to my husband, Graham: I’m done! Time for a new adventure.

Introduction

Truth, and then reconciliation. Telling the truth about the past is the necessary prerequisite to real reconciliation and yet, Canadian politicians, the public, and scholars, still do not fully understand the origins of Canada's treatment of the original inhabitants of the land we now call home. One of the most controversial legacies in this area belongs to Sir John A. Macdonald. Sir John A. Macdonald was not only Canada's first Prime Minister; he played a significant role in framing much of Canada's early "Indian policy" including the Indian Act (1876) which is still in effect today. Despite his central role, in all the voluminous analyses of Macdonald's life and career, there is no in-depth scholarly study of Macdonald's Indian policies or how his ideas about Indigenous people or race were formed.

My research is at the intersection where intellectual and political history meet the history of Indigenous-settler relations. For decades, research and writing on John A. Macdonald has been limited to a simplistic debate between whether he was a great man or a great villain. Since Canada's sesquicentennial celebrations in 2017, the focus of debate has centred on his role in Indigenous affairs. Through a close historical study of Macdonald's ideas of race, civilization, and Indigenous legislation in his roles as Premier of the Canadas, Attorney General, and Prime Minister of Canada, I will re-frame this 'Great Man/Great Villain' discourse in Canadian national history and offer Canadians a well-documented and reasoned explanation of what guided his Indian policies and has been embedded in the Indian Act. My intent is neither to vilify nor glorify our first Prime Minister, but to closely analyze his ideas about Indigenous people, the development of his Indigenous policies, the local contingencies that shaped the rolling out of this legislative framework, and to consider the implications for all Canadians.

As Canada (Canada East and West), Nova Scotia and New Brunswick considered confederation leading up to 1867, politicians were busy formulating policies that would guide a new nation. Many of these new national policies were adapted and consolidated from existing legislation, reflecting the long history of Indigenous-European relationships. Since Europeans had arrived on the North American continent, Indigenous peoples played an integral role in the fur trade[1] which kept the colonies of New France, and later British North America, viable, they helped the newcomers adapt to life in this challenging landscape, and were critical military allies. The Royal Proclamation of 1763, issued by King George III after the Treaty of Paris,[2] intended to establish an administrative framework for British North America, including the relationship with Indigenous peoples. As a result of the Proclamation, a large tract of land was reserved in the North American interior, west of the Appalachian Mountains, for the exclusive use of Indigenous peoples.[3] After the War of 1812, the power dynamic notably shifted as settlement began to rapidly increase through an explosion in British immigration to British North America. Increased settlement and a new sense of Canadian identity within the British Empire led to a shift in attitude and policy. Within this new context, settlers and their administrators re-evaluated the role of Indigenous people.

The use of language in everything from civilian discourse to colonial despatches reflects this settler-colonial shift in perspective towards heavy-handed paternalism following 1812 to today: ‘allies’ slowly became ‘dependents’, ‘brothers’ became ‘children’. This perspective was reflected in the new policies crafted by the Settler-Colonial governments. The Dominion of

---

[1] Circa 1600 to circa 1870.

[2] Following the Seven Years War, the Treaty of Paris (1763), formally acknowledged British control of the French colony of New France.

[3] I will take a closer look at these early policies in Chapter 1. The Proclamation did not include land that was understood to be under the jurisdiction of the Hudson’s Bay Company (Rupert’s Land).

Canada and its governing legislative framework were not born in a vacuum, but were the result of a shifting Colonial, trans-national agenda, built over a century by men who adhered to a shared hegemonic code. John A. Macdonald, a Scottish immigrant to the Canadian colony, was uniquely equipped to build a nation both loyal to its metropole and adapted to its diverse settler population, but, by examining Macdonald's role in the development of Indigenous policy, it is evident that within this identity, Macdonald carried the hegemonic understandings of race and class from his British roots, and codified them into laws for the new Dominion of Canada. He also applied his personal and political values to the legislation he developed regarding Indigenous peoples. While these values were uncontroversial at the time – including the importance of personal property and the ensuing enfranchisement, the idea of self-betterment, representation, and equality before the law – they ultimately served to build a framework within which entire cultures were threatened and disenfranchised.

The major focus of my study begins in 1844, when Macdonald was first elected to the Legislative Assembly of the Province of Canada, and extends to 1876, when Alexander Mackenzie's Liberals introduced the Indian Act.[4] My area of focus covers a period neglected by most studies of Macdonald's Indigenous policy to draw attention to the critical history that preceded the Indian Residential School program and the numbered treaties.[5] In order to interpret the significant policies and political shifts of 1844-76 I will include a broad examination of the evolution of Indigenous policy to 1844 to demonstrate how it informed the policies Macdonald helped develop, and also how his government's policies differed from the previous policies. For post-1876 history, other scholars pick up the topic and their in-depth analyses do justice to the subject.[6] Also to note, my area of focus is centered on what we refer to as the Province of Upper Canada/Canada West. This is because John A. Macdonald was raised in, and primarily a public representative of, Upper Canada/Canada West, and, because space constraints limit my scope.[7]

---

[4] Macdonald was the leader of the Official Opposition from 1873-1878 – his government had resigned in the wake of the Pacific Scandal.

[5] These two topics have become the most controversial of Macdonald's political legacy in recent years.

My intention is to set up an analysis of John A. Macdonald on a 3-dimensional framework – one that situates him in a context that acknowledges where he came from, as well as the reality he grew up in and ultimately helped to shape. I have broken down my study into three chapters: Chapter One will examine what Indigenous-Settler relations looked like on the ground in Upper Canada loosely from 1763 (the Royal Proclamation) to 1820 when Hugh and Helen Macdonald arrived with their young family from Glasgow, Scotland. After a brief look at Macdonald's life growing up in Kingston,[8] Chapter Two will explore primary sources relating to Macdonald's views, relationships, and interactions with Indigenous people. To understand the origins of his ideas of race and Indigenous people, I will examine his educational experiences as well as global intellectual shifts that may have influenced him. For insights into his world, I will be examining the *Kingston Chronicle*, *Kingston Gazette*, *British Whig*, and *Chronicle & Gazette*, all newspapers widely circulating in his hometown of Kingston which are newly available online,[9] as well as both Macdonald's extensive political and personal correspondence, and the debates of the Legislative Assembly and House of Commons. Macdonald played a central role in shaping the policies that preceded the Indian Act – in particular, the Gradual Civilization Act (1857) and the Gradual Enfranchisement Act (1869), and elements of these policies rolled over into the Indian Act (1876). Therefore, Chapter Three will focus on these policies and will outline and analyze what Indigenous policy looked like when John A. Macdonald was co-Premier and Attorney General of the Colony of the Canadas, Prime Minister of the new Dominion of Canada, and from 1873-8, leader of the official opposition.

---

[6] Some examples are: J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009) and J.R. Miller "Chapter 11: Macdonald as Minister of Indian Affairs: The Shaping of Canadian Indian Policy," in *Macdonald at 200: New Reflections and Legacies,* eds. Patrice Dutil and Roger Hall (Toronto: Dundurn Press, 2014), 311-40. And critical works by James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina, SK: University of Regina Press, 2013), and Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990).

[7] British policy regarding First Nations affairs was informed by the British-Indigenous relationship across all of British North America. For more information on broad British policy strokes, I recommend: David McNab, "Herman Merivale and Colonial Office Indian Policy in Mid-Nineteenth Century," (Ontario Ministry of Natural Resources: Office of Indian Resource Policy." See also works by John F. Leslie and J.S. Milloy listed in the Bibliography. These sources provide more information on a broader history of Indigenous policy development in Canadian history, and Milloy provides some comments on the different results of the civilizing policies in Lower Canada in his dissertation "The Era of Civilization," 112-113. Lower Canada/Canada East and the Maritime provinces all had different ways of managing Indigenous policies but they were eventually surpassed by policies developed federally.

[8] Longer versions of this part of his history are available in the biographies of Macdonald by Pope, Creighton, and Gwyn – these biographies are listed on the Bibliography.

While there has been an abundance of popular and scholarly studies on his political career and personal life published almost from the moment of his death, Macdonald's influence on Indigenous policy has merely been alluded to in biography and in popular essays. To date, the only scholarly work that specifically examines the influence of John A. Macdonald on the development of Canadian Indigenous policy is J. R. Miller's essay in the edited volume *Macdonald at 200*,[10] in commemoration of the Great Man's 200th birthday. In the same volume, Donald Smith's essay examining Macdonald's relationship with Aboriginal Peoples offers new insights into this under-explored topic, and it does provide some general remarks on his Indigenous policy development as well.[11] Of the scholarly works that do explore Indigenous policy in Canada, I generally notice three trends: 1) studies, such as those by Smith, Holmes and Coates,[12] that are broad and provide a general overview of how the policies have changed from the Royal Proclamation to at least 1951 in 20-30 pages, 2) studies, particularly those examining the history of Indian Residential Schools in Canada, that begin with the Indian Act as though no Indigenous policy existed previously, and 3) studies such as the work of Carter and Daschuk,[13] that focus on the implementation of these policies in Western Canada near the end of Macdonald's life but pay no attention to the roots of development of said policies. However, I am indebted to scholars such as John S. Milloy, John F. Leslie, J.R. Miller, and Robert J. Surtees for their thorough work on the history of the management of Indigenous affairs and policy development, and I have leaned heavily on their work to guide my analysis of that aspect of my study. The majority of scholarly works on John A. Macdonald are preoccupied with his National Policy (the good and the bad), Confederation, and his vices. These studies are all critically important and teach us different things about who he was and how he shaped the nation, but rarely do Indigenous policy development and Macdonald share space in academic writing.

---

[9] Quality is variable on these OCR'd documents so there may be limitations in access. I will manage the fifty-year timespan by using keyword searches to find relevant information.

[10] J.R. Miller, "Macdonald as Minister of Indian Affairs," in *Macdonald at 200: New Reflections and Legacies,* eds. Patrice Dutil and Roger Hall (Toronto: Dundurn Press, 2014).

[11] Donald Smith, "Macdonald's Relationship with Aboriginal Peoples," in *Macdonald at 200: New Reflections and Legacies,* eds. Patrice Dutil and Roger Hall (Toronto: Dundurn Press, 2014).

[12] Joan Holmes, "The Original Intentions of the Indian Act." (Paper presented for a conference held in Ottawa, Ontario hosted by the Pacific Business and Law Institute, April 17-18, 2002.) Ken Coates, "The Indian Act and

To gain a broad sense of both the development of Indigenous policy and the life of John A. Macdonald I explored a wide variety of sources. To get a general, personal understanding of the life and politics of Macdonald, I look to his biographers. John A. Macdonald has three major biographers among a host of biographies.[14] Sir Joseph Pope (1894), Donald Creighton (1952/1955), and Richard Gwyn (2007/2011) have all revisited the life and times of Macdonald

---

the Future of Aboriginal Governance in Canada," (Research Paper for the National Centre for First Nations Governance, May 2008).

[13] James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina, SK: University of Regina Press, 2013), and Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990).

[14] Other Macdonald biographies include: Joseph Edmund Collins, *Life and times of the Right Honourable Sir John A. Macdonald: Premier of the Dominion of Canada* (Toronto: Rose Publishing Company, 1883); E.B. Biggar, *Anecdotal Life of Sir John Macdonald* (Montreal: J. Lovell & Son, 1891); P. B. Waite, *Macdonald: His Life and World* (Toronto: McGraw-Hill Ryerson Limited, 1975); Cynthia Smith and Jack McLeod, *Sir John A.: An Anecdotal Life of John A. Macdonald* (Don Mills, Ontario: Oxford University Press Canada, 1989); Donald Swainson, *Sir John A. Macdonald: The Man and the Politician* (Kingston, ON: Quarry Press, 1989); Patricia Phenix, *Private Demons: The Tragic Personal Life of John A. Macdonald* (Toronto: McClelland & Stewart, 2006).

from their own unique vantage point in time and have all come out as admirers. Creighton's biography is referenced to this day as a secondary source in most contemporary works on Macdonald, and Gwyn's work is the most recent survey of Macdonald's life. Both Creighton and Gwyn received Canadian literary prizes for their biographies. I will also examine Ged Martin's *John A. Macdonald: Canada's First Prime Minister* (2014). Although it is much shorter, it is the most recent biography of Macdonald written by a non-Canadian and therefore provides an outside perspective on Canada's first Prime Minister.

Sir Joseph Pope's *Memoirs of the Right Honourable Sir John Alexander Macdonald* clearly reveals his adoration for Macdonald and is full of allusions to the close personal relationship they shared,[15] incorporating many primary source documents. Indigenous peoples barely factor into Pope's recounting of Macdonald's life and times. He includes a brief description of the 1869-70 Red River Rebellion involving Louis Riel and the "half-breeds,"[16] but blames the Hudson's Bay Company for failing to properly manage the land and people under their jurisdiction. Pope's Macdonald is well-liked, works tirelessly for his country, has a progressive mind, and is totally devoted to Britain. Macdonald, according to Pope, was committed to "the maintenance of British rule, the extension of the British Empire, the advantages of British connection"[17] and this high calling lifted him above reproach.

Donald Creighton, a giant in Canadian academic history, was separated from Macdonald by time, but his biography suggests a deep understanding of the man. There is as much Creighton in the biography as Macdonald. Creighton's work is heavily biased, with a strong Conservative slant and no sympathy for Métis, Indigenous peoples, French Canadians, or Americans.[18] Macdonald is painted as a steady (albeit often drunken) hand in the middle of the chaos of nation-building. He is competence in the face of incompetence and deviousness. Creighton adopts Macdonald's voice and writes "He would show Norquay [Premier of the new Province of Manitoba] that the Dominion was not to be scorned! The youngest and most insignificant of the provinces would not bully his government into submission!"[19] The North-West Rebellion and the subsequent death of Louis Riel are also justified by Creighton who offers that the Cabinet decided that Riel should hang, and the response by Quebec was irrational.[20] Again, Macdonald is absolved of any stains on his character, because his actions were in pursuit of nation-building – a near impossible task!

---

[15] This is captured in Lady Macdonald's preface to Pope's *Memoirs* where she quotes her husband, John A. Macdonald: "Joe shall write it; he knows more about me than any one else; and you, Agnes, shall help him." Sir Joseph Pope, *Memoirs of the Right Honourable Sir John Alexander Macdonald, G.C. B., First Prime Minister of the Dominion of Canada,* Volumes 1 and 2 (Ottawa: J. Durie, 1894), xiv.

[16] Pope, M*emoirs*, 404.

[17] Ibid., 400.

Richard Gwyn wrote the most recent two-volume Macdonald biography[21] and uses a more objective perspective (that is to say, he is neutral about French Canadians, Americans, Indigenous peoples and Métis). However, Gwyn also examines Macdonald's role as Minister of the Interior, and while exposing Macdonald's human errors and missteps along the way, Gwyn stays away from passing any judgement. For example, Gwyn writes: "[t]he problem wasn't that Macdonald had the powers of a dictator [in the West] but that he was an erratically engaged dictator."[22] Everything to do with the government in the West passed through him – land grants, immigration, the North West Mounted Police, Indian Policy, and railway policy – all actions were in pursuit of the best interests of the fledgling new nation. Edgar Dewdney, a personal friend of Macdonald's and the senior official in Indian Affairs in the West, takes the blame for Macdonald's lack of awareness about what was happening on the ground in the West, as he preferred not to share any unpleasant news.[23]

---

[18] Donald Creighton, *John A. Macdonald: The Young Politician* (Volume 1), and *John A. Macdonald: The Old Chieftain* (Volume 2) (Toronto: The MacMillan Company of Canada Ltd, 1965). The second volume is entitled "The Old Chieftain" but this likely references Macdonald's Scottish ancestry.

[19] Creighton, *Old Chieftain*, 381. This was in 1884. Gerald Friesen, "NORQUAY, JOHN," in *Dictionary of Canadian Biography*, vol. 11, University of Toronto/Université Laval, 2003–, accessed June 2, 2020, http://www.biographi.ca/en/bio/norquay_john_11E.html.

[20] Ibid., 438.

[21] Richard Gwyn, *John A: The Man Who Made Us. The Life and Times of John A. Macdonald, Volume I: 1815-1867* (2008) and *Nation Maker: Sir John A. Macdonald: His Life, Our Times*. *Volume II: 1867-1891* (2011) (Toronto: Vintage Canada).

Macdonald's biographers provide a favourable and intimate look at Canada's first Prime Minister, showing the human face in the madness of governing a burgeoning nation. All these biographers shift the blame away from Macdonald, suggesting it was the weakness or deviousness of others who exposed Macdonald to criticism and to blunders, absolving him of any sins he committed in government by setting his standard of success at a national level – he "succeeded" in building the nation, and that success outweighed the costs to achieve it. Macdonald's biographers contribute to the mythology surrounding our first Prime Minister by focusing on the positive – the fact that we have a nation at all despite the difficult things – the fact that some of his policies resulted in massive tragedy and trauma for First Nations or the racist treatment of Asian immigrants.

Scholarly work on Indigenous affairs in Canada typically focuses on Deputy Superintendents of Indian Affairs, Duncan Campbell Scott and Lawrence Vankoughnet. These are important contributions, since these two men were actively involved in developing Indian policy on the ground. But they came later. As co-Premier of Canada and Prime Minister of

---

[22] Richard Gwyn, *Nation Maker*, 399.

[23] Ibid.

Canada, and for a time, Superintendent of Indian Affairs, it is time for Macdonald to go under the microscope as well.[24]

Since the 1960s, a new wave of historians have been digging deeper into the history and legacy of this "Great Man" and have been making contributions to a more critical Canadian history in which Macdonald more often emerges as a great villain. Drawing on some of his statements that appear blatantly racist, for example, Timothy Stanley argues that with the introduction of the Electoral Franchise Act in 1885, Macdonald formed a racist state in Canada.[25] James Daschuk[26] describes Macdonald's government's approach to Indian Affairs as a policy of starvation and yet, it was Macdonald who first offered the franchise to Indigenous men in 1857,[27] a franchise that was later removed by the Laurier Liberal government.[28] In responding to these contemporary scholars and critics of Macdonald, I argue that Macdonald codified the foundational legislation on which a racist state would be built over the decades following 1850, but he was informed by existing Colonial polices which he interpreted through a classist lens. When celebrating John A. Macdonald as a founding Father of Confederation, we must also accept that the nation he helped build, from sea to sea, was built on the idea that some people were superior to others.

---

[24] During his time in politics, Macdonald held the following portfolios and positions: 1847–1848 Receiver General (Province of Canada), 1854–1858, 1858–1862, 1864–1867 Attorney General (Canada West), 1861–1862, 1865–1867 Militia Affairs, 1867–1873 Justice and Attorney General, 1878–1883 Interior, 1878–1887 Superintendent General of Indian Affairs, 1889–1891 Railways and Canals. He was Joint Premier, Province of Canada, with Étienne-Paschal Taché 1856–1857, and with George-Étienne Cartier 1857–1858, 1858–1862, Co-leader, Great Coalition, with George-Étienne Cartier and George Brown 1864–1865 and with George-Étienne Cartier 1865–1867, and Prime Minister 1867-1873, 1878-1891. https://www.bac-lac.gc.ca/eng/discover/politics-government/primeministers/pmportrait/Pages/item.aspx?PersonId=1

[25] Timothy J. Stanley, "John A. Macdonald, "the Chinese" and Racist State Formation in Canada." *Journal of Critical Race Inquiry*, 3, no.1 (2016): 6-34.

[26] James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina, SK: University of Regina Press, 2013),

[27] Justice James B. Macaulay (1839) "supported" the extension of the franchise to First Nations if sufficient property holdings could be proven. Macdonald knew him and may have read his gigantic report. J. Evans et al., *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830-1910* (Manchester and New York: Manchester University Press, 2003), 49.

[28] For a closer look into Indigenous enfranchisement, see Coel Kirkby, "Reconstituting Canada: The Enfranchisement and Disenfranchisement of 'Indians,' Circa 1837–1900," *University of Toronto Law Journal* 69, no.4 (October 18, 2019): 497–539.

Julie Evans et al.[29] have demonstrated a transnational commonality of inequality in enfranchisement in countries which were formerly British colonies – Canada, Australia, New Zealand, and South Africa – and I will connect to this transnational framework in considering the implications of Victorian ideology both nationally and internationally, to understand the hegemonic concept of social and biological dominance during Macdonald's lifetime. I will take inspiration from the New Ethnohistory which asks us to turn an ethnohistorical lens on the settler population as well as the Indigenous one.[30] There is no sense in discussing the impact and effect of the development of Indigenous policy if there is no dialogue between the policy-makers and the people whom the policy affects; therefore, inspired by the ethnohistorical framework demonstrated by Lutz and Carlson et. al, I will put Macdonald under an ethnographic lens to build a deeper understanding of this complex part of Canadian history, this complicated 'Great Man', and the relationship between myth and history. Through examining Macdonald's pre-1876 polices, we will better understand the roots of today's Canadian Indigenous policy. In the wake of the Truth and Reconciliation Commission recommendations, First Nations and Canadians are again re-evaluating our relationship and we cannot envision a better way forward unless we know where we have come from.[31]

---

[29] J. Evans, et al. *Equal citizens, Unequal Rights: Indigenous Peoples in British Settler Colonies 1830-1910* (Manchester: Manchester University Press, 2003).

[30] This new ethnohistory is outlined in the Introduction of Carlson, et al. *Towards a New Ethnohistory: Community-Engaged Scholarship Among the People of the River* (Winnipeg: University of Manitoba Press, 2018).

[31] A note about terminology: Where possible, I name the specific bands or nations I am referring to. Where a more general term is suitable, I use the terms "Indigenous" and "First Nations" interchangeably in place of the term "Indian" to refer to the original inhabitants of this land, whose traditional territory is encompassed by the region formerly known as Upper Canada, Canada West, and now parts of the Province of Ontario. I use the term "Indian" only where it is used in the historical documents. John A. Macdonald did not acknowledge Métis or Inuit people to be "Indian" under the legislation he developed so therefore, Métis and Inuit people do not fall within the scope of this thesis.

Chapter 1: The Evolution of a Corporate Memory for Managing Indian Affairs

In order to understand John A. Macdonald's place in the history of Canadian Indigenous policy, we must first look back over the history of Indigenous policy development which preceded Macdonald. "Managing Indian Affairs" has a long history of trial and experimentation in present-day Canada. As evidenced by its title, the 1876 Act to Amend and Consolidate the Laws Respecting Indians (better known by its short title, "Indian Act") was not the first attempt at managing the Indigenous population with legislation, but was in fact a consolidation of a considerable number of laws developed to manage Indigenous-European relations all the way back to European contact on the North American continent.[1] By the time John A. Macdonald was elected to represent Kingston in the Legislative Assembly of the Province of Canada in 1844, there was an established system, albeit a disorganized one, for managing Indigenous peoples in the Canadas. In the 1860s, Canada (East and West), Nova Scotia and New Brunswick were considering confederation and politicians, including Macdonald as co-Premier (Canada West), were busy formulating policies that would govern the new nation. Not surprisingly, many of the existing policies were adapted and consolidated into legislation. My intention in this chapter is to outline significant developments and shifting trends in European Indigenous policy prior to 1844, exposing the tension between Indigenous cultural practices and the imposed settler policies, and the unfolding power shift which informed the legislation that Macdonald's government developed in the 1850s –1870s discussed in Chapter Three. My primary focus will be on Upper Canada because this is the context in which Macdonald was raised. This by no means implies that there was no Indigenous policy development in other parts of British North America; in fact, there were many interesting policies developed in the Maritimes and Lower Canada, but an exploration of these policies is outside of my scope.

---

[1] This chapter is not a comprehensive overview of the entirety of the history of Indigenous-focused legislation in what we now call the country of Canada – other scholars, particularly J.S. Milloy, John F. Leslie, J.R. Miller and David McNab, among many, have done thorough and comprehensive overviews of historical development of Indigenous policy in Canada.

Until recent shifts in historiography, historical writing about "the relations between the government and the Indians"[2] was almost always from the non-Indigenous perspective – written by settlers, for settlers.[3] In response to this one-sided view, I dug deeper into the history of Indigenous-settler relations in search of Indigenous perspectives and found that they were hiding in plain sight. Although John Borrows argues that contextualization[4] reveals that the written documents alone do not represent the full picture,[5] settler archives provide much insight into Indigenous perspectives when read with an ethnohistoric lens.[6] The process of what John Leslie refers to as "evolving a corporate memory of the Indian Department"[7] was particularly influenced by a number of individuals and transnational political and philosophical shifts. Indigenous peoples were not oblivious to these changes and some of their experiences and perspectives are logged in the written record as well. Therefore, this first chapter brings together people, perspectives, and policies representing the diversity of voices and stakeholders in the relations between the government (British and Canadian) and Indigenous peoples, drawn from the written record.

---

[2] This expression comes from the title of Section 1 of the Bagot Commission Report, 1844, written by commissioners Rawson William Rawson, John Davidson, and William Hepburn. "Report on the Affairs of the Indians in Canada." Appendix to the fourth volume of the journals of the Legislative Assembly of the Province of Canada (Montreal: R. Campbell), March 20, 1845, EEE. http://www.canadiana.ca/view/oocihm.9_00955_4_2/450?r=0&s=1

[3] This is not to say that Indigenous peoples were silent during these turbulent years. Within the Indian Affairs fonds at the Library & Archives of Canada, there are a plethora of letters from First Nations all over British North America to the officials of that department. While a close-examination of these letters is not within the specific scope of my project, an acknowledgement that First Nations have vocalized their expectations and disappointments to governing officials since at least the early 1800s is important for framing an understanding of the unequal power dynamics and their continuous shift in favour of the Settler population throughout the 19th century.

[4] Specifically of the Royal Proclamation of 1763, but I extend it to include Indigenous policy in Canada in general.

[5] John Borrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government," in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997), 170.

John Leslie, a prominent historian of Indigenous policy development in Canada, describes the relationship between Indigenous and British communities prior to Confederation as developing in three successive and overlapping stages: 1) evolution of attitudes in which "Indians" were seen as a separate and special group which had to be dealt with in a certain way, 2) development of a policy to define and conduct the relationship between the two communities, and 3) legislation to reflect both the social attitude towards Indians and the policy.[8] Leslie's framework will guide this examination of the development of Indigenous policy in the Canadian colony pre-1844.

Before the British arrived in the Great Lakes region, Indigenous peoples had established amicable relationships with the French traders who had been there since the early 1600s.[9] They were trading partners and military allies, they often intermarried, and many even eventually shared the Catholic religion. Many of the French colonists – traders, missionaries, and military personnel – had learned Indigenous languages and customs.[10] In its own North American colonies, Britain's policy towards Indigenous peoples was centred on military alliances, which Leslie characterizes as a relationship "…which sought aid or neutrality from Indians in war and their friendship in peace. This was for many years an entirely satisfactory policy and created the precedent of the Crown treating directly with Indians in matters concerning their lands."[11] In 1670, Charles II, King of England, issued a "code of instructions" for its colonial governors regarding the management of Indian relations in its North American colonies (which included parts of modern-day Canada and the United States). Leslie notes that within this 1670 "statement of policy", as well as in instructions later given to these governors, were the main elements of future British Indian policy, such as: the protection of First Nations from settlers and traders, the intentional and expanded use of Christian missions (which would later be used as a tool of the civilization movement), and the Crown as a protector of "Indians."[12] After 1755, a more formal approach to managing Indian affairs was instituted, turning the existing ad-hoc structure into an official Indian Department. This British department would oversee all aspects of Colonial-Indigenous relations until Whitehall turned over control to the Dominion of Canada in 1860.[13] After the British gained control of most of the French colonies in North America (including New France) through the Treaty of Paris (1763), King George III issued the Royal Proclamation of 1763, which intended to establish an administrative framework for British North America, including the Imperial relationship with Indigenous peoples. As a result of the Proclamation, a large tract of land was reserved in the North American interior, west of the Appalachian Mountains, for the exclusive use of Indigenous peoples.[14] The Proclamation stated:

---

[6] My source material is rooted in written records, and I would argue that there is a lot to be explored regarding Indigenous perspectives on the topic of Indigenous Affairs in settler archives. I acknowledge that this is only one of many types of sources, but due to space constraints, I was unable to explore other sources.

[7] Subtitle for Leslie's essay "Commissions of Inquiry into Indian Affairs in the Canada, 1828-1858," (Ottawa: Indian Affairs and Northern Development Canada, February 1985).

[8] John F. Leslie and Ron Maguire, eds., *The Historical Development of the Indian Act*, 2nd edition, (Ottawa: Indian and Northern Affairs Canada, Treaties and Historical Research Centre, Research Branch, Corporate Policy, 1978), 2.

---

[9] Of course, it was not all perfect – there was still conflict between French and Indigenous peoples, but they did learn each other's customs. General Thomas Gage described the relationship between the French and Indigenous peoples in New France as "...almost one People with them [First Nations]." Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 2011), 316.

[10] J.R. Miller looks at the French-Indigenous experiences more closely, including some of the challenges and lasting effects in his book *Skyscrapers Hide the Heavens: A History of Native-Newcomer Relations in Canada*, (Toronto: University of Toronto Press, 2018), 43-59. While the French footprint was lighter, it was primarily because they had fewer boots on the ground.

[11] John Leslie et al., *The Historical Development of the Indian Act*, 13.

[12] "Foreasmuch as most of our Colonies do border upon the Indians, and peace is not to be expected without the due observance and preservation of justice to them, you are in Our name to command all Governors that they at no time give any just provocation to any of the said Indians that are at peace with us…do by all ways seek fairly to oblige them and…employ some persons to learn the language of them, and…carefully protect and defend them from adversaries…more especially take care that none of our

> And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under Our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds; We do therefore, with the Advice of Our Privy Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America, do presume, for the present, and until Our further

---

own subjects, nor any of their servants do in any way harm them. And that if any shall dare offer any violence to them in persons, goods or possessions, the said Governors do severely punish the said injuries, agreeably to right and justice. As you are to consider how the Indians and slaves may be best instructed and invited to the Christian religion, it being both for the honour of the Crown and of the Protestant religion itself, that all persons within any of our territories, though never so remote, should be taught the knowledge of God and be made acquainted with the mysteries of salvation." This text is recorded in John Leslie et al., *The Historical Development of the Indian Act*, 14, but it is also recorded in Section 1 of the Bagot Commission Report (Rawson, Davidson and Hepburn, 1844). As far as I can tell, there is no official title for this "code of instructions."

[13] The Seven Years' War (1769-1763) prompted Britain to focus on their Indigenous allies. Indigenous affairs management in British North America was split into Northern and Southern departments, and Sir William Johnson was placed in charge of the Northern Department. This is referred to as the start of the Indian Department in Canada. Johnson reported to the Commander of the British Forces in North America. John Leslie et al., *The Historical Development of the Indian Act*, 4.

[14] Leslie, *Historical Development of the Indian Act,* 4.

> Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North-West, or upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.[15]

This framework loosely guided “Indian affairs” until after the War of 1812, although the degree of protection offered was directly proportional to the perceived military usefulness of Indigenous nations.[16] Through the Royal Proclamation of 1763, Indian Department officials essentially became custodians of the imperial policy, which was centred on the protection of Indigenous peoples. The importance of Indigenous peoples as military allies meant that Imperial administrators perceived these “several Nations or Tribes” as separate and special, requiring special handling by a special Department. At the same time, the Proclamation also outlined the policy and procedure for the Crown to acquire Indigenous territory, including managing the acquisition of Indigenous lands for European colonization and eventual settlement.[17]

David McNab, a Métis historian, challenges us to look deeper into this foundational legislation by framing it as a response to Pontiac’s War,[18] which itself was a response to the changing Indigenous-Colonial relationship as a result of the Treaty of Paris. Pontiac’s War was an Indigenous resistance movement that began in early 1763 and resulted in negotiations and peace treaties throughout the Great Lakes region to ensure protection of Indigenous peoples and peace between them and the settlers. McNab also urges us to recognize one of the most important of these peace treaties: the 1764 Treaty of Niagara/Niagara Treaty Conference Twenty-Four Nations Belt,[19] which he and others refer to as the ratification of the Proclamation.[20] Over 2000 Indigenous people representing twenty-four First Nations met Superintendent Sir William Johnson for this ceremony, during which they were admitted into the Covenant Chain. J.R Miller describes the Covenant Chain as a metaphor for the complex relations network diplomatically constructed between the Five Nations and the English (in New York), and extended to other First Nations, depicting linked, yet autonomous parties.[21] Johnson also presented a large wampum particularly to the "Western Nations"[22] which, along with the reading of the Proclamation, was accepted by the gathered Nations.[23] Along with protecting Indigenous land, the Crown (through Johnson) also promised to continue to provide yearly presents, confirming the alliance as well as mutual autonomy and independence.[24] The Proclamation also unilaterally established the administrative framework for the newly established British colonies in Quebec and North America. Although the Proclamation also recognized and reaffirmed the already established "Indian territory," it limited territorial expansion and established British imperial rules regarding the treaty-making process - all promises aimed at demonstrating to First Nations that the British had good intentions toward them.[25] On one hand, this treaty represents British attempts at creating a middle ground in the Great Lakes region. On the other hand, the Royal Proclamation was a proclamation of the King, and the Niagara Treaty was perhaps regarded by the British as just another of many treaties. Therefore, in historical memory, the Niagara Treaty does not share the same prominence as the Royal Proclamation.

---

[15] Royal Proclamation, King George III of England Issued October 7, 1763. https://www.aadnc-aandc.gc.ca/eng/1370355181092/1370355203645#a6

[16] It is also important to note that the tenets of the Royal Proclamation were not consistently adhered to or upheld by British or Canadian administrators or settlers over the subsequent decades.

[17] John F. Leslie, “The Indian Act: An Historical Perspective” (*Canadian Parliamentary Review*, Summer 2002), 23.

[18] “Pontiac’s War” was named after Odawa chief Obwandiyag, leader of the Indigenous confederacy fighting against the British in the Great Lakes region. Anthony J. Hall, "Royal Proclamation of 1763", in *The Canadian Encyclopedia*. Historica Canada. Article published February 07, 2006; Last Edited August 30, 2019. https://www.thecanadianencyclopedia.ca/en/article/royal-proclamation-of-1763.

---

[19] David McNab, *No Place for Fairness: Indigenous Land Rights and Policy in the Bear Island Case and Beyond*, (Montreal & Kingston: McGill-Queen's University Press, 2009*)*, 13, 16-17, and J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada.* (London; Toronto; Buffalo: University of Toronto Press, 2009), 72.

[20] Over 2000 Indigenous peoples were present, representing twenty-four Nations of the Six Nations, Seneca, Wyandot of Detroit, Menominee, Algonquin, Nipissing, Ojibwa, Mississaugas and others of the Seven Nations of Canada and the Western Lakes Confederacy. See an image of the Wampum Belt here: http://ammsa.com/publications/windspeaker/prime-minister-first-nations-singing-different-songbooks?epik=0w5EsE_IWH1Z1 Accessed April 10, 2018.

[21] Miller, *Compact, Contract, Covenant*, 49-50.

[22] Miller suggests that Johnson, with this action, was attempting to assume the place of the French in the alliance with these 'western nations' (listed in footnote #20). *Compact, Contract, Covenant*, 73.

[23] Borrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government," 5; and Miller, *Compact, Contract, Covenant*, 50.

[24] Borrows, "Wampum," 3.

As Richard White points out in his book *The Middle Ground*, Sir William Johnson was tasked to strengthen the British-Indigenous alliances that had been weakening since the 1670s due to British colonial mismanagement. He was uniquely positioned for this role as he was married to Molly Brant, a Mohawk clan matron, and lived in the Mohawk Valley. His solution was to attempt to replicate the French system for maintaining their alliances, including the giving of gifts and medals, but he ultimately failed in his attempt because he was unable to convince Whitehall to invest the necessary capital to maintain these alliances, and unable to establish a cultural and social middle ground which could sustain the relationship through ongoing volatility.[26] White references George Croghan's description of the French-Algonquian relations during his travels through the *pays d'en haut* as a captive of the Kickapoos and Mascoutens in 1765. Croghan said that the French and Algonquians had been "...bred up together like Children in the Country, & the French had always adopted the Indians Customs & manners, Treated them Civily & supplyed their wants generously."[27] Croghan also noted that no British-Algonquian equivalent to this relationship existed. British settlers wanted to expand and extend the British Empire in this new world, not share a common world with the aboriginal inhabitants as they "...did not believe that their lives depended on good relations with Indians, nor did they seek a refuge among them."[28] The British-Indigenous relationship was mostly diplomatic, with relations managed by Indian Department officials, creating an 'otherness' between British settlers and the original inhabitants of the land they were settling on. Most critical to the British-Indigenous relationship was the failure of the British to control illegal settlers and traders in the lands set aside for First Nations through the Proclamation of 1763. When Johnson requested more funds and powers to institute the controls needed to manage his failing system, Whitehall balked and handed over trade control to the colonies and slashed the Indian Department budget, making the existing system of maintaining alliances nearly impossible. Indigenous allies grew increasingly doubtful and distrustful of the king and his representatives and the *pays d'en haut* was thrown into turmoil, with long-lasting effects.[29]

---

[25] J.R. Miller has much more to say about the Two-Row Wampum in *Compact, Contract, Covenant*, 49-50.

[26] While British officials like Johnson tried to strengthen alliances, others like General Jeffery Amherst, the British commander-in-chief, gave away Indigenous lands without negotiating, crushed opposition with force, and sought to end the annual distribution of presents, regardless of the important role they played in the custom of conciliatory relations. Amherst favoured "punishment over bribery" articulating his complete misunderstanding of the existing Indigenous-Settler relationship, developed between the French and First Nations. General Jeffery Amherst: C.P. Stacey, "AMHERST, JEFFERY, 1st Baron

---

AMHERST," in Dictionary of Canadian Biography, vol. 4, University of Toronto/Université Laval, 2003–, accessed June 2, 2020, http://www.biographi.ca/en/bio/amherst_jeffery_4E.html.

[27] Richard White, *Middle Ground,* 316.

[28] Ibid, 317.

[29] Ibid.

The outbreak of American Revolutionary War[30] prompted the British to re-examine their Indigenous strategy to ensure the military support of Indigenous allies in the fight against the Continental Army.[31] In 1775, explicit instructions regarding the 1763 Proclamation were sent to the British governor at Quebec, Guy Carleton. These instructions confirmed that Whitehall wanted to maintain the goodwill of its Indigenous allies and underscore their protection under the Crown by elaborating on the core principles of the 1763 Proclamation and outlining an administrative structure to manage the relationship between the Crown and the Indigenous peoples in its British North American colonies. Indigenous peoples were integral to the protection of Canada and, in the face of a threat from the Thirteen Colonies (and the soon to be formed United States of America), the British government wanted to ensure that they were doing what they could to guarantee loyalty from Indigenous groups. Indigenous allies were again critical to the British side during the War of 1812, but the conclusion of this war marked a significant shift in the Imperial-Indigenous relationship. As confidence in peace grew after 1815, the Imperial perspective towards their First Nations allies began to shift away from military alliances towards social and economic considerations, all within an overarching climate of tension between an Imperial policy of financial retrenchment and a growing humanitarian movement in Britain. An influx of settlers from the British Isles led to further pressure on Indigenous territory and their traditional ways of life. As the Canadian colonies (Upper and Lower Canada) grew and became more established through peace treaties, land surrenders, and the arrival of tens of thousands of new settlers, the government turned its attention toward settlement and settler concerns.[32] Indigenous-European relations were now being re-shaped within a settler context and, within this perspective, the once formidable First Nations warriors were now viewed only as savage, uncivilized pagans - obstacles to settling the land.[33] In Upper Canada, the growing settler population in the St. Lawrence and Great Lakes regions pushed back or used up the game resources so hunts were less successful, forcing Anishinaabe (Ojibwe, Potawatomi, Odawa) to go further in search of food, or to become more dependent on agriculture and government annuities.[34] The natural resources were under pressure from increasing settlement, and the newly enclosed land could not be hunted over without permission. Indigenous peoples were being squeezed out, or, more aptly, forced into submitting to settler-colonial schemes to manage them.

---

[30] Also called the American War of Independence, 1775-1783.

[31] Leslie, *Historical Development of the Indian Act,* 19.

In Britain, debates in Parliament criticized the expenditures of the Indian Department, claiming the established peace meant the maintenance of Indigenous allies was obsolete. The abolition of the Indian Department was proposed, but the accepted alternative solution was to continue the department with redefined goals.[35] Rational and persuasive letters from the colony to the metropole persuaded the Colonial Office to maintain the gifts, but only while those sympathetic to the conciliatory relationship held administrative positions.[36] By the 1820s, it was clear that administrators in the colony and metropole had different ideas for the Indian Department. In 1827, the politician who was responsible for the demand to cease the giving of presents, Viscount Goderich (or F.J. Robinson as he was then known), was put in charge of the Colonial Office. Retrenchment would be the guiding principle for Imperial Indian affairs policy going forward, which was to cause a significant rift in British-Indigenous relations when established conciliatory exchanges (such as the annual presents) were threatened.[37] While the Colonial Office was slowly whittling away the department under the banner of retrenchment,[38] colonial administrators like Lord Dalhousie[39] and Sir Peregrine Maitland[40] were trying to maintain the conciliation policy and find a way to ensure the continued protection of First Nations. Maitland argued that if the Imperial government would invest in improving the moral condition of First Nations, the eventual outcome would be a reduction of expenses by the government. Based on the initial successes of Maitland's Credit River experiment,[41] the Imperial government decided they had an obligation to focus on civilizing their ex-military allies. Finally, it was Maitland's successor, Sir John Colborne, who found a way to capture the Imperial government's attention by slightly shifting Maitland's proposed outcome. Colborne suggested that if the government focused on the improvement of the First Nations, the outcome would be the end of presents, and in fact the end of the Department. Indigenous lands would be leased and all future annuities would create a fund which would be used to "...make the Indians support themselves."[42]

---

[32] Particularly of United Empire Loyalists who fought for Britain against the United States. Britain promised them land in Canada and in the Atlantic colonies (New Brunswick and Nova Scotia).

[33] John S. Milloy, “The Era of Civilization: British Policy for the Indians of Canada, 1830-1860,” (D.Phil diss., University of Oxford, 1978), 90.

[34] Milloy, “Era of Civilization,” 43. Annuities were only given to those who had ceded land. Other groups were given presents as part of the conciliatory relationship.

[35] Leslie, *Historical Development of the Indian Act*, 13. For a more in-depth examination of this transitionary time, read J.S. Milloy, “Era of Civilization,” particularly Chapter 3, “The Transition to Civilization.”

---

[36] For example, Lord Bathurst, though not a supporter of maintaining annuities, did seem to have some sympathy towards the maintenance of the conciliatory relationship, and therefore made no adjustments to the existing system.

[37] Leslie, *Historical Development of the Indian Act,* 13.

[38] Milloy, "Era of Civilization," 55.

[39] General George Ramsay, 9th Earl of Dalhousie was lieutenant-governor of Nova Scotia from 1816-1820, then Governor of British North America from 1820-1828.

[40] Lieutenant-governor of Upper Canada from 1818-1828, and lieutenant-governor of Nova Scotia 1828-1834.

[41] Surtees summarizes that experiment as follows: "A Tribe of Mississagas [sic], a band of 180 persons formerly 'notorious for drunkenness and debauchery' had settled in a 'Village consisting of twenty Log Huts,' a school house for boys and girls and 42 acres of cultivated land." Robert J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845," (MA thesis, Carleton University, 1966), 29.

Colborne, and his Lower Canada counterpart Sir James Kempt, proposed that the Department should focus on:

> ...collecting the Indians in Villages, and inducing them to cultivate their lands and to divide them into lots. They [district Indian Department superintendents] should encourage them to send their children to the Schools which would be prepared for their reception. They will be able probably to persuade the Chiefs to give their consent, that the sums due to them for the lands sold to the Government should be expended on their houses and in furnishing them with Agricultural Implements, and Cattle.[43]

Here we see the beginnings of the reserve system that still exists today,[44] a system that was key to the civilizing policies of the 1830s. Within Colborne and Kempt's framework for a new approach to Indigenous affairs – an approach that appeased both the humanitarian and retrenchment camps – two different approaches were tested by the Indian Department to manage Indigenous affairs in Upper Canada: the isolation approach, and the integration/assimilation approach.

---

[42] Milloy, "Era of Civilization," 89.

[43] Ibid. From the policy developments in the 1830s, we see the establishment of the modern reserve system. These reserves were established to collect the First Nations under missionary or Indian Department supervision which was seen as the first step on the path to civilization.

[44] Here is where the definition of Band, Indian, and Reserve are introduced: http://parl.canadiana.ca/view/oop.debates_HOC0303_03/790?r=0&s=2

The integration approach was based on the premise that the only way to help Indigenous peoples – to save them from their pre-modern life – was to help them settle on farms where they could provide for themselves in the same way as the European settlers and therefore become civilized.[45] This policy of integration with the settler population was propagated in the 1830s by Colonial Secretary, Lord Glenelg,[46] who was a prominent member of the Aborigines Protection Society in Britain. In the 1830s, "philanthropic liberalism" was a dominant political philosophy in Britain. In the face of rapid industrialization, social reform and radicalization, including the growing abolitionist movement, philanthropic liberalism[47] was advanced by the influential Clapham Sect to address what Evans et. al. characterise as the "adverse impact of British colonisation on the Indigenous peoples of the British colonies."[48] Sir Thomas Fowell Buxton, a prominent British evangelical who had succeeded William Wilberforce as leader of the abolitionist movement, persuaded British parliament to set up a Select Committee on Aborigines. After examining evidence from across the British Empire, the Committee attempted to reconcile the unhappy reports from Indigenous peoples of the British colonies with their belief that the Empire was God's will. The Committee developed a series of recommendations couched in a justification for the continued involvement of the British Empire that reflected this belief in Providence while also seeking to repair apparent injustices. Evans et al. summarize the Committee's vision as "Its [British Empire's] purpose was to bring to the Indigenous peoples the blessings of true 'civilisation', and in that way do God's work. [...] The missionaries were there, above all, to preach the gospel; but they were also expected to educate the Indigenes; and to get them to adopt European forms of clothing, housing and a capitalist work ethic."[49] Milloy is quite clear that while this new humanitarianism focus played a role in the "new British-Indian policy of 1830" it was only part of the diverse number of factors that impacted "the ordinary course of historical events relating to Indian affairs in a period of transition between 1815 and 1830."[50]

---

[45] One such report came from Assistant Superintendent J.W. Keating to the Commissioners. It provided positive scenarios in comparison to dismissal scenarios, highlighting the need for civilization.

[46] Charles Grant, 1st (and last) Baron Glenelg, was Secretary of State for War and the Colonies from 1835-1839 and his policies, particularly around matters of administration in Canada, were fiercely opposed by his fellow Cabinet members and even King William IV. He resigned from Cabinet in 1839. https://en.wikisource.org/wiki/1911_Encyclop%C3%A6dia_Britannica/Glenelg,_Charles_Grant Accessed April 10, 2018.

[47] Also called 'philanthropic humanism." Milloy, "Era of Civilization," 33.

[48] J. Evans et al., *Unequal Rights,* 29.

An integration experiment was attempted at Coldwater, at the Narrows Reserve near Lake Simcoe, in 1830.[51] Its aim was to integrate Indigenous peoples (in this case, the "Chippewas" or Ojibwe) through constant interaction with local settlers. Ultimately, it was a failure. Leslie argues that it failed because of "…chronic lack of funds, slow pace of departmental action, inexperienced personnel and rivalry between religious groups on the reserve."[52] From the Indigenous perspective, though, it seems there was more at play. The Mnjikaning/Chippewas of Rama First Nation say that it was not in their nature to settle in villages. Chippewa records describe a story told by elders which says: "If you dislike someone, give them a cow. The person has to mind the cow morning and night, they have to bring in the cow during bad weather. The cow leads them around, they are home bound with a cow. The ownership of a cow represents the loss of independence."[53] The two parties involved in this 'experiment' approached it from very different perspectives. The Coldwater Narrows experiment ended officially in March of 1837 and the participating Ojibwe groups under Chiefs Yellow Head, Snake, and Aisence were offered land to the north of their traditional territory, or the opportunity to join other First Nations on the Great Manitoulin Island where an extensive, isolated First Nations settlement was being planned. By 1837, the Ojibwe had surrendered over 1.5 million acres of their traditional territory.[54]

---

[49] J. Evans et al., *Unequal Rights*, 29-32. Evans et al. also note that "The evangelicals [Select Committee] saw the world in terms of the 'four-stage scheme of history' propounded by the Scottish Enlightenment. Stage one was the world of nomadic hunter-gatherers; second came the stage of nomadic pastoralism; third, subsistence agriculture; and the final stage was their own world of mercantile capitalism." This represented the forward progress of civilization.

[50] Milloy, "Era of Civilization," 35.

[51] A helpful overview of the Coldwater-Narrows and Manitoulin experiments can be found in Robert Surtees, "Indian Reserve Policy," Chapter IV, 97-132.

[52] Leslie, *Historical Development of the Indian Act,* 17.

The failure of this experiment only encouraged supporters of the isolation approach such as Governor-General Sydenham and Lieutenant-Governor Bond Head.[55] Charles Poulett Thomson (Lord Sydenham), Governor-General in the Canadas from

---

[53] M'njikaning First Nation, "The History of the People," http://www.collectionscanada.gc.ca/eppp-archive/100/205/301/ic/cdc/simcoeregion/community/mnjikaning/index.htm Accessed April 10, 2018.

[54] It is important to note that Bond Head, in his capacity as Lieutenant-Governor, oversaw the handover or surrender of thousands of acres of Indigenous land to the Crown. The Ojibwe had surrendered over 1.5 million acres of their traditional lands in 1815, and after their move to Coldwater and the Narrows, they ceded another 9,000 acres. Robert Surtees, "Reserve Policy," 130.

[55] How soon the tune changed after 1812! However, it should also be noted that Governors-General were always temporary transplants from Britain until the 1950s, so Governor-General Sydenham (Charles Poulett-Thomson) may have been unaware of the history of Indigenous-Colonial relations prior to his involvement in the Colony. Phillip Buckner looked closely at the transition to responsible government in British American Colony. He noted that Governors usually had few instructions and were often left to their own devices for governing the colony or whichever post they were given. Also, the idea was usually to remember that Britain was home, so they would not get too attached to the place they were stationed. There was a collection of documents and reports that existed within the Indian Department which provided some insights and background information on Indigenous affairs, one of which Sydenham was reviewing when he died suddenly in 1841. Inevitably any action on the report was shelved until a successor was appointed. See, Phillip Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Contributions in Comparative Colonial Studies, Number 17. Westport, CT: Greenwood Press, 1985).

1839-1841 is often characterized as ‘utilitarian’ – always aiming for efficiencies.[56] In 1841, responding to the supporters of the integration approach, he wrote:

> The attempt to combine a system of pupilage with the settlement of these people in civilized parts of the country, leads only to embarrassment to the Government, expense to the Crown, a waste of resources of the province, and injury to the Indians themselves. Thus circumscribed, the Indian loses all the good qualities of his wild state, and acquires nothing but the bias of civilization. He does not become a good settler, he does not become an agriculturalist or a mechanic. He does become a drunkard, and a debaucher and his females and his family follow the same course. He occupies valuable land, unprofitable to himself and injurious to the country. He gives infinite trouble to the Government and adds nothing either to the wealth, the industry, or the defense of the Province.[57]

It was Maitland who, according to Milloy, came up with the idea of an isolationist policy for First Nations. The isolation policy was based on the premise that integration between Indigenous and non-Indigenous peoples had only a negative influence on Indigenous peoples. Maitland and others believed that the solution was to move First Nations to safe, isolated communities – or reserves – with land for farming allocated to the head of each family, and institutions such as a church, mission house, school house for “instruction and industry” - all under missionary supervision.[58] Milloy characterizes Maitland’s school idea as, “...designed to prepare the Indian child for life within a native community, remodeled to approximate as nearly as possible a respectable, industrious, white settlement.”[59] Colonial administrators campaigned strongly in support of the Imperial government‘s moral responsibility to protect First Nations. Maitland and others claimed that First Nations would be unable to defend their property against the encroaching settlers and manage their own affairs until they were admitted "...individually to the rights of His Majesty's other subjects."[60]

---

[56] Ian Radforth, “Sydenham and Utilitarian Reform,” in *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada,* ed s., Allan Greer and Ian Radforth (Toronto: University of Toronto Press, 1992) 64.

[57] Surtees, “Reserve Policy,” 28.

[58] Milloy, “Era of Civilization,” 66.

[59] Ibid., 67.

Lieutenant-Governor Bond Head carried out Colborne's isolationist experiment on Manitoulin Island.[61] This experiment settled Ottawas, "Chippewas" and other "unsettled" Ojibwa on Manitoulin Island as a refuge from the settlers, where they could live out their "twilight years"[62] undisturbed. Bond Head, in 1836, outlined a rather hopeless view of the "task to attempt to advance and assimilate Indian people" listing:

> 1) That an Attempt to make Farmers of the Red Men has been generally speaking a complete failure, 2) congregating them for the purpose of civilization has implanted many more vices than it has eradicated and consequently, 3) the greatest Kindness we can perform towards these Intelligent, simple-minded people is to remove and fortify them as much as possible from all communication with the Whites.[63]

He, along with many others in "Canadian" and Colonial government, predicted an inevitable doom and disappearance of Indigenous peoples and sought to find isolated places of refuge for them so they would be undisturbed as they went through this process. Bond Head was keen to carry out the Manitoulin experiment but not for the same reasons as Colborne before him. If Maitland and Dalhousie had been responding to shifts in British politics when they suggested changes to Indigenous policy, Bond Head was also responding to colonial politics when he submitted his suggestions for his own changes a few years later. Canadian colonists were growing resentful of the power held by the Church of England and the Tory-affiliated Family Compact in Upper Canada and reformers were advocating for responsible government. Bond Head saw the land problem as ripe for reform and a tool to move reform supporters back over to the conservative side. To bring more land into the market, to make the acquisition of land more achievable by common classes, Bond Head looked to the large amounts of land held by First Nations and set about convincing Glenelg of the importance of moving the First Nations to isolated reserves – using humanitarian language which appeased Glenelg to realize his goal of freeing up Indigenous land for settlement.[64] In characterizing Indigenous peoples as simple and pure, Bond Head was playing to the sympathies of Colonial Secretary Glenelg, who was an advocate of Indigenous protection. It seems that he understood that to get what he wanted – Crown control of the Ottawa and Ojibwe lands – he needed to manipulate the system. By encouraging First Nations to surrender their traditional lands and move to "protected" lands on Manitoulin Island, Bond Head alienated hundreds of thousands of acres of land from Indigenous Nations all over Upper Canada during his tenure to make room for the tens of thousands of settlers.[65] For many of the same reasons that plagued the Coldwater-Narrows experiment, by the 1850s, the Manitoulin project had failed as well.

---

[60] Milloy, "Era of Civilization," 81.

[61] Surtees, "Indian Reserve Policy," 133.

[62] Ibid., 27.

[63] Ibid.

The civilizing experiments, failures, and policy shifts were not without consequence or protest. Milloy draws attention to the fact that the failure of Bond Head's Manitoulin experiment, which had included massive land surrenders, and then Glenelg's policy flip flops,[66] had all served to stall the civilizing policy advanced by Colborne,

---

[64] Milloy, "Era of Civilization," 189.

[65] Bond Head showed his hand when he wrote to Glenelg, "...if we could persuade those Indians who are now impeding the progress of civilization in Upper Canada to migrate to the Manitoulin." To Bond Head, humanitarian and financial goals should serve the needs of the colony. Milloy, "Era of Civilization," 181.

[66] Glenelg supported a pro-civilizing policy, but was persuaded by Bond Head to support removal or isolationist policies, before being persuaded back to the civilizing camp by Indigenous leaders like

Kempt and other colonial administrators[67] by creating unease amongst the First Nations about the title to their lands. At various points during the early civilizing era, different First Nations were active and engaged in aspects of the civilizing program. Maitland's Credit River experiment, the inspiration for the Coldwater-Narrows and Manitoulin experiments, was attempted after several chiefs had expressed to Reverend J. Magrath "... their desire to have schools established and to bring their tribes together."[68] Likewise, Chiefs Yellow Head, Snake, and Aisence (Ojibwe) expressed to General Darling a "...strong desire to accept Christianity and adopt the habits of civilized life," which was why they were chosen to participate in the Coldwater-Narrows experiment.[69] A report published by the Aborigines' Committee of the Meeting for Sufferings also records that "...there is reason to believe that the desire, on the part of the Indians, to receive the benefits of civilization are in proportion to the progress of their conversion to Christianity, and to the increasing inadequacy of their former modes of subsistence."[70] Peter Jones (Mississauga/Ojibwe), a chief and Methodist missionary, made numerous requests for schools to be established in his community.[71] Unease about land alienation resulted in Indigenous reluctance to develop and improve their lands, lest they be given

---

Reverend Peter Jones and their allies including a fellow Methodist missionary named Revered Robert Alder.

[67] These colonial administrators were proponents of the integration/assimilation civilizing policy that sought to set up First Nations on farms and send them to schools. Many scholars, including Surtees and Milloy argue that the integration/assimilation approach was hindered by a number of factors but may have been successful had it not been undercut and eventually shut down in favour (temporarily) of the isolation approach.

[68] Milloy, "Era of Civilization," 88. Excerpt from a R. Hay to Colborne, 1829.

[69] Surtees, "Reserve Policy," 97.

[70] "Facts relative to the Canadian Indians": Published by direction of the Aborigines' Committee of the Meeting for Sufferings," (London: Harvey and Darton, 1839), 9.

[71] Peter Jones asked for Quaker assistance in setting up manual-labour schools. "Facts relative to the Canadian Indians," 4.

away by colonial administrators.[72] The Colonial Office would not grant fee simple title to the bands, but Glenelg did agree to a compromise that he would register each reserve with Crown Lands so the title was publicly recognized.[73] However, in the ensuing reformulation of the civilizing system, the humanitarians in London and the civilizers in the colony demonstrated that their dedication was to the assimilation of Indigenous peoples through a policy of civilizing, not conciliation (a violation of the Covenant Chain). When the civilization policy came into conflict with the existing conciliation policy, humanitarian aims would lose out to a civilizing policy entrenched in retrenchment.[74]

Between 1830 and 1858, in response to a shifting Indigenous-settler landscape, the Colonial Office appointed six commissions to examine Indian affairs in the British North American colony.[75] These investigations contributed two significant, central, and lasting features to Canadian Indigenous policy: the first was that each report "affirmed a basic principle: that the Crown had a continuing responsibility to protect the rights and interests of Native peoples, as well as a duty to foster their social well-being and economic advancement." The second was that:

> …these early commissions set the tone for post-Confederation Indian policy which continued […] to reflect mid-nineteenth century humanitarian ideas about Native people and social progress. The successive inquiries deemed Native peoples to be inferior to Europeans, although this judgement was always tempered by the assertion that Indians were capable of social advancement under the 'friendly care and directing hand of the government.' Indian people were to be made over in the image of the white man, converted to Christianity, dressed in European clothes, and turned into settled agriculturalists. In the process of becoming a loyal, happy yeomanry,

---

[72] Milloy, "Era of Civilization," 201.

[73] Ibid., 224-225.

[74] Ibid., 229-230.

[75] Leslie, *Commissions of Inquiry*, 185.

> traditional Native religions, languages, customs, and practices would be discarded.[76]

One of the most impactful of these commissions is what is referred to as the Bagot Commission. The new Governor General, Sir Charles Bagot, appointed three commissioners – Rawson W. Rawson, John Davidson, and William Hepburn[77] to investigate the two sections of the Indian Department. In 1841, with the union of the Canadas (Upper Canada/Canada West and Lower Canada/Canada East), the two branches of the Indian Department were also united and placed under the purview of the Governor General.[78] Begun in 1842, the Bagot Commission aimed to ascertain what new administrative and policy reforms were needed to improve Indian living conditions, as well as ways to reduce operational expenses.[79] The outcome was another overhaul of British-Indigenous policy. The commissioners reviewed Indian Department records and briefs from interested groups and questioned local Indian superintendents. Evidence was provided by missionaries, Indian agents, and superintendents on their ideas about the future of Indigenous peoples.[80] Less of a priority to this commission was the canvassing of Indigenous leaders for their opinions.[81] The commission report, presented in 1844, included detailed information on Indigenous groups in Canada East and Canada West. It is worth noting that the details are all framed in pre-civilization (savage/barbarian/pagan) versus civilization language. Also, as noted below, this use of language is hinged on the Imperial belief that traditional Indigenous ways of living just could not coexist with growing European settler population.

---

[76] Leslie, *Commissions of Inquiry*, 186.

[77] Rawson was a British public servant and had recently arrived in Canada as Civil Secretary, Davidson was a former Crown Lands Commissioner, and Hepburn was the Registrar of the Court of Chancery and had participated in previous investigations into Indigenous affairs with Justice James Buchanan Macaulay.

[78] Leslie, *Commissions of Inquiry*, 87.

[79] Leslie, "The Bagot Commission: Developing a Corporate Memory for the Indian Department," *Historical Papers* 17, no.1 (1982): 31.

[80] Leslie, *Historical Development of the Indian Act*, 26.

[81] Leslie, "The Bagot Commission," 31.

In the Bagot Commission Report we read: "As the settlement of the country advanced, and the land[82] was required for new occupants, or the predatory and revengeful habits of the Indians rendered their removal desirable, the British Government made successive agreements with them for the surrender of portions of their lands."[83] The Report offers interesting insights into the diversity of opinion on matters relating to Indigenous-Settler relations. In exchange for Indigenous land, the Government compensated First Nations with "presents, consisting of clothing, ammunition, and objects adapted to gratify a savage taste; but more frequently […] permanent annuities, payable to the tribe concerned, and their descendants forever, either in goods at the current price, or in money at the rate of ten dollars (£2 10s.) for each member of the tribe at the time of the arrangement."[84] The expense of lifetime annuities and presents was seen as unsustainable by the Government, especially as the Indian Department was undergoing a budget review. Interestingly, the Report references an excerpt from the Seven Nations[85] to the Governor of Lower Canada in 1837, stating the importance of presents as a “sacred debt contracted by the Government, under the promise made by the Kings of France to our forefathers, to indemnify them for the lands they had given up…”.[86] The report highlights the fact that it was France who started this practice of gift giving. It also provides an example of the Seven Nations view of treaties: that treaties and the included benefits are foundationally important as recognition of the exchange of lands and as a reminder of the conciliatory relationship between the treaty partners.

---

[82] According to the understanding of Indigenous lands articulated in the Royal Proclamation of 1763. The time period referenced here is from 1763 to 'present day' (1844).

[83] Rawson W. Rawson, John Davidson, and William Hepburn. "Report on the Affairs of the Indians in Canada." Appendix to the fourth volume of the journals of the Legislative Assembly of the Province of Canada (Montreal: R. Campbell), March 20, 1845, EEE. http://www.canadiana.ca/view/oocihm.9_00955_4_2/450?r=0&s=1

[84] Ibid.

[85] The Seven Nations were allied nations living on reserve lands in Lower Canada. Although the nations included have been recorded in different ways, the seven nations were generally defined as those living at Lorette, Wolinak, Odanak, Kahnawake, Kanesetake, Akwesasne, and La Présentation. See, Cornelius J. Jaenen, "Seven Nations," *The Canadian Encyclopedia*. (Last edited March 4, 2015). Accessed June 1, 2020. https://www.thecanadianencyclopedia.ca/en/article/seven-nations

The Commission report also responds to an allegation that the Government’s approach to these land transactions was “…unjust, as dispossessing the natives of their ancient territories, and extortionate, as rendering a very inadequate compensation for the lands surrendered.”[87] There are no further details about who made this allegation or where it came from, but the Report’s response reveals the perspective of the commissioners. The Report says that if the Government had not worked with Indigenous peoples for the voluntary surrender of their lands, “the natural laws of society” – the inevitable encroachment of settlers into their territory – would have overwhelmed them. Consequently, argue the Report commissioners, “The Government, therefore, adopted the most humane and the most just course, in inducing the Indians, by offers of compensation, to remove quietly to more distant hunting grounds, or to confine themselves within more limited reserves, instead of leaving them and the white settlers exposed to the horrors of a protracted struggle for ownership.”[88] At least, suggests the Report writers, the Government’s approach meant that Indigenous peoples were compensated.[89] The Bagot Commission Report implies that, through contact with European settlers, Indigenous people could obtain mental improvement, independence, and opulence.[90]

---

[86] Rawson W. Rawson, John Davidson, and William Hepburn. “Report on the Affairs of the Indians in Canada.”

[87] Ibid.

[88] Ibid.

The 1830s and 40s were decades of significant change for the burgeoning Canadian colony. Settlement was on the rise and the non-Indigenous population was skyrocketing;[91] British colonial involvement was on the decline. The rebellions of 1837/8 shook to the core what little establishment existed and ultimately overturned the colonial *status quo* in favour of a more representative government. The Canadas were caught between independence and dependence, as they relied on Colonial support, but also found the centralized administration (through Whitehall) to be cumbersome, detached, and slow to react. The 1830s saw the emergence of provincial governments with goals at odds with those of the Colonial Office. In the Canadas, there was incredible pressure from incoming immigrants for land. The Indian department too, was centralized in Whitehall; virtually every administrative transaction, discussion or change of policy, appointment of personnel, and financing question was referred to the Colonial Secretary via the Governor General or Lieutenant-Governor. This arrangement was frustrating for everyone involved, particularly First Nations who were experiencing significant threats to their way of life with little response to their protests, and Canadian administrators who were under significant pressure to provide land for incoming settlers to make their delicate nation viable.

---

[89] The Report writers quote Emerich de Vattel's famous work *The Law of Nations*. Vattel suggest that unsettled habitation by "erratic nations" in a vast country does not constitute ownership of that vast land. Therefore, he supports a nation who needs that land (such as "the people of Europe, too closely pent up at home") to take ownership of it and settle it. He does commend the "moderation" of the English Puritan settlers of New England, who purchased land from the Indigenous peoples, even though they had a charter from their Sovereign.

[90] Rawson W. Rawson, John Davidson, and William Hepburn. "Report on the Affairs of the Indians in Canada."

[91] In 1824 the population of Upper Canada was recorded as 150,066. Ten years later it was 321,145 (1834), and by 1848, it had jumped to 725,879. https://www150.statcan.gc.ca/n1/pub/98-187-x/4064809-eng.htm

Leslie summarizes the zeitgeist of the 1830s and 40s in this way: "Policy-makers of the day were optimistic that the process of Indian assimilation would be rapid. Indian people *per se* would disappear through intermarriage and other processes, as would their lands, the reserves. In the beginning, there was no obvious need for protective Indian legislation."[92] All six of the commissions tasked with examining Indigenous affairs in the Canadian colony supported the reserve system which seemed to be in conflict with the Victorian ideals of economic liberalism and individualism. But, when framed within the understanding that these reserves would be temporary, it is clear that the reserve system allowed the government to act out its goals – of civilizing Indigenous peoples to the level of the white man through education and agriculture – with the expectation that the land would be freed up when all Indigenous peoples were civilized and assimilated. As well, the reliance on non-Indigenous perspectives and a failure by the colonizers/colonists to gain an understanding of Indigenous cultures and languages ensured that the government would only grow more separated from the people they were managing as time progressed.

Interestingly, Leslie points out that the Bagot report noted that existing Indian policy – the civilizing program – and the government's administrative practices were too "paternalistic."[93] The commissioners stated that First Nations "...were thus left in a state of tutelage, which although devised for their protection and benefit, has in the event proved very detrimental to their interests, by encouraging them to rely wholey [sic] upon the support and advice of the Government, and to neglect the opportunities which they have possessed of raising themselves from the state of dependence to the level of the surrounding population."[94] As Leslie summarizes, the suggestion from the commissioners was to find a way to "...instill in Indian people a thirst for knowledge, and qualities of industry and self-reliance."[95] Education was seen as a critical component to the civilizing program, alongside protection of Indian land and resources, and a complete reorganization of the Indian department.[96] The language of class, not race, is used to describe the various Indigenous groups in this report, with the lower classes generally characterized as unsettled, sustained by hunting, and without religion or education.[97] The more advanced groups are characterized by their settled state (with or without active agricultural pursuits), and participation in education and religion.[98]

---

[92] John Leslie, "The Indian Act: An Historical Perspective," 24.

[93] Leslie, *Commissions of Inquiry,* 89; and J. Evans et al., *Unequal Rights*, 32. First Nations were "Treated like children, to be guided, educated and told what to do."

By the 1840s, Indigenous-Imperial relations had moved completely away from the conciliatory relationship initially developed between Indigenous nations and the French. Before 1763, Imperial Indigenous policy and legislation was centred on alliance and trade – the Covenant Chain was a bond of alliance and mutual autonomy. Indigenous people and settlers co-existed peaceably for the most part, since resources were plentiful and they could partner in the fur trade economy and were allies in war. Because the British failed to establish a robust middle ground in their Canadian colony, the Indigenous-settler relationship came to be characterized by paternalism and dependence. Most of the non-Indigenous cultural brokers[99] in Colonial administration such as the Johnsons and T.G. Anderson, etc., were gone, replaced by new civil administrators who were separated by time and experience from the long history of Imperial-Indigenous relations. British North America was now the established colony of Canada, a British-centric colony with policy constructed to reflect that reality. Imperial administrators, focused on retrenchment yet motivated by a moral obligation to care for the Indigenous peoples, built the foundations of a corporate memory for the management of Indian affairs after 1812. This framework would inform future Canadian politicians such as John A. Macdonald.

---

[94] Rawson W. Rawson, John Davidson, and William Hepburn. "Report on the Affairs of the Indians in Canada."

[95] Leslie, *Commissions of Inquiry*, 89.

[96] Ibid., 89.

[97] Leslie writes in his footnote: "There was a view among Imperial commentators like Herman Merivale that Native peoples of the tropics were inferior, while those of northern climates were almost equal to whites. The New Zealand Maoris and Indians of North America were regarded as possessors of an "ethic" similar to nineteenth century chivalric concepts. In short, Native peoples did not lack intelligence, only character, as this could be improved." Leslie, *Commissions of Inquiry*, Chapter 2, 124 footnote #27.

[98] Rawson W. Rawson, John Davidson, and William Hepburn. "Report on the Affairs of the Indians in Canada."

---

[99] Using Jezewski's (1990) definition which is, "the act of bridging, linking or mediating between groups or persons of differing cultural backgrounds for the purpose of reducing conflict or producing change."

Chapter 2: A Scottish Boy Becomes a Canadian Politician

John A. Macdonald was born in Scotland in 1815, but he grew up in the traditional territory of the Huron/Wendat,[1] adopted territory of the Mississaugas (Anishinabek), and the Treaty Territory of the Mohawk Nation, part of the Six Nations Iroquois Confederacy.[2] Macdonald's biographers from Sir Joseph Pope to Richard Gwyn do not mention Macdonald's early contact with or perspectives on Indigenous people, even though such contact was likely. This lapse is probably for two reasons: first of all, Macdonald rarely discussed his early interactions with or exposure to Indigenous peoples, via literature, hearsay, or in person. In fact, Pope, one of the closest people to Macdonald, bemoaned that Macdonald rarely spoke about his childhood at all.[3] Second, for Macdonald's biographers writing in the 1890s, 1960s and 2000s, there was still a hegemonic assumption that Indigenous peoples were irrelevant to the story of Macdonald's early life. Chapter One broadly summarized the complicated Imperial-Indigenous-Settler relationship pre-1844, especially that of the British and the Indigenous peoples around the St. Lawrence and Great Lakes regions. In this chapter, I will examine Macdonald's personal history situated within his colonial, Upper Canadian context. Using Macdonald's personal and published letters, as well as recently digitized copies of relevant newspapers, I will dig deeper into the assumption that existed until only recently:[4] that Macdonald's personal history did not intersect with First Nations. I will seek to uncover what experiences may have shaped Macdonald's ideas about race, class and Indigenous people, and what may have later guided Macdonald in his role in the development of his policies affecting First Nations.

---

[1] The Huron/Wendat were decimated by smallpox and dispersed by the Haudenosaunee in the mid-1600s. The Mississauga (Anishinabek) moved into the unoccupied territory.

[2] In 1783, Sir John Johnson, Superintendent General of Indian Affairs, approached the Mississauga inhabitants of the Bay of Quinte region to discuss land acquisition. After the American War for Independence, Loyalists had come up into Canada from the United States, including Indigenous peoples. Mohawks of the Six Nations Confederacy came to settle in Canada and received lands from the Mississauga. Robert Surtees, *Indian Land Surrenders in Ontario, 1763-1867* (Ottawa: Indian and Northern Affairs Canada, Research Branch, Corporate Policy, 1984), 22.

[3] Sir Joseph Pope, *Memoirs of the Right Honourable Sir John Alexander Macdonald, G.C. B., First Prime Minister of the Dominion of Canada*. Volumes 1 and 2 (Ottawa: J. Durie, 1894), 6.

This overview of John A. Macdonald's early years is in no way a comprehensive summary of his formative years; read any of Macdonald's biographies written by Pope, Creighton, Gwyn, and Martin for a more detailed examination of his life and times. While these biographies are useful sources in getting to know the man and his European-Canadian context, no biography considers Macdonald's life within the context of Indigenous territory. By the time his family arrived in Upper Canada, the lands set aside for Indigenous peoples to use as hunting grounds according to the Royal Proclamation of 1763/Treaty of Niagara, had been surrendered through treaties and were filling up with non-Indigenous newcomers. As demonstrated in Chapter One, there were three major shifts in the approach to managing the Indigenous population and land, led by the Governors-General (the British official filling this post regularly changed): from military allies, to isolation and integration experiments, to a focus on "civilizing" the Indigenous population so that they would be like their white neighbours. Each new approach made the gap between Indigenous peoples and settlers larger until there was little understanding between them, and from the settler side, little knowledge of the treaties that bound them together. To make room for the influx of settlers, many piecemeal land surrenders were negotiated with the First Nations by Crown officials in Upper Canada between 1763 and 1867.[5] As noted in Chapter One, according to the Royal Proclamation of 1763, "Indian" lands could only be sold to the Crown, at the request of the Indigenous occupants – the Crown served as the intermediary force between the Indigenous peoples and the settlers. I will focus here on discussing the land claims that impacted the land on which John A. Macdonald grew up, but for a more thorough look at the land cessions in Ontario, I recommend reading the thorough work of Surtees, McNab, Leighton, or Morrison.[6]

---

[4] Donald Smith and J.R. Miller are the only two scholars that I have encountered who looked into this assumption, in the edited volume *Macdonald at 200: New Reflections and Legacies,* eds. Patrice Dutil and Roger Hall (Toronto: Dundurn, 2014).

The Macdonald family came from the Scottish Highlands. At the end of the 1700s, John Macdonald – father of Hugh, and grandfather of John Alexander Macdonald – had relocated his family from rural Sutherland to the county town of Dornoch.[7] Here he built a successful mercantile business and was able to move his family comfortably into the middle class.[8] Hugh Macdonald did not inherit his father's knack for business, but he did inherit a conviction for self-betterment. Hugh married Helen Shaw in 1811 when she was 34, he was 28. Richard Gwyn fancifully characterizes her as "…wholly Scots, and above all a Highlander. Her preferred language was Gaelic. Her father fought for Bonny Prince Charlie at Culloden, and afterwards, as did many Scots, joined the British Army.[9]

---

[5] Surtees' research into Land Surrenders in Ontario gives a thorough overview of these land surrenders. All of these pieces eventually amounted to millions of acres of Indigenous territory being surrendered to the Crown.

[6] Surtees, "Land Surrenders in Upper Canada"; James Douglas Leighton "The Historical Significance of the Robinson Treaties of 1850" (1982); David T. McNab, "The Albatross and Beyond: The Location of the Northern Boundary of Mississagi River Indian Reserve #8, Robinson Huron Treaty, 1850-1894" (1982); and James Morrison "The Robinson Treaties of 1850: A Case Study," (Ottawa: Royal Commission on Aboriginal Peoples, 1996). Also, Edward S. Rogers and Donald B. Smith, eds. *Aboriginal Ontario: Historical Perspectives on First Nations* (Toronto: Dundurn Press, 1994).

[7] Eric Richards, *Debating the Clearances* does an excellent job of explaining the numerous factors that were reshaping the Scottish Highlands around the 1800s. Chapter 2 is particularly relevant to the Macdonald family's context.

[8] Donald Creighton, *The Young Politician*, 5.

[9] Helen's mother was married twice and had children from each marriage. Helen was the product of the second marriage – her father was James Shaw. See Donald Creighton, *The Young Politician*, 4.

She could be stonily stubborn […] She possessed an exceptional memory – a gift she passed on to her son…”.[10] At the end of the Napoleonic wars, Britain slid into a depression, and many citizens of the British Isles sailed off to the colonies to make a new life for themselves.[11] After a number of Hugh’s business enterprises failed, Hugh and Helen Macdonald decided to seek new opportunities in the Canadian colony as well. In 1820, they moved their family from the bustling, industrial city of Glasgow, Scotland to Upper Canada. The Macdonalds emigrated from Glasgow to Upper Canada with four children: Margaret (nicknamed “Moll”), John Alexander, James, and Louisa (called “Lou”). Their first-born, William, had died in infancy in Glasgow. After James was killed in a tragic accident shortly after emigrating, John Alexander – “John A.” – as the only remaining son, carried all of his parents’ hopes and dreams for success. Hugh could be deemed a failure. Sir Joseph Pope, later Macdonald’s personal secretary, close friend, and biographer, says this about Hugh Macdonald: “his [John A. Macdonald’s] father, though not without parts, seems to have been unequal to the responsibilities of the head of a family, and much of the burden in consequence fell upon the young man [John A. Macdonald].”[12] Helen was the rock that held the family together,[13] and she was adamant that John A. would make a name for himself. She was known to declare, “Mark my words, John will make more than an ordinary man.”[14]

---

[10] Richard Gwyn, *The Man Who Made Us*, 12.

[11] Lucille H. Campey looked at the history of Scottish settlers to North America. She wrote “…the high rents demanded by landlords, the increase of population and the flattering accounts received from friends in America do also contribute to the evil” motivating factors for so many Scots emigrating to Canada. *The Scottish Pioneers of Upper Canada, 1784-1855: Glengarry and Beyond* (Toronto: Natural Heritage/Natural History Inc., 2005), 5.

[12] Pope, *Memoirs*, 6.

[13] Allegedly, Macdonald had spoken these very words to his personal secretary, long-time friend and biographer, Sir Joseph Pope. Pope, *Memoirs*, 12.

When the Macdonald family emigrated, they were moving from a depressed state to a turbulent one: “Canada” was chaos. Settlement of the colonies was happening at a vigorous rate and land acquisition was a wild gamble – you might end up with a solid piece of Canadian Shield when you thought you were buying the Garden of Eden.[15] In her overview of the industrialization of Upper Canada from the 1780s to 1820, Mary Quayle Innis highlighted the shift from subsistence agriculture and a dependence on participating in the local economy, to an expanded industrialized economy. In 1788, the government permitted settlers to build mills, and as a result, grist mills, sawmills, carding machines and fulling mills sprang up around the district. The turn of the century also saw a boom in ship building. Quayle Innis notes that by 1820, the Midland District, the region where Kingston is located, was “...the largest and most important town in Upper Canada, situated in the most highly developed area.”[16] At least thirty-five land surrender and purchase treaties had been settled by the time of the Macdonald’s arrival, and more were to come in the face of settlement pressures from immigrants from the British Isles.[17] Millions of acres of Indigenous land passed into Colonial control through these treaties.

---

[14] Gwyn, *The Man Who Made Us*, 13.

[15] For a more detailed look at Upper Canadian land acquisition to 1820, see Leo A. Johnson, “Land Policy, Population Growth, and Social Structure in the Home District, 1793-1851," in *Historical Essays on Upper Canada* ed. J.K. Johnson, (Toronto: McLelland and Steward, 1975).

[16] Mary Quayle Innis, “The Industrial Development of Ontario, 1783-1820,” in *Historical Essays on Upper Canada*, ed. J.K. Johnson, (Toronto: McClellend and Steward Limited, 1975), 144. See also, Douglas McCalla, *Planting the Province: The Economic History of Upper Canada, 1784–1870* (The Ontario Historical Studies Series.) (Buffalo, N.Y.: University of Toronto Press, for the Government of Ontario. 1993).

[17] Indian Affairs was the primary responsibility of the Imperial Government at this time, but locally managed by a Governor – appointed by and from Britain.

Indigenous peoples were slowly being moved onto reserve lands but, as letters in the Indian Affairs *fonds* reveal, it was not a seamless process, with regular appeals from Indigenous people for protection of land and resources filling the inbox of that office. The Macdonalds settled on land that had been the territory of the Mississaugas (Anishinabek). In 1783, Captain William Redford Crawford, under the direction of Governor Haldimand, negotiated land cessions encompassing the territory from "Toniato or Onagara River to a river in the Bay of Quinte within eight leagues of the bottom of the said Bay including all the islands, extending back from the lake so far as a man can travel in a day."[18] The land acquired from the Mississaugas was divided into the townships of Adolphustown, Ernestown, Fredericksburgh, and Kingston.[19] Mohawk Loyalists had been promised land in the Canadian territory, but were divided in their settlement expectations – one group of around 200 followed "Captain John" Deserontyon to the Bay of Quinte (Tyendinaga), while another group of 1800 followed Captain Joseph Brant to the Grand River region.[20] The Tyendinaga tract originally included 92,700 acres of fertile land. By 1820, settlement had increased and the Tyendinaga tract was enviously eyed by land-hungry settlers and loggers. After a series of land cession negotiations, only 17,448 acres were left for Mohawk use by 1835.[21] Territory disputes, land surrenders, and cessions were all taking place around and during the time Macdonald was growing up in Kingston, Adolphustown, and Stone Mills. These land transactions were the result of increased non-Indigenous settlement, and development of industrialization across Upper Canada. Every transaction of Indigenous territory involved the Crown, the impacted Indigenous group, settlers, and colonial administrators in some capacity, demonstrating the complex and integrated web of interconnectedness in Upper Canada. Therefore, it was inevitable that John A. Macdonald had some understanding or awareness of Indigenous peoples all through his formative years.

---

[18] Surtees, *Land Surrenders*, 22. The purchase price was clothing for all their families, guns for those who did not have any, some powder and ball for winter hunting, 12 laced hats, and red cloth sufficient for 12 coats.

[19] Surtees, *Land Surrenders*, 31. A further land negotiation resulted in the Mississauga cession of the Quinte Peninsula.

[20] Deborah Doxtator describes the Mohawk land acquisition and subsequent surrender in her MA Research Essay "Tyendinaga Land Surrenders: 1820-1840," (Carleton University, 1982).

[21] Doxtator, "Tyendinaga Land Surrenders," 49-60.

When the Macdonalds emigrated, they were part of a massive wave of Scottish relocation,[22] which meant there was a degree of familiarity for them in this new land - recognizable accents, customs, and values. The Macdonalds initially settled in Kingston, where they had had useful connections. Not only did they have cultural connections through their Scottish heritage, but they could claim kinship ties to Clarks, Grants, Greenes, and Shaws.[23] Through the Shaws (Helen's side), the Macdonalds were connected to the prominent Macpherson family in Kingston. Colonel Donald Macpherson was married to Helen's older stepsister. The Colonel had fought against the Americans during the War of Independence and in the War of 1812 - wars which depended on military alliances with First Nations. He was well-respected in the garrison town of Kingston, where he had retired with his family. The connection to the Macphersons was an asset to the Macdonalds, but not even a kin connection to one of the most respected and well-connected families in town could help Hugh's business luck. After a few more unsuccessful enterprises[24] Hugh moved the family to Hay Bay, outside Kingston, where failure followed him.

---

[22] Scottish societies like the St. Andrew's Society and the Celtic Society provided Scots with contacts, business information, gossip, and social connections. Between 1815 and 1870, over 170,000 Scots emigrated to Canada, further strengthening the number (about 15,000) of Scottish settlers already in Canada. Much of this increase in emigration from Scotland came from Lowlanders, who also went in large numbers to Australia and other parts of the empire. But the Highlanders (who in absolute numbers were far fewer) generally preferred Canada as a destination.

[23] Gwyn, *The Man Who Made Us*, 41.

Perhaps related to his father's continuous failures, John A. himself is alleged to have said to Sir Joseph Pope, "I had no boyhood." And also, "From the age of fifteen I began to earn my own living."[25] Donald Creighton estimates that young Macdonald probably started school in Kingston around 1822 – he would have been around 7 years old.[26] When the family moved to Hay Bay in 1824, Macdonald continued his schooling in the village of Adolphustown, under John Hughes. These first schools were most likely common schools – one-room school houses serving children of all ages. This type of education was typically the extent that many children in the Canadas received.[27] In 1825, when the Macdonalds moved to Stone Mills (now Glenora) where Hugh took over the grist-mill, John A. was sent back to Kingston to attend the Midland District Grammar School.

District grammar schools offered the best education available in the burgeoning colony, often because they catered to the elite and had the resources to hire highly qualified (primarily Anglican) teachers. According to Howard Adams, who examined education in Upper Canada, by 1810 the general public had had enough of the inequality in education and demanded reforms. The Common School Act was approved in 1816 and a system of education began to develop. The first step in the development of school reform was an acknowledgement that the government had to be more involved in education, and that more people – including the 'poorer classes' – needed access to educational institutions.[28] Macdonald's early schooling would have been a result of these initial reforms. The decision to send him to the Midland District Grammar School speaks to the hopes and dreams that his parents placed on him. Even though the education system was slowly reforming to provide comparable opportunities to all students, the grammar schools remained the best. They were also expensive, which Hugh and Helen could barely afford.[29] John A. lived primarily with landladies in town during the school year, but the Macpherson's house was his second home. Years later, his nephew wrote that John A. could often be found in the Macpherson's large library reading book after book, unbothered by the noise his young cousins were making around him.[30] During the summers, young John would go back to Stone Mills to join his family.

---

[24] Donald Creighton records that Hugh Macdonald was employed as a manufacturer, shop-keeper, and miller in various locales around the Midland District in Upper Canada. Creighton, *The Young Politician*, 12.

[25] Pope, *Memoirs*, 6.

[26] Very little information exists around this period of Macdonald's life. There is even confusion about John A. Macdonald's birthdate, which was recorded as both January 10 and 11, 1815.

[27] Gwyn, *The Man Who Made Us*, 30-31.

In 1829, the now 14-year old Macdonald went to a new school run by Reverend John Cruikshank in Kingston. Reverend John Wilson had left the Midland District Grammar School to take up a post at his *alma mater*, Oxford University, and there had been some controversy over his replacement. The Scottish community took their children's education seriously, and they had no faith in the new teacher.[31] As a result, the Scottish Presbyterian community in the Kingston area invited Rev. Cruikshank from Scotland to form a new school to instruct their children at the moral and intellectual standard they expected. Cruikshank's school was co-educational and supported by the Scottish Presbyterian congregation of St. Andrew's, Kingston. One of Macdonald's fellow students was Oliver Mowat – later a clerk In Macdonald's law office, a fellow Father of Confederation, Premier of Ontario, and a political opponent to Macdonald.[32]

---

[28] Howard Adams, *The Education of Canadians* (Montreal: Harvest House, 1968), 7.

[29] Gwyn, *The Man Who Made Us*, 32.

[30] Gwyn, *The Man Who Made Us*, 32; and Creighton, *The Young Politician*, 15. Macdonald's nephew was J.P Macpherson. Macpherson published a brief biography on his famous relative entitled, *Life of the Right Hon. Sir John A. Macdonald* 2 Volumes (Saint John, 1891).

[31] Creighton, *The Young Politician*, 16.

When John A. was 15 years old, he had completed his education according to the rule of the day. Overall, Macdonald had an education that conformed to British standards - grammar, rhetoric, arithmetic, British history, Greek, Latin, the Bible. From these texts Macdonald would have gained an understanding of the formation of Western philosophy. Through his education he received entrance into an elite group-think designed to turn young men into upstanding moral citizens and foster a connection between important settler families. His education served to encourage a growing appreciation for Britain and Britishness – an appreciation that would be stoked further during a visit to the British Isles in 1842. Wealthy men could afford to send their sons to university, but that was out of reach for the Macdonalds. John A.'s next step would be to find an apprenticeship, learn a trade, and do the best he could do.[33] Macdonald was smart but poor; fortunately, a legal career was attainable because (at that time) law required no capital investment and no university training.[34] In 1830, John A. became a law clerk in the office of George Mackenzie – he was just sixteen years old. Mackenzie, also a Scot, was regarded as one of the best lawyers in Kingston. Colonel Macpherson, Macdonald's uncle, had made the introduction, which further emphasizes the importance of the kin network that Macdonald was able to access as a Scot in Upper Canada. George Mackenzie was a role model to young John A. – he taught him how to be a lawyer, a professional, and to have concern for the affairs of his community and Province.[35] In 1832, Mackenzie decided to open up a branch of his law practice in Napanee; Macdonald was going to manage it. Napanee was far enough from Kingston that Macdonald would be independent, but near enough to get advice and books from his employer.[36] One such piece of advice that came in a letter said, "Meantime be assiduous, and above all, industrious. I do not think that you are so free and lively with the people as a young man eager for their good will should be."[37] Mackenzie told Macdonald to lighten up – advice he would eventually take to heart.

---

[32] Creighton, *The Young Politician*, 18.

[33] Joseph Pope records Macdonald saying, "If I had had a university education, I should probably have entered upon the path of literature and acquired distinction therein." Pope, *Memoirs*, 5.

[34] Gwyn, *The Man Who Made Us*, 45.

In 1837-8, rebellions in the Canadas, instigated by William Lyon Mackenzie,[38] in support of a republican-style government like that of the United States, shook the social and administrative foundations of the colony. The rule of elite oligarchies (also made up of a fair number of Scots) in Upper and Lower Canada was challenged and ultimately overturned. The "old" system – that of officials awarding land to favoured individuals, of massive Crown and Clergy reserves, of bureaucratic muddle and mismanagement – was broken by a new generation of Canadian immigrant settler public servants who were shaped by the rebellions. Like all men of the Canadian colony between the ages of 18 and 60, Macdonald was on retainer in the Sedentary Militia[39] during this tense time and had just begun his own law practice.[40] The Rebellions of 1837-8 were not only a catalyst for dramatic shifts in society and policy, but they shook young Macdonald deeply. Ged Martin, Macdonald's only recent, non-Canadian biographer, looks at it this way: "Because Macdonald hardly mentioned his experience, the 1837 episode has never been factored into his life story. It is noteworthy that he took part, and significant that he never boasted about it: a Conservative politician might have proclaimed that he had risked his life to preserve Canada for Queen Victoria."[41] Sociologist Karl Mannheim's theory of generations (1923), suggests that Macdonald's experience with the Frontenac Militia may have been an important influence on his later views.[42] Mannheim's theory, summarized by Jane Pilcher, further suggests that: "…Chronologically contemporaneous individuals are stratified by the tendency for the formative experiences and early impressions of youth to 'coalesce into a natural view of the world' […] All later experiences then tend to receive their meaning from this original set, whether they appear as that set's verification or its negation and anti-thesis."[43] Ged Martin suggests that as a result of these traumatic times, Macdonald learned that "…Canadian society was fragile, […] that the art of government involved avoiding conflict among its contrasting elements – Tories and

---

[35] Creighton, *The Young Politician*, 21.

[36] His cousin Allan Macpherson (through Colonel Macpherson's first marriage) was "laird of Napanee" – an important local businessman, and Macdonald's own family was nearby in Stone Mills.

[37] Pope, *Memoirs*, 8.

[38] William Lyon Mackenzie was also Scottish, but a Lowlander.

[39] Creighton, *The Young Politician*, 47-48. Macdonald was in the Third or East Frontenac Militia. Although Macdonald's major biographers maintain that Macdonald and the Kingston Militia did not see any action during the Rebellion, but did "shoulder his musket" and participate in regular drills. The only "battle" of the 1837 Rebellion in Upper Canada was in Toronto. Curiously, though, in a letter to Sir James Gowan (December 13, 1887), Macdonald wrote, "I was in the Second or Third Company behind the cannon that

---

opened out on Montgomery's House…During the week of the rebellion I was on the Comm'l Bk. [Commercial Bank] guard in the house on King Street [Toronto], afterward the habitat of George Brown's *Globe*." This letter is in the private collection of Mark W. Fisher, Barrie, Ontario. It was referenced in J.K. Johnson, *The Papers of the Prime Ministers, Volume 1: The Letters of Sir John A. Macdonald, 1836-1857* (Ottawa: Public Archives of Canada, 1968), 2.

[40] Ibid., 43. It was his second year – time to make a name for himself.

[41] Ged Martin, *John A. Macdonald: Canada's First Prime Minister* (Toronto: Dundurn, 2013), 33.

[42] As summarized in Jane Pilcher, "Mannheim's Sociology of Generations: An Undervalued Legacy," The *British Journal of Sociology* 45, no.3 (Sept.1994): 490. Pilcher summarizes Mannheim's theory as, "members of a generation (or 'cohort')…have a concrete bond through their exposure to and participation in the social and intellectual symptoms of a process of dynamic destabilization."

[43] Ibid.

radicals, Catholics and Protestants, English and French."[44] Again, First Nations are excluded from Martin's conclusions. But were they excluded from Macdonald's?

Aside from a few off-hand comments,[45] there are few records of Macdonald discussing Indigenous peoples, especially in the first half of his life. To get a sense of what society's perception of Indigenous peoples was during Macdonald's formative years, I combed through the Kingston newspapers and other colonial publications for clues.[46] As previously explained, public servants in Britain and in Canada were focused on civilizing the original inhabitants of the land to the standard of the settler population. This approach was circulated down from Colonial and government officials into the public sphere through newspapers and tracts. Around the same time the Macdonalds arrived in Kingston,[47] Thomas, 5th Earl of Selkirk, was advocating for the establishment of industrial schools, which would teach practical skills to First Nations, particularly around his settlement in Red River.[48] Selkirk compared and contrasted different methods of educating Indigenous children in order to suggest the best course of action.[49] In defense of technical education, which involved the removal of children from their homes to be educated, Selkirk suggests that the benefits of such an education must be evident to the entire community; this would inspire all members of the band to seek improvement. But, to be most effective, Indigenous peoples must (in the early stages of this process) be allowed to maintain the habits that make them useful to their traditional way of life, but with improvements. For example, Indigenous youths must be taught both how to shoot *and* mend a gun. In that way, the whole group improved together.[50]

---

[44] Ged Martin, *John A. Macdonald*¸ 33.

[45] November 15, 1845: in a letter to his sister-in-law, Mrs. Margaret Greene in Wilmington NC, Macdonald wrote, "Isabella [his wife] occupied herself in recruiting, and I in wandering along the banks of the Roanoke, so famous in Virginian Story. Annie discovered in some way or other, the identical stone on which Captain Smith's head was laid, when Pocahontas saved it from the war club of her father." J.K. Johnson, *The Papers of the Prime Ministers, Volume 1: The Letters of Sir John A. Macdonald, 1836-1857* (Ottawa: Public Archives of Canada, 1968), 23-24.

[46] I am grateful also, to Donald B. Smith who made the first foray into this important topic with his essay "Macdonald's Relationship with Aboriginal Peoples" in *Macdonald at 200.*

[47] As early as 1816.

[48] Selkirk was writing from the Hudson Bay Company territory of Rupert's Land. Also, he was a known civilizer, but initially of the Highland Scots! See Eric Richards for more information on Scottish immigration history.

[49] Thomas Douglas Selkirk, 5th Earl, *On the Civilization of the Indians in British North America* (London: Printed by J. Brettell, 1816), 9.

Amongst Canada's settler population there was a diversity of opinion and perspective regarding the original inhabitants of the land they resided on. In the 1820s and 30s, the popular way for non-Indigenous people to reference Indigenous peoples was as "sons of the forest." This term conveniently fit both types of stories non-Indigenous people liked to tell – romantic tales of strange people with unusual customs, as demonstrated in the Kingston *Chronicle* (1830) article "The Indian's Faith"[51] or to demonstrate their simpleness[52] and need for the civilizing assistance of missionary groups. A story from November 28, 1829 reports on a recent trip undertaken by the author to the Rice Lake Indian Village (north-west from the Bay of Quinte). The author comments on the "philanthropic exertions" of the New England Company amongst "almost the most degraded, and till of late years the most neglected of our species."[53] A visit to the Rice Lake Indian Village, gushes the author, affords the opportunity to "..enjoy a […] mental feast, amidst the beauty of nature, and have the privilege of tracing the progress of civilization and Christianity."[54] The 'progress of civilization' is measured by "a village of twenty-two houses – erected in the most substantial manner – inhabited by the Indians, in which, instead of their miserable wigwams, they are enjoying comfortable domicils [sic] to shelter them…". These houses were "…built nearly in a straight line, equidistant from each other […] whitewashed according to the plan of Mr. Scott, the whole when viewed from the Lake on is opposite banks will form the most pleasing and beautiful *coup d'oeuil* to be found in this country." The Mississaugas of Rice Lake had "…44 acres cleared and fenced, on which the Indians raised […] potatoes, corn,&c." And last, but certainly not least, "the Indians are at present enjoying the blessings of education and religious instructions from the Methodists – who have built a chapel and school house at their own expense […] Already a wonderful reformation has taken place in their morals – and many among the Indians, we trust are truly religious."[55] This article gives us some insights into how settlers regarded their Indigenous neighbours, as well as a clear picture of what attributes non-Indigenous people used to mark the 'progress of civilization' for Indigenous nations.

---

[50] Selkirk ends his pamphlet by saying: "It is, however, to be hoped, that the private interest of a few individuals [fur traders], will not ultimately prevail, in defeating so beneficent a purpose, and that the interposition of the British legislature, will at length rescue the Indians, who are under their protection, from that, which the wisest among themselves have described, as the scourge of their race, and the engine of their destruction." The 'scourge of their race, and engine of their destruction' was a reference to "spirituous liquors." Thomas Douglas Selkirk, 5th Earl, *On the Civilization of the Indians in British North America* (London: Printed by J. Brettell, 1816).

[51] A story about a European girl who had been adopted by an Indigenous man after the loss of his wife and child. The story follows the man and girl as they journey to return the girl to her birth father. "The Indian's Faith," *Kingston Chronicle,* June 12, 1830, 2-3. https://collections.digitalkingston.ca/islandora/object/pdf:4007

[52] "Sons of the Forest," *Kingston Chronicle*, June 9, 1832. This article is about a party of Indigenous people and the building of the Rideau Canal. The Indigenous people cheered at the arrival of the steamer, which the non-Indigenous people on the steamer thought was endearing. https://collections.digitalkingston.ca/islandora/object/pdf:4415

---

[53] "A Visit to Rice Lake, Indian Village &c.," *Kingston Chronicle*, November, 28, 1829, 2. https://collections.digitalkingston.ca/islandora/object/pdf:3899

[54] Ibid.

[55] Ibid.

It was quite popular for non-Indigenous people to join societies promoting Indigenous welfare (defined according to the settler population) such as the Society for Promoting Education and Industry among the Indians and Destitute Settlers in Canada,[56] or the Church Missionary Society. The Archdeacon of York himself, Bishop John Strachan, was the chair of the Society for Converting and Civilizing the Indians and Propagating the Gospel among the Destitute Settlers of Upper Canada. In a lengthy article under the headline "Conversion of the Indians" in the Kingston *Chronicle*, Strachan first commented on the task of "instructing the Mississagua [sic] Indians, and converting them to the Christian Faith"[57] undertaken by a so-called Bible Society (later a branch of the Society for Promoting Christian Knowledge). Their aim was to first procure a translation of the Bible into the language of the Mississaugas and disseminate it among the "neighboring tribes" and then second, to reclaim the "Indians" by "collecting them into societies and making them feel the comforts of a fixed habitation."[58] The assumption was that the Indigenous people were just not aware of how pleasant a settled, agrarian life could be because they had not experienced it – but once they did, they would immediately recognize its benefits and give up their hunter-gatherer lifestyle. To achieve this goal, what was needed was "assistance to build villages and zealous missionaries to reside among them."[59] Strachan then made two arguments to underscore the importance of this civilizing project. He first pandered to the Christian sympathies of the settlers saying, "…we must not forget, that omitting all care of the spiritual condition of the Indian, is omitting a most serious duty ; for he is our brother ; and if we make not an exertion to stay the desolating degration [sic] that seems to have seized upon him, we belie our profession."[60] His second argument implies support for the civilizing project from the Mississauga themselves through the inclusion of a quote from "the Chiefs of one of the tribes which has attained some progress in the civilization"[61] which said,

---

[56] The *Kingston Chronicle* of 1827 announced the arrival of a Mr. Osgoode from England, come to "establish societies, auxiliary to one lately organized in London, for promoting industry and education among the Indian and destitute settlers of these colonies…". "To the Editor of the Kingston Chronicle," *Kingston Chronicle*, January 19, 1827, 3. https://collections.digitalkingston.ca/islandora/object/pdf:3569

[57] "Conversion of the Indians," *Kingston Chronicle*, December 11, 1830, 2. This is a copy of a letter written by Strachan to the Secretary of the Church Missionary Society, York, on 23d March, 1829. https://collections.digitalkingston.ca/islandora/object/pdf:4109

[58] Bishop Strachan, "Conversion of the Indians," *Kingston Chronicle*, December 11, 1830, 2.

[59] Ibid.

> We are surrounded […] with the white inhabitants, all our dealings are with them, we are entering upon a new course of life, and instead of Hunters, we are to become permanent settlers and cultivators of the soil. Our language has never been reduced to writing ; it contains no books. We are fading as a nation from the earth, and may in a short time, be lost or mixed among our white brethren ; it is therefore more beneficial to us to be instructed in the English language and to learn to read in that tongue.

If that is what the "Indians" wanted, that is what they should get and the white settlers should help. The following quotation seems to prove that the shift from a pre-1812, ally-to-ally relationship had officially moved into a relationship that was unequal, like that of a parent to a child. Bishop Strachan concludes his letter by saying to the Secretary of the Church Missionary Society,

> …I therefore appeal on behalf of the Indians of Upper Canada – send Missionaries to help them so that their temporal and spiritual benefits may be cared for both at the same time. Of their success their [sic] can be no reasonable doubt, for the hand of the Lord is not short that it cannot help ; here as among other nations Christianity will be found to civilize as it converts. The history of the propagation of the Gospel tell us that the Christian convert over leaps the common progress of Society, and makes the advance of centuries in a single step. There is indeed no process by which the savage cannot equally and successfully achieve the dignity of a rational and intellectual being, as by the teaching of the Gospel.[62]

---

[60] Bishop Strachan, "Conversion of the Indians," *Kingston Chronicle*, December 11, 1830, 2.
[61] Ibid.
[62] Ibid., 3. https://collections.digitalkingston.ca/islandora/object/pdf:4110

Bishop Strachan, in speaking "on behalf of the Indians of Upper Canada," silences the common Indigenous voice and entrenches the belief that Indigenous peoples were not allies, but degraded brothers in need of assistance by a more advanced society. As with any story, the longer the story drags on without resolution, the less interested the public is in paying attention. Of course, in 1830, John A. was busy as a law clerk in George Mackenzie's office so it is possible that he would not have seen this *Chronicle* article, but on the other hand, his employer and mentor was in tune with the local goings-on – perhaps they discussed topics such as this over dinner.[63]

Under Mackenzie, Macdonald had focused on corporate law. After Mackenzie's death, Macdonald came back to Kingston from Hallowell (where he had taken over his cousin's law practice) to begin his own practice. In his own practice, Macdonald turned to criminal law and took on two clerks of his own: Alexander Campbell and Oliver Mowat.[64] These two young men belonged to important Kingston Scottish families and their positions in Macdonald's office lent him credibility.[65]

While Macdonald represented a number of interesting characters in his time as a criminal lawyer, one particular case that is relevant to this study is the 1839 trial of Brandt Brandt, a Mohawk, who was accused of murdering fellow Mohawk John Marrikell.[66] Macdonald was defending the accused, and John Culbertson was interpreter.

---

[63] Macdonald lived with the Mackenzie family while working as a clerk in Mackenzie's law office.

[64] Campbell was a long-time business partner of Macdonald's as well as later a cabinet minister in Macdonald's government and lieutenant-governor of Ontario. Mowat, of course, was a fellow father of Confederation, and as premier of Ontario, a relentless opponent of Macdonald. Gwyn, *The Man Who Made Us*, 48.

[65] Creighton, *The Young Politician*, especially in Chapter 3. This speaks to the level of notoriety he was gaining in Kingston.

[66] Donald B. Smith, "Macdonald's Relationship with Aboriginal Peoples" in *Macdonald at 200* (Toronto: Dundurn Press), 64-65.

The Attorney General, after he had opened the case, explained, "...that though a different opinion might possibly be entertained, all the Indian tribes living in the Queen's peace were subject to the Queen's laws; that, from their state of mental darkness, they might be presumed as wanting the capacity to look upon crime in the same light as the civilized white man […] the first step in civilization, in connection with the precepts of Christianity, was to teach them that they must be obedient to the laws of the land, and that they cannot break them with impunity."[67] The authorities justified this trial as necessary because, even though Indigenous people considered themselves a separate people, because they were under the protection of the British and because the government controlled their property, they were therefore under the control of British Law. Macdonald's defense was described as "ingenious" by the *Chronicle & Gazette* – Macdonald argued that because it was dark, and everyone was drinking, there was no way to know for sure who dealt the fatal blow to John Marrikell. Brandt was convicted of manslaughter but only imprisoned for six months.[68]

We can formulate a number of likely conclusions from this case: first of all, Justice James Buchanan Macaulay favoured punishing Brandt to familiarize the Indigenous peoples with the constraints of British law – Macaulay argued that "Indians living in this Province" might "not be so conscious of their responsibility as their white fellow-subjects"[69] but this does not exempt them from the rule of law. Such a decision was consistent with Bishop Strachan's "civilizing" crusade in which the settler population, inspired by Christian sympathy, sought to elevate the Indigenous population from their state of depravity to the level of the white man. From another angle, Culbertson, the interpreter, was himself part Mohawk[70] – his father was a Scottish fur trader and his mother was one of Mohawk "Captain John" Deserontyon's daughters. Culbertson was educated and successful; he had also negotiated a land surrender and had built a townsite for non-Indigenous settlers.[71] The accused, Brandt Brandt, was prone to drinking and violence. The comparison of the two Mohawk men supported the settler understanding that a "civilized" Indian was a contributing member of the dominant (white) society, while "uncivilized" Indians were violent drunks who clogged up the justice system.

---

[67] "Trial of Brandt Brandt, a Mohawk Indian, For Murder," *Kingston Chronicle & Gazette*, October 2, 1839. [Accessed through Google News] https://news.google.com/newspapers?nid=6_6x9JMR98MC&dat=18391002&printsec=frontpage&hl=en

[68] Ibid.

[69] Ibid.

Another character who would have strengthened Macdonald's perception that it was in the Indigenous people's best interest to leave their customs – their backwards way of life – behind, was the charismatic and enigmatic Kahkewaquonaby "Sacred waving feathers," also known as the Reverend Peter Jones.[72] Reverend Peter Jones, was the son of a retired Welsh surveyor and Tuhbenahneequay (Sarah Henry), daughter of Mississauga chief Wahbanosay.[73] Peter Jones made headlines in 1833 when he married an Englishwoman, Eliza (Elizabeth) Field, in New York City, and this was probably how he first came to Macdonald's attention. Reverend Jones, a Methodist preacher, met Miss Field when he was in London on a fundraising campaign for Indigenous missions. The Kingston *Chronicle & Gazette* reprinted an editorial from the *New-York Commercial Advertiser* which discussed the wedding at length. The editorial, entitled "Romance in Real Life" compared Peter Jones and Eliza Field to Shakespeare's Othello and Desdemona. It said,

---

[70] Donald Smith, "Macdonald's Relationship with Aboriginal People," in *Macdonald at 200,* 64.

[71] Present day Deseronto. The nuances of this negotiation are not as innovative as they sound. As Donald Smith summarizes, Culbertson negotiated the acquisition of 800 acres of Mohawk territory for his own personal use without paying a cent. Original source: Gerald E. Boyce, *Historic Hastings* (Belleville: Hastings County Council, 1967), 274.

[72] For more information on the life of Peter Jones, I suggest reading Donald B. Smith's *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and the Mississauga Indians,* Second ed (Toronto: University of Toronto Press, 2013).

[73] Donald B. Smith, "JONES, PETER," in *Dictionary of Canadian Biography,* vol. 8, University of Toronto/Université Laval, 2003–, accessed June 2, 2020. http://www.biographi.ca/en/bio/jones_peter_8E.html.

> A stronger contrast was never seen. She in all white, and adorned with the sweetest simplicity. Her face as white as the gloves and dress she wore – rendering her ebon tresses, placed *a la Madonna* on her fair forehead, still darker. He in rather common attire – a tall, dark, high-boned muscular Indian. She, a delicate European lady – he, a hardy iron-framed son of the forest. She, accustomed to every luxury and indulgence – well-educated, accomplished, and well-beloved at home – possessing a handsome income – leaving her comforts, the charms of civilized and cultivated society, and sacrificing them all to the cause she had espoused – here she stood, about to make a self-immolation; and far away from country and kindred, and all the endearments of a fond father's house, resign herself into the arms of a man of the woods, who could not appreciate the sacrifice![74]

Contributors to the *Chronicle & Gazette* shared their opinion in an editorial on the following page, condemning the union as "…improper and revolting," and declaring, "We believe that the Creator of the Universe distinguished his creatures by different colours that they might be kept separate from each other."[75] The writers invoke an allusion to the story of Pocahontas, and this reference, paired with references to Indigenous peoples (in this case, Reverend Jones) as 'sons of the forest,' implies a level of romanticism alongside a biological racism attached to Indigenous peoples. Such a story, suggest both the writers of the *Commercial Advertiser* and the *Chronicle & Gazette*, belongs in a book, not in real life.

---

[74] "Romance in Real Life," *Kingston Chronicle & Gazette* (reprinted from the *New York Commercial Advertiser*), September 21, 1833, 1. [Accessed through Google News] https://news.google.com/newspapers?nid=6_6x9JMR98MC&dat=18330921&printsec=frontpage&hl=en

[75] *Kingston Chronicle & Gazette* September 21, 1833, 2. In fact, although Eliza's first years on the Credit River reserve were difficult, her diaries demonstrate a deep affection and admiration for her husband, as well as devotion to missionary work among Indigenous peoples.

By 1834, the shock of this mixed-marriage seems to have cooled, because the Kingston *Chronicle & Gazette* included excerpts from a letter written by Reverend Jones himself in response to the receipt of a package of "useful articles sent from Bath" in which he says: "Sometimes when I think of the good Missionary meetings I attended in your great country, the zeal and spirit with which these meetings are conducted, and with my dear English wife (a thorough Missionary) by my side, *I feel like an Englishman*."[76] Macdonald met Reverend Jones, who was the missionary of the New Credit settlement, in 1841; Macdonald chaired a meeting of the Methodist missionary society and Reverend Jones gave the address. The way he was described in the newspapers following this event suggests he was well-educated, accomplished, and well-beloved at home.[77] These were the same traits that newspapers, before their wedding, used to describe Jones' wife as a way of contrasting her with Jones.

Reverend Saltern Givins was the Anglican missionary attached to the Tyendinaga Mohawks from 1831-1850.[78] His role as Rector of the Parish included ministering to the congregation of St. Mary Magdalene Anglican Church in Napanee- the church to which John A. Macdonald belonged during his time in that village. No doubt the always curious

---

[76] "Peter Jones, the Canadian Missionary Chief," *Kingston Chronicle & Gazette*, April 18, 1835, 2. Reprinted from *Farley's Bristol Journal* from the previous November. [Accessed through Google News] https://news.google.com/newspapers?nid=6_6x9JMR98MC&dat=18350418&printsec=frontpage&hl=en

[77] Donald Smith references the *Upper Canada Herald* which said that Peter Jones, "amused the congregation much with an account of the customs and traditions of the Indians in the heathenish state, as well as delighted them in recounting the wonders which had been wrought by the Gospel." "Macdonald's Relationship with Aboriginal Peoples," in *Macdonald at 200*, 65.

[78] "History," The Anglican Parish of Tyendinaga, accessed April 29, 2020. http://www.parishoftyendinaga.org/history.htm

John A. spoke with Givins about his work, perhaps after the choir practices that put them in contact with each other.[79] Reverend Givins was the son of John Givins who occupied the role of Indian Superintendent at York from 1816-1830, and then Chief Superintendent of the Indian Department from 1830-1837.[80] Reverend Givins was a supporter of the isolationist policy for Indigenous peoples, having witnessed the negative influences of the encroachment of settlers of 'low moral fibre' and being the recipient of numerous complaints about these settlers from the Indigenous people themselves. In line with the thinking of the Indian department and the missionary societies that influenced the direction of said department (as demonstrated in Chapter One), Givins wanted to see the Tyendinaga Mohawks settled on individual farms, sustaining themselves by farming instead of hunting. He saw his role in the "civilizing" process as providing education, religious instruction, and helping them to become financially independent from their "crafty unprincipled neighbours."[81] Givins had a great number of ideas to catapult the Tyendinaga Mohawks out of their savage ways and into civilized lives equal to those of virtuous white settlers. Deborah Doxtator, in her close look at the Tyendinaga Land Surrenders, summarizes some of Givins' plans. To achieve financial independence, Givins suggested Mohawk individuals be given small loans for up to three years so they could pay off their debts. The interest would be taken off their land payments until the principle was paid.[82] He also attempted to establish a store in Tyendinaga which would sell European goods at reduced prices, and the construction of a wharf and storehouse, all to provide employment opportunities and revenue sources. Other schemes involved selling wood and ashes, transporting food and goods to and from the wharf to Napanee, and of course, the establishment of small farms.[83] Interestingly, in June of 1836, Givins petitioned Lieutenant-Governor Bond Head to extend the franchise to each male adult Mohawk.[84]

---

[79] Smith, "Macdonald's Relationship with Aboriginal Peoples," 63.

[80] Doxtator, "Tyendinaga Land Surrenders," 62. Milloy also references Lord Dalhousie's characterisation of John Givins stating, he "...had degraded himself in society and disgraced himself so deeply by habits of drunkenness, as to make himself utterly unfit for duty as well as unworthy of the rank." Milloy "Era of Civilization," 54.

[81] Doxtator, "Tyendinaga Land Surrenders," 64, also LAC RG 10 vol. 50, p.56130.

[82] Doxtator, "Tyendinaga Land Surrenders," 64, also LAC RG 10 vol, 62, p.61935.

Reverend Givins was an enthusiastic "civilizer" – his inherent moral and religious obligations to his mission were no doubt his driving force. Although no correspondence appears to exist between Macdonald and Givins in the 1830s, their shared attendance of St. Mary Magdalene's in Napanee suggests they would have been in contact with each other. Givins' approach reflects the developing belief that reserve lands were too large, making them susceptible to white encroachment. Encroachment resulted in letters of complaint from the Indigenous occupants regarding resource and land issues, as well as exposure to the negative influences of the type of settler who would squat on Indigenous reserve land – a freeloader, a thief, a vagrant. Officials began to think that restricting reserves to manageable sizes would serve the purposes of all government officials – land would be opened up for proper settlement by industrious, moral farmers, and the Indigenous population would be gathered closer together, making it easier for missionaries to offer education and moral guidance.

In the early 1840s, mining companies in the United States had begun to extract minerals, particularly copper, around Lake Michigan. Canadian and British entrepreneurs speculated that there could be something to be found on the Canadian side as well. The Crown Lands Department was in charge of mineral resource development and, in 1845, they began to develop the administrative framework to support exploration.[85] Several regulations were issued regarding the licensing of prospectors, boundaries of claims, and the price of land which contained these minerals. In 1846, the Crown Lands Department issued thirty-four mining permits for exploration around the north shore of Lake Superior.[86] Surveyors soon followed the miners to look for settlement and other development opportunities. The Anishinabek (Ojibwe, or 'Ojibewa' by the treaty writers) did not take kindly to what they saw as trespassing on their territory. In what is now referred to as the 'Mica Bay Uprising,' Chief Shinguakouse of Garden River allegedly threatened a land surveyor, and numerous letters of complaint were sent to Governor General Cathcart.[87] Chief Shinguakouse himself wrote a letter noting his service alongside the British in the War of 1812, and he called the government out, reiterating the promise made that he would be able to live "unmolested forever"[88] which is a reference to the Royal Proclamation of 1763. He petitioned Cathcart not only for compensation for their land, but a share of what was found on it. The response from the government demonstrated a lack of understanding of both the history of Indigenous-Colonial relationships, and Indigenous cultures.[89] First, the Commissioner of Crown Lands, Denis-Benjamin Papineau (brother of Louis-Joseph Papineau) submitted a report to the new

---

[83] Doxtator, "Tyendinaga Land Surrenders," 65, also LAC RG 10, vol.62 p.61935 and RG 10 vol.61 p.61313.

[84] Ibid. See also LAC RG10 vol.61 p.61313 Saltern Givins June 17, 1836.

---

[85] Surtees, *The Robinson Treaties (1850)* (Ottawa: Indian and Northern Affairs Canada Treaties and Historical Research Centre, 1986), 4.

[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Ibid., 6.

Governor General, Lord Elgin, stating that the Anishinabek inhabitants had no claim to the land because they were not the original inhabitants, having only occupied the land since 1763, and the scattered bands over this vast land were not cohesive and therefore could not make a legitimate claim of ownership.[90] Then, commissioners Anderson and Vidal were sent out to announce that the government was going to make a treaty with the people. Anderson and Vidal went in search of the impacted bands while many of them were away at summer hunting or fishing sites, or were quarantined because of a cholera outbreak, and were therefore not notified.[91]

The incident at Mica Bay[92] motivated the government to sign the Robinson-Superior Treaty and the Robinson-Huron Treaty within days of each other in September of 1850. The treaties were negotiated by W.B. Robinson in Sault Sainte Marie. Surtees summarizes the land surrenders as: "The first [Robinson-Huron] contained 35,700 square miles of land, sold by a total Indian population of 1240; the latter was occupied by 1422 people and contained 16,700 square miles of territory."[93] The treaties themselves allowed for "…the said chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof as they have heretofore been in the habit of doing, saving and excepting only such portions of the said territory as many from time to time be sold or leased to individuals, or companies of individuals, and occupied by them with the consent of the Provincial Government."[94] J.R. Miller describes the Robinson Huron and Superior Treaties as "enormously significant," because when we look behind the negotiations, it is evident that the greater the control the settler society had over Indian affairs, the less respected were the established Crown obligations to First Nations.[95] Miller quotes Chief Shinguakonse of the Garden River who described the deterioration in the relationship like so:

---

[90] Potentially a reference to Vattel, as noted in the Bagot Commission.

[91] Surtees, *Robinson Treaties*, 9. The commission was not a total failure - Anderson and Vidal supported Indigenous claim to the territory under question.

[92] About the Mica Bay incident (1849), see Surtees, *Robinson Treaties*, 6-7: In November of 1849, a group of Ojibwa and Métis led by Allan Macdonell attacked the mining installations of the Quebec Mining Company at Mica Bay. The incident was over quickly – the Company agent on site surrendered without resistance – but the government was alarmed enough to send "100 rifles to suppress this "Indian uprising." Macdonell and Metcalfe, both white, were arrested, along with two Métis and two Ojibwa chiefs; all were sent to Toronto to stand trial, but all were later released. Also, "Disturbances at the Lake Superior Mines," *Globe* (1844-1936), November 22, 1849. [Accessed through the Toronto Public Library] http://search.proquest.com.ezproxy.torontopubliclibrary.ca/docview/1507549611?accountid=14369

[93] Surtees, *Robinson Treaties*, 7. The breakdown of population to land is interesting as it explains why settlers would see the land as unoccupied. On the other hand, it shows how much land was used by the Ojibwa to sustain their traditional livelihood.

> When your white children came into this country, they did not come shouting the war cry and seeking to wrest our land from us. In response, the Anicinabe welcomed them. Time wore on and you have become a great people, whilst we have melted away like snow beneath an April sun; our strength is wasted, our countless warriors dead, our forest laid low, you have hunted us from every place as with a wand, you have swept away all our pleasant land.[96]

The civilizing experiments of the 1830s had moved most First Nations in southern Upper Canada/Canada West onto small sections of reserved lands and under the supervision of Indian Department superintendents who continued to support them along the path to civilization. After the Robinson Treaties of the 1850s were negotiated, the land rush in Canada West slowed and the urgency of negotiating land surrenders eased. Settlers and administrators had begun to look further West. Indigenous peoples were not even mentioned in the 1841 Act of Union, perhaps expressing the culmination of what Surtees refers to as the "transition of the Indian from a 'noble savage' to a social burden."[97]

---

[94] Surtees, *Robinson Treaties*, 3.

[95] J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), 117.

[96] Ibid.

[97] Surtees, "Indian Reserve Policy," 12.

The 1830s and 40s were decades in which massive social change began to unfold in the developing colony and scholars such as Bruce Curtis, Allan Greer, and Ian Radforth argue convincingly that it was in these decades that the foundations of the state were being laid. Bruce Curtis looked very closely at the 1840s and 50s while tracking the development of inspection and audits in the education system during these important decades. He argues that major political transitions, including an expanded state system, happened over the 1840s, driven by the desire to create order out of the chaos that was colonial administration, to prevent another rebellion and build an effective bureaucracy.[98] Indigenous affairs was included in this drive for an expansion of the state. Yet, the complexity of the management of Indigenous affairs was that it was an inherited bureaucracy, and one that seemed to be in contrast to what politicians interested in the development of the nation were aiming to achieve.

Alongside the development of an expanded state system, there was a growing push for more representative government in the Canadian colony. As Imperial and colonial politicians considered the franchise, they were also inadvertently considering more philosophical factors such as class, gender, and morality. John Stuart Mill was a supporter of the development of local governments and commented on Durham's policy, as outlined in the Durham report of 1838,[99] arguing that an elected local government was "…not only the grand instrument of honest local management, but the great 'normal school' to prepare people for representative government."[100] Politicians from across the Canadian political spectrum accepted this because, as Curtis characterizes it, "local-government institutions were productive of a two-fold 'improvement': first in standards of material life; second, because as educational institutions, they would prepare and train 'the people' in their own self-government and subordination."[101]

---

[98] Bruce Curtis, *True Government by Choice Men? Inspection, Education, and State Formation in Canada West* (Toronto: University of Toronto Press, 1992), 5.

[99] The Durham report was commissioned as a response to the Rebellions of 1837-8. It also advocated for the joining of Upper Canada and Lower Canada into the United Province of Canada (Canada West and Canada East).

About Canada, another Scot declared, "Here, we are lairds ourselves,"[102] celebrating the opportunities that existed in the colony for enterprising people, and the lack of a class system that would have limited one's ability to reach their fullest potential. This statement also connected to the idea that you could think for yourself, therefore making you responsible for your own self-government. Under the pre-rebellion reality, Anglican Loyalists ruled Upper Canada through the Family Compact, and they supported the idea that scattering members of the aristocracy through areas under settlement would inspire the settlers to aspire to the good moral character of the aristocracy. The rebellions overturned this assumption and encouraged the colonial officials to support responsible government – a distinct milestone in the process of Canadian state formation. The lower classes, the common man, was now an active participant in a shared morality. Considering the civilizing attempts of the 1830s and the Indigenous enfranchisement legislation that would be introduced in 1857, it appears that the Indigenous population was expected to have a place in this state.

---

[100] Curtis, *True Government by Choice Men?*, 26. "Representative government" in this case being provincial government (or after 1867, federal government).

[101] Referenced in Curtis, *True Government*, 26.

[102] Gwyn, *The Man Who Made Us*, 14.

In 1844, Macdonald accepted the nomination to run as a representative of Kingston for the Conservative party in the Provincial election. Pledging to address "the settlement of the back township district, hitherto so utterly neglected, and to press for the construction of a plank road to Perth and Ottawa,"[103] Macdonald was the Conservative-thinking, locally-focused, and pro-development man the Kingston elites wanted to represent them. Soundly beating his opponent, Anthony Manahan, John A. Macdonald began his long career as a politician. He was quickly made Receiver General (part of the Executive Council of the Province of Canada) – further demonstrating his popularity now among the politicians of the day in both Canada East and West.[104] John A. Macdonald was becoming the great man his mother believed he would be.

Macdonald's beloved mother Helen spoke Gaelic, but the native language of the Highlands was associated with backwardness, so she chose not to pass it on to her children.[105] In fact, Highlanders themselves were seen as backwards and uncivilized.[106] By moving out of the Highlands into town, John Macdonald, John A.'s grandfather, set his family on a course that would open up opportunities he never could have imagined. Mr. Macdonald's success in Dornoch enabled his son, Hugh, to seek his own opportunities outside of the constricted, classist reality of the clan/feudal system of the Highlands. Opportunities in the Canadian colony meant that a poor Scottish immigrant could become the first Prime Minister of what would become the Dominion of Canada.

---

[103] Gwyn, *The Man Who Made Us*, 63.

[104] The British Whig talks about his great conduct and popularity in "New Appointment," *British Whig*, May 18, 1847, 2. https://collections.digitalkingston.ca/islandora/object/pdf:8698

[105] Martin, *John A. Macdonald*, 18.

[106] Alexander Murdoch, *Scotland and America, c.1600-c.1800* (Hampshire and NY: Palgrave MacMillian, 2010), 107.

Macdonald's own family history was an example of an immigrant success story. Education, industry, and owning property were the keys to any man, regardless of his class, being able to realize the liberty that was his inheritance, and elevate himself to whatever he set his mind to. We could extrapolate from this that, from Macdonald's perspective, it was in the best interest of Indigenous peoples to forsake their backwards way of life, which was unsustainable in the face of encroaching settlement, and join the ranks of "…freemen, the greatest confederacy of civilisation [sic] and intelligent men that ever had an existence on the face of the Globe."[107] Cruel as it may be at the time, the long-term gains – of achieving the civilized status of the white man and no longer "…wallowing in sloth, ignorance, and depravity…"[108] – were worth it.

John A. Macdonald is a complex character. It seems that he took Mackenzie's advice to be more "free and lively" with people as he was quite popular.[109] He was also able to bring people together, making him the charismatic leader that British and Canadian officials needed to unite the partisan political field– across party line, across languages – but only within the European settler population. Sir Joseph Pope, always in search of clues to Macdonald's past, recounted in his *Memoirs*, "To the last he never forgot the bay of Quinté [sic], and, whenever I passed through that charming locality in his company, he would speak with enthusiasm of the days when he lived there, pointing out one spot after another, and recalling some event connected with each, until, between Glasgow, and Kingston, and Adolphustown, and Hay Bay, and the Stone Mills, I used to get puzzled as to which was really his native place."[110] Perhaps his lack of roots, and his exposure to the unnerving Rebellions of 1837-8, played a role in his ability to see multiple perspectives, to be flexible, and to embrace each moment.

---

[107] From a speech given in 1861. Sarah Gibson and Arthur Milnes, eds, *Canada Transformed: The Speeches of Sir John A. Macdonald* (Toronto: McClelland and Steward, 2014), 138.

[108] *British Whig,* December 9, 1834, 3 column 2.

[109] Macdonald was elected as president of Young Men's Society in Kingston, and also started his own society, the *Vache Rouge* in Napanee. He was also elected president of the St. Andrew's Society.

Allan Greer, Ian Radforth and Bruce Curtis all agree that the 'state' is a process, rather than a thing. Sociologist Philip Abrams (informed by Marx and Durkheim) argues that state formation is a cultural phenomenon. Through his 'Historical Sociology' approach, he advocates examining the individuals involved in government to better understand how their particular influence impacted the policies they developed and the institutions they built. Curtis summarizes Abrams' theory stating: "…social and historical developments are inevitably processes in which people, formed through social institutions, re-create and modify the very institutions that formed them in the first place."[111] Abrams characterizes this as "structuring" – a dialectic whose terms are human agency and social structure – whereby we must consider both people's conscious activity in pursuit of social interests and the unintended consequences of this activity for themselves and others.[112] Looking through Abrams' lens at the influence of Macdonald on the development of Indigenous policy, it is clear that an examination of Macdonald's early interactions – how he formed his perceptions of and about Indigenous peoples and their place in the process of state formation – is essential to understanding the policies he developed. In the next chapter, we will examine just how Macdonald not only re-formed the institutions that formed him, but also how he codified these reforms into laws that would last for over one hundred years.

---

[110] Pope, *Memoirs*, 6.

[111] Curtis, *True Government by Choice Men?*, 9.

[112] Ibid.

Chapter 3: Macdonald’s Influence on Canadian Indigenous Policy Development

Having explored the history of Colonial Indigenous policy in what was to become the Dominion of Canada, and the personal history of John A. Macdonald within the context of his own understanding of Indigenous peoples, I will now seek to uncover what influence Macdonald had on the development of legislation around the management of Indian affairs in Canada. The following chapter will outline shifts in the relationship between Britain and its North American colony, the impact these shifts had on Canadian governance, and Macdonald’s role in managing these shifts as co-Premier and later as the first Prime Minister of Canada. Most critically, this final chapter will examine how these shifting relationships impacted Indigenous peoples by looking at two specific bills moved through parliament by John A. Macdonald: the Gradual Civilization Act (1857) and the Gradual Enfranchisement Act (1869). These Acts are significant because they tie together legislation that pre-dated the formation of the Dominion of Canada and the Indian Act (1876), which continues to be the legislation managing Indigenous-government relations in Canada today.

Macdonald the politician came of age in a time of “philosophical complexity.”[1] The Scottish Enlightenment of the 18th century had produced thinkers such as Adam Smith and David Hume, and had inspired a new wave of intellectuals such as Karl Marx, John Stuart Mill, and Charles Darwin; their revolutionary writings were being published throughout the 1840s to 60s when Macdonald was in the first decades of his long political career. It is impossible to know for certain if and how these intellectuals and their philosophies influenced John A. Macdonald, but his biographers record that Macdonald was a voracious reader with a keen interest in everything British, and the influence of these thinkers was widespread; indeed, we still study them today.

---

[1] Rod Preece, “The Political Wisdom of Sir John A. Macdonald,” Canadian Journal of Political Science 17, no. 3 (1984): 460.

Creighton wrote that the Durham Report (published in 1839) ushered in a new era of Canadian politics which coincided with the start of Macdonald's political career.[2] While there have been many debates since on the effects of this Report,[3] Creighton did make a good point when he suggested that Macdonald "...had almost nothing to unlearn from the vanishing past. He could adapt himself with facility to the requirements, and the opportunities, of the present and the future."[4] The comparison Creighton made here was between a "pre-Rebellion generation of Canadian public men" who, "failed […] to survive very long in the new political atmosphere"[5] and the up and coming young politicians like Macdonald who were more adaptable to a changing political climate, one that depended on moderates and collaborators instead of extreme partisan preferences. Biographers and scholars of Macdonald, particularly Pope and Morton, agree that the 1850s were a decade of political chaos in the Canadas. The government of the Province of Canada was forming and falling at an alarming rate, hamstrung by partisan disagreements on serious issues such as political representation, trade, education, and where to establish the permanent seat of government. The seat of government was mobile, moving every four years between 1849 and 1865, rotating between Quebec and

---

[2] Creighton, *The Young Politician*, 69.

[3] For example, see Ged Martin, *The Durham Report and British Policy: A Critical Essay* (Cambridge: Cambridge University Press, 1972).

[4] Creighton, *The Young Politician*, 69.

[5] Ibid.

Toronto. Not only does this complexity provide challenges when looking back from present day, but it is further compounded by the fact that many records of the Parliament of the United Province of Canada were destroyed by fires when the Parliament buildings burned down in 1849[6] and 1854.[7] At the Imperial level, Governor General Edmund Walker Head had been asked by Colonial Secretary Labouchere to consider how to achieve a union of the British North American colonies, the development of the intercolonial railway, and the acquisition of the Hudson's Bay territories in the north west of the continent.[8]

The 1850s were also very challenging years in the personal life of John A. Macdonald. John A. and his wife Isabella lost their first-born child, a son named John Alexander, in 1848 – he was 13 months old. Isabella had struggled with poor health since the early years of their marriage, but following that tragedy, Isabella's health began to rapidly decline. She spent some time recuperating with family in the eastern United States,[9] so between the rotating Legislature, political trips to England, and time spent with family, John A. was frequently traveling. Macdonald's personal finances were strained due to his obligations and some poor investments. Gwyn writes: "As head of the family, Macdonald was now responsible for ensuring that his mother was looked after, for making similar arrangements for his wife as she too had become an invalid, and for the financial and other needs of his two unmarried sisters […] Macdonald was at the same time trying to advance his career in politics and to maintain his law practice."[10] He was drinking heavily during the last half of the 1850s through to the mid-1870s, perhaps as a result of the emotional strain he was under.[11] John A. and Isabella's second child, Hugh John, was born in 1850.[12] By the end of 1857, Isabella was critically ill. Pope recounted that he "...heard Sir John say that many times during the [Legislative] session of 1856 [in Toronto] he used to dread going home at night lest he should find her dead."[13] On December 28, 1857, Isabella succumbed to her unnamed illness and was buried beside her first son, John Alexander, in Kingston.[14] With no time to properly mourn his wife, Macdonald was back in the Legislative Assembly in January. The recent election (also in December of 1857) had resulted in the loss of important Conservative Cabinet ministers and Macdonald, as the leader of the Liberal-Conservative Party, had to try to rebuild his struggling government.[15]

---

[6] The second Parliament and first session of the third Parliament were held in Montreal (between 1843-1849). In response to the Rebellions Losses Bill, Tory rioters set fire to the buildings that housed the legislature in Montreal while members of the House were sitting on April 25, 1849.

[7] LAC R14529-0-9-E Parliament of the Province of Canada *fonds* -see the "Administrative History" where it says: After the catastrophic fire of the then new Parliament Buildings in Ottawa in 1916, what little records of the Parliament in the united Province of Canada survived were transferred to the Archives. Copies of as many Parliamentary documents as could be found were collected into *fonds* from the governor's files, and from the Civil Secretary.

[8] W.L. Morton, *The Critical Years: The Union of British North America, 1857-1873*. The Canadian Centenary Series, Vol. 12 (Toronto: McClelland & Stewart, 1964), 9.

[9] Primarily in Georgia and New York.

Macdonald was a moderate politician. In the years of partisan stalemate, his political flexibility was necessary to make the divided government work. But it had the simultaneous effect of branding him, in popular culture during his time to today, as devious, inconsistent, silver-tongued, manipulative, and committed to seeing his vision for Canada realized at all costs. John A. Macdonald was a member of the Conservative party for his entire political career; he accepted the position of leader of the Conservative party in 1856 when Sir Allan MacNab was artfully retired from politics. As explored in Chapter Two, Macdonald's education and law career were influenced by the conservative home he grew up in and the conservative, predominantly Scottish, city of Kingston in which he built his law career. By Confederation we find him at the head of the Liberal-Conservative Party. The Liberal-Conservative Party was a product of the Conservative Party and moderate Reformers of Canada West, joining with *bleus* from Canada East under the MacNab/Morin premiership. Macdonald characterized his own political leanings, stating: "...I have always been a member of what is called the Conservative party. I could never have been called a Tory... I have always been a Conservative-Liberal."[16] Toryism in turn-of-the-century British North America was identified in Upper Canada with the Family Compact. It was synonymous with "rigid, outdated principles",[17] "ecclesiastical privilege for the Church of England […] and its adherents, and the maintenance of the restrictive prerogatives of the traditional landed and commercial elites,"[18] as well as patronage, a strong connection to the Crown, and a fear of American annexation.[19]

---

[10] Gwyn, *The Man Who Made Us*, 86.

[11] Ged Martin characterizes Macdonald as a binge drinker, suggesting that Macdonald eventually got this habit under control after his metabolism could no longer keep up with it. His second wife, Agnes, was also a staunch Anglican and strongly encouraged Macdonald to give up drinking. Martin, *John A. Macdonald*, 146-147.

[12] Hugh John followed in his father's footsteps, becoming a lawyer and a politician in Manitoba.

[13] Pope, *Memoirs*, 169.

[14] Ged Martin, *John A. Macdonald*, 67. Isabella's funeral procession was the longest in Kingston history.

[15] It is also noteworthy that in March of 1858, Macdonald was looking for a way to resign but Governor General Edmund Walker Head convinced him to stay on as party leader. Martin, *John A. Macdonald*, 68. Pope also references other occasions over Macdonald's long career where he intended to resign but was persuaded to stay.

---

[16] Preece, "Political Wisdom of Sir John A. Macdonald," 461.

[17] Michel Ducharme, "Macdonald and the Concept of Liberty," *Macdonald at 200: New Reflections and Legacies*, eds. Dutil and Hall (Toronto: Dundurn Press, 2014), 144.

[18] Preece, "Political Wisdom of Sir John A. Macdonald," 464.

[19] "The Tory Oligarchy," *Canadian History: Pre-Confederation.* Chapter 11. https://opentextbc.ca/preconfederation/chapter/11-4-the-tory-oligarchy/ accessed April 5, 2019.

Scholars and biographers of Macdonald spent the century since his death either ignoring or debating the specifics of Macdonald’s particular brand of conservatism and he has been claimed by Conservatives and Liberals alike.[20] In order to understand Macdonald’s approach to Indigenous people, it is crucial to try to piece together his personal political ideas. Scholars Rod Preece and, more recently, Michel Ducharme and Colin Grittner took on the task of examining Macdonald’s political principles and ideas and have added much clarity to this topic – by no means an easy task.[21] Their work is also helpful for untangling the perceived crossovers between conservatism and liberalism in Macdonald’s politics. Michel Ducharme summarized the shifts in Canadian political historiography as generally confirming the perspective of Macdonald’s eminent biographer, Donald Creighton, that Macdonald was a moderate conservative who had a knack for negotiating.[22] But, Ducharme also noted another similarity amongst Macdonald’s biographers and their treatment of Macdonald’s politics (if they mentioned them at all): that none of them actually explored what his particular brand of conservatism was, or made an in-depth examination of his political thought. Ducharme’s own examination of Macdonald’s political thought is one of only a handful of sources that explore this topic.

Ducharme suggests that getting a sense of Macdonald’s political values and principles is challenging because he rarely shared them explicitly.[23] Macdonald was also quoted on a few occasions extolling action over theorizing,[24] seeming to demonstrate a preference for the practical over the philosophical. The work of Rod Preece, an earlier scholar of Macdonald's politics, though, suggests that this might be a misdirection.[25] Through his examination of the "political wisdom" of John A. Macdonald, Preece found that Macdonald regularly exposed his politics through quotations he used during his speeches in Parliament, tracing Macdonald's politics back to British politician and philosopher Edmund Burke.[26] Preece suggests that what scholars, journalists, biographers, and the public have criticized as Macdonald's "apparent inconsistencies," should instead be understood as following Burke's doctrine of circumstances.[27] Preece summarizes the ideological foundation of the Liberal-Conservative party as, "centred around the idea of moderation, balance, prudence, and order,"[28] ideals that could be appreciated by moderate conservatives and moderate liberals alike. In the intensely partisan United Provinces of Canada, compromise seemed to be the only way to get things done. Macdonald, as a moderate conservative, was an ideal leader for a

---

[20] Ducharme, “Macdonald and the Concept of Liberty,” 144-145.

[21] Many other scholars have addressed Macdonald’s politics, but not to the extent of these scholars. Ducharme and Grittner undertake their analysis in conversation with Preece’s work. Preece’s 1984 essay represented a new way of understanding Macdonald as a politician, and it is still relevant and important today.

[22] A general overview of the shifts in the historiography of Macdonald’s politics can be found in Michel Ducharme’s chapter “Macdonald and the Concept of Liberty,” in *Macdonald at 200,* 143-145.

[23] In his examination of Macdonald’s concept of liberty, Ducharme situates Macdonald’s silence on the subject within a transnational silence on the subject. Ducharme notes that intellectual debates around

---

political philosophies had been replaced by debates on the mechanisms of government and reforms. In the Canadian context, intellectual political debates caused extreme partisan rifts, so the practical realm was a more neutral space.

[24] Ducharme, "Macdonald and the Concept of Liberty," 141. One such quote is cited here as well, "in a young country like Canada...it is of more consequence to endeavor to develop its resources and improve its physical advantages than to waste the time of the Legislature, and the money of the people, in fruitless discussions on abstract and theoretical questions of government" (Macdonald, speaking during the provincial election in 1844 to his supporters in Kingston).

[25] Preece, "The Political Wisdom of Sir John A. Macdonald," 460.

[26] Preece, referring to the analysis of scholar T.W.L. Macdermot who suggested that Macdonald had mostly "spare parts" for political ideas, says, "...it should surprise us of the Macdonald who, especially in his earlier days, would illuminate the House with quotations – sometimes unattributed – from Burke, Bentham, Pitt, Chatham and even Sir James Mackintosh, the leading Whig opponent of Burkes' views on the French Revolution." "Political Wisdom of Sir John A. Macdonald," 460.

[27] Ibid., 463. Preece goes on to say (referencing Burke): "It is 'circumstances' which give in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind."

[28] Preece, "Political Wisdom," 465.

government that needed to compromise to accomplish anything. Creighton, himself a staunch conservative, noted in his biography on Macdonald, that, "Even William Lyon Mackenzie rather grudgingly admitted that Macdonald had "something of the liberal spirit in him."[29]

P.B. Waite's biography of Macdonald summarizes his political focus simply as: "Forget about abstract notions of what government ought to be. Concentrate on the country's development."[30] While this statement may well support a view that Macdonald was a pragmatist over a philosopher - a typical conservative principle - it also reflects his reality: partisan entrenchment was tearing the United Province of Canada apart. This statement could also be interpreted as a call to nationalism[31] – a vision that Macdonald would dedicate his life to achieving. Even during the legislative debates on the Confederation question, Macdonald spoke relatively little about his vision of what the Canadian state would look like, or what his idea of the "country's development" was, but over the decades, scholars have pieced together a basic view of it. At the head would be the Monarch – Canada was to be a jewel in the Imperial Crown. Below, but not subordinate to the Crown was the Prime Minister, then the Cabinet, formed by members of a Lower House, and a Senate or Upper House, which would be made up of respectable, moral men who would be appointed to the Senate for life, and would therefore ideally be unaffected by partisan concerns. The Senate would be comprised of wealthy, propertied men. There was no aristocratic class in Canada so the Senate was an attempt to establish a framework which would maintain a degree of morality and sound judgement for the nation, as well as serve to protect the principle of property. Senators would be consistent and a constant in the face of an ever-shifting House of Commons, and would evenly represent the different regions of Canada.[32] Representatives of the House of Commons were elected to make decisions for the people - people that many of the representatives regarded as unable to make wise decisions for or represent themselves. Macdonald argued that the representative freedom that the people in the united colony could gain would come to them through representative institutions as modeled by the English legislature – an institution where "all interests and all classes found protection...".[33]

---

[29] Creighton, *The Young Politician*, 218.

[30] Quoted in Ducharme, "Macdonald and the Concept of Liberty," in *Macdonald at 200*, 142.

[31] Nationalism here meaning a support for the united Confederation of British North American Colonies.

Who would get to vote for these representatives? Macdonald's focus was on centralizing the franchise. In extending the franchise to qualified property owners, Preece says of Macdonald, "he did not regard his suffrage legislation as part of a desirable and inevitable step toward a universal franchise but as a move toward the creation of a Canadian identity, a diminution of the continued particularism of the constituent provinces."[34] As was considered in Chapter Two, perhaps Macdonald's experiences in the militia during the Rebellion of 1837, the uncertainty of the location of the political capital, and the extreme partisan debates that were forcing the country into a deadlock served to shape his belief that the focus needed to be on the nation as a whole, not subject to the policies of all the different provinces. Therefore, the federal franchise must be determined centrally (federally), not locally (provincially). He did not believe that provincial legislatures should be sovereign – they were answerable to the Canadian legislature and British parliament. Preece argues that Macdonald's focus on controlling the franchise was to "express the national interest" over local interests.[35]

---

[32] Ducharme, "Macdonald and the Concept of Liberty," 159-161.

[33] Sarah Gibson et al. *Canada Transformed*, 115.

[34] Preece, "Political Wisdom," 472.

There are two topics that will serve as useful entry points to afford a better understanding of both Macdonald's politics and his political relationship with First Nations: liberty and land. These, for Macdonald, go hand in hand, so for us, a close examination of his concept and value of each will provide a deeper understanding of his personal and political values, which we can then use to analyze his political actions. Macdonald maintained the property qualification in any franchise legislation he tabled – unpassed franchise bills were presented by Macdonald in 1858, 1859, 1864, and 1866 before the successful Electoral Franchise Bill was passed in 1885.[36] This qualification reflected his own liberal-conservative political view, as well as his own values. Property ownership meant a person had a stake in the political life of the nation which also implied that he was an active engaged citizen who should have a political voice. Ownership of property also assumed a certain status and morality in a person, which was essential to building a strong, moral state. But, the property qualification introduced a legal complication for First Nations, as the common reserve system would be undermined by a property qualification.[37] For First Nations to have the right to vote under Macdonald's enfranchisement laws, they would need to choose alienation from their traditional way of life and become property-owning British-Canadian citizens.

---

[35] This is part of Burke's conservative philosophy. As Preece argues further, though, Macdonald and politicians of the Canadas first had to create a sense of a national interest. Preece, "Political Wisdom," 472.

[36] The *Electoral Franchise Bill* was passed in 1885. Macdonald referred to it as "the greatest triumph of my life." Timothy J. Stanley refers to it as an extremely racist piece of legislation in, "The Aryan Character of the Future of British North America": Macdonald, Chinese Exclusion, and the Invention of Canadian White Supremacy," in *Macdonald at 200*, 118.

[37] Colin Grittner, "Macdonald and Women's Enfranchisement," in *Macdonald at 200*, 40.

As underscored by his maintenance of the property qualification for his franchise legislation, for Macdonald, land was central to his concept of liberty, so the logical place to begin is with an examination of Macdonald's concept of liberty.[38] Early Canadian conservatives focused more on order than liberty. Ducharme dug further into this generalization and found that Macdonald's understanding of order was rooted in a particular concept of liberty, which Ducharme characterizes as: "[Macdonald] did not understand this liberty to be an inherent right, but his inheritance as a British subject.[39] His definition of liberty focused on the liberties of the subjects, on civil liberties rather than political liberties and independence […]. Liberty meant autonomy, not sovereignty."[40] Macdonald the lawyer valued the constitution[41] — the body of rules that governed the orderly operation of the colony, and later the one that governed the new Dominion of Canada[42] — as the root of liberty, under which every citizen of the colony had civil liberties. One of the most important of these individual rights was equality before the law, which Macdonald clearly valued: he regularly demonstrated this in his law practice.[43]

---

[38] For this examination, I rely heavily on Michel Ducharme's chapter "Macdonald and the Concept of Liberty," in *Macdonald at 200*.

[39] Ducharme, "Concept of Liberty," 151. This "modern concept of liberty" - one which emphasized the "civil rights and liberties of subjects and citizens rather than their political rights" - was first discussed by John Locke in his *Second Treatise on Civil Government* (1691), then developed by the first generation of French *philosophes*, British Constitutionalists, Scottish thinkers, British Whigs, and American Federalists in the eighteenth century.

[40] Ducharme, "Concept of Liberty," 150-151.

[41] Macdonald was a strong supporter of the power of a constitution – sometimes referring to the British constitution as "our Constitution." Ducharme, "Concept of Liberty," 150. Referencing John A. Macdonald, October 11, 1864, as quoted in "Hewitt Bernard's Notes on the Quebec Conference, 11-25 October, 1864" in *Documents on the Confederation,* 98.

[42] Ducharme, "Concept of Liberty," 160-161. The Canadian Parliament would be superior to the Crown in determining the best interests of Canada and a Cabinet, who had the confidence of the Parliament would advise the Crown on what was in Canada's best interest. This would seem to be a reflection of some growing pains in the burgeoning colony – always asking permission and for financial support from the distant metropole made any action inevitably slow, coupled with a growing realization on the Canadian side that British politicians did not always understand how things in Canada worked so perhaps Canadians should be making decisions for Canadians. See also Phillip Bucker, *The Transition to Responsible Government* (Contributions in Comparative Colonial Studies, Number 17, Westport, CT: Greenwood Press, 1985), 69.

Ducharme situates Macdonald as an ideological associate of Walter Bagehot, a British Whig commentator of the mid-1800s. Bagehot, in his book *The English Constitution* (1867), argued that a proper representative system of government would remove the need to continue to debate the rights of individuals, because these would all be addressed in that system.[44] According to Ducharme's research, the "nation" (or the "people" - Macdonald used the terms interchangeably) which was represented by the Canadian legislature was "...neither a single abstract entity nor the sum of the individuals living on the national territory. Rather, it was a community including 'all interests, classes, and communities' living in Canada (this conception of the nation as the sum of interest groups within the country was typical of an eighteenth-century version of modern liberty)."[45] As has been convincingly argued by Preece and Ducharme, John A. Macdonald supported "Constitutional Liberty"[46] over republic-style democracy, but he also supported an expanded suffrage for the House of Commons, within reasonable limits.[47] Referencing the violent upheavals of the French revolutions,[48] Macdonald stated that,

---

[43] One of the most important cases for Macdonald was his defense of the rebels of the Rebellions of 1837/8 whom he had taken up arms against. Ducharme, "Concept of Liberty," 152. His biographers also discuss this case in more detail. Of course, for Macdonald, "the law" was British Law.

[44] Ducharme, "Concept of Liberty," 149.

[45] Ibid., 157.

[46] "Constitutional liberty," is summarized by Ducharme as the opposite of the "republican or democratic freedom as experienced in the United States of America" - instead, Canada would "have a strong and lasting government under which we can work out constitutional liberty as opposed to democracy." Ducharme, "Concept of Liberty," 150.

> Experience had shewn that it left a nation weak and led it toward anarchy and despotism. Unless there was a middle power, unless property was protected and made one of the principles on which representation was based, they might perhaps have a people altogether equal, but they would soon cease to be altogether free [...].[49] If the principle of representation by universal suffrage was adopted, the result would be in this country as it has been in other countries, that those who had no property would come to have the governing power, the power of imposing the burdens on those who had property. In all countries where universal suffrage has been introduced, it amounted in the long run to a confiscation of property, and men of property had been obliged as in France, to seek refuge in despotism, to rescue them from the tyrannical power of mere numbers. While population was one of the chief elements on which representation should be based, it was still only one of the elements, and the true principle by which representation should be regulated, was that all interests should be represented.[50]

Universal suffrage was not the only political concept he disliked; he also criticized the state sovereignty that existed in the United States, referring to it as a "fatal error." Macdonald summarized his view as: "The true principle of a confederation lay in giving to the general government all the principles and powers of a sovereignty, and that the subordinate or individual States should have no powers but those expressly bestowed on them. We should thus have a powerful Central Government – a powerful Central Legislature, and a powerful centralized system of minor Legislatures for local purposes."[51] This 1861 speech goes on to extol the virtues of having a common goal, regardless of cultural or political diversity, but working for the same cause – to be an

---

[47] Ducharme, "Concept of Liberty," 158.

[48] 1789 and 1848. Resulting in the overthrow of monarchies throughout Europe and significant social upheavals. In France, universal suffrage was instituted as a result of the revolutions.

[49] From the "Best speech Macdonald ever delivered," House of Assembly, Quebec City, April 19, 1861. Re-printed in Gibson et al., *Canada Transformed*, 111-112.

[50] Gibson et al., *Canada Transformed*, 114.

[51] Ibid., 130.

"...ally of Great Britain – England would be the centre, surrounded and sustained by an alliance not only with Canada but Australia, and all her possessions; and there would thus be formed an immense confederation of freemen, the greatest confederacy of civilisation [sic] and intelligent men that ever had an existence on the face of the Globe (Cheers)."[52]

As was widely recorded in debates in Legislatures from Canada West to the Maritimes, the major issues persistently affecting the Indigenous peoples were and continued to be about protecting them from abuse by settlers – particularly relating to illegal land use and the ill-effects of alcohol abuse.[53] The two issues were tied together through the historical relationship between Indigenous peoples and settlers, but in the 1850s, settler bureaucrats separated these issues into social issues and economic issues – the effect of settlers on the naïve "children of the forest" and the need for land for the growing settler population. It is important to emphasize that by the 1850s, the settler population was dominant, not only in numbers, but in power - the settler population in the Province of Upper Canada numbered about two million, to about fifteen thousand First Nations people.[54]As the decade wore on, the natural birth rate rose and immigration increased.[55] The majority of new immigrant settlers were from the British Isles and Upper Canada/Canada West had a decidedly "British character."[56] 1856 was the year of the greatest absolute increase in the population on Canada.[57] An ever-increasing population was essential to ensuring the survival of the Canadian colony, especially in the face of the threat of annexation by the United States of America. Agricultural land for the incoming settlers was in short supply and the “underdeveloped” reserved Indigenous lands were an obvious, and as many citizens and bureaucrats alike argued, responsible solution to this problem. The general perspective of the settler population of Canada West in the 1850s is aptly summarized in a letter from a settler named W.H. Palmer to Froome Talfourd, Indian Superintendent (Western). Palmer wrote:

---

[52] Gibson et al. *Canada Transformed*, 138.

[53] There were many regulations, fines, and debates around offering or selling alcohol to Indigenous peoples. The most common Indigenous land-related complaints were in regards to – settlers squatting on land, stealing resources from the land through hunting, forestry, and mining, etc.

[54] Donald Smith, "Macdonald's Relationship with Aboriginal Peoples" in *Macdonald at 200*, 66.

[55] W.L. Morton breaks down the statistics, including the fact that many immigrants and citizens moved on to the United States of America. *Critical Years*, 1-3.

[56] Morton, *Critical Years*, 3.

[57] Ibid., 2.

> Those reserves are a terrible nuisance, and a regular drawback on the improvement of the country – There is not one of them along the north shores of lakes Huron and Superior that does not stand in the way of civilization ...the settler who wishes either as a Farmer, a Miner, or a man of general business to get a foothold on the Country finds himself shut out at every available point by an Indian reserve – And who are the Indians? What are they? And where will they be in 20 years hence?[58]

Mr. Palmer articulates what many government officials and settlers thought – not only that reserve lands stalled the progress of settlers to establish farms and contribute to the economy and to building the colony, but that the First Nations landholders did not have a long future in the British North American colony. This quotation also inadvertently describes the next reformulation of Indian policy in the Colony, and the expressed perspective of Palmer – likely a common, shared perspective among his fellow settlers – serves to explain why the reformulation of Indian Policy was not questioned or protested. The reformulation of Indigenous policy that took place between 1840 and 1857 will be discussed in greater detail later in this chapter.

---

[58] Milloy “Era of Civilization,” 247. The date on the letter is February 2, 1857. Froome Talfourd was also a commissioner for the Pennefather Commission (begun in 1856 and completed in 1858).

As was noted in the previous chapters, by the 1850s, the Crown had acquired millions of acres of Indigenous land through treaties, and opened them up for non-Indigenous settlement.[59] First Nations whose traditional territories encompassed the in-demand lands of Upper Canada – the Mississaugas, Six Nations, Ojibwa, Odawa, Saugeen – had been settled on comparatively small reserves and were pushed to starvation and destitution by the increased demand on the natural resources. Fish and game were much harder to find because of the massively increased competition and agricultural pursuits were hindered by a wide variety of bureaucratic, cultural, and natural factors. Land was of central importance to politicians, settlers and First Nations, but each group had a different relationship to it. For First Nations, their land was their ancestral homeland, their traditional hunting grounds, the place their ancestors were buried – they had spiritual, cultural, and economical connections to it. Politicians wanted to entice further settlement to increase the population, tax base, agricultural production, and exports to grow the fledgling nation. The settlers wanted land to build homes and businesses and to grow crops to provide for their families. As well, as referenced in Chapter Two, settlers increasingly participated in the growing export economy which was a result of the expanding industrialization of the early nineteenth century, including increased access to critical transportation infrastructure - particularly railways - and international agreements like the 1854 Reciprocity Treaty between Britain and the United States.

---

[59] John A. Macdonald himself speculated on some surrendered land in this area, particularly around Guelph, Ontario. J.K. Johnson explores Macdonald’s non-political activities in “John A. Macdonald, the Young Non-Politician,” Historical Papers Vol.6, Issue1 (1971): 142. In 1852, W.B Robinson– the Crown’s negotiator of the Robinson Treaties – partnered with Macdonald on a land speculation.

After the Union Act of 1841, "Canada" began to understand itself as an independent entity within the British Empire, and over the next two decades, its public servants sorted out a framework for governing this developing nation. The breakdown of the powerful Family Compact and the rise of a responsible government are indicative of the political changes happening in the United Provinces of Canada, which were a reflection of its position as part of the wider British Empire. Beyond the complexities facing the United Provinces of Canada internally, the relationship between the colony and its Imperial government was growing increasingly complex. In the late 1840s, Britain (Tory Prime Minister Robert Peel) repealed the corn laws which ended the pre-existing trade relationship between Britain and British North America. Gone were the trade controls and protective duties: free trade was the new *status quo*. Canadian public servants strove to build a strong, independent Canadian economy under this free trade banner, which included negotiating the 1854 Reciprocity Treaty. This shift also signaled the push towards self-governance – responsible government (which was in all British colonies which were more politically advanced), which is what Lord Elgin came to implement when he arrived as Governor General in 1847, and what Edmund Walker Head came to continue after Elgin. To be precise, responsible government was the demand of the colony, but was also in line with the wishes of the Imperial government that was feeling the financial strain of administering this growing colony. Public servants in Canada wanted autonomy, but (particularly the public servants in Canada West) wanted to maintain a strong connection to England and govern themselves by the British model, but adapted to life in Canada.

During the 1840s and 1850s, legislation concerning First Nations continued to be developed by the Governors General, the Colonial Office, and Canadian public servants, with the advice of local Indian Department employees. Macdonald, as Attorney General for Canada West, was actively involved in the general administration of the government, including the dispensing of patronage and political positions. In a letter to John Langton (a fellow Conservative), Macdonald said that he was pleased that Langton had turned down the invitation to take over the Indian Department (Langton instead was appointed chairman of the new Board of Audit) because he thought Langton was "...worthy of a better office than settling the quarrels of demoralized Redmen, with still more demoralized Whites."[60] Clearly Macdonald did not have a high opinion of a certain class of citizens. In his role as Attorney General, his job was to support the public's best interest, particularly the interests of the citizens of Canada West (George-Etienne Cartier was the Attorney General of Canada East) but not get so involved as to interfere or appear partial. Prior to 1860, First Nations were under Imperial jurisdiction so it is reasonable to conclude that Macdonald's interactions with Indigenous people prior to 1860 would have been through settler issues with First Nations – his duty was to protect the settler's best interests, not First Nations'.

On August 10, 1850,[61] two Acts were passed to address the continuing issue of infringement by settlers onto Indigenous lands in Upper and Lower Canada:[62] 1) "An Act for the better protection of the Lands and Property of the Indians in Lower Canada"[63] and 2) "An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury."[64] The Lower Canada act designated a Commissioner of Indian lands as the manager of all Indigenous land and property, with full power to lease lands and collect rents without the consent of the band. Also included in this act, for the first time on record, was a definition of "which classes of persons are and shall be considered as Indians belonging to the Tribe or Body of Indians interested in such lands." The definition was broad, though it contained four parts, including:

---

[60] J.K. Johnson, ed. *The Papers of the Prime Ministers, Volume 1: The Letters of Sir John A. Macdonald,* 1836-1857 (Ottawa: Public Archives of Canada, 1968), 237. John A. Macdonald wrote to John Langton (a fellow Conservative) at Quebec, February 6, 1855.

[61] August was the off-season so the Legislature was not officially sitting. Leslie, *Historical Development of the Indian Act*, 24.

[62] Upper and Lower Canada had been united as Canada West and Canada East into the United Province of Canada in 1841 but were still often referred to by their previous designations.

> First. - All persons of Indian blood, reputed to belong to the particular Body or Tribe of Indians interested in such lands, and their descendants. Secondly. - All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons. Thirdly. - All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such : And Fourthly. - All persons adopted in infancy by any such Indians, and residing in the Village or upon the lands of such Tribe or Body of Indians, and their descendants."[65]

John Milloy meticulously traced the shifts in British policy for the First Nations in Canada between 1830 to 1860. Milloy described the situation in the 1850s as:

> By 1857, the policy of civilization had been pushed off its original foundation. The traditional concurrent themes of tribal conciliation and Indian improvement were placed in subtle conflict as the new logic of the civilizing system, working out between 1840 and 1857, now demanded not only the provision of education and practical and religious training but also, as an indispensable pre-requisite for complete native civilization, the assimilation of individual Indians and the piecemeal absorption of reserved land into white

---

[63] An Act for the better protection of the Lands and Property of the Indians in Lower Canada is accessible here: https://bnald.lib.unb.ca/sites/default/files/UnC.1850.ch_.42_0.pdf

[64] Presented by Hon. Mr. Attorney General Baldwin. The division of the votes is not recorded, only that it passed, went to Legislative Council, and passed there too. Macdonald was present in the House that day. "Indians' protection bill (Upper Canada) (Toronto, Lovell and Gibson, 1850) http://eco.canadiana.ca/view/oocihm.9_05219/2?r=0&s=4

[65] An Act for the better protection of the Lands and Property of the Indians in Lower Canada is accessible here: https://bnald.lib.unb.ca/sites/default/files/UnC.1850.ch_.42_0.pdf

> colonial society. The inevitable corollary of this was the gradual disappearance of native nations in Canada.[66]

The Proclamation of 1763 was reformulated throughout the first half of the 1800s – the tenets of the Proclamation faded from Colonial discourse, and First Nations noticed. As described in Chapter One, First Nations had initially been keen to participate in early civilizing campaigns, but as more land was surrendered and uncertainty around annuities, compensation, and land title grew, their enthusiasm waned, and a determination to protect tribal identity in the face of assimilative pressure began to grow.[67] After initial impressive results from manual labour schools (the school at Alderville, Canada West, was a celebrated example), the enthusiasm of proponents of the civilizing approach began to cool as well, after results did not improve, and were not even sustained through the 1850s. Also at this time, the Canadian colony was struggling to find ways to move commodities and expand markets, but England, busy with the Sepoy Rebellion, did not provide the requested aid, the crops failed, and Canada sank into a depression.[68] By 1857, the Canadian provincial government was in shambles as well. George Brown (Clear Grit member for Lambton and editor of the *Globe* newspaper) and his newly strengthened coalition of Reformers and Liberals was dividing the Legislature and nation over calls for representation by population, annexation of the North West, free trade, and a secular education system. It was within this context that John A. Macdonald presented a bill before the Legislative Assembly that was to launch the next major reformulation of Indigenous policy.[69]

---

[66] Milloy, "Era of Civilization," 233.

[67] Ibid.

[68] Pope, *Memoirs*, 177.

[69] According to Milloy, "Era of Civilization," 270-271.

Legally known as An Act to Encourage the Gradual Civilization of the Indian Tribes in this Province, and to Amend the Laws Respecting Indians, but commonly referred to by its short name, “Gradual Civilization Act,” this bill was first introduced by Attorney General Canada West – John A. Macdonald. In his speech to open the Legislature in 1857, Governor General Sir Edmund Walker Head included these comments:

> A Bill will be laid before you which may prove to be the first steps towards admitting to the full rights and duties of British Subjects the more educated and civilized of the aboriginal Indians yet dwelling on their own lands. I feel a deep anxiety for the welfare of this people, and I shall endeavor to adopt measures such as will at once secure their interests, and diminish the obstacles to the complete settlement of the country now offered by the tracts reserved for their use.[70]

Attorney General Macdonald’s brief introduction to the bill, after moving its second reading, was summarized in the *Globe* as such: “It was proposed, in lieu of grants of money, to give to Indians possessing certain qualifications in respect of education, &c., grants of land of 50 acres each, not to be held in fee simple, but for life, and to descend to the children of the grantee. The system hitherto pursued had been destructive of habits of self-reliance on the part of the Indians, and it was hoped that that now proposed would be an improvement.”[71]

According to the report from the Legislative Assembly found in the *Globe*, the bill was generally referred to as “at least a good beginning” by members of the Assembly from across party lines during its second reading.[72] The outspoken editor of the *Globe*, George Brown, supported the bill as having a very good intention, but did not think that the bill "created any machinery for carrying out the civilizing process."[73] Brown thought that the bill would be most successful in circumstances where Indigenous peoples had mixed with the whites and were able to see the value of the "ambition or desire of gaining wealth."[74] Macdonald agreed. The Indigenous population needed a "sufficient inducement to draw them away from their old habits."[75] According to Macdonald, the first step to take to achieve this was to, "…let them have a piece of land, and to encourage habits of providence, by letting them know that, if they alienated their lands, they had nothing to fall back upon.[76] These comments highlight the shared conservative and liberal value of owning property and underline Macdonald's expectation of the development of certain character values that would come with owning and cultivating land, and limited government intervention, which appeased conservatives, liberals, and Imperial administrators. Macdonald was also summarized as saying, "The question was often asked whether steps were being taken to procure a surrender of the Indian Reserves, which were in the midst of settled parts of the country, and retarded improvement. This Bill, was not for that purpose, - but where the Government could induce the Indians to sell such lands, they did so."[77] Macdonald's statement here seems to give us some insight into how he envisioned the "country's development," and perhaps it is representative of the perspective of the majority of members of the Legislative Assembly. Again, the issue of reserve lands as obstacles to improvement is stated, alongside an implication that there was a settler desire for their lands. Yet, in highlighting that the surrender of Indigenous reserved lands was not the aim of this bill, Macdonald demonstrated that he was not interested in throwing anyone off their reserved lands and was committed to a gradual civilization process.

---

[70] Journals of the Legislative Assembly of the Province of Canada, February 26, 1857, (Toronto, R. Campbell, 1857), 5. In his speech to mark the closing the legislative session on page 725, Head said: “…you have not failed to show your impartial zeal for the progress of the Province, and for the increase of settlement in every direction.” http://www.canadiana.ca/view/oocihm.9_00952_15/3?r=0&s=1

[71] “Legislative Assembly – Civilization of the Indians,” *Globe*, May 16, 1857, 2. [Accessed through the Toronto Public Library] https://search-proquest-com.ezproxy.torontopubliclibrary.ca/docview/1511663069?accountid=14369

---

[72] "Legislative Assembly – Civilization of the Indians," *Globe*, May 16, 1857, 2.

[73] Ibid.

[74] Ibid.

[75] Ibid.

[76] Ibid.

[77] Ibid.

There were some criticisms to this bill recorded in the *Globe* report, some which also provide insight into other ideas for the management of Indigenous affairs. A.A. Dorion (Rouge, member for Montreal) suggested that all Indigenous territory should be taken and sold to the incoming settlers who needed the land and would use it to its full potential. The money would be given back to the First Nations who were in "miserable condition" and the whole problem would be solved once and for all.[78] Attorney General East - Cartier (a dear friend and close confidant of Macdonald) blamed whites for the corruption of the Indigenous peoples, a position held by proponents of the isolationist approach for management of Indigenous peoples since the 1830s.[79] W.B. Robinson (Conservative, member for South Simcoe),[80] a trader and negotiator with decades of experience working with First Nations, stated that First Nations did not consider themselves to be disenfranchised. He was concerned that this act took away their agency and did not agree that the government should treat Indigenous peoples like children: “Take away all this minute supervision, and their self reliance would be increased. Why should this Bill be pressed through, without getting on it the opinion of the Indians themselves or their cheifs [sic]. At their Council meetings the Indian cheifs [sic] deliberated quite as sensibly as hon. [sic] Members did in this House, and sometimes perhaps even more so.”[81] He feared that this bill would be “distasteful” to them. Mr. (William Lyon) Mackenzie (Reform, member for Haldimand) the leader of the 1837 Rebellion, recently returned from self-exile, criticized the whole bill asking, “What sort of civilization have we here? What with the railroad developments and other jobs, heaven preserve the Indians from such civilization!”[82] He was the only member of the Legislative Assembly to vote against the bill. Mr. (Lewis Thomas) Drummond (Liberal, Canada East) said that the real issue with Indigenous management was that the Indians were under Imperial control. He suggested that an “officer of our own should be placed over the Indian Department”[83] His comment was that because the lands were under Imperial control, the colony (Canada) could not manage the task of improving the condition of the Indigenous peoples. His argument was that “a gentleman coming direct from England and seeing an Indian for the first time in his life [likely does not] possess the necessary qualifications for managing the Department.”[84] He was disappointed in the bill, which he initially expected to be something valuable, but stated that when he took a closer look, he "…discovered that it was a poor, paltry measure, founded on narrow views, and a total ignorance of the state of the Indian tribes."[85]

---

[78] "Legislative Assembly – Civilization of the Indians," *Globe*, May 16, 1857, 2.

[79] Ibid.

[80] William Benjamin Robinson was the younger brother of Peter and John Beverley Robinson. He was a land speculation partner of Macdonald's at one point, and also negotiated the 1850 Robinson Treaties. He was described as being "one of the chief Indian traders throughout northern Ontario, a most intelligent and well-informed gentleman, and his reputation for fair dealing gave him a position of influence among the Indians." He held important positions in government such as Inspector-General and Commissioner of Crown Lands, and Commissioner of the Canada Company. He was also the first treaty commissioner to be appointed to the role from outside the Indian Department. J.R. Miller, *Compact, Contract, Covenant*, 114. See also, Julia Jarvis, "Robinson, William Benjamin," in *Dictionary of Canadian Biography*, vol. 10, University of Toronto/Université Laval, 2003–, accessed April 30, 2020, http://www.biographi.ca/en/bio/robinson_william_benjamin_10E.html.

---

[81] “Legislative Assembly – Civilization of the Indians,” *Globe,* May 16, 1857, 2.

[82] Ibid.

[83] Ibid.

[84] Ibid.

Most members did not think this bill would be effective, but agreed that it was "...a start." The bill was ordered to be considered in Committee of the Whole after its second reading. No records of this Committee discussion exist so far as I can tell, and although the *Journals* state that "sometime was spent therein"[86] - no amendments were made. It was then forwarded to the Legislative Council where it was approved without amendment.[87] Then it was returned to the Assembly where it was read the third and final time after which "Attorney General Macdonald moved, seconded by Solicitor General Ross [...] that the Bill do pass."[88] The Assembly supported the bill 72-1 with Mr. (William Lyon) Mackenzie being the only vote against. Clearly, Macdonald was on the same page as the majority of members of the Legislative Assembly when it came to Indigenous affairs.

With the approval of the Legislative Assembly and Legislative Council, An Act to Encourage the Gradual Civilization of the Indian Tribes in the Province, and to Amend the Laws Respecting Indians,[89] was signed by Cartier, and the Governor's Secretary R. J. Pennefather, Esq. and received Royal Assent on 10 June, 1857. After the Bagot Commission Report (1844) was published, the Colonial Office had delegated Indigenous policy decisions to the Civil Secretary of the Governor General who was given the title of Superintendent-General of Indian affairs and head of the Indian Department in the United Province of Canada. Richard T. Pennefather[90] held this position from 1856-1860 as secretary to Governor General Sir Edmund Walker Head, and he was most likely responsible for crafting the Gradual Civilization Act. Pennefather and Head had many confidants and advisors whom they consulted for input, particularly Reverend W. MacMurray (Anglican Rector of Ancaster), and T. G. Anderson, who was a long-serving employee of the Indian Department. In despatches collated by the Indian Department as a response to a request from the British House of Commons for documents related to alterations in the Indian Department in Canada,[91] there are copies of reports from Laurence Oliphant,[92] Anderson, and MacMurray that contain language that has been replicated in the Gradual Civilization Act. Milloy refers to this Act as the Imperial pivot away from Indigenous policy centred on conciliation to assimilation - the final reformulation of British Indigenous policy.[93] Gone was a focus on general band improvement – the individual was now the centre of the civilizing movement. Milloy summarizes the civilizers' expectations this way: "that the products of manual labour and common schools and even the few truly active adult native farmers would be rescued from the degrading and retrograde influence of reserve life, their knowledge consolidated and their existence animated with industry."[94] First Nations were shocked – one chief stated that it was an attempt to "break them to pieces."[95] In the introductory paragraph of the Act, property and the individual are front and centre:

---

[85] "Legislative Assembly – Civilization of the Indians," *Globe,* May 16, 1857, 2.

[86] "Journals of the Legislative Council of the Province of Canada," May 29, 1857 (Toronto: The *Leader & Patriot* Office, 1857), 428. http://www.canadiana.ca/view/oocihm.9_00967_15/429?r=0&s=1

[87] "Journals of the Legislative Assembly of the Province of Canada," May 19, 1857 (Toronto: R. Campbell), 454-455. http://www.canadiana.ca/view/oocihm.9_00952_15/466?r=0&s=1

[88] "Journals of the Legislative Assembly of the Province of Canada," May 22, 1857 (Toronto: R. Campbell), 473-474. http://www.canadiana.ca/view/oocihm.9_00952_15/485?r=0&s=1

[89] "Statutes of the Province of Canada," (Toronto: S. Derbishire & G. Desbarats, 1857), 84. http://www.canadiana.ca/view/oocihm.9_00925_5/86?r=0&s=1

---

[90] Pennefather also oversaw a commission of inquiry from 1856-1858 which looked into the management of Indian Affairs in Canada.

[91] "Indian Department (Canada) : Return to an address of the Honourable the House of Commons, dated 28 April 1856, for copies or extracts of recent correspondence respecting alteration in the organization of the Indian Department in Canada," (1856). http://www.canadiana.ca/view/oocihm.63353/3?r=0&s=4

[92] Oliphant was secretary in 1854 to James Bruce (Lord Elgin), Governor-general of the Canadas from 1847-1854.

[93] Milloy, "Era of Civilization," 271.

> WHEREAS it is desirable to encourage the progress of Civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows…[96].

Although there exists no evidence of Macdonald's direct fingerprints on the crafting of the Gradual Civilization Act,[97] there are clear connections to his political values as outlined above. First of all, "the gradual removal of all legal distinctions" fits in with Macdonald's commitment as a lawyer to seek equality for all under the law, as well as his political goal of breaking down partisan walls in pursuit of a common federal identity. These "legal distinctions" were originally put in place to parse out which members of First Nations should be getting annuities and who should live on reserves. In putting these distinctions in, Imperial and Colonial officials supported exceptionalism for their own benefit, but when they tried to remove it, they realized that First Nations had grasped this exceptionalism as a strength, and that the treaties that Britain and colonial administrators had long forgotten were not forgotten by the Indigenous signatories.

---

[94] Milloy, "Era of Civilization," 271.

[95] Ibid., 275. This comment was written to Pennefather in 1858.

[96] "Statutes of Canada," being the second session of the first Parliament of Canada, Cap. VI (Ottawa: M. Cameron, 1869), 22. http://www.canadiana.ca/view/oocihm.9_08050_2/39?r=0&s=1

[97] In fact, it is more likely that he did not play a big role in crafting this legislation because at this time, his wife Isabella was terribly ill.

Next, to "...facilitate the acquisition of property and of the rights accompanying it," fits with Macdonald's focus on the property qualification, as a necessary requisite for the right to vote. This is directly tied to the following regarding "...Individual members of the said Tribes." Macdonald was not the only politician with a focus on individual rights at this time; in fact, the Aborigines Protection Society, had moved to the position of individual rights enshrined in laws (and a Constitution) as the only way to protect Indigenous rights. This could also be viewed as a breakdown of the "clan" structure, which Macdonald would not object to. Indian Department officials had long complained that Chiefs often spoke on behalf of their band which did not always represent the views of the individual band members. This structure undermined individual autonomy, which could also cause unnecessary breakdowns in the civilizing project. Overall, the designers of this Act completely failed to acknowledge centuries of culture and tradition as well as the pre-existing conciliatory relationship that had existed between the British and First Nations.

Milloy noted that in 1858, "...the civilizer and the Indian began to march to a different drum. To the civilizer the reformulated civilizing system was the only answer to the problem of native development; to tribal leaders it was a questionable solution indeed. This dichotomy, as well as the paraphernalia of the civilizing system, was the heritage received by the Canadian government when it accepted responsibility for Indian affairs in 1860."[98] The Commission of Inquiry that Pennefather had been pursuing on behalf of the Colonial Office since 1856 included the recommendation (in its 1858 report) that Canada take full control of Indian affairs. Head, who was skeptical about this solution but saw no other solution, dutifully submitted the Commission's report to the Provincial Executive Council in 1858 and asked that they prepare a bill "...for causing the Indian Business to be conducted under a direct responsibility to the Provincial Legislature."[99] Head did not support this transition, fearing that Indigenous interests would be superseded by the white settler majority. In the Colonial Office, though, there was enthusiasm. F.T. Elliot, Assistant Under-Secretary, summarized the position of the Colonial Office when he wrote "...Canadians should bear the burden of protecting the original possessors of the soil for it is they who enjoy the profits."[100] Apparently,[101] the Provincial government was not keen to absorb Indian affairs and took two years to put together a bill for Head[102] - An Act respecting the management of Indian lands and property,[103] was approved on July 1, 1860, after a "long struggle"[104] and the transition of Indian affairs from Imperial to Provincial control was complete.[105] When Canada inherited control of Indigenous affairs in 1860, it inherited this assimilationist policy. Canadian politicians had no institutional memory of conciliation, nor did they inherit an example of the pre-existing conciliatory relationship. Friends of First Nations such as local Indian Department personnel like T.G. Anderson (he retired in 1857), were no longer involved in Indigenous affairs, and the

---

[98] Milloy, "Era of Civilization," 234.

---

[99] Quoted in Milloy, "Era of Civilization," 324-325. Milloy carefully tracks this transition of control in his final chapter.

[100] Milloy, "Era of Civilization," 327.

[101] "Apparently," because no correspondence exists relating to this bill.

[102] Milloy, "Era of Civilization," 328.

[103] "Statutes of the Province of Canada," Session 2, 6th Parl. (23 Vic. 1860), 88-89. http://www.canadiana.ca/view/oocihm.9_00925_8/666?r=0&s=1

[104] Milloy, "Era of Civilization," 328. This characterization was made by Governor General Head.

[105] First Nations protested this move vigorously, but to no avail. See Milloy, "Era of Civilization," 329-333.

Aborigines Protection Society and Imperial Indian Department Officials in England had pivoted away from general civilization policies to individual rights enshrined in laws.[106] Too often had Imperial and Provincial officials proved to be "false friends" of the Indigenous peoples so the general Imperial and Provincial 'compassionate' consensus was to support legislation which would assimilate Indigenous rights into the general laws, therefore protecting them from injustice by settlers and corrupt governments. Holmes writes,

> The Victorian principles promoted by the humanitarian and Christian movements were reflected in the persisting belief in the social, moral and religious superiority of settler society and the need to convert and civilize the Indigenous population. Western education [including learning either French or English] and missionary supervision [religious conversion] were seen as the road to improvement. A hallmark of their advancement would be the rejection of communal land holding and all vestiges of collective life in favour of individualism. The success of the Indian Department programs continued to be measured [by the Imperial and settler administrators] by the criteria of individualism, the assumption of Christian values and an agricultural lifestyle well into the 20th c.[107]

When the 1857 Gradual Civilization Act was developed, Indian Affairs was under Imperial jurisdiction, although managed by the Civil Secretary (secretary to the Governor General) in the Canadian colony. In 1867, management for Indigenous affairs was solidified under the control of the new Dominion government under the British North America Act that established Canada (now including Nova Scotia and New Brunswick) as an independent Dominion of confederated provinces. The Act stated in section 91: "exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, -- (24.) Indians, and Lands reserved for the Indians."[108]

---

[106] Milloy, "Era of Civilization," 278.

[107] Joan Holmes, "The Original Intentions of the Indian Act," (2002), footnotes 44-45. Holmes is following Leslie.

In 1869, another bill was developed regarding the management of Indigenous peoples in Canada. This time, John A. Macdonald was Prime Minister of the new Dominion of Canada, and First Nations were under Canada's purview. An Act for the Gradual Enfranchisement of Indians, the Better Management of Indian Affairs, and to Extend the Provisions of the Act 31st Victoria, Chapter 42,[109] received Royal Assent on 22 June, 1869.[110] This Act drew heavily on the 1857 Gradual Civilization Act, and would later be incorporated into the Indian Act introduced by Alexander Mackenzie's Liberals in 1876 – legislation that is still essentially in effect today. The bill was presented by Hector-Louis Langevin (Conservative, member for Dorchester, Quebec) who was then Superintendent-General of Indian Affairs.[111] According to the House of Commons debates, Langevin said, "…experience had shown that a number of Indians, by their education, good conduct, and intelligence could be entrusted with the same privileges as white men."[112] He went on to explain that this bill was an attempt to simplify the process in place as a result of the 1857 Act by which an Indigenous man could obtain the

---

[108] British North America Act 1867, also referred to as Act 31st Victoria. https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t13.html

[109] I will refer to it as the "Gradual Enfranchisement Act." "House of Commons, *Debates*, 1st Parliament, 2nd Session: Vol.1: http://parl.canadiana.ca/view/oop.debates_HOC0102_01/106?r=0&s=3 (April 27, 1869) John A. Macdonald was in the House that day as he introduced the bill following the initial discussion around the Indian Affairs discussion. In the Senate, discussion on the bill is recorded on June 7, 1869 http://parl.canadiana.ca/view/oop.debates_SOC0102_01/296?r=0&s=4

[110] Shortly after this bill received Royal Assent, the settlers of the Red River colony in present-day Manitoba rebelled against what they viewed as a threat by Canada to dispossess them of their lands. Because the settlers were mostly Métis, I did not consider this event to directly affect Macdonald's Indigenous policy development, and therefore did not include it in my scope of study.

[111] Macdonald was in the House during the debate.

[112] Mr. Langevin, "House of Commons Debates," (Tuesday, April 27, 1869), 83-85. http://parl.canadiana.ca/view/oop.debates_CDC0102_01/106?r=0&s=1

Franchise. Langevin is summarized in the House of Commons debates as saying that "The Government had thought, therefore that they should provide for the gradual enfranchisement of the Indians by a mode that would be less difficult."[113] The bill proposed that if the Governor in Council (on the report of the Superintendent of Indian Affairs) found that an Indian by his education, good conduct, and intelligence was qualified to be the proprietor of land, he would receive a lot of land from his reserve, and he would be able to pass it on to his children. He would not be dispossessed of this land grant, and the property "would not be affected by mortgages or other incumbrances."[114]

This bill, on its surface, sought to address the situation of some Indigenous persons taking advantage of the "weakness" of others which resulted in an unequal distribution of land amongst band members. With the introduction of this legislation, only the Superintendent of Indian Affairs would have authority to allocate land to band members. Also, complaints were made that the "Indians" were not keeping their roads, bridges, fences, and ditches in good order, so this bill provided authority to compel chiefs to comply (the Superintendent would provide for the work being done at the cost of the tribe). Mr. Dorion (Liberal, member for Hochelaga) suggested that "it was the duty of Government to try to favor, as much as possible, intermarriage between the whites and Indians."[115] To him, encouraging white men to marry Indigenous women by offering them the same grant of land as was given to band members, and protecting their assets "both in their chattel and real property, […] would better tend to make the Indians a useful class of society than the course heretofore followed."[116] The "course heretofore followed" was in reference to the system which set aside reserves, or land for the specific use of the Indigenous population. Mr. Langevin said Mr. Dorion had misunderstood him and "...As soon as the title of land was given to the Indians, they would be in the same position, with respect to it, as whites."[117] Even though Indigenous people were not consulted during the development of either the 1857 or 1869 legislation, they were not silent about their opposition to it. Regarding the revisions made to the 1857 Act in 1869, Peter Jones' son Oronhyatekha said: "I hardly conceive it to be possible to frame an Act which would remove or more effectually bar any Indian from seeking enfranchisement than it does. It is simply an ingenious provision by which an Indian has the liberty accorded to him of surrendering all his rights and privileges and the rights and privileges of his wife and children, for the inestimable boon of paying taxes and being sued for debt."[118] His comments echo W.B. Robinson's comments during the debates on the 1857 legislation, that Indigenous peoples understood themselves to have liberty, rights and privilege, aside from what was intended for them within these Acts.

---

[113] Mr. Langevin, "House of Commons Debates," (Tuesday, April 27, 1869), 83-85. http://parl.canadiana.ca/view/oop.debates_CDC0102_01/106?r=0&s=1.

[114] Ibid.

[115] Mr. Dorion, "House of Commons Debates," (Tuesday, April 27, 1869), 85. http://parl.canadiana.ca/view/oop.debates_CDC0102_01/108?r=0&s=1

The 1869 Gradual Enfranchisement Act was essentially a repackaging of the 1857 Gradual Civilization Act, although this time much stricter, with a clear goal of enfranchisement (focused on the individual body) versus civilization (focused on the corporate body), and with a greater reach - now including First Nations throughout the

---

[116] Mr. Dorion, "House of Commons Debates," (Tuesday, April 27, 1869), 85. http://parl.canadiana.ca/view/oop.debates_CDC0102_01/108?r=0&s=1.

[117] Ibid.

[118] "Report of the Committee on the Management of the Six Nations." LAC Indian Affairs RG 10, Volume 1935, File 3589. MIKAN no.2074075, 11-12. Oronhyatekha also wanted fee simple land title and a just allocation of the capital of what was owed them. He understood enfranchisement to mean citizenship in the Dominion of Canada.

Dominion. Under this updated legislation, narrower parameters for who would be considered an "Indian" under the Act were introduced, specifically: " no person of less than one fourth Indian blood, born after the passing of this Act, shall be deemed entitled to share in any annuity, interest or rents, after a certificate to that effect is given by the Chief or Chiefs of the band or tribe in Council, and sanctioned by the Superintendent General of Indian affairs."[119] This Act also undermined traditional band governance by supporting the election of chiefs and councils. The existing structure of "life chiefs" could be maintained, but the government could remove these hereditary chiefs anytime for "dishonesty, intemperance or immorality."[120] One of the criticisms of this Act was expressed during the debates around the 1876 Indian Act. During those debates, Mr. Patterson (also 'Paterson' – Liberal, member for Brant South) stated of the 1869 legislation: "Only one Indian was enfranchised under that Act, and when the Government had granted him his share of the principal money, and desired to allot him his portion of land they found they could not lay it off. He was in the position of being neither Indian nor white man. He applied as a last resource to the Department to make him an Indian again, but they found although they had the power to make an Indian a white man, they had no power to make him an Indian again."[121]

J.R. Miller wrote that Macdonald's government "...laid down the foundation of Canadian Indian policy largely by adapting pre-Confederation Province of Canada legislation."[122] In 1873, Macdonald's government was ousted as a result of the Pacific Scandal. Alexander Mackenzie's Liberal government was responsible for introducing the Indian Act in 1876, but the heart of the 1876 Act was adapted from the 1857 and 1869 acts. The 1876 Indian Act is effectively the legislation that still governs Indian affairs in Canada today. Macdonald was the leader of the official opposition from 1873 to 1878. The Honourable Mr. Laird who introduced the bill stated, "...after six years of good behaviour they will receive their land and their share of the moneys in the hands of the Government, and will cease in every respect to be Indians according to the acceptation of the laws of Canada relating to Indians. We will then have nothing more to do with their affairs, except as ordinary subjects of Her Majesty."[123] Macdonald responded,

---

[119] "Statutes of Canada," being the second session of the first Parliament of Canada, Cap. VI (Ottawa: M. Cameron, 1869), 22. http://www.canadiana.ca/view/oocihm.9_08050_2/39?r=0&s=1

[120] J.R. Miller, "Macdonald as Minister of Indian Affairs," in *Macdonald at 200*, 322.

[121] "House of Commons Debates," 3rd Parliament, 3rd Session: Vol.1 http://parl.canadiana.ca/view/oop.debates_HOC0303_03/791?r=0&s=2

> The Bill is a very important one. It affects the interests of the Indians who are especially under the guardianship of the Crown and of Parliament. From the statement of the hon. Gentleman, I have a great deal of doubt whether it would be well to give every Indian, when he becomes 21 years of age, the right of absolute disposal of his lands. I am afraid it would introduce into this country a system by which land sharks could get hold of their estates. However, we will have a better opportunity of discussing the question on the second reading.[124]

While there is no record of this commentary during the second reading, we can discern another element of Macdonald's Indigenous policy when, in a later debate, Macdonald objected to Laird's proposal that annuities be removed for any Indigenous persons living in the United States. In his objection, Macdonald stated that this "...would have the effect of dealing with the Indians as serfs of the soil."[125] To be a serf was to be indentured – a dependent class. This idea was in direct opposition to Macdonald's concept of liberty which influenced his hope for the citizens who populated the new country of Canada. Further, echoing Mr. Borron's language, Macdonald stated that First Nations should not be deprived of their annuities because it was their "birth-right."[126] These two statements give us further insight into Macdonald's understanding of Indigenous affairs - as a lawyer and as a British subject. First of all, Macdonald as a lawyer understood the legal rights that First Nations had to annuities because of the land surrender treaties made with Britain. In fact, we know that he understood that the government was obligated to make treaties with First Nations for land surrenders because his own government did this with the numbered treaties across the Prairies from 1871 to 1877. Secondly, Macdonald understood his own birthright to be the civil liberties inherent to any British subject. By again referencing soil, or land, we can see that for Macdonald, to be a serf of the soil was to be dependent. To step out of a dependent state, to own land or property, was to be enfranchised, to be civilized, and to have liberty. This was Macdonald's expectation for First Nations.

---

[122] J.R. Miller, "Macdonald as Minister of Indian Affairs," in *Macdonald at 200,* 322.

[123] Mr. Laird, "House of Commons Debates," 3rd Parliament, 3rd Session: Vol.1 (March 2, 1876), 343. http://parl.canadiana.ca/view/oop.debates_HOC0303_03/384?r=0&s=2 This echoes the aims of Maitland's civilizing experiments over thirty years earlier.

[124] Macdonald, "House of Commons Debates," 3rd Parliament, 3rd Session: Vol.1 (March 2, 1876), 343. http://parl.canadiana.ca/view/oop.debates_HOC0303_03/384?r=0&s=2

At the beginning of this chapter, I quoted from Donald Creighton who wrote in the first volume of his biography of John A. Macdonald that Macdonald "...had almost nothing to unlearn from the vanishing past. He could adapt himself with facility to the requirements, and the opportunities, of the present and the future."[127] Creighton meant this as a comparison between an older, pre-Rebellion group of politicians and the younger politicians like Macdonald, who entered politics after the Rebellion. This statement, though, also characterizes the shift in Canadian politics that moved First Nations out of the conversation. As an older generation faded, the old relationship between colonizer/colony and the old trade and military partnerships faded with them. The existing relationship between First Nations and the Crown also became part of this "vanishing past." Legal recognition of property ownership for settlers existed and was maintained both before and after 1867, but treaties – also binding agreements – with First Nations did not command the same respect from the Canadian government after Confederation. "Canada" as a nation was inherited as much as it was built – some of its foundational policies drafted through intense debate were developed specially to represent its unique duality. Some of the foundational policies were recycled from existing legislation. Leslie characterizes the process of developing policies, legislation, and setting up an administrative framework for Indigenous Affairs as "evolving (or developing) a corporate memory for the Indian department."[128] Yet, in the changeover from Imperial to Provincial to Canadian control, Indian affairs underwent an identity shift. The moment of the most dramatic change coincided with Macdonald's first decades in politics. Macdonald was "new" to Canada and was growing up in Upper Canada with tens of thousands of other newcomers during this period when marked, yet subtle changes in Indian policy were taking place. It is not surprising that he came to his Indian policy unfamiliar with the conciliation policy that existed, especially since that policy existed in Whitehall, not in Canadian Parliament.

---

[125] Macdonald, "House of Commons Debates," 3rd Parliament, 3rd Session: Vol.1 (March 2, 1876), 870. http://parl.canadiana.ca/view/oop.debates_HOC0303_03/911?r=0&s=2

[126] Mr. Borron (Liberal, member for Algoma) was the speaker in the debate ahead of Macdonald on the Hansard. "House of Commons Debates," 3rd Parliament, 3rd Session: Vol.1 (March 2, 1876), 870. http://parl.canadiana.ca/view/oop.debates_HOC0303_03/911?r=0&s=2

---

[127] Creighton, *The Young Politician*, 69.

[128] Subtitle for his essay "Commission of Inquiry into Indian Affairs in the Canadas, 1828-1858," Commissions of Inquiry into Indian Affairs in the Canadas, 1828-1858 (Ottawa: Indian and Northern Affairs Canada, 1985).

Macdonald had a blind spot that he shared with almost every other settler in Canada. Aside from an occasional romanticization of the ‘noble savage’ he saw little value in the traditions and cultures of Indigenous people. These traditions may have served Indigenous people in the past, but in Macdonald’s world of canals, railways, steam engines and telegraph communication, they were backward looking. Macdonald the Liberal-Conservative Scottish immigrant applied his personal and political values to the legislation he developed, and indeed to the country he helped develop. With his small “l” liberal ideals – personal property and the ensuing enfranchisement, the idea of self-betterment, representation, and equality before the law – Macdonald proposed to incorporate Indigenous people as property owning voters into his new national framework where their culture, economy, systems of governance and spiritual beliefs had no place.

Conclusion

The writers of the Bagot Commission Report (1844) wrote, “It is easy, at the present day, on looking back, to trace the error of the Government, and its evil consequences; but it is only just to observe that the system was in accordance with the legislation of the times.”[1] Today, in the wake of the Report of the Truth and Reconciliation Commission, Canadian politicians, scholars, and the public are still questioning what it means to be “of the times.” The atrocities towards Indigenous people recorded by the Truth and Reconciliation Commissioners are a call to all Canadians to look back and trace the errors of our Governments, to seek the truth, and move forward in a better way.

As co-Premier of Canada and Prime Minister of Canada and, for a time, Superintendent of Indian Affairs, John A. Macdonald must be reexamined within the context of the management of Indigenous affairs in Canada. Whereas most other scholars examine Macdonald’s actions during the late 1870s to his death in 1891, I took a longer view. In order to understand Macdonald’s place in the history of Canadian Indigenous policy, I argue that it is necessary to look all the way back to Macdonald’s childhood. Examining Macdonald’s early context, career, and political steps provides critical insight for analyzing his ideas, his policy development, and the local contingencies that shaped the rolling out of this legislative framework that framed the Indian Act (1876).

---

[1] Rawson W. Rawson, John Davidson, and William Hepburn. “Report on the Affairs of the Indians in Canada.” Appendix to the fourth volume of the journals of the Legislative Assembly of the Province of Canada (Montreal: R. Campbell), March 20, 1845, EEE. http://www.canadiana.ca/view/oocihm.9_00955_4_2/450?r=0&s=1

In this context, the report writers were acknowledging failure by the Government to provide religion and education to Indigenous peoples, particularly in Upper Canada. There is further acknowledgement of how the system was broken, but allowed to continue because of its ad hoc, transnational framework, as well as Indigenous naivete.

Chapter One traced the history of Indigenous policy development which preceded Macdonald, from the Royal Proclamation of 1763 and Treaty of Niagara to the 1840s. Macdonald grew up and entered politics within an existing British framework for the management of Indigenous affairs in Upper Canada. The Proclamation of 1763 and the Covenant Chain were intended to carry on the conciliatory relationship between the British and their Indigenous allies, which the Indigenous signatories understood to be a bond of alliance and autonomy. The decades following the Proclamation and Treaty of Niagara (when the Covenant Chain agreement was made) were characterized by increased immigration, developing industrialization, and continued threats of invasion by the United States. These factors not only challenged Indigenous ways of living, but they put significant strain on the Indigenous-settler relationship.

After the conclusion of the War of 1812, there was a significant shift in the imperial-Indigenous relationship. The imperial perspective towards their First Nations allies shifted away from a military focus towards social and economic considerations, as tension grew between an imperial policy of financial retrenchment and a growing humanitarian movement in Britain. Indigenous-European relations were being re-shaped within this context, and the once formidable First Nations allies were primarily viewed as savage, uncivilized pagans - obstacles to settling the land. Civilizing experiments were attempted and abandoned by colonial administrators in the 1830s, which, as I describe in Chapter One, resulted in the surrender of thousands of hectares of Indigenous land, and increasing Indigenous mistrust of colonial administrators.

Chapter Two tightened the focus on John A. Macdonald by examining the context in which he grew up in the Midland region/Mississauga territory in Upper Canada to uncover what experiences may have shaped his ideas about race, class and Indigenous people, and what may have later guided him in his role in the development of his policies affecting First Nations. By tracing his family history back to his grandfather John, we learned that the Macdonald family had a history of overcoming barriers and seeking opportunities – although the outcomes were better for John than they were for his son, Hugh. By moving his family away from the bleak, rural Scottish Highlands into the town of Dornoch, Mr. Macdonald was able to improve his prospects and move his family into the middle class. His son Hugh also sought to better his own prospects by moving his family to Upper Canada in 1820. In Upper Canada, Hugh's son, John A. was able to attend school, become a lawyer, and eventually become the first Prime Minister of the Dominion of Canada. While John A. was acutely aware of the critical influence that his Scottish kin network had on his fortunes, he was also a staunch believer in individualism and the possibility of self-improvement.

An examination of his law career provides evidence that Macdonald, though affiliated with the Conservative Party, shared widespread liberal ideologies of individualism and equality including the same constitutional rights and the same law for everyone – no one was above, exempt, or special. It is not surprising that he described himself as a Conservative-Liberal and became the leader of a moderate political coalition which oversaw the confederation of numerous British colonies and championed a centralized governing system. During his early years as a lawyer, Macdonald met John Culbertson and Reverend Peter Jones and other Indigenous men who were smart, dignified, professionals actively contributing to society. Encounters with men such as these likely influenced his ideas about the benefits of encouraging gradual civilization among Indigenous peoples, so they could enjoy the liberties of being British citizens.

Finally, Chapter Three dug deeper into the policies that Macdonald developed or had a hand in developing while Premier of Upper Canada/co-Premier of the Canadas, and then Prime Minister of the Dominion of Canada. Macdonald has been characterized by many, including himself, as being a politician who favoured action over theorizing. He declared, "In a young country like Canada, I am of opinion that it is of more consequence to endeavour to develop its resources and improve its physical advantages, than to waste the time of the legislature and the money of the people in fruitless discussion on abstract and theoretical questions of government."[2] While scholars for decades have focused on what is primarily understood to be Macdonald's idea of the country's development - his National Policy, few scholars have examined how this idea of development influenced his Indigenous policy.

Focusing on Macdonald's concepts of liberty and land provided a useful lens by which to examine both Macdonald's politics and his political relationship with First Nations. Macdonald's concept of liberty, as characterized by Ducharme, focused on the liberties of the subjects, on civil liberties rather than political liberties and independence. Liberty meant autonomy, not sovereignty. Macdonald's goal was to extend the franchise, but he adamantly maintained the property qualification for eligibility. Preece characterizes Macdonald's focus on the franchise as central to the creation of a national Canadian identity. As a self-proclaimed Conservative-Liberal, Macdonald was constantly re-calibrating to the political climate – perhaps following Burke's doctrine of circumstances.[3] This does not imply that he was inconsistent in his politics, as he has so often been accused of being, but it reflects his position in a coalition government that had to look beyond partisanship and abstract notions of what a government ought to be and focus on the development of the nation.

---

[2] Recorded in Donald Creighton, *The Young Politician,* 97.

Although we have no sources to provide concrete proof, it is probable that Macdonald would have seen the special treatment of First Nations as undermining the function of the law as well as his vision for a national identity, and therefore, challenging the strength of the country. Although First Nations grasped the special status extended to them through the Royal Proclamation of 1763 as strength in the face of settler-colonial pressures, John A. Macdonald viewed their status as a hindrance – not just for his vision of unity, his understanding of individual liberty, and equality under the law, but for their own personal prospects as well.

From the two acts that Macdonald had a hand in developing, the Gradual Civilization Act (1857) and the Gradual Enfranchisement Act (1869), we get a glimpse into Macdonald's ideas about Indigenous affairs. During the debate that followed the second reading of the 1857 bill, Macdonald said: "It was proposed, in lieu of grants of money, to give to Indians possessing certain qualifications in respect of education, &c., grants of land of 50 acres each, not to be held in fee simple, but for life, and to descend to the children of the grantee. The system hitherto pursued had been destructive of habits of self-reliance on the part of the Indians, and it was hoped that that now proposed would be an improvement." Macdonald shared his opinion that Indigenous peoples needed to be induced away from their “old habits”[4] so that they would march more quickly down the road to civilization, self-reliance, and the “…gradual removal of all legal distinctions between them and Her Majesty's other Canadian Subjects.”[5] In Macdonald’s view, the best way to do that was to give them land and “encourage habits of providence.”[6] His comments highlight the shared conservative and liberal value of owning property and underline Macdonald’s expectation of the development of certain character values that would come with owning and cultivating land, and limited government intervention, which appeased conservatives, liberals, and Imperial administrators.

---

[3] Referenced in Chapter 3.

The 1869 Gradual Enfranchisement Act drew heavily from the 1857 Gradual Civilization Act, and was incorporated into the Indian Act introduced by Alexander Mackenzie’s Liberals in 1876. There is nothing in Macdonald’s “Indian Policy” that encouraged violence against Indigenous people nor anything that would hint at a genocide which he has subsequently been accused of. On the contrary, the legislation he helped craft consistently expressed paternalism and a desire to encourage civilization – the incorporation of Indigenous people into settler society – consistent with the models he saw in Peter Jones and others. Nor was there anything in Macdonald’s policies that was out of step with mainstream view in British or Canadian society at the time.

The 1857 Act was passed while Indigenous Affairs were under Imperial jurisdiction, while the 1869 Act was passed after Britain turned over control of Indigenous affairs to Canada in 1860. Both bills were passed with comparatively little debate by Macdonald's fellow politicians. The Gradual Civilization Act was only objected to by one member of the Assembly. It was a universal belief among the British settlers that their culture was superior, an attitude that also justified the colonial project and the displacement of Indigenous people through a treaty process. To Canadians in that era, using education and legislation to encourage the "gradual civilization" of Indigenous people, who would otherwise be left behind in ignorance and poverty, were progressive steps which, at the time, affirmed their colonial project.

---

[4] “Legislative Assembly – Civilization of the Indians.” *Globe* (1844-1936), May 16, 1857, 2.

[5] Legislative Assembly of the Province of Canada, *Statutes*, 1857. http://eco.canadiana.ca/view/oocihm.9_00925_5/90?r=0&s=1

[6] “Legislative Assembly – Civilization of the Indians.” *Globe* (1844-1936), May 16, 1857, 2.

Sociologist Philip Abrams argued that it is necessary to examine the individuals involved in government to better understand their particular influence on the policies they developed and the institutions they built.[7] Looking through this lens at the influence of Macdonald, it is evident that the way Macdonald formed his perceptions of and about Indigenous peoples and their place in the process of state formation is essential to understanding the policies he developed.

Too often debates around Macdonald as a man and as a politician are binary – positing him as either a Great Man or a Great Villain. This oversimplified view of Canada's first Prime Minister not only does him a disservice, but prevents all Canadians from accessing a more honest perspective on the history and reality of the management of Indigenous affairs stretching back a century before Confederation. Scapegoating Macdonald as the architect responsible for subsequent abuses of Indigenous people in Canada elides that he reflected a widespread consensus among British colonial officials and settler Canadians

---

[7] Through his 'Historical Sociology' approach – he was writing about the state being a cultural phenomenon.

Today, Canadians across the country are actively debating whether or not to remove statues of John A. Macdonald and take his name off of public buildings because of his controversial legacy. In March, 2018, the Canadian Broadcasting Corporation (CBC) program "Ideas" (in partnership with Queen's University, located in John A. Macdonald's hometown of Kingston) put John A. Macdonald on trial, asking if he would be guilty of war crimes today.[8] The article introducing the trial clearly falls into the oversimplified Great Man/Great Villain debate that has circled John A. since his death. The article characterizes Macdonald as "...either a national hero or the architect of institutionalized violence."[9]

The 'trial' was presided over by the Honourable Ian Binnie, C.C., Q.C. Frank Addario spoke in defense of Macdonald, while Louis Riel's great-grandniece, Métis lawyer Jean Teillet represented the Prosecution. The indictment against Macdonald was as follows:

> First Nations and the Métis nation allege two counts
> against Macdonald for crimes against humanity:
> - That Macdonald knowingly maintained a reign of terror against our Métis subjects in the province of Manitoba from 1870 to 1872 that resulted in multiple assaults rapes and deaths.
> - That Macdonald knowingly withheld food from our First Nation subjects in the northwest that resulted in thousands of deaths by starvation.

The 'trial' was broadcast on CBC Radio One over two nights – April 11th and 12th – and it represents the public preoccupation with Sir John A. Macdonald's controversial legacy, highlighted and criticized since Canada's sesquicentennial celebrations in 2017. Besides a reference to Macdonald’s alleged actions or non actions towards the Métis following the Red River Rebellion, the bulk of the charges levied against Macdonald were alleged to have taken place in the 1880s -1890s. Prosecutor Jean Teillet claimed that Macdonald could not hide behind his position as a head of state. In his role as head of state, he should have done a better job of protecting Indigenous and Métis peoples, and where he could have, he should have prevented the alleged atrocities. In his defence of Macdonald, Frank Addario provided reasonable doubt that the alleged crimes could be directly linked to Macdonald. He urged listeners to “…not turn historical debates into proof of criminality." The verdict of the trial was a judgement presented by Binnie that stated that criminal actions could not be directly connected to Macdonald, but there was acknowledgement that Macdonald should have done better.

---

[8] Canadian Broadcasting Corporation, *Ideas*. "The 'trial' of Sir John A. Macdonald: Would he be Guilty of War Crimes Today?" December 21, 2018. http://www.cbc.ca/radio/ideas/sir-john-a-macdonald-on-trial-for-crimes-against-humanity-1.4614303

[9] Ibid.

Abrams framework challenges Canadians to look beyond allegations and binary characterizations of good or evil. Macdonald did bear heavy responsibilities as Premier/co-Premier of the Canadas and as Prime Minister of the Dominion of Canada, but it is critically important to situate him within his own context instead of simply looking back from the twenty-first century to label him guilty or not guilty. J.R. Miller wrote that Macdonald’s government “...laid down the foundation of Canadian Indian policy largely by adapting pre-Confederation Province of Canada legislation.”[10] But, this statement does not capture the nuance of the complexity of the “pre-Confederation Province of Canada legislation.” Leslie’s more general study of the historical development of the Indigenous legislation in Canada characterizes the policies, acts, treaties of Indian Department administrators in Britain and in the colony as "evolving a corporate memory of the Indian Department." These two statements together hold the key to understanding the influence of Macdonald on the development of Indigenous policy in Canada: he and his government built the framework of Canadian Indigenous legislation - that is still in effect today - on the foundation of the paternalism in the corporate memory of the Indian Department in Britain.

---

[10] J.R. Miller, “Macdonald as Minister of Indian Affairs,” in *Macdonald at 200*, 322.

To commemorate one hundred years since the birth of John A. Macdonald, Sir Joseph Pope reflected on what he termed "the secret of [Macdonald's] marvelous success" in his concluding remarks. He wrote:

> The answer must be that it was 'in the large composition of the man' ; in his boundless courage, patience, perseverance; and, above all, in his wonderful knowledge of human nature – his power of entering into the hearts and minds of those about him and of binding them to his service. […] Sir John Macdonald began the world at fifteen, with but a grammar-school education; and, possessing neither means nor influence of any kind, rose by his own exertions to a high place on the roll of British statesmen; laboured to build up, under the flag of England, a nation on this continent; and died full of years and honours, amid the nation's tears.[11]

Because he was committed to the establishment of a state intimately connected to Britain, Macdonald was directly influenced by the colonial hegemonic understanding of Indigenous people. As a Highlander, he was also influenced by an understanding of the benefits of improving oneself: Macdonald of course being a prime example of the 'successful' effects of the 'improvement' of the Highlanders. As a lawyer, Macdonald demonstrated his belief in equality under the law. Yet, it is also clear that this specific man, at the particular time he existed in the process of state formation played a significant role in codifying discrimination into the policies that were developed and the institutions that were built.

---

[11] Sir Joseph Pope, *The Day of Sir John Macdonald: A Chronicle of the First Prime Minister of the Dominion* (Toronto: Glasgow, Brook & Company, 1915), 183.

John A. Macdonald, a Liberal-Conservative Scottish immigrant to the Canadian colony, was uniquely equipped to build a nation both loyal to its Colonial power and adapted to its diverse settler population, but, by examining Macdonald's role in the development of Indigenous policies, it is evident that he applied his personal and political values to the legislation he developed. Macdonald's small "l" liberal ideals – personal property and the ensuing enfranchisement, the idea of self-betterment, representation, and equality before the law – ultimately served to build a framework within which entire Indigenous cultures were threatened and disenfranchised.

Bibliography

Government Documents

Canada. “Parliament of the Province of Canada: Biography/Administrative History.” Library and Archives Canada (LAC) R14529-0-9-E, accessed April 28, 2020. http://collectionscanada.gc.ca/pam_archives/index.php?fuseaction=genitem.displayItem&lang=eng&rec_nbr=104706

An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians. [Assented to 10th June, 1857]. Statutes of the Province of Canada. Toronto: S. Derbishire and G. Desbarats, 1857. http://www.canadiana.ca/view/oocihm.9_00925_5/86?r=0&s=1

An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42. [Assented to 22nd June, 1869.] https://www.aadnc-aandc.gc.ca/eng/1100100010204/1100100010206

An Act to amend and consolidate the laws respecting Indians. [Assented to 12th April, 1876.*]* https://www.aadnc-aandc.gc.ca/eng/1100100010252/1100100010254

“Facts relative to the Canadian Indians”: Published by direction of the Aborigines’ Committee of the Meeting for Sufferings. London: Harvey and Darton, 1839. http://www.canadiana.ca/view/oocihm.21758/8?r=0&s=1

Legislative Assembly of the Province of Canada, *Statutes*, 1857. http://eco.canadiana.ca/view/oocihm.9_00925_5/90?r=0&s=1

Legislative Assembly of the Province of Canada, *Journals*, 1857. http://eco.canadiana.ca/view/oocihm.9_00952

Rawson, Rawson W., John Davidson, and William Hepburn. “Report on the Affairs of the Indians in Canada.” Appendix to the fourth volume of the journals of the Legislative Assembly of the Province of Canada. Montreal: R. Campbell. March 20, 1845. http://www.canadiana.ca/view/oocihm.9_00955_4_2/450?r=0&s=1

“Report of the Committee on the Management of the Six Nations.” Library and Archives Canada (LAC) Indian Affairs RG 10, Volume 1935, File 3589. MIKAN no.2074075. http://collectionscanada.gc.ca/pam_archives/index.php?fuseaction=genitem.displayEcopies&lang=eng&rec_nbr=2074075&title=REPORT%20OF%20THE%20COMMITTEE%20ON%20THE%20MANAGEMENT%20OF%20THE%20SIX%20NATIONS%20INDIANS.&ecopy=e002532610

Royal Proclamation, King George III of England Issued October 7, 1763. Broadside. Library and Archives Canada, e010778430. In Clarence S. Brigham, ed., *British Royal Proclamations Relating to America, Volume 12, Transactions and Collections of the American Antiquarian Society*. Worcester, Massachusetts: American Antiquarian Society, 1911. Reproduction of the original text of the Proclamation printed by the King's Printer, Mark Baskett, in London in 1763. https://exhibits.library.utoronto.ca/items/show/2470

Newspapers

Globe, (Toronto) 1849-1857. http://search.proquest.com.ezproxy.torontopubliclibrary.ca/docview/1507549611?accountid=14369.

Kingston Chronicle, 1827-1832. https://collections.digitalkingston.ca/kingston-chronicle

Kingston Chronicle & *Gazette*, 1833-1839. https://news.google.com/newspapers?nid=6_6x9JMR98MC&dat=18350418&printsec=frontpage&hl=en

British Whig, 1834-1847. https://collections.digitalkingston.ca/british-whig

Theses and Dissertations

Doxtator, Deborah Jean. “Tyendinaga Land Surrenders: 1820-1840.” MA Research Essay, Carleton University, 1982.

Milloy, John S. “The Era of Civilization: British Indian Policy for the Indians of Canada.” D. Phil diss., University of Oxford, 1978.

Surtees, Robert J. “Indian Reserve Policy in Upper Canada, 1830-1845.” MA thesis, Carleton University, 1966.

Books and Articles

Adams, Howard. *The Education of Canadians*. Montreal: Harvest House, 1968.

Beaven, James. *Recreations of a Long Vacation; or, A visit to Indian Missions*, 1801-1875. Toronto: H. & W. Roswell, King Street, 1846. https://babel.hathitrust.org/cgi/pt?id=nyp.33433081680971;view=1up;seq=1

Belich, James. *Replenishing the Earth: The Settler Revolution and the Rise of the Angloworld*. Oxford: Oxford University Press, Incorporated, 2009. Accessed April 29, 2020. ProQuest Ebook Central.

Berger, Carl. *The Sense of Power: Studies in the Ideas of Canadian Imperialism*: *1867-1914*. Toronto: University of Toronto Press, 1970.

Borrows, John. “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government.” In *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, Edited by Michael Asch, 155-172. Vancouver: University of British Columbia Press, 1997.

Buckner, Phillip A. *The Transition to Responsible Government: British Policy in British North America, 1815-1850.* Contributions in Comparative Colonial Studies, Number 17. Westport, CT: Greenwood Press, 1985.

Carlson, Keith Thor., John Sutton Lutz, David M. Schaepe, and Naxaxalhts’i Albert “Sonny” McHalsie. *Towards a New Ethnohistory: Community-Engaged Scholarship Among the People of the River*. Winnipeg: University of Manitoba Press, 2018. ProQuest Ebook Central. https://ebookcentral-proquest-com.ezproxy.library.uvic.ca/lib/uvic/detail.action?docID=5372236

Campey, Lucille H. *The Scottish Pioneers of Upper Canada, 1784-1855: Glengarry and Beyond*. Toronto: Natural Heritage/Natural History Inc., 2005.

Coates, Ken. “The Indian Act and the Future of Aboriginal Governance in Canada.” Research Paper for the National Centre for First Nations Governance, May 2008. http://fngovernance.org/ncfng_research/coates.pdf

Collins, Joseph E. and G.M. Adam. *Canada’s Patriot Statesman: The Life and Career of the Right Honourable Sir John A. Macdonald, G.C.B., D.C.L., LL.D, & c.* London: McDermid & Logan, 1891.

Creighton, Donald. *John A. Macdonald: The Young Politician*. Toronto: The MacMillan Company of Canada Ltd, 1965.

Creighton, Donald. *John A. Macdonald: The Old Chieftain*. Toronto: The MacMillan Company of Canada Ltd, 1965.

Curtis, Bruce. *True Government by Choice Men? Inspection, Education, and State Formation in Canada West.* Toronto: University of Toronto Press, 1992.

Daschuk, James W. *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life*. Regina, SK: University of Regina Press, 2013.

Ducharme, Michel. “Chapter 5: Macdonald and the Concept of Liberty.” In *Macdonald at 200: New Reflections and Legacies*, edited by Patrice Dutil and Roger Hall, 141-169. Toronto: Dundurn Press, 2014.

Edwards, John LI, J. *The Attorney General, Politics and the Public Interest*. London: Sweet & Maxwell, 1984.

Evans, J. and P. Grimshaw, D. Phillips, S. Swain. *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830-1910.* Manchester and New York: Manchester University Press, 2003.

Furniss, Elizabeth. *The Burden of History: Colonialism and the Frontier Myth in a Rural Canadian Community*. Vancouver: UBC Press, 1999.

Gibson, Sarah Katherine and Arthur Milnes, eds. *Canada Transformed: The Speeches of Sir John A. Macdonald. A Bicentennial Celebration.* Toronto: McClelland and Stewart, 2014.

Greer, Allan and Ian Radforth, eds. *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*. Toronto: University of Toronto Press, 1992.

Grittner, Colin. "Chapter 1: Macdonald and Women's Enfranchisement." In *Macdonald at 200: New Reflections and Legacies*, edited by Patrice Dutil and Roger Hall, 27-57. Toronto: Dundurn Press, 2014.

Gwyn, Richard. *John A. The Man Who Made Us: The Life and Times of John A. Macdonald*. Volume 1. Toronto: Vintage Canada, 2007.

Gwyn, Richard. *Nation Maker: Sir John A. Macdonald: His Life, Our Times*. Volume II. Toronto: Vintage Canada, 2011.

Hamilton, Michelle. *Collections and Objections: Aboriginal Material Culture in Southern Ontario*. McGill-Queens University Press, 2010. https://ebookcentral-proquest-com.ezproxy.library.uvic.ca/lib/uvic/reader.action?docID=3332271&ppg=1

Holmes, Joan. "The Original Intentions of the Indian Act." Paper presented for a conference held in Ottawa, Ontario hosted by the Pacific Business and Law Institute, April 17-18, 2002. Joan Holmes & Associates Inc. http://www.joanholmes.ca/Indian%20Act%20Paper%20Final.pdf

Johnson, J.K. "John A. Macdonald, the Young Non-Politician," *Historical Papers* Vol.6, Issue1 (1971). 138-153.

Johnson, J.K. ed. *The Papers of the Prime Ministers, Volume 1: The Letters of Sir John A. Macdonald, 1836-1857.* Ottawa: Public Archives of Canada, 1968.

Johnson, Leo. A. "Land Policy, Population Growth, and Social Structure in the Home District, 1793-1851. In *Historical Essays on Upper Canada.* Ed. J.K. Johnson, 140-152. Toronto: McClelland and Stewart Limited, 1975.

Leslie, John. "The Bagot Commission: Developing a Corporate Memory for the Indian Department." *Historical Papers* 17, no.1 (1982): 31-52.

Leslie, John. *Commissions of Inquiry into Indian Affairs in the Canadas, 1828-1858.* Ottawa: Indian and Northern Affairs Canada, 1985.

Leslie, John F. and Ron Maguire, eds. [researched by Robert G. Moore]. *The Historical Development of the Indian Act*. Ottawa: Indian and Northern Affairs Canada, Treaties and Historical Research Centre, Research Branch, Corporate Policy, 1978. http://publications.gc.ca.ezproxy.library.uvic.ca/collections/collection_2017/aanc-inac/R32-342-1975-eng.pdf

Leslie, John F. "Indian Act: An historical perspective." *Canadian Parliamentary Review*, Summer 2002, 23-27. *Gale OneFile: CPI.Q*, https://link-gale-com.ezproxy.library.uvic.ca/apps/doc/A30420601/CPI?u=uvictoria&sid=CPI&xid=e88c8a7d. Accessed 3 Feb. 2020.

Lutz, John S. *Makúk: A New History of Aboriginal-White Relations*. Vancouver: UBC Press, 2009.

Macdonald, John A. *Correspondence of Sir John A. Macdonald; Selections from the correspondence of the Right Honorable Sir John Alexander Macdonald, first Prime Minister of the Dominion of Canada, made by his literary executor Sir Joseph Pope*. Toronto, ON: Doubleday, 1921.

Martin, Ged. *The Durham Report and British Policy: A Critical Essay*. Cambridge Commonwealth Series, ed. E.T. Stokes. Cambridge: Cambridge University Press, 1972.

Martin, Ged. *John A. Macdonald: Canada's First Prime Minister*. Toronto: Dundurn, 2013.

McNab, David T. *No Place for Fairness: Indigenous Land Rights and Policy in the Bear Island Case and Beyond.* Montreal & Kingston: McGill-Queen's University Press, 2009.

McNab, David T. "Herman Merivale and Colonial Office Indian Policy in the Mid-Nineteenth Century." Ontario Ministry of Natural Resources: Office of Indian Resource Policy. http://www3.brandonu.ca/cjns/1.2/mcnab.pdf

Miller, J.R. *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada*. Toronto: University of Toronto Press, 2009.

Miller, J.R. *Skyscrapers Hide the Heavens: A History of Native-Newcomer Relations in Canada*. 4th Ed. Toronto: University of Toronto Press, 2018.

Miller, J.R. "Chapter 11: Macdonald as Minister of Indian Affairs: The Shaping of Canadian Indian Policy." In *Macdonald at 200: New Reflections and Legacies*, edited by Patrice Dutil and Roger Hall, 311-40. Toronto: Dundurn Press, 2014.

Milloy, John S. “The Early Indian Acts: Development and Strategy and Constitutional Change.” In *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*, eds. Ian A.L. Getty and Antoine S. Lussier. Vancouver: UBC Press, 1983.

Morton, W.L. *The Critical Years: The Union of British North America, 1857-1873.* The Canadian Centenary Series, Vol. 12. Toronto: McClelland & Stewart, 1964.

Murdoch, Alexander. *Scotland and America, c.1600-c.1800*. Hampshire and NY: Palgrave Macmillian, 2010.

Moss, W. and Elaine Gardner-O’Toole [Law and Government Division]. “Aboriginal People: History of Discriminatory Laws.” Library of Parliament, November 1987, revised November 1991. https://bdp.parl.ca/Content/LOP/ResearchPublicationsArchive/bp1000/bp175-e.asp

Owram, Doug. *Promise of Eden: The Canadian Expansionist Movement and the Idea of the West 1856-1900*. Toronto, ON: University of Toronto Press, 1980.

Pilcher, Jane. “Mannheim’s Sociology of Generations: An Undervalued Legacy” *The British Journal of Sociology,* 45 no.3 (September 1994): 481-495.

Pope, Sir Joseph. *Correspondence of Sir John Macdonald: Selections from the Correspondence of the Right Honorable Sir John Alexander Macdonald, G.C.B. First Prime Minister of the Dominion of Canada*. Toronto: Doubleday, Page & Company, 1921.

Pope, Sir Joseph. *Memoirs of the Right Honourable Sir John Alexander Macdonald, G.C.B., First Prime Minister of the Dominion of Canada*. Volumes 1 and 2. Ottawa: J. Durie, 1894.

Pope, Sir Joseph. *The Day of Sir John Macdonald: A Chronicle of the First Prime Minister of the Dominion*. Toronto: Glasgow, Brook & Company, 1915. https://www.collectionscanada.gc.ca/obj/023012/f2/nlc013019-full.pdf

Preece, Rod. “The Political Wisdom of Sir John A. Macdonald.” *Canadian Journal of Political Science* 17, no. 3 (1984): 459–86. doi:10.1017/S0008423900031863.

Quayle Innis, Mary. “Chapter 8: The Industrial Development of Ontario, 1783-1820.” In *Historical Essays on Upper Canada.* Ed. J.K. Johnson, 140-152. Toronto: McClelland and Stewart Limited, 1975.

Radforth, Ian. “Sydenham and Utilitarian Reform,” in *Colonial Leviathan: State*

Formation in Mid-Nineteenth-Century Canada, edited by Allan Greer and Ian Radforth, 64-102. Toronto: University of Toronto Press, 1992.

Richards, Eric. *Debating the Highland Clearances*. Edinburgh: Edinburgh University Press, 2007. https://ebookcentral-proquest-com.ezproxy.library.uvic.ca/lib/uvic/reader.action?docID=313188

Russell, James W. *Class and Race Formation in North America*. Toronto: University of Toronto Press, 2009.

Selkirk, Thomas Douglas 5th Earl (1771-1820). *On the Civilization of the Indians in British North America.* London: Printed by J. Brettell, 1816. http://peel.library.ualberta.ca/bibliography/98.html

Smith, Donald, B. “Chapter 2: Macdonald’s Relationship with Aboriginal Peoples.” In *Macdonald at 200: New Reflections and Legacies*, edited by Patrice Dutil and Roger Hall, 58-93. Toronto, ON: Dundurn Press, 2014.

Stanley, Timothy J. “John A. Macdonald, “the Chinese” and Racist State Formation in Canada.” *Journal of Critical Race Inquiry*, 3, no.1 (2016): 6-34.

Surtees, Robert J. *Indian Land Surrenders in Ontario, 1763-1867.* Ottawa: Indian and Northern Affairs Canada, Research Branch, Corporate Policy, 1984.

Surtees, Robert J. *The Robinson Treaties (1850)*. Ottawa: Indian and Northern Affairs Canada Treaties and Historical Research Centre, 1986.

Talbot, Robert J. *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris*. Saskatoon, SK: Purich Publishing Limited, 2009.

White, Richard. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*. New York: Cambridge University Press, 2011. http://ezproxy.library.uvic.ca/login?url=http://hdl.handle.net/2027/heb.00334

Weaver, John C. *The Great Land Rush and the Making of the Modern World, 1650-1900*. 9780773570962. Montreal: McGill-Queen's University Press, 2003. Canadian Electronic Library/desLibris. Downloaded 29-04-2020.

Young, Robert J.C. *Postcolonialism: An Historical Introduction*. USA, UK, AUS: Blackwell Publishing, 2001.