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General Law Concerning Indians

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IN THE SENATE OF THE UNITED STATES.

MARCH 1, 1865.—Ordered to be printed.

MARCH 2, 1865.—Ordered that 5,000 additional copies be printed.

Mr. DOOLITTLE submitted the following

REPORT.

On the 2d of July last, just before the close of the last session, on motion by Mr. Ramsey, it was

“Resolved, That the Committee on Indian Affairs be authorized, during the recess of the Senate, to inquire into and report upon, at the next session of Congress, the policy of providing by general law so as to relieve the public domain of the United States of the possessory title thereto of the several Indian tribes, and to authorize the executive departments, from time to time, to assign to the respective tribes such reservations as may be deemed essential, and to provide for their protection and care; and that, in this investigation, the committee be instructed to inform themselves with regard to the policy of the imperial and colonial authorities of Great Britain toward the Indians within their North American dominion.”

This resolution directs inquiry as to the colonial and imperial policy of Great Britain toward the Indians throughout a vast extent of territory, stretching from the Gulf of Labrador on the east to the Pacific ocean on the west, from the northern boundary of the United States to the Russian possessions and the Arctic ocean, embracing both Canadas, all the provinces, Rupert's Land, and British Columbia—an area larger than the dominions of the United States, and larger than all of Europe.

It will be observed, however, that by far the greater portion is a barren and a frozen waste, whose soil and climate make its occupation by an agricultural or highly civilized people an impossibility.

It may, therefore, be divided at once into regions incapable of settlement and colonization, and into regions where both are practicable, and are, in some measure, already in operation.

Your committee have not had the time to go much into detail, and do not propose to make an extended report. With the aid, however, of information obtained from the Hon. William McDougal, late commissioner of crown lands of Canada, having charge of Indian affairs at Quebec, from public documents then obtained through his courtesy, and from others found in the Library of Congress, they are prepared to state to the Senate, in terms sufficiently definite for practical legislation in regard to our own Indian policy, the information obtained by them in relation to the Indian policy of Great Britain.

Your committee find that the administration of Indian affairs, in by far the largest portion of the British possessions in North America, has been placed in the hands of a private corporation, known as the Hudson's Bay Company, to which was granted a monopoly of the fur trade. As a moneyed corporation organized for pecuniary gain, it has sought to advance that interest alone. It has maintained only such relations with the Indian tribes as would make them

better hunters, and would at the same time preserve the regions where the fur-bearing animals are found in a state so wild and uninhabited as to increase rather than diminish their number; while, on the other hand, in the Canadas and provinces, where agriculture, settlement, and colonization are favored by the British authorities, a very different system of Indian policy prevails—a system in many respects analogous to our own. We remark, then, in the first place, that Great Britain has, directly or indirectly, adopted and maintained two distinct and radically diverse Indian policies in different portions of her North American possessions: One, for the want of better terms, may be called a civilizing policy; the other, a fur-trading policy. The one tending to settlement, agriculture, and colonization; the other, to preserve the wildness of nature and men and animals in their savage state.

BRITISH FUR-TRADING INDIAN POLICY.

History shows, in all that vast region under the domination of the Hudson's Bay Company, embracing Rupert's Land and British Columbia, settlements and colonization by white men have never been attempted upon any large scale. Indeed, the policy of that company has been to retard settlements. Holding a close monopoly of the trade in furs, it has been their interest and their policy to preserve nature in her wildest state, in order to preserve the animals which yield this precious product, and to keep the wild men who hunt and trap them dependents and vassals.

Under such a policy there is, and there can be, no serious conflict between civilization and barbarism, for the latter reigns with almost undisputed sway.

We find, according to the best authorities, the Hudson's Bay Company had, in 1856, one hundred and fifty-four trading posts or establishments, at which they employed the Indians to hunt for them. There were at that time, not including the Esquimaux, nor Indians settled in Canada, one hundred and forty thousand (140,000) Indians mainly dependent upon that company for supplies; the adult males of which were more or less engaged in hunting and trapping for the benefit of that company, while, at the same time, there were only eleven thousand (11,000) whites and half-breeds in Hudson's bay territory, and nearly three-fourths of these were half-breeds.

They may be classified as follows:

Trickwood Indians, east of the Rocky mountains.....	35,000
Plain tribes, (Blackfeet,).....	25,000
Indians in British Columbia and northwest coast.....	80,000
Whites and half-breeds.....	11,000

While it is sometimes said, by way of denunciation of our Indian policy, that in all that vast region there have been no wars between the Indians and the whites, it should not be forgotten that in all that vast region, as large as all of Europe, there were less than three thousand white men, and that there has been no attempt to introduce settlements or colonization to any considerable degree. And yet even there, it seems, the Indian race is tending to decay.

We find in the minutes of evidence taken before the select committee on the Hudson's Bay Company, of which the Hon. Henry Labouchere was chairman, many interesting facts bearing upon this subject. Lieutenant Colonel John Henry Lefroy, who resided in North America eleven years, and was two years employed to make magnetical observations throughout the whole of the accessible portion of the Hudson's bay territory, was examined before that committee.

“Question by Sir John Pakington: Is the Indian population supposed to be decreasing in these regions?

“Answer. I fear there is no doubt that it is decreasing very rapidly.

“Question. From natural causes, not from the effect of European encroachment?”

“Answer. I apprehend that European encroachments have had a great deal to do with it, but it has been rather more from moral influences than from any direct physical influences.

“Question by Mr. Roebuck: Is it not a known fact that the brown race disappears in proportion to the coming on of the white race?”

“Answer. I think it is.

“Question by Sir John Pakington: Looking to this vast district between Canada and the Pacific, there is a portion of it, I apprehend, in which the white race can hardly be said to be advancing as yet?”

“Answer. Yes.

“Question. And over a great portion of that tract I presume there is no reason to suppose that the Indian population is deteriorating or diminishing?”

“Answer. It is so, I think, from causes which may appear rather remote. I believe there is a constant depressing moral influence, which is caused by association with classes in a superior condition of comfort to themselves; then they become reckless and improvident; they barter what is necessary for their own subsistence, or that of their wives and children, which is equally important, for many things which are of no real good to them; their good furs which they had better wear themselves, they trade away for beads, and they go half clothed, and they contract pulmonary complaints, and their children are born with weakened constitutions, and their families are diminished in number; the result is, it is hard to find an Indian family of more than three or four children. I remember an instance of one man who, I think, had nine children, who was quite a phenomenon of paternity.

“Question. But surely your last answer applies to those cases in which the Indian has been brought into contact with the European?”

“Answer. They are all brought into contact with the Europeans by constantly trading with them, and depending upon the European trade for their means of subsistence.

“Question. Is that answer correct as affects the whole of the great district to which I have referred?”

“Answer. With the exception of a very small district to the north, on what are called the barren grounds, where there are small bands of Chipewyan Indians subsisting on the flesh of the reindeer, and where the skin of the reindeer is their clothing, who rarely come to any forts for trade because their country has nothing valuable.

“Question by Mr. Bell. Are you aware of any settlement in the Hudson's bay territory besides the Red river where any attempt has been made to civilize the Indians?”

“Answer. Such an attempt was made near Norway House, at the head of Lake Winnipeg, where there was a village of Cree Indians in a tolerable state of civilization when I visited it. That is the only case I know of an attempt to collect the Indians and settle them in a village. Since that time a small settlement has been at the Pas, at the Basquian river. It was occasioned by the bequest of a private benevolent person who left a sum of money to be laid out for that purpose, and it has been so done.

“Question. You have visited most of the establishments of the Hudson's Bay Company?”

“Answer. Yes.

“Question. And that is the only instance?”

“Answer. That is the only one I can think of at this moment.

“Question by Mr. Roebuck. Speaking generally, have not all attempts to civilize the Indians in North America failed?”

"Answer. They die out in the process. Some progress has been made.

"Question. They disappear?

"Answer. Yes."

Sir George Simpson, who for thirty-seven years was governor of the Hudson's bay territory, was also examined at great length as a witness. We extract from his testimony as follows:

"Question by the chairman. What number of Indians do you calculate are living in the whole of the Hudson's bay territory?

"Answer. In the Indian territory of Rupert's Land we estimate them at 42,800.

"Question. When was that calculation made?

Answer. This season (1856) I collected from different data all the information within reach when I understood I was required to leave Canada.

"Question. In the rest of the territory what are the numbers?

"Answer. In the Indian territory, east of the Rocky mountains, 80,000.

"Question. What is your system with regard to the Indians in connexion with the fur trade?

"Answer. Our mode of management is this: The Indians are usually outfitted from the establishment in the fall of the year with such supplies as will enable them to get through the winter in comfort and make them hunt.

"Question. How do you pay them for the furs which they bring?

"Answer. We pay them by barter entirely; money is not known in the country; they do not know money; it is a barter trade on a tariff of very old standing, varied from time to time according to circumstances.

"Question. Do you ever encourage them to resort to agriculture, under any circumstances, when it can be done?

"Answer. Always; we have encouraged them by every means in our power.

"Question. Where?

"Answer. At the Rainy lake, Cumberland, Swan river, Norway House, and the seats of all the missions. We are exceedingly anxious they should give their attention to agriculture.

"Question. Have they to any extent adopted agriculture?

"Answer. Not to any material extent; they have a dislike for field labors.

"Question. You state that there are wars in some parts of the country between different tribes of Indians?

"Answer. Yes.

"Question. I believe you have managed to preserve peace as between the red man and yourselves?

"Answer. Decidedly."

The committee here remark, that as the Indians have nothing to apprehend from advancing settlements of white men, and as they are almost entirely dependent on the Hudson's Bay Company for supplies, there is no occasion for any wars with the whites. On the other hand, they are bound by every consideration to keep peace with that powerful monopoly which has employed and fed them for generations.

The Right Rev. David Anderson, who for eight years had been bishop of Rupert's Land, residing for the most part of the time at the Red River settlement, also gave his testimony before the committee, from which we extract:

"Question by Mr. Roebuck. Are you aware of any great settlement ever having been made by a half-caste population on the continent of America?

"Answer. No, I have not.

"Question. Are you at all aware of the fact that the brown population dies out as the white population advances?

"Answer. Such is said to be the general statement; but still, in our case, as

regards the Indian settlement parish, it is the other way, the population is increasing.

“Question. How large is the population in that parish which you now speak of?

“Answer. It is one of four churches on the Red river; the Indian settlement parish has a population of 650

“Question. Indians or half-breeds?

“Answer. Indians.

“Question. How many half-breeds are there there?

“Answer. They come in the adjoining parish, higher up on the Red river.

“Question. How many half-breeds have you in your diocese?

“Answer. A very large number; perhaps 1,500 or 2,000 on the Red river.

“Question. So that, taking them all together, adding the 2,000 half-breeds to the 600 full-blooded Indians, you have 2,600 inhabitants with the Indian blood in them?

“Answer. Yes.

“Question. Supposing colonization to be open to the white man, are you at all aware of the fact, which has been proved by long history in America, that wherever colonization by the white man takes place the brown man disappears?

“Answer. It has been so in the United States.

“Question. Has not it been so in Canada?

“Answer. It has been in a measure true in Canada.

“Question. So that, in fact, in all parts of the territory of America in which the white man has appeared, the brown man has disappeared.

“Answer. I am rather unwilling to believe it as regards one's own country, because I think that more of effort is made for the Indians. I am sure that the Indian effort is more successful in our country than in the States or in Canada.

“Question. You are speaking of the Indian effort applying to 2,600 persons?

“Answer. To the much larger number of 8,000 Indians, taking the whole territory.

“Question. But that territory, I take it, has nothing to do with colonization?

“Answer. No.

“Question. As to that part which is affected at all by colonization, from the very imperfect colonization to which it has been subject hitherto, your experience goes in favor of the fact that the brown man can resist the encroachments of the white man.

“Answer. It does; but of course I may be a partial judge in the matter.

“Question. Have you at all contemplated the fact of the whole territory, which is capable of colonization, being thrown open to colonization; what would then be the effect upon the brown man of that altered circumstance?

“Answer. I think of it almost daily. My hope is that the Indian may be raised in the interval before the civilization sweeps westward, as it must; and I always feel that my object is to raise a people as well as to give them Christianity.

“Question. Do the habits of the brown man ever make him a colonist; have you any evidence in the whole continent of America of the brown man being a colonist?

“Answer. There are the Cherokees in the United States.

“Question. How long has that experiment been tried?

“Answer. For some years with the Cherokees.

“Question. That is the solitary case of the brown man withstanding the encroachments of the white man?

“Answer. My impression is that it has hardly been tried well yet; that we may be more successful than in previous cases.

“Question. Supposing that the policy of the government were changed, and that the territory were opened to colonization, should you then consider it a matter of very great importance to maintain the Indian population there?

"Answer. Very great.

"Question. Why?

"Answer. My own feeling is, that by opening the whole country to free competition the Indian would be sacrificed.

"Question. He would disappear?

"Answer. Yes, but I think that if we can keep the southern parts as a colony or province, then the Indian may still be preserved.

"Question. Why would he disappear; is it because a more energetic, a more civilized, and, in fact, a more intellectual man would come in competition with him?

"Answer. Because of the baits which would be held out; there would then be an abundance of spirituous liquor brought in.

"Question. But spirituous liquor affects the health of the white man as it does that of the brown man, does it not?

"Answer. But he falls more readily beneath the temptation.

"Question. That is to say, he is less civilized?

"Answer. Yes.

"Question. The more civilized man conquers the less civilized man?

"Answer. He does.

"Question. Do you think it advisable to maintain the less civilized man in a community which will hold the more civilized man?

"Answer. I should be very sorry to forfeit the Indians in the territory.

"Question. That is not my question; the question is, do you think it would be advisable to keep the territory in such a condition as should maintain the existence of a less civilized population, when it would really maintain a more civilized population?

"Answer. If I thought that the Indians were to be forfeited, I would rather keep back the more civilized.

"Question. That is to say, you would prevent the colonization by the more civilized man, to maintain the existence of the less civilized man?

"Answer. I think each might have his position in the country—the civilized in the south and the Indians further north.

"Question. Does it not come to the conclusion to which I have endeavored to draw you?

"Answer. I should be sorry to allow it as regards the Indian.

"Question. Though your sympathies may go thus, does not the reasoning lead you to the conclusion to which I wish to bring you?

"Answer. I hope the experiment may yet save the Indian.

"Question by the chairman. Do you not think the true policy would be to establish just and equitable laws as between the brown and the white man, and to leave the rest to take its course?

"Answer. My own feelings would be in favor of a settlement, a colony, or a province in the southern part of the territory, stretching from Lake Superior to the Rocky mountains.

"Question. Not asking whether a man was brown or white, provided he obeyed the laws and behaved well?

"Answer. I think so, and I think the Indian might still be saved.

"Question. From what you have seen of the half-breed race at the Red river, do you despair of their being useful and prosperous members of a civilized community under proper laws?

"Answer. I do not despair in the smallest degree of them.

"Question. Are you aware of the circumstances under which the Indians within the province of Canada are at the present moment?

"Answer. I know of one spot on Lake Huron where they are.

"Question. Is it not the case that some of the tribes have landed property to a considerable extent, and even funded property?

"Answer. I think that is more the case among the Cherokees, in America.

"Question by Mr. Roebuck. Still, I think you have expressed an opinion that if there were free colonization the white man would overrun the brown man?

"Answer. Yes, if it were free over the whole country.

"Question. Therefore, if there were equal laws for the brown man and the white man, the brown man would disappear?

"Answer. Yes, unless it were controlled in some way."

The committee forbear to make any further extracts from a volume of testimony. What is here adduced is enough to show that even in those great regions where advancing settlements of white men have made no perceptible encroachments upon the Indian's possession of the territory, and where spirituous liquors have been excluded, the feebler race, by the force of mere contact with the superior, is slowly but surely falling into decay, notwithstanding both interest and policy, as well as humanity, plead with the Hudson's Bay Company for their preservation.

BRITISH CIVILIZING INDIAN POLICY.

But when we turn our eyes to the Canadas and other provinces where settlement, agriculture, and colonization are the cherished policy, we behold the same uncompromising, eternal, irrepressible conflict between savage and civilized life which we have always found in the history of settlement and colonization of the United States from the beginning, less intensified than among us, it is true, just in proportion as the causes at work among us in advancing settlements and colonization are more numerous and more powerful than among them. In the Canadas and eastern provinces, where the attempt has been to plant European civilization in the wilderness by the cultivation of the soil, in accordance with its first great law, we behold the forests and haunts of wild beasts changed into towns, villages, and farms, with cultivated fields bearing golden harvests, and green pastures covered with flocks and herds. It is evident that before such a policy the wild huntsman finds his occupation gone; the forests are gone; the game he hunts is also gone, and he must give way. To one of three alternatives he must yield. He must of necessity retire to other forests where game still abounds, or change his mode of life from that of a hunter to a cultivator of the earth, or he must starve to death. In a word, he must flee at the approach of civilization, or be changed from a savage to a civilized man, or be supplanted by one.

It would be far beyond the limits which the committee have prescribed to their report to go any further into details than may be necessary to show the general condition of the Indians in Canada and the general policy adopted towards them. It seems that at an early day, under the French rule, large tracts of land were deeded to the Jesuits for the conversion, instruction, and subsistence of the Indian tribes. These Jesuits thereby became at once spiritual teachers and trustees of landed estates. These lands they leased for long terms to white settlers, and used the rents to sustain their churches and to provide for the wants of the Indian. In the course of years the Jesuits became thereby master of the Indian's superstitions, and, as his hunting grounds disappeared, master of his necessities also. The Indian soon came to render, and in most cases rendered, a willing obedience to a dominion at once spiritual and temporal, which ruled his superstitions and supplied his necessities. This system is not without some advantages. It gives to those who administer it a mild, firm, and decided ascendancy over the Indian, body and soul. But even under this system, gentle as it is, if we observe carefully the effects resulting from contact with the superior and more civilized man, we behold the same general results. Take the Iroquois of the Sault St. Louis. These Indians removed from the

valley of the Connecticut and the State of New York at an early day. They were settled on the seigniorship now in their possession, near Montreal, which was granted in 1680 to the Jesuits for the "conversion, instruction, and subsistence of the Iroquois." Some 14,257 acres were leased to white men at the low rates ordinarily exacted under the old feudal tenure. More recently the management of their temporal affairs has been placed under the supervision of the Indian department established in Canada. By their last census returns there were 1,342 souls, showing, latterly, something of an increase. But their real condition is summed up by the special commissioners to investigate Indian affairs in Canada as follows:

"These Indians, though of such mixed descent as scarcely to reckon a single full-blooded individual among their number, retain the aboriginal apathy and disinclination to settled labor of any sort. They still cling to their roving habits, and many of them are voyageurs and canoemen in the employment of the Hudson's Bay Company. A considerable number, too, are occupied during the summer in rafting timber, and as pilots through the rapids of the St. Lawrence. They cultivate a limited quantity of land, but most of the reserve which is in their own hands is lying idle, unprofitable alike to themselves and the country at large. From its proximity to Montreal, the temptation to plunder fire-wood is irresistible. So extensive have been the depredations of this nature carried on by the whites, aided by a considerable party of the more dissipated among the Indians, that a serious riot was the result, and some of the offenders were tried at Montreal for the crime."

We find also, from the report of the same commissioners, that the advancing settlements of white men in Canada bring the same results to the Indian tribes with which all are so familiar in our own country. The hunting-grounds of the Indians on Ottawa river were taken possession of by the white population before they were surrendered, or the Indian interest consulted in any way, and a new tract of country was set apart for them. The commissioners say of them:

"They are under the charge of the Rev. Mr. Deceage, but are still too much unsettled to have made much progress of any sort. However, the humanizing effects of Christianity are slowly becoming apparent, and there remain but very few, even of the wandering Indians, between the Ottawa and the Saguenay, who have not, outwardly at least, renounced heathenism.

"The unlimited use of ardent spirits, however, seems to be the great check to their advancement. On returning to the settlements with their peltries, everything is sacrificed to the gratification of this passion, and the whites even find it their advantage to follow them into their remote hunting-grounds, in order, by pandering to this infatuation for liquor, to obtain at an almost nominal rate the fruits of months of toil."

If we turn to the condition of the celebrated Six Nations in Canada, we find it summed up in the following language:

"The Indians cultivate separate farms, and each is secure in his possession from the intrusion of other Indians on the lot he occupies. His heirs inherit his improvements, but the soil-right belongs to the Six Nations in common. The Indian has no right of transferring his portion of land to another.

"There is not much difference observable in the system of farming pursued by the Six Nations and that of the surrounding whites. They use the same implements and raise the same crops. Some of the Indians have several hundreds of bushels of wheat to dispose of in season, after providing for their own wants.

"Being surrounded by a white population, they have almost entirely given up their habits of hunting, and rely exclusively on the arts of civilization for the means of support.

"Many of them show considerable aptitude for mechanical arts, which they acquired in the Mohawk institution, but they seldom rise to any great degree of

proficiency, owing to a want of perseverance, and that apathy which has such a pernicious effect upon them in all respects.

"The health of the Six Nations is, on the average, nearly, if not quite, equal to that of the surrounding white population.

The principal diseases are contracted by their own imprudence; much illness is caused by drunkenness, a vice to which they are much addicted from the temptations constantly thrown in their way by their unprincipled neighbors."

Among the "Moravians of the river Thames" we find a remarkable instance of demoralization of a tribe once most respectable. The commissioners say:

"For many years the Moravians were a contented, industrious, and happy people, living in a compact village, and working the land in common; but their condition and character have, of late years, become so altered that, as a band, they may now be considered the poorest and most dissipated in this part of Canada." (Continued, page 49:)

"Among many causes which have operated to bring about this state of things we may mention three:

"1st. The removal, in consequence of some disagreement among themselves, of a portion of the band to the territory of Missouri, in the United States.

"2d. The fact of possessing so large a tract of land, covered with timber, which, in consequence of the settling and clearing up of the country around them, was eagerly sought after by the whites. This induced many to leave their houses and gardens in the village and settle on distant portions of their reserve bordering on the river, when, in spite of and in direct opposition to the orders of the superintendent, they would dispose of timber, easily obtaining thereby money to be spent in idleness and dissipation.

"3d. In 1852 Mr. Holcroft Clench obtained, by document signed by many of the band, the exclusive right to all the valuable timber on the entire reserve. No sooner was this contract executed than many of those even who had consented to it regretted having done so, and, joining with those who were opposed to it, charged their missionary, the Rev. Mr. Vogler, with having used his influence to obtain it. Divisions in the church then followed, and a large party who left it attached themselves to the Wesleyans—the society afterwards erecting a chapel on the lot occupied by Philip Jacobs, a chief and leader of the seceding party.

"Two factions were now formed, and so determinedly have they opposed each other that they could never be induced to agree to any measure, however calculated to improve their condition.

"Notwithstanding all efforts to prevent the sale of timber, many there were who would still continue the practice, moving from one part of the reserve to another where they were the least likely to be detected, finding on every side persons ready to purchase and remove it beyond the reach of seizure.

"Possessing the richest land in the country, they raise so little food that within the last two years many families have been in a starving condition."

The discouragements attending the best directed efforts to educate Indian youths at school are forcibly depicted. They say:

"But independently of these drawbacks, it is discouraging in the extreme to see how transient is the impression made upon the children by the training which they have gone through at these schools. They do not seem to carry back with them to their homes any desire to spread among their people the instructions which they have received.

"They are contented, as before, to live in the same slovenly manner; the girls make no effort to improve the condition of the houses; nor do the boys attempt to assist their parents steadily on the farm.

"It is true that improvement is perceptible in their own personal appearance, but the amelioration extends no further.

"The same apathy and indolence stamp all their actions as is apparent in the demeanor of the rest of the Indians.

"It is, then, with great reluctance that we are forced to the conclusion that this benevolent experiment has been to a great extent a failure.

"The claims of the Indians in respect to their former territorial possessions have been justly said to be properly resolved at the present day into—(continued on page 104)—

"An equitable right to be compensated for the loss of the lands from which, in former times, they derived their subsistence, and which may have been taken by government for the purposes of settlement. It has also been argued with truth that the measure of such compensation should be to place and maintain them in a condition of at least equal advantage with that which they would have enjoyed in their former state.

"But the aborigines have other and stronger claims on the government than those which would be compensated by payment for their land."

The commissioners state with so much clearness and force the difficulties arising from the contact of an inferior, a savage or semi-civilized race with a superior and more civilized race, that we can hardly do justice to them without quoting their language at some length:

"Various schemes have from time to time been proposed for the apportionment of lands to the Indians. An examination of these several suggestions will show that they may be divided at once into two classes: the one advising the total seclusion of the aborigines from contamination by the white settlers; the other, hoping by constant intercourse to assimilate the habits of the two races. The separatist system has been adopted as a measure of government policy in some of the States, and has been tried on a small scale in this country. In this last instance, the location of the Indians was intended to be their permanent home; the same objections do not, therefore, lie, at least in the same degree, against it as are urged with so much justice against the course pursued towards the Indians in the western States, where they are from time to time forced to abandon their homesteads, and retire before the advancing wave of white immigration.

"The annual reports made by the head of the Indian department in the United States embody the returns made to him from each of the missionaries and agents throughout the country. Their testimony is unanimous in deprecating the system of frequent removal as practiced in the western Territories.

"The Indian, naturally averse to labor, cannot be induced to exert himself while he feels that he may any day be deprived of the land on which he is located; and while his congenital restlessness is strengthened by the change of domicile, his greediness for the means of gratifying the whim of the moment is fostered by the large sum of ready money promised to him to gain his acquiescence in the move. This cherishes his habits of relying on other sources than his own, and of improvidently contracting debts whereby he becomes the victim of the rapacious trader. Such are the results of the system of driving the Indian before the advance of white population. It encourages them in many failings, without affording them that protection from contamination which its advocates claim. The extensive reserves in many parts of this country have also tended to illustrate the defects of the secluding mode of dealing with them. As they have, in general, been scrupulously respected, there are, on a small scale, retreats into which no white settlers intrude.

"The natural apathy of the Indian character, and their inherent desire to wander without restraint, hinder their advancement, while their position as minors, freeing them from all responsibility, leads them to abandon self-reliance, and trust to government to help them in all their difficulties. There are other reasons, too, why this plan is objectionable: a country situated as Canada is, with the increasing tide of emigration setting into it, is not one adapted for locking up large tracts of fertile lands for the sake of a few individuals who are too

idle to reap the benefit of them. At the same time, the faith of the government may be to a certain extent pledged by the proclamation of 1763, and by the policy adopted by the crown hitherto, not to disturb the Indians in the lands occupied by them, nor to take possession of such reserves save by their permission, and in virtue of a voluntary surrender on their parts; we have, however, expressed our opinion on this point before. The settlement formed by Sir Francis Head, on the Great Manitoulin island, was a practical experiment to test the advantages to be derived by isolating the Indians from improper influences, and at the same time giving them the advantages of religious, secular instruction and supervision. This beneficent scheme has not, however, from various causes, met with the success hoped for. Much of the civilizing influence of their officers is lost upon the Indians, who are allowed to relapse into their vagrant habits, in pursuit of game and fish, instead of being actively encouraged and incited by example to adopt a life of industry, whether as farmers or mechanics.

"The attachment of the natives to the parts of the country where they have been born and brought up is extreme, and it cannot therefore be wondered at that they have in many cases refused to exchange their present reserves for lands in the north and west, fertile perhaps, but much more inhospitable in climate and productions than the rich tracts now occupied by them in the western peninsula of Canada.

"This disinclination on their part to remove has thus been another of the causes of the failure in the Manitawaning settlement; the tribes did not congregate there as was intended and hoped. But whatever may be the advantages in theory in keeping the Indians as children of nature, shielded from the contaminating vices of the whites, we believe that practically the system must be a failure unless it is accompanied by stringent police regulations prohibiting the sale of spirits, and erecting, as it were, a barrier which may effectually exclude those restless pioneers who occupy the debatable land lying on the frontier of the civilized country. It is plain that in a country like Canada this is in most cases impossible. Such being, then, the objections to the system of endeavoring to keep the Indians entirely separate from the whites, it remains to look at the question from the other point of view, and see how their interests may be affected by allowing the whites to settle close to them, and by so doing endeavor to make the Indians by degrees an integral and useful portion of the population of the country.

"In so doing, however, it must not be overlooked that gentlemen of philanthropic views and greater experience demur to such a course as exposing the aborigines to greater temptations both to licentiousness and drunkenness—the two besetting sins of the Indians. There are some who go so far as to deny the lawfulness of marriage between individuals of the different races, as breaking down the natural barriers marked in visible characters on the aboriginal inhabitants of North America.

"But without going so far as this, if it could be shown that the above-mentioned vices preponderate greatly among the settled tribes, then it would be the duty of government to pause before deliberately placing them in so dangerous a position.

"The answers made to the queries put by the commissioners in 1842 tend to prove that there is no very great amount of immorality occasioned by the proximity of the white population to the Indian villages. Cases of women living in a state of concubinage with white men are comparatively rare, while the evidence adduced this year (Rev. Mr. Vogler's evidence) goes to show that such practices are prevalent among the Indians themselves at a very early age.

"It is our opinion that they are more likely to fall a prey to these temptations while living in a semi-savage and impoverished state than if settled on their own farms in the midst of a thriving and industrious population; lawlessness and

want of self-restraint are likely to be rife in proportion to the distance from regular and established authority.

"The accounts, too, of the health of the settled tribes are already much more favorable than those of the tribes hovering on the borders of civilization; epidemics are less fatal, while the diminished exposure checks the ravages of consumption, and of febrile attacks consequent on the hardship inseparable from the precariousness of a hunter's life. The more regular supply of wholesome food is another cause of the improved sanitary condition of the settled tribes.

"On neither of these grounds, therefore, would there seem sufficient reason to reject, summarily, the plan of compact Indian reserves as part of the settled population of the country. It now remains to see how far this system may, by the advantages which it offers, counterbalance the evils which are alleged to be fostered by the intermixture of the whites with the Indian people. Instances are not wanting either in Canada or the United States to show that compact reservations, surrounded by the whites, are a state favorable to the civilization and progress of the red man.

"In Michigan the tribal organization of many bands is completely dissolved, and the franchise, with all the other rights of citizenship, exercised by the Indians. They have good farms, with much surplus produce, and are beginning to turn their attention to handicraft and mechanical arts. They thus form an integral part of the population of the State, on the same footing as their white neighbors. This is a step to which we have not yet attained in Canada.

"But while, as a general rule, we believe the 'separatist' system to be unadvisable in the settled districts of Canada, we are of opinion that it might be beneficially carried out in the wild districts bordering on Lakes Huron and Superior. Nature has provided a refuge for the wandering tribes of that section on the Great Manitoulin island. Its size, its fertility, and its proximity to excellent fisheries, point it out as a locality where the system could be carried out with less difficulty than elsewhere.

"It is true that hitherto the attempts to induce the Indians to congregate there have proved a failure; it is equally true that weighty influences are at work to retain them in their present half civilized state, eking a scanty subsistence by the produce of the chase, and the sum realized by the sale of their peltries; and we do not conceive that the causes which have led to the failure of the settlement are inherent in the system. A more energetic and careful example and oversight would prove a stimulus to their exertion, while regulations respecting trade, and, above all, the enforcement of the acts against the sale of spirituous liquors, would go far to put a stop to the grievances which have been put forward so lucidly by the missionaries at Manitoulin.

"We believe, then, that the preferable course to be adopted in Canada must partake both of the separatist system and also of that in which the Indians are located with the white population. Which of these elements will predominate, must depend upon the locality of the band.

"In the settled districts the size of the tracts now set apart for the Indian seems to have been calculated rather with a view to their avocations as hunters, than with the idea that they could ever occupy them as farmers. Even now, after the immense cessions which have at various times been obtained, the reserves are quite disproportionate to the numbers and means of the bands residing on them. The settlement of the surrounding country by the whites has long since driven away the game, and the Indians for the most part occupy small patches of clearing dotted about in the large tract belonging to them, while the rest remains utterly unimproved. It is true that a difficulty presents itself at present in endeavoring to obtain possession of the waste parts of the reserves.

"The aborigines have been heretofore treated, to a certain extent, as sovereign princes—as lords of a soil of which yet they were not possessors. It is this

anomalous position which has given rise to much of the difficulty connected with these lands. No territory can be taken possession of except by a voluntary surrender from the Indians, while they are aware, to a certain extent, of both the strong and the weak points of their title, and, feeling the pressure of the tide of immigration, refuse to cede a part of their possessions for fear of being deprived of the whole.

"The unwillingness on the part of the Indians to surrender has been greatly increased by the losses they have suffered through the carelessness and dishonesty of those appointed to watch over their interests. They have ceded very large tracts of valuable lands without receiving one penny of compensation, and it will not be until these losses have been somewhat repaired that we can expect them often to give up voluntarily more of their reserves.

"The large sums lately realized by the sale of the Saughun territory will go far to counteract the unfavorable impression under which they have heretofore labored, and its effects are, indeed, already apparent. To aid this growing desire to exchange their lands for lasting annuities derived from the proceeds of the sales, we earnestly recommend in all cases in western Canada, where a final location of a band shall be determined upon, that each head of a family shall be allotted a farm not exceeding twenty-five acres in extent, including an allowance of wood-land where they may obtain fuel; that for such farm he shall receive a license giving exclusive occupation of the same to him and his heirs forever, on condition of clearing a certain number of acres in a given time. These documents should be so drawn as to prevent the Indians from disposing of their interest in the land, except with the consent of the government, and might be revocable on proof of habitual intemperance, or for continual neglect of the same. Further inducements might be held out to the Indians by laying out on their farms a certain proportion of the sums realized by the sale of the ceded territory. It is true that the present occupants have only a life interest in the land, but such an application of the proceeds cannot be fairly considered a misapplication of the trust, as the improvement to the property would be permanent. At first sight, the extent to which we have limited the farms may appear small; but it will be seen, from a comparison of the returns which we have received from the different local superintendents, that the average quantity of land actually under cultivation by most of the tribes of western Canada does not exceed seventeen acres, and this amount has only been reached in case of the Six Nations. We have excluded from the calculation the Mohawks of the bay of Quinté, inasmuch as the system of farming in shares is so extensively carried on by mutual arrangement between this tribe and the neighboring white population, that no correct inference can be derived from the returns of this band. The same remark also applies, although in a minor degree, to the Six Nations.

"As, however, we do not propose to interfere with either them or the Mohawks, the extent of their clearings is comparatively of little importance for the point now under consideration. The average quantity of land actually tilled by the other tribes in Captain Anderson's district does not exceed six acres; in the western district the returns show an average of upwards of fourteen acres, but this includes the Oneidas, who purchased farms already partially cleared by the whites; a portion, too, of the tilled land on the Sarnia reserve was purchased for the tribe by the government.

"It must also be remembered that the returns of the superintendents are based, in great measure, upon the calculations made by the Indians themselves of the extent of their farms; and it is easy to believe that the quantities so given are in consequence rather over than under estimated. Any one accustomed to Indian farming will remember the irregular patches of land, half covered with fallen trees and straggling patches of brushwood, which they called fields, under cultivation; and a glance at the returns of produce as compared

with the land said to be tilled, will show that we are not in error in our conclusions on this point.

"There is one curious feature connected with the advance of civilization among the Indians, which at first seems difficult to account for, namely: the taste for agricultural improvement by no means keeps pace with their progress in point of mental cultivation. In this way, in some settlements founded under the greatest advantages, the number of acres under tillage has actually diminished. The Indians live more comfortably, and their houses are more tidy, but they are less addicted to the pursuits of the husbandman.

"The explanation of this apparent anomaly we believe to be this: In the Indian's original state, his ignorance of the European languages, and the timidity natural to the savage, drive him into habits of seclusion and aversion from mixing with his white neighbors. The lands reserved for his tribe, though they no longer afford him subsistence by the chase, still give him scope for gratifying his habits of roving. When, however, he has advanced a stage, and, through the education afforded him at school, finds himself able to converse with the settlers, his shyness wears away, while his deeply rooted love of change and tastes of travel resolves itself into a desire to visit the towns and settlements within his reach, where by light manual labor he can earn a sufficient livelihood without trusting solely to his farm for support. Could we succeed in implanting habits of thriftiness we might look upon this desire for intercourse with the white man as an unmixed benefit; but the money which the Indian earns is squandered immediately; he lives better than before and dresses more respectably, but the failure of his employment leaves him in the same penniless condition as before, and he still alternates between comparative comfort and complete destitution, as he did in the days when he trusted to his bow and his traps for means of sustaining life."

The committee find some advantages in the administration of Indian affairs in Canada over our own.

There have been comparatively fewer removals of Indians, and fewer changes in the superintendents and agents employed among them. Appointments are less political in character, and the men who engage in the Indian service engage substantially for life. The most marked difference, however, grows out of the fact that among them white immigration is comparatively light, while among us the rush upon the Indian lands for settlement, and into all the valleys of the wildest mountain ranges for mines of precious metal, is beyond all precedent in history.

The difference, however, is rather in degree than in principle, which has its foundation in the contact of races. The weaker, in moral, intellectual, and physical power, is giving way before the stronger.

The difficulty is not in the laws, nor altogether in their administration. It is in the case itself.

Wherever we find the Indians of Canada, or of the United States, surrounded by white settlements, there are the same temptations, the same trials, and the same general results. When found upon the border, where settlements are so sparse and civilized society so feeble that the best of laws cannot be enforced by civil tribunals, the results of such a contact are almost beyond the power of human government to restrain.

There are three classes of white men who first come into contact with the Indian there: the missionary, who goes to convert him from heathenism to Christianity; the adventurous pioneer, seeking a new home in the wilderness; and the reckless trader, who, for a gallon of whiskey, would rob him of a whole winter's toil. No wonder that in such a struggle the red man falls. While in some instances Christianity with its elevating power leads him up to civilization, his pathway seems on every side beset by the "world, the flesh, and the devil."

In Canada, as well as among us, the ever recurring question is, what is best to be done, what can be done for the Indian?

In struggling to solve this question, of the gradual civilization of the Indians, Lord Metcalf recommends, that "Any Indian capable of passing an examination as to his industry, his education, his proficiency in a trade, and his acquaintance with the rights and duties conferred and imposed by civil society on its members, should receive a farm; this land he should hold under license of occupation for ten years, convertible into the grant of fee, either to the first occupant or his children, provided the crown were satisfied with his conduct during the interval; after such probation all protection for debt, contracted since his entry on the land, should cease, and he and his family should be deemed capable of exercising the rights and privileges, and to be liable to all the duties and charges incident to the rest of the Queen's subjects."

And again he says, speaking upon the same subject: "While, on the one hand, the lamentable experience of this continent proves that they cannot, in their present condition, cope with the whites successfully, and especially the reckless adventurers who gather around the promising settlements, it is, on the other, no less certainly their truest interest that habits of independence and self-help should be fostered among them, and the period of tutelage as much as possible curtailed. With this view I am disposed to think it advisable that the system of withdrawing from such Indians as can dispense with them all presents which tend to perpetuate a hunter's life; of requiring those who have reserves to make roads through them, and generally to assume their share of the duties and burdens of civilization, and of setting apart in said reserves lots for each family, should be persevered in. I attach, however, more importance to the establishment of industrial boarding-schools for the children of both sexes than to any other measure of this class."

The committee recommend the passage of a law to secure the following objects, viz:

1. To extend criminal jurisdiction over the Indian reservations as far as practicable.

2. To give to the agent within the reservation certain quasi judicial powers to decide all controversies arising between members of the tribe and all other persons on said reservation in criminal cases, calling upon the chiefs and headmen to sit as jurors or arbiters upon the question of guilt or innocence, and keeping a record of all proceedings, sending one copy to the secretary of the Territory, and one to the Commissioner of Indian Affairs, with a right of appeal to the Secretary of the Interior.

3. To authorize the agent to locate upon reservations head-rights for families, to be held and retained as homesteads to the family and their descendants, without any power of alienation, until they become citizens of the United States.

4. To authorize the setting apart, for every ten homesteads thus allotted to Indian families, one homestead, not exceeding one half section of land, to be occupied by a white man who is a practical farmer, a man of family, of good character, and of fair education, to be selected by that religious denomination or society to which he belongs, to be licensed with the approval of the Secretary of the Interior, said license not to be revoked except for good cause.

5. That said farmer shall be required to instruct in the English language, and in agriculture, all the Indian youths belonging to said ten families; that he shall be authorized and required to have a general superintendence of the cultivation of the lands of said ten Indian families; and for his compensation he shall be entitled to receive a just proportion of the produce over and above their support.

In special cases, and as an object to be attained by their good conduct—

6. To provide for their admission to the rights of citizenship, upon sufficient

proof in the district court of the United States of capacity, intelligence, industry, sobriety, and knowledge of the English language.

7. Not to extend beyond the periods fixed by the present treaty stipulations the payment of any money annuities to Indians; to discountenance any such stipulations in future treaties; and to provide mainly for industrial schools, and practical stock-raising and agriculture.

8. To encourage the establishment of missions, by various Christian denominations, among the various tribes.

9. To surrender, as soon as practicable, the control of Indian affairs within every State to the State authorities.