

1858 Land Petition and Correspondence

The reader will note that Indian is used where Indigenous or Anishinaabe would be used in modern language.

To the Honourable, the Legislative Assembly of Canada in Provincial Parliament assembled.

The petition of David Sawyer, Catherine Sutton, and Abner Elliott, members of the Ojibway tribe of Indians at Owen Sound, Upper Canada.

Humbly Showeth,

That your petitioner, David Sawyer, is the oldest son of Joseph Sawyer, Chief of the Credit Band of Ojibway Indians; That your Petitioner became a member of the Newash Band of Indians at Owen Sound in 1845, at their special request, and on the condition that he should have, exclusively for himself and his Heirs forever, 43 acres of their land at Newash, (Owen Sound); for which they gave him a written title, and on which he has a good and substantial two story house, and barn, and other improvements he has made on the premises.

In 1855 Your Petitioner also purchased of the Tribe three acres of land in the village of Newash, known as the wharf lot; for the purpose of erecting a wharf thereon, for the general benefit of the Indians; and by his own labour, and at considerable expense, prepared timber necessary to build the wharf; but, before the work was completed, other chiefs in the Newash Band were appointed by the Indian Department, contrary to the unanimous vote of the General Council of the Tribe. These chiefs, in the absence of your Petitioner, and without the concurrence of many of the tribe, have subsequently surrendered to the Government all the land which had been reserved as a home for the Newash Band, about two miles wide, and extending from the town of Owen Sound down the Bay, about ten miles; all which has been surveyed, and in September last was sold at public auction; it comprises what was formerly the village of Newash, but is now called the "Town plot of Brooke," (adjoining the Town of Owen Sound,) also the township of "Sarawack," [sic] through which the Indian settlement was extended. Thus the 43 acres of land deeded to your petitioner, with all his improvements and his wharf lot, for which he had paid the full price agreed on, in money down at the time of the purchase, has been sold at public auction, without any remuneration being made to him.

Also, your petitioner begs to state, that in September, 1857, at the sale of the Indian land, he purchased for his three sons and his son-in-law, lots No. 27, 28, 29, and 30, in the third concession of Sarawak, each lot containing about 100 acres, which they had occupied for several years with the cordial approbation of the whole tribe, and on which they had made extensive clearings, and had erected a good house and barn; That at the time of the sale, Your Petitioner obtained from the agent, a certificate of the purchase he had made; but a day or two after this the agent having received fresh instructions from the Indian Department, he was told these lots could not be sold to Indians and the certificates were therefore withheld from him.

Your Petitioner has had the opportunity of obtaining a Common School Education, and has been employed by the Indian Department as "writer and interpreter" for the bands of Indians at Newash, Saugeen, and Colpoy's Bay; and has also been employed as Interpreter and School Teacher among the Indians at Muncytown, at Saugeen, and at Newash, and has had considerable experience in agricultural pursuits; and having aided to the utmost of his humble abilities to promote the improvement and elevation of his fellow Indians, he is extremely anxious to retain his farms, be a freeholder, and have the several members of his family remain on farms, and be good farmers, good citizens, and true and loyal subjects to the British Crown.

That Your petitioner, Catherine Sutton, (alias Sunego) was formerly a member of the River Credit Band of Indians, that she and her husband (Wm. Sutton, a white man) with their family, were transferred, about 8 years ago, from the Credit to the Newash Band, where they settled on land given to them by the Band, and for which they obtained from them a written title. On this land they have erected a commodious house, barn, stables, and have made extensive clearings and brought 40 or 50 acres into a good state of cultivation. In making all these improvements, Your Petitioner and her husband have expended more than \$1,000 in money, besides many years hard toil; but the land having been surrendered by a few of the Newash Band, the whole was brought into market at the sale of Indian land, in September, 1857, at which time your petitioner purchased, at the "upset price" for herself and husband, and for her sons, Lots No. 31, 34, 35, and 36 in the 3rd Con. of Sarawack [sic], on which their improvements were made, for which she received from the agent a certificate of her purchase; that your Petitioner had the money to pay the first instalment on the land according to the conditions of the sale, and when it was sent by a friend at the proper time for payment, the certificate was withheld by the agent, on the ground that these lots could not be sold to Indians.

Also, your Petitioner begs to state that the annuity for herself and her family is withheld from them, on account of the temporary absence of herself and husband, at an Indian Mission, where he was employed in preparing a model farm for the Indians.

Also, at the sale of Indian land, as above stated in September 1857, your Petitioner purchased Lots No. 32 and 33 in the same range in Sarawack [sic] for her mother, who still has with her a rising family, and who has for many years occupied these lots with the cordial approbation of the whole Tribe, and has by her own frugality, and the industry of her family, built a good house and stable, and has brought into a good state of cultivation about 30 acres: and had in hand the money to pay the first instalments; but when it was sent, at the proper time, for payment, the certificates of the purchase were withheld by the agent, as in the former case.

Also, that Lot No. 37 in the same range was purchased by your Petitioner's sister, Mary Sunego, and the certificate of the purchase was retained in the same way as before stated.

That your petitioner, Abner Elliott, is a member of the Newash Band of Indians, that he purchased Lot No. 38 in the 3rd Concession of Sarawack [sic], at the upset price at the sale of Indian land in September, 1857. That he was prepared to pay according to the conditions of the sale but that the certificate he had obtained from the Agent, of the purchase he had made, was afterwards withheld from him. That your petitioner has had experience in farming, and has been employed as School Teacher and Interpreter

at the Newwash Mission, which last situation he still holds, but is extremely anxious to settle permanently with his family on a farm.

Having applied to the Indian Department for redress, personally, and also through their respected Missionary, the Rev. C. Van Dusen, but without success, your Petitioners therefore humbly and most earnestly pray, that your Honourable House will be pleased to take their case under the most favourable consideration, and adopt such measures as will secure to your petitioner, David Sawyer, his property in "Brook" formerly Newwash, or a fair remuneration for his loss of it - and also that he be permitted to retain the farm lots he purchased for his family, as above stated, in Sarawack [sic], according to the conditions of the sale, allowing him the benefit of his own improvements - of which he is still in possession.

And that your petitioner Catherine Sutton and her husband be allowed to enjoy the benefit of the improvements they have made on their land - and also that they be allowed to retain for themselves and their family the farm lots purchased at the sale in September last on the same terms that others bought according to the conditions of the sale, and That your petitioner be permitted also to retain for her mother and sister - on the same conditions, the lots purchased for them.

And that your petitioner Abner Elliott also be permitted to retain the farm lot he purchased on the well known conditions of the sale - and that he be allowed the benefit of the improvements made by his late father John Elliott, which improvements had been in his possession ever since the death of his father.

And as in duty bound, your petitioners will ever pray,

(Signed) David Sawyer,
Catherine Sutton
Abner Elliott.
April, 1858.

INDIAN AFFAIRS
LETTER FROM THE REV. C. VANDUSEN
TO J.S. HOGAN, ESQ., M.P.P.
(Copy)

OWEN SOUND, APRIL 15th, 1858

J.S. HOGAN, ESQ., M.P.P. &c, &c

Dear Sir, - No doubt you will recollect I spoke to you a few days ago when in Toronto, respecting Indian affairs; you then thought a Committee might be appointed to enquire into these matters, but I have not had the pleasure of hearing from you since. Perhaps I feel too impatient to have something done. At this you would not be surprised if you were acquainted with the facts relative to Indian affairs, with which I am familiar.

The tribe of Indians in this (Owen Sound) country is composed of three Bands; one at Saugeen, one at Newwash, and another at Colpoy's Bay. Up till October, 1854, this tribe owned the whole of the peninsula between Lake Huron and the Georgian Bay - from eight to eighteen miles wide, and about seventy miles long. The original owners

of this land are Ojibways, a few others, principally from the United States, have been adopted in the tribe. In the Newash Band there are about seventy-three Ojibways, twenty-six Potawatamies and two Tawas. In the Saugeen Band there are more Ojibways, and a few Potawatamies. The Colpoy's Bay Indians are mostly from Lake Simcoe, and but few of that band belong to the tribe. Many other Indians stroll about these parts, but only those who belong to the tribe, share in their annuities, or have claims upon their land.

According to their custom they have always (til lately) nominated and appointed their own chiefs - But of late the Indian Department have refused to appoint to that office those Ojibway who have been recommended by a unanimous vote of their General Council, composed of all their principal men in the tribe, and they continued in office as Chiefs of the Newash Band, a Potawatamie, and a descendant from a Saux, in opposition to the repeatedly expressed wishes of the Tribe.

Unfair means have been used in obtaining a surrender of their land - Promises have been made to them which have never been redeemed, At Saugeen, the line from the Indian Village to Lake Huron was run in a direction different from what was agreed upon, shutting them out about five miles from the lake. And when they sent a deputation of four Chiefs (and myself) to Quebec in May, 1855 to ask for redress, the Chiefs were treated like Indian dogs. His Excellency the Governor General would not hear them nor even permit them to see him - May he live forever! And Lord Bury - Heaven bless him - even he would not acknowledge them as Chiefs, nor receive them officially, because they did not bring a recommend from Captain Anderson! I suppose you know that gentleman; if so, that will do. So they were obliged to return without any grievance being redressed, and the Surveyors completed their work, contrary to the agreement.

In September 1856, the land was offered for sale. Part of two townships were sold, for which one third was paid down, amounting to thirty three thousand pounds - so Mr. Chesly told me, and he showed me the account. And the other two thirds are to be paid in annual instalments with interest in five or six years. Who knows what has become of that money! Of course, it did not take all that to pay the surveyors. Besides this, five or six years ago, these same Indians surrendered a strip of land half a mile wide, and extending from Owen Sound to Saugeen which was soon after sold - but the Indians have got no account of it. Then again, last September the remaining part of Amabel and Keppel, (the two townships that were brought into market the year before) together with two other townships were sold. The amount realized from this sale in September 1857 I do not know, but I suppose it was above the amount the year before. There are three or four other townships yet to be sold; and I am sure every reasonable man will submit that the whole affair should be placed under the direction and control of our Colonial Legislature.

The Saugeen Band and the Newash Band reserved a plot of land where they were residing and have made improvements. The Saugeen Band still remain on theirs at Saugeen though they are shut out five miles from the Lake; and the Colpoy Bay Indians remain on theirs, which was long ago given to them by the rest of the tribe - but the Newash Band surrendered theirs near Owen Sound and have (since it was sold) received each about \$40, a part of which amount I heard Mr. Chesly tell them he had

borrowed in order to pay them. The Indians wonder what has been done with all the money - that Mr. Chesley has to borrow to pay them any of the amount due to them is a mystery.

At the sale of land at Owen Sound last September five or six of the most intelligent of this Band bought farms. Some of them bought the farms on which they lived, and on which they had made improvements to the amount of from \$100 to \$1,000. They placed in my hands the certificates they had obtained of Mr. Bartlett (the Agent) certifying that they had purchased the lots at a certain price, and also the money to make the payments required, and on my way to Mr. Jackson's office, in another part of the town, Mr. Bartlett asked me to see those certificates, and retained them, informing me at the same time he had just received instructions from the Department not to sell any farms to the Indians. They have asked for redress, but get no satisfaction. Is this the way to treat the Indians, after we have toiled for years to moralize and Christianize them?

Again, another hard case is that of an Indian who holds an Indian Deed for 43 acres of land near Owen Sound, and is one of the most intelligent Indians in the tribe. On this little farm he has a fine two-story house; also, he some time ago bought of the Tribe, and obtained their deed for three acres in another place, on which he had prepared, at considerable expense, to build a wharf. I saw him pay the tribe the money for the 3 acres; and they have since that (I mean a few of them) surrendered the whole, without making any provisions for the Indians whom they have thus injured; and when the Indian Department is acquainted with all these facts, they still refuse to do anything to make right what they cannot but know is verily wrong. The fact is, the Indians are (many of them) discouraged and disgusted with such a course as has been pursued by that department. Now these are a few of the many cases of hardships and oppression to which they have to submit. Can anything be done to sift the matter effectually? Can a Committee be appointed to institute an inquiry into Indian affairs? If not, what can be done? Please let me hear from you on the subject. I think the country should know what becomes of such an immense revenue as arises from the sale of such an extensive tract of land. The more I know of the case, and the more I think of the matter, the more I am convinced that our Indian affairs should be placed under the control of our Colonial Legislature. If you can do anything to bring about such a measure, you will not only secure the confidence of a large portion of your constituency, but greatly serve the cause of truth and justice,

I have the honour to be,

Sir, &c., &c.,

Conrad Van Dusen

Appearing in the *Owen Sound Comet*, July 15, 1858. These writings can also be found in Chapter 20 "Deeds Withheld" of *The Indian Chief: an account of the labours, losses, sufferings, and oppression of Ke-zig-ko-e-ne-ne (David Sawyer) a chief of the Ojibbeway Indians in Canada West* by Conrad Van Dusen, (cognomen Enemikeese) and published at 66, Paternoster Row, London, 1867.