

# DRUM BEAT



## ANGER AND RENEWAL IN INDIAN COUNTRY

EDITED BY BOYCE RICHARDSON

INTRODUCTION BY GEORGES ERASMUS



# DRUMBEAT

*Anger and Renewal in  
Indian Country*

Edited by

Boyce Richardson

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The Assembly of First Nations



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# Contents

1

INTRODUCTION

Twenty Years of Disappointed Hopes  
*by Georges Erasmus*

43

THE INNU OF UNGAVA  
David Confronts Goliath: The Innu of Ungava  
versus the NATO Alliance  
*by Daniel Ashini*

71

THE MI'KMAQ  
The Covenant Chain  
*by Grand Chief Donald Marshall Sr.,  
Grand Captain Alexander Denny, and Putus Simon Marshall*

105

AKWESASNE  
An Unbroken Assertion of Sovereignty  
*by Grand Chief Michael Mitchell*

137

ALGONQUINS NORTH OF THE OTTAWA  
Our Long Battle to Create a Sustainable Future  
*by Chief Jean-Maurice Matchewan*



167.

ALGONQUINS SOUTH OF THE OTTAWA  
220 Years of Broken Promises  
*by Chief Greg Sarazin*

201.

TEME-AUGAMA ANISHNABAI  
Last-Ditch Defence of a Priceless Homeland  
*by Chief Gary Potts*

229.

THE LUBICON OF NORTHERN ALBERTA  
Wrestling with the Canadian System: A Decade of  
Lubicon Frustration  
*by Boyce Richardson*

265.

GITKSAN AND WET'SUWET'EN  
Unflinching Resistance to an Implacable Invader  
*by N.J. Sterritt*

295.

EPILOGUE

The Solution We Favour for Change  
*by Georges Erasmus*



# ALGONQUINS SOUTH OF THE OTTAWA

## THE CONFRONTATION

*On September 2, 1988, the Algonquins of Golden Lake First Nation set up a road block at the eastern entrance to Algonquin Park. There they handed out pamphlets and buttons emblazoned with the slogan "Algonquin Park — Algonquin Land." The thousands of motorists who frequented the park on this first day of a long weekend were also asked to sign a petition requesting the Government of Canada and the Ontario government to take immediate steps to deal fairly with the claims of the Algonquin people. The majority of the motorists were sympathetic to the cause and readily signed the petition.*

*The pamphlet stated:*

*The land you are travelling through belongs to the Algonquin people. We have been its guardians for thousands of years.*

*When Europeans first came here, we welcomed them and became partners with them in trade. We have been the Crown's allies since 1760. We fought in most of Britain's wars, here and abroad.*



*In 1763 the King promised us that our land would never be taken except in a formal treaty, and we relied on that promise.*

*We have never made any treaty with Britain or Canada to sell any of our land. Beginning in the 1800s lumbermen began to cut the white pine forest; they moved up our valley, clear-cutting; and the settlers followed them.*

*Our land was taken and our hunting grounds were destroyed by the loggers and settlers, leaving us poor and scattered. Out of the original 3.4 million hectares (8.5 million acres), we have less than 800 (2,000) left.*

*The Algonquins took this action because they had yet to receive an answer to their latest petition, presented in February 1983.*

*The Chief said that "while we have been waiting for an answer to our petition, our trappers, hunters and fishermen have been taken to court for exercising their rights. The Government of Ontario has announced its intention to use our land as a 'Development tool' to attract investment, and to open new roads to promote logging and recreational use of our land."*

*The Algonquins of Golden Lake are fed up with the federal and provincial governments' cold shoulder, and Chief Greg Sarazin has announced that the Algonquins are prepared to do "whatever is necessary" to settle their claim, which dates back to 1772.*



# 220 Years of Broken Promises

*Chief Greg Sarazin,  
Algonquins of Golden Lake First Nation*

**M**ANY CANADIANS TODAY mistakenly believe that the aboriginal peoples of this land were defeated in war and thus lost their lands to the conquering Europeans. Still others imagine that they “sold” all of their land for money or trade goods and most believe that the native people had all of the same opportunities to prosper as any of the newcomers in Canada.

Perhaps this narrative will serve to set the record straight and tell what really happened, particularly with regard to the Algonquin people.

The story of the Algonquins of the Ottawa Valley is a textbook example of how the solemn promises made to the aboriginal nations of this country throughout history were systematically violated as the Europeans consolidated their settlements and spread out across the land.

The Algonquin Nation was never a newcomer to its territory. Our occupation and use of an identifiable tract of land goes beyond the limits of what is now called history. The Algonquins have lived in the valley of the Ottawa River at least as long as the French have lived in France or the English have lived in England. Before there was a Canada, before Cartier sailed his small ship up the great river, Algonquins lived in, occupied, used, and defended their home in the Ottawa Valley.



The right of the Algonquins to their territory was recognized and confirmed by European laws and proclamations. When the French were defeated at Quebec they demanded that the lands of their Indian allies would not be disturbed, and the British agreed to this in the Articles of Capitulation. Four years later, through the Royal Proclamation of October 7, 1763, and the Treaty at Niagara that followed it, the First Nations were reassured that their lands would not be taken except by the Crown after a voluntary surrender, and then only under certain set procedures. Subsequent legislation confirmed the rights of the First Nations to their lands.

The Royal Proclamation of 1763 has never been repealed, and continues as law in Canada today. The Algonquin people have historical, moral, and legal rights to the land of the Ottawa Valley that we have not abandoned.

If any Canadians believe that the provisions of this proclamation were neglected inadvertently or through absent-mindedness, the detailed history of our people during these two hundred years will dispel that illusion. History shows that the Europeans in Canada knew precisely what they were doing. While repeatedly acknowledging the reality of Algonquin rights on paper, in speeches, and at meetings, they relentlessly moved onto the Algonquin lands in the Ottawa Valley, occupying and using those lands without any negotiation. Only then did the Europeans begin to declare shamelessly that they had never heard of any Algonquin rights.

Our people were painfully aware of what was happening. Some Canadians imagine that, after the initial contact, the aboriginal people simply sat, helplessly watching, only half knowing what was going on, as the juggernaut of European settlement rolled over us. The history of the Ottawa Valley Algonquins shows that, from the very first, our people knew very well the dangers posed by the newcomers.

Modern ethnohistorians agree that the Algonquins who lived astride the Ottawa dictated who could move up and down



the river, thereby playing a vital role in the development of the fur trade, the economic basis for the European settlement of Canada. Our people were always reluctant to permit newcomers to move farther inland. Neither the French trading alliance with the Hurons nor the desire of European religious orders to penetrate to the Huron country could be implemented until the newcomers made terms with the Kitchesiprini Algonquins (the Big River People) who controlled passage around Allumette Island, near Pembroke.

Under our one-eyed chief, Tessouat, the Algonquins demanded tribute from all who passed. They provided a formidable obstacle to Champlain when he first mounted the river in 1713 and prevented his intended journey deeper into the interior in that year. Later, Tessouat proved to be a valuable ally for the French in both politics and war.

The Algonquins had long been traders with other native nations, trading furs, meat, and fish, and buying, for example, the corn and other agricultural products of their Iroquoian neighbours. European commerce affected this trade economy and the intensity of the work, but did not fundamentally alter the way of the Algonquins.

Algonquins from the lower Ottawa frequently went downstream to trade with the French. By the end of the seventeenth century, under French missionary influence, Algonquins, Nipissings, and Mohawks were established in three villages at Oka, north of Montreal, on the Lake of Two Mountains. During the fur-trade period Algonquins would arrive at Oka from their hunting grounds in late June to trade furs and pay off debts. They would occupy themselves in July and August with religious observance, political councils, socializing, and trade. By the end of August, the Algonquin and Nipissing villages would be almost deserted as the people returned to the hunting grounds, leaving behind only those too old or too sick to go into the woods.

Throughout recorded history, the Algonquin and Nipissing people have been closely linked culturally and politically. (For



convenience, the term "Algonquins" is used to refer to both nations here.) By the mid-1700s, the Algonquins were part of the loose confederacy known as the Seven Nations of Canada, which also included three Iroquois villages, the Hurons of Lorette (near Quebec City), and the Abenakis of Becancour (on the south shore of the St. Lawrence, opposite Trois-Rivières). When the British and their allies attacked the French at Montreal, Sir William Johnson, the first British Superintendent of Indian Affairs, asked these nations to "stand aside." They did so, the French were defeated, and firm political relations were established between the First Nations and the British.

After the Conquest, however, western First Nations continued to attack British posts; Johnson needed to establish a larger political settlement with the native people of Upper and Lower Canada. Therefore, in 1763, King George III issued a royal proclamation reserving the land west of the Quebec colonial boundary for the Indians. The proclamation also set rules for the sale of Indian lands, in order to prevent the "great frauds and abuses" that had been taking place. Johnson sent printed copies of this proclamation to the First Nations.

The documents now in the National Archives of Canada are those copies of the Royal Proclamation that Johnson delivered to the Algonquins and Nipissings. Sixty years after the proclamation was issued, our leaders brought these copies forward to prove the justice of their many petitions, which simply demanded fulfilment of the terms of the proclamation.

Peace and trade were restored to northeastern North America by the Treaty of Niagara in 1764. Reassured by the Royal Proclamation and the treaties, our people went back to their hunting and trapping.

### **A History of Betrayed Promises**

Now begins the unhappy story of the betrayal of all these promises.

Very soon Algonquin leaders protested that whiskey traders were moving into their hunting grounds. The traders could come as far west as Carillon, they wrote in one petition, but only with no liquor. They also said they would "clear their hunting grounds all the way to Lake Nipissing of any Traders that may reside thereupon, and so follow their hunting peaceably and quietly to the better interest of themselves and the Indian trade in general."

The government asked them to be patient, promising to deal with the problem so long as the Algonquins did not "meddle" with the traders; indeed, in 1776 an ordinance was passed, prohibiting the taking of liquor into Indian villages.

Twenty-five years later the Algonquins complained about Iroquois encroachments on their land and also about the movement of European settlers into the lower Ottawa Valley. They would agree to concede some lands along the Ottawa River, they said, but asked that these lands not extend more than 40 arpents (about 16 hectares/40 acres) in depth, and that no land be given out "in our rivers," since that process would take away "absolutely all the resources of life." They feared that those Algonquin whose lands were close to settlements in the valley would be "exposed to die of hunger."

In 1774 Lord Dorchester, the governor, again gave specific reassurances to the Algonquin people with respect to their rights: "All of that which belonged to the King of France belongs to your present Father, the King, but no one can give to another that which does not belong justly to him. That is why if you anciently held the rights to these lands, and if you have not been paid, the rights belong to you still."

The following year the deputy-superintendent general of Indian Affairs asked the Seven Nations Chiefs to describe "the nature of your claims to these lands, how you became originally possessed of them, and at what time." The Chiefs replied: "We ask you to observe that we have never been conquered by the French, that on the contrary we have always been the protectors



of the white skins even against the Indian nations...you have asked us to prove how these lands belong to us: the best proof we can give is that God created us on these lands."

These representations continued. Year after year the Chiefs would meet with the authorities dealing with Indian affairs and ask for compensation. Despite the Royal Proclamation, land was being taken from us without payment of any kind. And gradually, in the face of this encroachment, our people's way of life became less and less viable. Even before 1800 one petition complained: "Our lands are infertile. We have almost no more hunting. The animals have become distant. We find very little for our families to live on."

In both the American Revolutionary War and the War of 1812, the Algonquins took an active part on the British side. Amable Chevalier, an Algonquin war chief, was instrumental in taking Michilimackinack in 1812, and Algonquin warriors took part in the Battle of Beaver Dams on the Niagara frontier.

Yet, by 1820, the Algonquin people again had to petition the governor general, Lord Dalhousie, about lost land, reminding him that the Royal Proclamation of 1763 had accorded them their hunting grounds exclusively, adding that the number of settlements continued to grow in their hunting grounds, causing the game "to become distant." Therefore, "the petitioners find themselves in a great need, which can only increase from day to day by this use of the lands on which they do their hunting."

→ Sir John Johnson, superintendent general of Indian Affairs, supported them, writing a glowing testimonial to the conduct of our people in wartime and thereafter, "such as to entitle them to every mark of favour and distinction." But the government now claimed that the King "cannot grant a specific tract of country, however remote, to any particular tribe or nation of Indians."

Johnson took up the cause of the Algonquins in a letter to the military secretary, again recalling the procedure laid down in the Royal Proclamation:



Notwithstanding which, extensive grants have been made of the territory claimed by the Algonquin and Nepissingue Indians without any compensation being made to them, although in all cases where lands claimed by other tribes are required by Governments, they have been purchased at stipulated price, or some other compensation made to the Indian in obedience to His Majesty's commands.

...Finding of late that the settlement of the country and the indiscriminate and injudicious destruction by the settlers of the beaver and other animals, from which the most valuable furs are taken, is likely soon to deprive them of the means by which they have hitherto supported their families, they very naturally solicited the interference of the government.

Your letter...was to them a source of much surprise and dissatisfaction, in that their request was not only refused but they were informed that the other tribes have an equal right with themselves to hunt upon those lands which for ages have been reserved for their use only.

Johnson explained that traditional hunting grounds were "originally defined among themselves [the Indian nations]," that the boundaries were perfectly understood, and that any encroachment by one tribe on the lands of another "is viewed by them in precisely the same light as is the invasion of one civilized state by another."

He warned that if something were not done soon to prevent settlers from hunting in Indian lands, "some lives will ere long be sacrificed." Yet, Johnson wrote, in spite of the many provocations they had suffered, even now the Indians were not asking that lands already granted should be restored to them, but merely for a written guarantee that they could hunt exclusively on "such parts of the tract claimed by them as are now unoccupied," and that they should be compensated for any further settlement on their lands.

It was on this occasion that the Chiefs gave to Sir John Johnson printed copies of the Royal Proclamation to buttress



their claim, and it is these copies that have found their way into the National Archives of Canada.

### **European Settlers Move into Algonquin Lands**

By 1827 the European settlement of the Ottawa Valley was well underway. Villages of retired soldiers were established at Perth and Richmond. Emigration societies were set up specifically to lure settlers from England to the new land, and finally, with the beginning of construction of the Rideau Canal, the settlement of Bytown (now Ottawa) was begun.

The Chiefs responded with great activity in 1827, pressing for the protections they had been guaranteed by the Crown more than sixty years before. They received many more promises, but no action. In February, the Chiefs asked the government to create a commission of inquiry into their claims, and to determine the compensation they were entitled to under the proclamation.

A month later the government warned the Chiefs that any violence against trespassers would be "subject to the utmost penalty of the law." Not only was the government unwilling to protect the Algonquin rights under the proclamation, it would also punish them if they tried to protect those rights themselves.

In July, the Chiefs again petitioned the governor general, noting their possession of the Ottawa Valley "from time immemorial," complaining of the unsustainable over-harvesting of fur by outsiders, asking for indemnification for the losses already sustained, but agreeing not to employ violent methods.

Then, in October, after most of the Indians had left for their hunting grounds, a council was held at the Lake of Two Mountains. Several older chiefs met with General Darling, superintendent general of Indian Affairs. The government, said Darling, "cannot by the laws of the land prevent white people from going through the woods or killing a bear or beaver, when they meet with it." He warned them again that tribes should not encroach on each other's grounds, and then told them that, though the

people of the Lake of Two Mountains might have no land of their own, still they would not starve, "if you are disposed to follow the example of the white men."

Thus, the superintendent general offered the Indian people neither the protection against encroachments, nor the compensation, to which the Royal Proclamation entitled them, but instead urged them to assimilate, and warned again that any attempt to protect their hunting grounds would result in prosecution of the individuals responsible.

Officials of the Indian department wrote various letters to urge the government to take "immediate steps" to prevent further encroachment on Algonquin lands. "Their situation is becoming alarming by...rapid settlement," wrote General Darling in 1828. "The Indians have submitted to this species of plunder with a degree of forbearance quite foreign to their native character," Colonel Napier pointed out in 1829, and he went on to recommend that further trespass be forbidden by public notice.

Later that year, in fact, the Indians were advised that "any person who shall illegally settle or commit any cognizable trespass or depredation on their hunting grounds" would be prosecuted. There is no record of any prosecutions. Instead, settlement of the territory continued at an increasing pace.

The giant white pine forests of the Ottawa Valley were the habitat of moose, caribou, and beaver, as well as the Algonquin hunters, but the white pine was the prize tree of the lumberman, and as more accessible stands of forest in Southern Ontario were exhausted the valley became the source of the mast needed by the British Navy. The lumber industry was well established by the 1830s and demanded new waves of immigrants to clear the forests and then settle the cleared land, pushing the game, and the Indians who depended upon it, farther and farther north and inland.

→ By 1835, our Algonquin petitions began to focus on securing a homeland within the traditional hunting grounds. It shows



how far the occupation of our lands had gone that, in his reply, the governor could promise no more than "to endeavour to prevent the Lumber Men and Squatters from molesting them on their hunting grounds to the west of the river Matawangué and between that river and Lake Nepissingue."

The Mattawa River and Lake Nipissing are, of course, in the western reaches of the original Algonquin territory (in 1764, remember, the Chiefs tried to stop liquor penetrating beyond Carillon). Now ostensible protection could only be "endeavoured" some 650 km (400 miles) to the west. This huge tract of land was taken, with no legal sanction, in a period of seventy years; a visible measure of the deprivation our people had suffered.

### **The Government Turns Full Circle**

By the following year the government's position had come full circle. Six years before, Indians had been advised that trespassers on Algonquin hunting grounds would be prosecuted. Now, in February 1836, the government replied to Algonquin petitions with a pretence that it had never heard such claims before, and that full compensation had already been paid: "His Excellency has come to the conclusion that the claims of the present petitioners were fully settled and adjusted at the respective times when the lands were surrendered by those tribes to the Government, and the Lieut-Governor is the more strongly induced to consider this inference to be fair and legitimate, inasmuch as he is informed that no claim similar to the present can be found to have been preferred by any other Indian tribe, and that it is perfectly novel and without precedent."

It is difficult to understand how the government could have concluded that a claim so well documented by 1836 could be called "perfectly novel." But this reply was consistent with the government's cynical policy of the day.

The hunting grounds would not be protected. Indians were to be encouraged to abandon the hunt and become farmers.



Smaller reserves would be set aside for them and protected, as long as they were on land the government didn't want. We see here the genesis of the policies later adopted in the Robinson and numbered treaties covering Northern Ontario, western Canada, and the North.

Two months later, the Chiefs sent another petition, reminding the government of their faithfulness in time of war, the clear promises made to them in the Royal Proclamation, and the pattern of "grievances and deprivations which we...have long endured patiently and submissively without complaint."

This time they asked for the hunting grounds on the north side of the Ottawa to be accorded to them, acknowledging: "We do not presume or venture to entertain the belief that the lands already dismembered from our hunting grounds and converted and erected into Townships for settlement by the government...will be restored to us." In this petition they mentioned the Royal Proclamation no fewer than nine times, often quoting from it directly.

In 1837 a committee of the Executive Council of Lower Canada reviewed the claims, acknowledging that there was no reason to doubt that the Algonquin hunting ground "may have" covered the whole territory they now described, and that the Algonquins' right to use it was little disputed and well defined. The committee noted the Royal Proclamation had been acknowledged as the basis for possession of lands for some of the tribes of Lower Canada, and stated that the Algonquins "may have some ground to complain" if deprived of protection for their claims.

The committee concluded, however, only that: "the claims of these...tribes in respect of their former territorial possessions are at the present day to be resolved into an equitable right to be compensated for the loss of lands...and 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." The committee recom-



mended that "a sufficient tract of land should be set apart for them in the rear of the present range of Townships on the Ottawa river," and that the Algonquins should be located there.

The committee's thrust was towards adoption of farming as a way of life for the Algonquin people. Rather than protect the remaining hunting grounds, the committee suggested that the government should pay compensation in the form of assistance to adopt a more settled way of life.

This story of the persistent derogation of the rights of the First Nations is interspersed with occasional bursts of what might be described as honesty by various officials of the Indian department. For example, nine years after Indians were promised that trespassers in their land would be prosecuted, someone noticed that the instruction had never been repealed. A Captain Ducharme was told that, as all the islands in the Ottawa River and all lands on both sides of the river that had not been made townships by the government still formed part of the Algonquin hunting grounds, "you will be pleased to warn and order all persons who might have taken possession of any of the said or other lands situated on the Ottawa river without any authority to show you, to leave them as soon as possible."

Colonel Hughes of the Indian department acknowledged in a letter to the government that the tribes claimed indemnity for the dismembered lands and asked "to be reinstated and secured" in the remaining lands south of the Ottawa. "They desire the expulsion of all intruders and Squatters," he said, "and complain grievously of the frauds and impositions to which they have been subjected in relation to their hunting grounds." He added that the tribes also asked for leave to occupy "the island of Allumets" (Tessouat's strategic old toll point).

But this short-lived burst of conscience was to no avail. Though some Algonquins apparently were authorized to settle on Allumette Island, the Executive Council finally decided that equity would be best served by setting aside a tract of land north of the Ottawa and behind the established townships.



**The Government Loses the Evidence!**

As the years went by, various authorities delivered one blow after another to the Algonquins' ancient and valid claims. In 1839, for example, Mr. Justice Macaulay, in a report on Indian Affairs for the government of Upper Canada (now Ontario), dealt with the fact that the Mississaugas had surrendered and been paid for an extensive part of the Ottawa Valley. Although the Algonquins had objected, he concluded: "The Mississaugas' right as occupants had been implicitly recognized by the government, and there is not sufficient evidence to support the counter-claim of the Algonquins. If it exists it must repose in the early history of the tribes frequenting the great Canadian rivers."

Any reader who has followed the story through the countless petitions and responses recorded since 1763 will find this an extraordinary claim. The evidence certainly did exist, and it reposed in the files of the Indian department.

But Macaulay was reporting to the government of Upper Canada, and because the summer trading place of the Algonquins was at Lake of Two Mountains in Lower Canada (Quebec), the papers concerning them were kept in the Lower Canada branch of the department.

It was simple for Macaulay to dismiss the official correspondence that supported the claims of the Algonquins by saying that they "assume rather than prove the right of those Indians to territory within the limits of Upper Canada," since he believed that the Algonquins were "Lower Canada Indians," without rights on the west side of the Ottawa Valley. He had read enough to know, however, "that all this requires attention," and he urged the government to "compound with proper parties for the cession of all this territory and...for all the unconceded lands embraced by the Great Lakes and the Ottawa as far as Lake Nipissing [*sic*]...extinguishing the Indian title for a fair equivalent."

The Executive Council did not take the action recommended by Macaulay. Instead, it fastened on his conclusion that the



Indians had no rights south of the Ottawa River to countermand the actions Captain Ducharme and Colonel Hughes of the Indian department had taken to deal with squatters in Indian lands on the river. Thus, the one step ever taken by the Indian department to secure any form of compensation from squatters on Algonquin land was overruled. The government ignored Macaulay's recommendation for a treaty and completely ignored the terms of the Royal Proclamation, which, as the Algonquins had so many times insisted, had never been repealed and was still in force.

In 1840 Colonel Hughes met with the Algonquins to tell them that the government had not yet answered their petitions. Chief Ka-on-di-no-ketch replied with a sad and remarkable summary of the entire eighty-year experience:

Our hunting grounds, which are vast and extensive and once abounded in the richest furs and swarmed with deer of every description, are now entirely ruined. We tell you too true, we now starve half the year through, our children, who were formerly accustomed to be comfortably clothed, are now naked.

Brother, we are partly the cause of these our present misfortunes. We were too good and generous. We permitted strangers to come and settle in our grounds and cultivate the land, and traders to destroy our valuable timber, who have done us much injury, as by clearing our rich forest, they have annihilated our beaver and our peltries, and driven away our deer. Had our hunting grounds belonged to the whites, they would not have allowed this, but we had good hearts and took pity on our white brethren.

The Chief cited the Royal Proclamation: "Our Father, Sir William Johnson, gave our ancestors a writing on parchment, we still hold. This document tells us that we shall never be disturbed on the hunting grounds reserved for us...that we could not make away with these to strangers, but that whenever we should wish to part with them our Great Father...would pay us for

them." He objected again to the fact that the government had paid the Mississaugas for the surrender of Algonquin lands, and ended: "We have no choice to make. We must one and all become tillers of the ground, otherwise we must starve."

The Algonquin effort to move on to Allumette Island also had a melancholy result. Algonquins were told in 1837 that the governor would have the land surveyed for them, but when they later sent a deputation to Toronto, they were told that the land on which they were to settle had been sold to a tribe of Mississaugas who had sold it in turn, though they were well aware that it formed a part of the Algonquin hunting grounds.

### **Fiddling the Boundaries of Algonquin Territory**

The occupation of the Ottawa Valley by lumbermen and settlers was matched by a movement to exploit the timber and mineral resources north of Lake Huron and Lake Superior. Mining locations of 260 sq. km (100 square miles) each were granted to friends and members of the government. Petitions by Ojibway chiefs were ignored, just as Algonquin petitions had been.

It was not until 1849, when the Ojibways living near Sault Ste. Marie took over a mining location and evicted the miners, that the government decided a treaty was necessary.

Here again, as so often, the extent of the territories surrendered was very vaguely described, and this has had a negative impact on the Algonquins, northern neighbours to the Ojibways.

The eastern boundary of the lands surrendered by the Ojibways in the Robinson-Huron Treaty of 1850 was not clearly defined; it includes "the eastern and northern shores" of Lake Huron, and "inland to the height of land" separating the Hudson's Bay Company lands from Canada. A royal commission that preceded the 1850 treaty, however, gives a clearer definition of the Ojibway area, and notes that a tract of land lying between the "last three bands" of Ojibways and the Ottawa River "is supposed to belong to the Indians of Two Mountains, Canada East."



The obfuscation of this boundary extends right to the present day. Maps produced by the Department of Indian Affairs in the 1960s show the Ontario side of the Ottawa Valley as being covered by no valid surrender, but in 1971 the department produced a map that extends the territory covered by the 1850 treaty to the banks of the Ottawa.

By the 1840s the Algonquins were drifting away from the settlement at Lake of Two Mountains and establishing settlements closer to their traditional hunting grounds. There were several reasons for this. There was a bitter battle between the Mohawks and the priests at the seminary at Oka about control over the land, there were many diseases in the village, and more trading posts had opened up closer to the trapping areas.

### Getting the Algonquins Out of the Way

By the 1840s the Algonquins of Ontario had become a marginalized people, at least in the eyes of the white man. Our people lived in scattered settlements, where according to official policy they had no rights except those granted by the government.

The Algonquins who left Lake of Two Mountains restarted settlements on their own initiative at River Desert, on the Gatineau, 150 km (90 miles) directly north of Ottawa, and at Golden Lake, on the Bonnechere River, 140 km (85 miles) west of Ottawa. The story of how these settlements were turned into reserves, intended as gathering places for the scattered Algonquins, illustrates another persistent theme of Canadian government Indian policy: the determination to gather the native people who had been forced off their hunting grounds into consolidated settlements, called "points of concentration," where they could be subjected to the "civilizing" influence of priests and teachers and turned into Christians and farmers. This policy was tried (and failed) in deliberate experiments in the 1830s at Coldwater in the Muskoka region, and Manitoulin Island; it was the chief impetus behind the reserve policy extended into the Canadian west by the numbered treaties in the 1870s.



In 1851 the heads of three or four hundred Algonquin families petitioned the House of Commons, complaining that the government had never done anything "to help to come to pass...the awaited advantages of the civilized state"; that they had been stripped of the land that was their inheritance with "nothing given to them in exchange." They had, they said, "been brought to believe, as a result, that the principles of religion and humanity that civilized men profess are not well rooted in their hearts. Having thus remained a hunting people while you have destroyed all the means of hunting," they said, many remained discouraged, without hope, and without resource. The resultant poverty "has as its companions miseries of all kind, and diseases which quickly harvest their wives and children."

A year or two before, other Algonquins had applied for 40,000 hectares (100,000 acres) of reserved land at the head of Lake Temiscaming and 24,000 hectares (60,000 acres) at River Desert. But in this petition these family heads said they did not want the Temiscaming land, because of "the ingratitude of the climate and soil of that place, its distance, the absence of roads and neighbours, of any example in the practice of farming, and of any means of procuring any tools, seeds and animals." They asked for a township nearer the Ottawa River, and financial assistance to help establish a modern farming community.

The money, they pointed out, could come from the savings the government had made by diminishing the annual presents, or from the "public funds to which your petitioners have as much right as their fellow citizens of European origin."

It took six years before two tracts of land were set aside for the Algonquins: 15,360 hectares (38,400 acres) — not 40,000 hectares — at Temiscaming, and 18,300 hectares (45,750 acres) — not 24,000 hectares — at River Desert, which the Algonquins named Maniwaki ("Mary's Land").

Not everybody wanted to go to these two places. In September 1857, five families living near Golden Lake petitioned the governor general, stating that since their hunting



grounds had been opened up for settlement and sale by the government, they had "no resource left but to try to raise sufficient from the soil to support (themselves)."

They asked for 80 hectares (200 acres) per family, much the same kind of grant white settlers were receiving from the government. The local Crown Lands agent wrote in support of the petition: "These men appear to be unusually intelligent and respectable; I have been informed that they are moral and industrious and well-deserving."

In spite of this the Commissioner of Crown Lands wrote to the Indian Affairs department in November 1857 that there was no provision for the disposal of public lands for such an application: "This department cannot submit the application to the favourable consideration of the government," and they would have to see if there were Indian funds for such a purchase. Besides, wrote the commissioner, the Algonquins at Golden Lake were reported to be "half-bred, half-civilized Indians."

For six years the Algonquins continued to apply to the local Crown Lands agent for response, all the while worried that the government might sell the land on which they were living to someone else. Finally, in 1864, the Indian department used Indian funds to pay \$156.10 for the 624 hectares (1,560 acres) that became the Golden Lake Reserve.

Over the next few years several more families joined those already there, until in 1880 there were eighty-three Indians, seven log houses, sixteen wigwams, and thirteen barns and stables. The Algonquins asked for more land, but the Indian department decided, "there is evidently plenty of land for all."

The written record of the following decade shows a government determined to restrict the rights of Algonquins who persisted in living outside the three designated reserves. As these reserves were being established Algonquins living in two other places not far from Golden Lake tried to obtain reserved Indian land grants. The usual response was that they should go either to Golden Lake or to Maniwaki. In 1866, one-quarter of



Lawrence Township, within the boundaries of Algonquin Park, was reserved from sale, but the Indians living there, who had requested this, were not told until two years later. Then they were advised: "The land has been reserved for the use of the Algonquin Indians during the pleasure of the Crown, not granted....Also, the Indians are not to have the right to the merchantable timber on the land nor are they to interrupt those parties who hold timber licenses from cutting and carrying off the timber."

Twenty years later, the people there tried unsuccessfully to exchange this location for another, since hunting was poor and fur scarce. Ontario was now in charge of Crown Lands, but did not respond to the request. Later still, in the 1890s, further efforts were made to secure formal protection for the land set aside, but the Commissioner of Crown Lands did not agree:

The formation of a settlement of Indians upon the borders of a territory of this kind would, in my opinion, be attended with great danger to the preservation of game in [Algonquin] Park. You know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest, or to get them to recognize that a law which applies to white people with respect at any rate to the killing of game, should be made to apply to the Indian, who depends for his livelihood in great measure upon what he can kill in the forest.

It would therefore be also impossible to keep these Indians, thus situated, from hunting and trapping within the Park, and the attempt to do so would no doubt be attended with great expense and continual friction and bad blood between Indians and the ranger, which might lead to unfortunate results.

The commissioner then learned that there was an Algonquin settlement nearby, in Nightingale Township. Although these people had been living there for a generation, he hastened to warn them that "they have no rights there, and they must not



expect that these lands will...be allowed to them." Similarly land was ultimately denied to the Lawrence Township Indians, who were advised that "they should confine themselves to the reserve which has been set aside for them at Golden Lake."

Algonquin Park, set up at the instigation of the lumber barons as a means of keeping timber land from being settled, was now used to deny land to Indians living in the vicinity. In vain did Chief Peter Sharbot say that he had no designs on land within the park. Bewildered by the bureaucratic runaround, he wrote: "We are getting such poor satisfaction by running and writing and nothing ahead yet we do not wish to be humbugged...we wish you to try and get the land."

Chief Sharbot tried to get a land grant in a third township, Sabine, but again Indian Affairs headquarters refused: "If these people belong to the Golden Lake band, they should be instructed to return to the reserve at Golden Lake."

Of course, they were not from Golden Lake. But the bureaucrats had never been to Golden Lake, although it was one of the closest reserves to Ottawa.

Indian Affairs later wrote to the Ontario government that the lands in question were unoccupied except by the Indians, and "unfit for settlement." However, the provincial government steadfastly refused to part with them, since the timber had not yet been harvested. "This department's...experience is that Indian settlements render the localities in which they are situated less attractive for settlement than other localities in which there is no Indian population," observed the province. One might remark that this had not, of course, stopped them from settling the Algonquin lands in the first place!

By the end of the nineteenth century, the federal government had issued its final word about the Algonquins living in Lawrence, Nightingale, and Sabine townships: "These Indians are merely stragglers from other bands and are allied to those for whom the Maniwaki reserve was set apart, as well as those for whom the Golden Lake reserve was established in 1870."



Thus had our proud people — hunters, traders, great travelers, masters of a huge wilderness — been reduced by bureaucratic and political duplicity to “mere stragglers” in our own land.

The Algonquins at Golden Lake had received a formally recognized Indian reserve. Those who lived 80 km (50 miles) west of them, equally Algonquin, ended up with nothing.

When the Government of Canada began to decide who was an “Indian,” according to the strange definitions written into the Indian Act, the people living on the reserve at Golden Lake were recognized as “status Indians.” The Algonquins of all other parts of the Ontario side of the Ottawa Valley were not even granted that recognition.

### **Algonquins Defend Their Hunting Rights**

In 1897 the local Indian agent wrote that one of the Golden Lake Indians had asked for “a permit to kill a deer now and then for meat to support his family. I feel sorry for the poor man,” the agent continued. “I know him to be a good and kind man...the people threaten that if they ever know him to kill a deer they will have him before a magistrate and fined.”

The department replied that the Indians did have the right to kill deer for food. The local agent must have informed the people of Golden Lake about this, since in April 1898 he wrote back to headquarters: “The majority of the Indians at Golden Lake reserve are summoned to appear before the game warden...for killing deer out of season. Now they expect me to save them as if not I suppose they will make a complaint to the department.” But the secretary of the department replied that “even if the department felt justified in defending Indians...it has no funds at its disposal for such purpose.”

Most of the Algonquins were convicted, but instead of imposing fines (in view of their poverty they could not pay fines and would have ended up in jail) the magistrate gave suspended sentences and a warning that the men would be jailed if they were caught hunting again.



This court action did not stop the Algonquins from hunting and fishing. It did, however, make us much more careful. Algonquins continued to use the land as they had for so many thousands of years, and what we called making a living, the newcomers now called "poaching."

Our elders tell stories of hunting in Algonquin Park; of the man who used stilts to confuse the rangers who might try to track him, of the man who wore his snowshoes backwards, and of the family whose children were wrapped in "poached" furs under their snowsuits, which the rangers failed to search. At the portage store at Canoe Lake the Ontario Ministry of Natural Resources displays a birch-bark canoe blackened to avoid detection, seized from "an Indian poacher." There were few court cases for nearly a century, not because the Algonquins ceased hunting and fishing but because we did so with much more discretion.

In 1954 a new regime of fur management in Algonquin Park arrived. The government realized that proper harvesting of fur-bearing animals would strengthen the populations and ensure their survival — something the Indians always knew. The entire eastern half of the park was opened to the trappers from Golden Lake (and only to them) and, ever since, each trapline has been in full use and occupation.

When the Algonquins of Golden Lake began to reassert their land rights, in the late 1970s, the Ontario Ministry of Natural Resources responded with a new series of charges under the Provincial Parks Act and the Game and Fish Act.

In many cases the charges were perused through several adjournments of the court and then dropped on the date set for trial, after we had gone through all the trouble and expense of preparing for the hearing. The Algonquins have stated that these charges are harassment, that we consider the practice an abuse of the court process by the Crown, and that we seriously consider taking court action to prevent any recurrence.

At Golden Lake the Algonquin people have instituted our own community hunting, fishing, trapping, and gathering rules, which are to be respected and enforced over the entire traditional territory, rules that are consistent with traditional Algonquin values of conservation, sharing, and safety.

### Reasserting Our Rights

➤ In 1974, Chief Dan Tannis asked the Rights and Treaty Research Programme of the Union of Ontario Indians to examine the taking of the railway right-of-way through the Golden Lake reserve. Before the Research Programme could give any opinion, though, it had to find out how the land had come to be a reserve in the first place.

The inquiry led to the discovery of the 1857 petition asking for reserve, and then to the realization that there had never been any treaty or surrender by the Algonquins. From that point the entire sorry tale of petition upon petition, promise and delay, emerged.

In 1978, at a meeting in Golden Lake, representatives of the Canadian and Ontario governments were given copies of all the research that had been accumulated to that time. Ontario was asked to refrain from issuing any further land patents.

Also in 1978 the Algonquins of Golden Lake hosted a meeting of the chiefs of all the "status Indian" Algonquin communities in Ontario and Quebec. Golden Lake's research was nearly finished; the research work of the others had barely begun.

An agreement was made that Golden Lake would claim the Algonquin territory on the west side of the Ottawa River, while the other communities would concentrate on the east side, that if any negotiations were to take place one designated representative from each side of the river would be invited to attend meetings on the other side, and that all research materials would be shared.



In 1983 the Algonquins of Golden Lake delivered a petition, as dictated by protocol, to the governor general, Edward Schreyer. The document was signed by almost all the adult population of the Algonquin Golden Lake First Nation.

Writing the petition was easy; most of what needed to be said had been stated many times over in the petitions of the previous two centuries. Most of the 1983 petition was taken directly from earlier ones, especially the forceful and clear communications of the 1820s and 1830s.

After reiterating the long history that has been outlined in this article, the petition details at least twenty-three previous petitions "for protection and simple justice" that had been made by Algonquins between 1791 and 1863. Then it continues:

Innumerable squatters and lumberers, authorized by your governments, have taken possession of and established themselves on the most fertile parts of our lands, destroyed our magnificent forests, abused our ancestors, and forced them into pitifully small tracts of land in abject poverty...

The Crown's governments have participated in these attacks on our just rights, gaining profit from the sale of our lands and resources. We have seen our people stripped of their nationality in violation of all laws. We have seen them jailed or fined for seeking game or fish for food. These attacks on our rights continue in our woods and lakes and your courts to this day...

In violation of your laws and ours, your governments took purchases of our lands from Indians who never lived on them and claimed no title to them.

The petition acknowledges that in seeking justice today the Algonquins do not want to create injustice for others by dispossessing others without compensation, "as we have been dispossessed ourselves."

We therefore pray:

That all lands in the province of Ontario which form part of the watershed of the Ottawa River below the

## *ALGONQUINS SOUTH OF THE OTTAWA*

Mattawa River that are now in the possession of the Crown be immediately confirmed and recognized as belonging to our Nation;

That the governments of Canada and of the province of Ontario make no use or disposition of these lands or any parts of them or any resources appertaining to them, without the consent of our Nation;

That discussions begin with your governments under your personal auspices and direction to settle the questions of compensation for their past use and occupation of our lands and resources, and of compensation for the taking of those lands which have been patented.

### **Our Rights Contested in Court**

Meanwhile, as this was developing, the Algonquin claim was beginning to be tested in the courts. In a case involving Algonquin Boyd Tennesco, Provincial Court Judge Russel Merredew stated that the Algonquins had aboriginal rights to the areas that have never been surrendered. Merredew found the 1923 treaties purporting to be a surrender of the Ottawa Valley by the Mississaugas and Chippewas to be a cynical act by the governments. And he found that the Algonquins, in accepting, relying upon, and complying with the Royal Proclamation of 1763, had elevated that document to the status of a treaty, which would override the provincial Fish and Game Act.

The Supreme Court of Ontario, dealing with the narrow issue of whether the proclamation was a treaty, disagreed. It held that the Proclamation was a unilateral act of the Crown, and that nothing the Algonquins did would change the nature of the document into a treaty.

The decision is ironic. If any other Crown official had communicated the reservation of the land in the Royal Proclamation to the Algonquins, the Algonquins' acceptance would have created a treaty, according to this decision. But since the Proclamation was the King's word only, and did not require Algonquin acceptance, it provides no legal protection at all.



Yet, the findings of fact of the Provincial Court still stand: the Algonquins have unsurrendered aboriginal rights in the area.

By 1987 the provincial and federal governments had been in possession of our land-claim documents for four years. Although the federal claims policy indicates that there should be a formal response within twelve months of submission, we had not yet received any response from the Government of Canada. The Province of Ontario did say, however, that its land policy would continue as before: disposition of Crown land would proceed without any requirement for notice to, or consent from, the Algonquins.

In September 1987, as Chief of the Algonquin Golden Lake First Nation, I met with Ian Scott who was both the provincial minister responsible for Native Affairs and the attorney general of Ontario. Scott promised at that meeting that he would provide the Algonquins with the official reply on behalf of the province of Ontario "by mid-1988." That time has come and gone and we have yet received no reply.

Dispositions of Crown lands and the alienation of Crown land to third-party interests, however, began to increase at an alarming rate within the claim territory. The provincial government formally announced its "Crown Lands as a Development Tool" policy, and designated the Whitney area, Algonquin heartland, as a "Primary Development Area." Under this development policy the provincial government intends to make land available to developers at subsidized rates for a variety of uses.

At the same time Ontario announced its intention to build a Pakkotina Forest access road, to open up an area of about 12,000 hectares (30,000 acres) of Crown land near Golden Lake to more intensive forestry and recreational use, a clear attempt by the Ontario government to extinguish aboriginal title to the area in question as per the federal land-claims policy.

Road allowances around lakes in the area (which are still considered Crown land) have been "stopped up" and sold with no consideration given to the Algonquin claim, and "new" provincial parks have been created in Algonquin territory.



We feel that the federal and provincial governments have been neither diligent nor sincere in their dealings with Algonquin rights, and this perception has led us to consider taking various actions in an attempt to provoke a response after more than two centuries of inertia.

We thought that perhaps one reason the government did not respond to our latest petition, that of 1983, was that they lacked any vision of how a claim, so well documented, so well justified, and of such a magnitude, could be settled fairly. We therefore decided that we should help the government to overcome this apparent short-sightedness.

#### **A Proposed Resolution of Our Claims**

In August 1988, on behalf of the Algonquins of Golden Lake, I delivered a settlement proposal to the governor general, again as protocol dictated, and to the responsible Canadian and Ontario ministers. The proposal is a serious attempt to resolve this issue, and represents major concessions on the part of the Algonquin people. Compensation in direct dollar value for loss of land and loss of land use would reach astronomical amounts. We have, therefore, based our proposal not on direct compensation but on the requirements for the establishment of an independent, self-sufficient Algonquin economy, and the rights and powers necessary to protect that economy and land from ever being threatened again.

The proposal states, in several parts:

- that the Algonquins would take over administration and control of Algonquin Park, which would remain a public park while also remaining Algonquin land. The proposal calls for a joint Ontario-Algonquin management board to oversee a transition period, which would ensure no reduction in the quality of service and administration in the park;
- that other unpatented land in traditional Algonquin territory would either be acknowledged as Algonquin land or be



transferred to the Crown with compensation. "Crown land" within that territory includes what is now called Algonquin Park, Canadian Forces Base Petawawa, and the lands of the National Capital Commission in Ottawa (including Parliament Hill);

- that the government of Canada would continue its program and services in education and health care;
- that there would be sufficient financial compensation to ensure the establishment of a non-dependent Algonquin economy;
- that Algonquin social and political rights would be recognized.

In making this proposal the Algonquin people emphasize that non-Algonquin land owners in the area should not be concerned about the loss of their property. The land portion of the proposal applies to Crown land only and not to private land, and the Algonquins have made every effort to ensure that private individuals' land rights are protected.

On September 2, 1988, the Algonquin people of Golden Lake took to the road to draw attention to their plight, to educate the public and to gain support for their struggle. About 70 percent of the adult residents of Golden Lake as well as Algonquin and non-Algonquin supporters from the Whitney, Lake St. Peter, and Sharbot Lake areas gathered at the eastern gate of Algonquin Park. Here a road block was set up and buttons and pamphlets explaining the Algonquin situation were handed out. The thousands of motorists stopped were also asked to sign a petition asking the government to take immediate steps to deal fairly with the claims of the Algonquin people.

There is no question that the demonstration was effective. Most of the motorists readily signed the petition and several newspaper and TV crews were present to cover the event. Cooperation with the police and the park staff was very good, and the involvement and support of so many of our people was heart-

warming to see — evidence, surely, of our renewed interest in our heritage and of our commitment to the future of our children.

On October 5, the Ministry of Natural Resources announced that the Pakkotina Forest Access Road Development had been "postponed" because of lack of financial resources — although the funds had in fact already been allocated to the project.

→ On October 17, the heads of the respective land-claims departments of the federal and provincial governments came to Golden Lake to discuss the claim. After presenting a brief historical background, we stated our positions on the variety of federal and provincial initiatives affecting our claim. The Pakkotina Forest Access Road, which remains as a stated objective of the Ministry of Natural Resources, would not be built. Crown Lands as a Development Tool would not proceed in Algonquin territory without Algonquin consent. Algonquin hunting, fishing, trapping, and gathering would continue over the entire Algonquin territory according to our own established hunting, fishing, and gathering rules, and the road-allowance sales as well as any other land-use initiatives must proceed only with Algonquin consent.

The province agreed to work with us at that time to establish an "interim agreement" that would resolve some of those "issues of common concern" while we were seeking settlement of the Algonquin land claim.

Once again we asked these government officials when we could reasonably expect an official response from their respective governments regarding the acceptance of our claim for negotiation. We were assured that both the federal and provincial cabinets would review the land claim, together with the required supporting documentation, by the end of December 1988 and that we could expect to receive a cabinet response by the end of January 1989. We were also advised, however, that this probably would not happen without more detailed information demonstrating continued aboriginal use (hunting, fishing, trap-



ping, and gathering) over the entire territory in question. We began immediately to work towards this end, but in the meantime they hesitated to submit our claim to cabinet until after the Bear Island appeal decision was announced.

On February 27, 1989, the Ontario Court of Appeal issued its decision in the case of the Attorney General of Ontario *v.* the Bear Island Foundation et al. This decision had serious implications for many aboriginal people in Canada. Among other things, it said that, if there is clear proof that the sovereign had the plain and unambiguous intent to take the land in question, then the aboriginal rights in that land are extinguished. Our legal opinion as to the effect of the *Bear Island* case on the Algonquin land claim is that the two cases are sufficiently different so as to make that decision, although serious, not significantly damaging to the Algonquin claim. Provincial government people unofficially confirmed our position and also commented that the *Bear Island* decision might even help the Algonquin claim. Federal justice lawyers were split on the issue, with one side being of the opinion that the *Bear Island* ruling completely negated the Algonquin claim and the other side believing that the ruling did not significantly damage our claim. On April 25, 1989, our land-claim committee — myself, Kirby Whiteduck, Dan Cooco, and legal counsel Paul Williams — met with Richard Van Loon, the assistant deputy minister of Northern Affairs (where the Comprehensive Claims Branch had been transferred to in the last cabinet shuffle, away from the Department of Indian Affairs). Also present at that meeting was Ian Potter, the director of Comprehensive Claims, and John Leslie, the chief of Treaty and Historical Research Centre of the Comprehensive Claims Branch.

At this meeting we presented our aboriginal land-use data that proved current and continued aboriginal land use on and over our entire territory. Here we were presented with a document entitled *Indices of Current Use: An Approach to Data Collection and Reporting*. This document, which we had never seen before,



outlined further and much more detailed information requirements concerning aboriginal land-use activity, for example, under "Gathering": "list roots, berries, medicinal herbs, etc. collected....What is the intensity....What is the frequency....How many members of the claimant group are involved? and gathering locations should be indicated."

To our dismay we were also advised that the Comprehensive Claims Branch was now not prepared to submit our claim to cabinet because "in our opinion the Algonquin land claim would be rejected by cabinet, if submitted in its present form." As an alternative, since our claim was neither a true comprehensive nor a true specific land claim, yet with elements of both and, in our opinion anyway, undeniably a valid claim, we were advised that the Comprehensive Claims Branch would submit for cabinet's consideration a "Modified Comprehensive Land Claim" categorization before submitting the Golden Lake land claim. This, we were assured, would give our claim the best chance of being accepted for negotiation by cabinet. This, of course, raises the question, "Is the federal government attempting to water down the land claim process to make the Golden Lake claim that much more affordable?"

The effect of having this cabinet document going forward ahead of our land claim would mean, considering that cabinet recesses for the summer, that our claim would not be put forward for consideration until the fall and that we would then not be able to expect a response much before the end of 1989, a full seven years from the date of our last petition and six years from the date that the federal government's own policy dictates that we should have a formal response.

On May 9, 1989, the committee met with Mark Krasnick, executive director of the Ontario Native Affairs Directorate; Lise Hansen, director of Claims Unit; and Mark Stevenson, the lawyer for the province. At this meeting we were advised that they were hesitant to submit our claim to the cabinet at the present time as "it probably would not be accepted for negotiation in its



present form. It was also admitted that the provincial government more than likely would not agree to negotiate our claim until after the federal government accepted it for negotiation.

Work on the "Interim Agreement" was discussed as well, and we were advised that the provincial government, to wit, the Ministry of Natural Resources, would have a lot of difficulty with our positions. However, the province did agree to enter into a discussion process with us, parallel to, yet separate from, the land claim process, that would attempt to provide a practical pro-active approach to addressing some of the immediate needs of the Algonquins of Golden Lake.

So we continue to struggle with government bureaucracies that have stymied the desire of our people to defend their land, almost ever since white men came among us. We have always been reasonable, yet after two hundred years, our patience is wearing thin.

