

**The Tides of Morality: Anglo-American Colonial Authority and Indigenous  
Removal, 1820-1848**

by

Elsbeth Martini

A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
(History)  
in the University of Michigan  
2013

Doctoral Committee:

Professor Gregory E. Dowd, Chair  
Professor Tiya A. Miles  
Associate Professor Damon I. Salesa, University of Auckland  
Associate Professor Michael Witgen

© Elspeth Martini  
2013

To my mother  
Christine Brown

In loving memory of her father  
John "Jack" Brown

## **Acknowledgements**

I could not have completed this dissertation without the generosity, support, and friendship of a number of people. My biggest thank you goes to my advisor, Greg Dowd. Greg has been both an inspirational and indefatigably reliable mentor for innumerable reasons, amongst which include the brilliance and humanity of his scholarship; his amazing organizational skills; his always-positive pedagogical method; the fact that he submitted all my reference letters weeks in advance of the deadlines; and his magical ability to give me supportive feedback on chapter drafts within the same week that I sent them to him. Amid the pressures of graduate school, to have had someone who has been constantly supportive and understanding has been a great boon, and has helped give me the confidence to pursue my independent research.

A huge thank you also to the two other people who have been my mentors and constant supporters since I arrived at Michigan: Damon Salesa and Michael Witgen. I am particularly grateful for all the time they generously gave me for long conversations about historiography and the state of their respective fields, which were hugely valuable as I tried to orient myself intellectually. Like Greg's, Damon's and Michael's amazing scholastic insights have left a profound impression on my historical thinking, and they were hugely influential in conceptualizing and executing this project.

I am also grateful for the support of a number of other scholars. A big thank you to Tiya Miles for agreeing to be on my committee and for her invaluable feedback, and also for the mentorship she gave to me and my fellow graduate students as head of Native American Studies;

her advice was tremendously helpful in facing the practical challenges of researching and writing a dissertation. Also to Leslie Pincus, who taught me so much about the writing process and who both helped me formulate my optimal work schedule and made me realize that my own struggles – far from being unique – were just part of the process, thank you. I am also grateful to a number of other professors in the Department of History at Michigan, who I took courses with or taught for, and who provided me with the intellectual inspiration and friendly support that has helped make the department feel like home: Geoff Eley, Gabrielle Hecht, Sue Juster, Mary Kelly, Joel Howell, Matt Lassiter, Gina Morantz-Sanchez, Marty Pernick, Mills Thornton, and Richard Turits. Thank you also to other scholars who have taken the time to talk with me about my work, in particular, Sharon Block, Miranda Johnson, and Zoë Laidlaw.

Thank you also to all my graduate-school colleagues at Michigan for perpetuating such an exciting intellectual environment. While there are too many impressive young scholars and people to name, I will just say a special thank you to those who have been some of my closest and most supportive friends. Thank you to Suzi Linsley for being a friend and pillar of support throughout; to Jenny Kohn, whose friendship, humor, and strength has inspired me; and to the many others who have been unfailingly supportive, and with whom I have spent many much-needed hours of fun and relaxation, including Crystal Chung, Nafisa Essop Sheik, Laura Ferguson, Lauren Hirshberg, Nilanjana Majumdar, Stephen Sparks, Ronit Stahl, Colleen Woods, and Jeremy Weijerman. And to many others for fun times, good chats, and exciting workshops, including Rabia Belt, Aaron Cavin, Kelly Fayard, Amanda Hendrix-Komoto, Sara Lampert, Gene Cassidy, Kara French, Sarah Hamilton, Trevor Kilgore, Angela Parker, Patrick Parker, Kiri Sailiata, and Kiara Vigil. Thanks as well to all my Ann Arbor friends for their ongoing support, and for reminding me that not all of life revolves around the university campus: Sammy Gupta

and Pali Patel, Kate and Pat Hunt, Eric and Meghan Jankowski, Jason Kramb, Ben Morris, Katie Tamarelli, Adam Wagner, and Sam Wintermute. Also thank you to Joseph Lambert for four years of fun and for having such great friends.

For the financial support to research and write this dissertation, I am thankful for the generosity of the Department of History and the Rackham Graduate School at the University of Michigan. Thanks also to the helpful librarians and archivists at all the archives I visited, particularly the friendly staff at the Tasmanian Archives and Heritage Office and the National Archives of Canada. Thank you also to the ever-helpful staff at the Hatcher Graduate Library at the University of Michigan, in particular those in the Inter-Library Loan office.

And finally, to all my Australian friends and family, whose love and support has kept me going despite the distance. Thanks to Dad and Lydia, Gromps and Jan, Marnie and Pa, and Nannie; my siblings David, Sarah, Daniel, and James; my sisters- and brother-in-law Jacqui, Stephanie, Taryn, and Clinton; and to all the Brown-Martini-Davis associates who have been like family to me over the last fifteen years, especially to Karen Hunt and Steve Foster for making London feel nearly as much like home as Melbourne. To the Poyners, whose approach to life helps me to keep things in perspective, and to Gemma Deane, Sarah Pinto, and Jenny Zahara for twenty years of loyal friendship and fun times, thank you. And above all, thanks to my stepfather Kevin for his constant and ongoing support, and to my mother, Christine, without whose lifetime of unconditional love and support none of this would have been possible.

## Table of Contents

Dedication .....	ii
Acknowledgements .....	iii
Introduction	
Removal, Morality, and “Natural” Processes .....	1
Chapter One	
Imagined Geographies of Justice .....	33
Chapter Two	
Rituals of Morality .....	80
Chapter Three	
The Moral Dangers of Encounter .....	113
Chapter Four	
Patriarchs of Expropriation .....	177
Chapter Five	
Humanitarian Dispossession .....	248
Chapter Six	
Removal and Emigration in the Great Lakes .....	298
Conclusion	
Paternalist Reckonings and Innocent Masculinities .....	337
Bibliography .....	346

## **Introduction**

### **Removal, Morality, and “Natural” Processes**

In his 1835 travel narrative, *The Rambler in North America*, Englishman and future British colonial official Charles Joseph La Trobe wrote that one of the aims precipitating his 1832-33 travels in the “New World” had been “to be a guest in the lodges of that race, of whom men speak as doomed speedily to disappear from the face of the earth.”<sup>1</sup> Traveling in the early years of the Jackson administration’s Indian removal policy, La Trobe apparently believed the pronouncements of removal proponents, such as Secretary of War Lewis Cass, that the government’s policy “to remove” the eastern American Indian peoples west of the Mississippi River was a benevolent, just, and necessary policy. Given that “common observation alone” apparently enabled anyone to predict the American Indians’ “utter extinction before the lapse of many years,” La Trobe had “been led at length to admit” that the “white man and the Indian cannot be near neighbours.”<sup>2</sup> At first glance, La Trobe’s support for the Jacksonian’s Indian removal policy seems surprising. As a Moravian Christian, committed to the civilizing mission among “native” peoples, and as a man with self-proclaimed Tory sensibilities inimical to Jacksonian-style egalitarianism, La Trobe had more in common with the proto-Whigs who in 1829 and 1830 led a concerted but ultimately unsuccessful campaign to block the passage of the

---

<sup>1</sup> Charles Joseph Latrobe, *The Rambler in North America*, 2 vols., vol. 1 (New York: Harper & Bros., 1835). 17.

<sup>2</sup> *Ibid.*, 130,34.



Indian Removal Bill through Congress.<sup>3</sup> Yet La Trobe's writings on removal, and his subsequent adoption of removal-style policies towards indigenous peoples in New South Wales, suggest that "removal" – as a discursive concept and coercive practice – was not confined within the borders of U.S.-claimed territory.

Despite similarities between "Indian removal" in the U.S. and policies adopted by the British in their settler colonies, scholars have generally regarded government-sponsored efforts "to remove" indigenous peoples from their homelands as a specifically U.S.-centered phenomenon.<sup>4</sup> Undoubtedly historical narratives of Indian removal in the United States tell important stories regarding the republic's national historical legacy. Most of these works focus on the intensive efforts of the Jackson administration and the southern states against the "five civilized" southeastern nations – the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles – who struggled to retain their sovereignty in the face of intensive coercive pressure from U.S. citizens eager to appropriate their lands.<sup>5</sup> Yet even from the perspective of nationally bounded

---

<sup>3</sup> After intense debate in Congress, the Indian Removal Bill passed the Senate in May 1830. See Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Norman: University of Oklahoma Press, 2002), 19-31. On the proto-Whig "antiremovalists" see Francis Paul Prucha, "Introduction," in *Cherokee Removal: The "William Penn" Essays and Other Writings*, ed. Francis Paul Prucha (Knoxville: University of Tennessee Press, 1981). For the involvement of women in the antiremoval campaign: Mary Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," *Journal of American History* 86, no. 1 (1999); Alisse Theodore Portnoy, "'Female Petitioners can Lawfully Be Heard': Negotiating Female Decorum, United States Politics, and Political Agency, 1829-1831," *Journal of the Early Republic* 23, no. 4 (2003). On the politics of the second party system see, for instance, Daniel Walker Howe, *What Hath God Wrought: the Transformation of America, 1815-1848* (Oxford; New York: Oxford University Press, 2007); Charles Grier Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991).

<sup>4</sup> Cf scholars of "settler colonialism" who see removal as part of a geographically and temporally wider phenomenon in which indigenous peoples faced similar patterns of coercion as invading settlers attempted to appropriate their lands in places such as British North America (and subsequently Canada and the United States), Australia, and New Zealand. See for example, Lorenzo Veracini, *Settler Colonialism: a Theoretical Overview* (Basingstoke, Hampshire, UK ; New York: Palgrave Macmillan, 2010). This scholarship will be discussed in more detail below.

<sup>5</sup> See Grant Foreman, *Indian Removal: the Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1953); Michael D. Green, *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln: University of Nebraska Press, 1982); Tiya Miles, *Ties that Bind: the Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005); Michael Paul Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian* (New York: Knopf : distributed by Random House, 1975); Satz, *American Indian Policy*; Anthony F. C. Wallace, *The Long Bitter Trail: Andrew Jackson and the Indians* (New York: Hill and Wang, 1993).

U.S. histories, few scholars have focused on government-sponsored efforts to remove American Indian peoples further north in the region of the Great Lakes or “Old Northwest.”<sup>6</sup> Reorienting our gaze to this region brings into view crucial dynamics relating to the so-called “removal” of indigenous peoples in the U.S. and British empire.

The political dynamics of the U.S.-British border region in the Great Lakes had a particular impact on the formulation of U.S. Indian policy. Indeed, in the 1820s two major proponents of Indian removal in the U.S. – Lewis Cass and Thomas McKenney – framed their views on Indian policy as much in light of Great Lakes U.S.-Indian diplomacy and the proximity of the British as they did with respect to the escalating conflict between the Cherokees and Georgia. For Cass in particular, the perceived threat of the British loomed large. As governor of the Michigan Territory and the territory’s *ex officio* superintendent of Indian affairs (1813-1831), Cass’s Detroit residence lay, for instance, about 15 miles south of the British fort at Amherstburg. With the War of 1812 a fresh memory, and the Native American and First Nations people who allied with the British constantly crossing a border whose delineation had ostensibly little to do with their nations’ sovereignty, a significant part of Cass’s Indian policy aimed to end what he perceived as “the influence acquired by the British Agents” over “the Indians.” This influence had, he wrote to the U.S. Secretary of War in 1816, “been uniformly exerted to hostile

---

<sup>6</sup> Regional or tribal studies of the Great Lakes era, which include the first half of the nineteenth century, however, discuss the impact of the U.S. government’s removal policy: see for example, Robert E. Beider, "Sault Ste. Marie and the War of 1812: A World Turned Upside Down in the Old Northwest," *Indian Magazine of History* 95, no. 1 (1999); James A. Clifton, *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665-1965* (Lawrence: Regents Press of Kansas, 1977); James McClurken, "Ottawa Adaptive Strategies to Indian Removal," *Michigan Historical Review* 12(1986); James M. McClurken, *Our People, Our Journey: the Little River Band of Ottawa Indians* (East Lansing: Michigan State University Press, 2009); Lucy Eldersveld Murphy, *A Gathering of Rivers: Indians, Métis, and mining in the Western Great Lakes, 1737-1832* (Lincoln: University of Nebraska Press, 2000); Elizabeth Neumeyer, "Michigan Indians Battle Against Removal," *Michigan History* 55, no. 4 (1971); David Lee Smith, *Ho-Chunk Tribal History: The History of the Ho-Chunk People from the Mound Building Era to the Present Day* (Nebraska: David Lee Smith, 1996). Older local history narratives, particularly those in the Wisconsin Historical Collections, also give accounts of the removal era in the Great Lakes region: for example, Reuben Gold Thwaites, "The Wisconsin Winnebagoes: An Interview with Moses Paquette," *Wisconsin Historical Collections* 12(1892).

and insidious [sic.] purposes.”<sup>7</sup> As Cass managed, in the 1820s, to master the diplomatic conventions of Great Lakes politics – with its fictive-kinship designation of the U.S. President as the “Great Father in Washington” and his representatives as “father” to his Indian “children” – he intensified his efforts to abrogate what he saw as the ongoing influence of the British over the peoples of the region. For Thomas McKenney (U.S. Superintendent of Indian Trade, 1816-1822, and Superintendent of Indian Affairs, 1824-1830), the paternal language of Great Lakes diplomacy itself had an especially significant bearing on how he conceptualized all relations between the U.S. government and American Indian peoples. That both Cass and McKenney were heavily influenced by this regional politics points to the broader North American transnational or (perhaps more fittingly) trans-imperial significance of the U.S. government’s Indian removal policy.

Moreover, across this U.S.-British defined border, and stretching out more widely in the British empire, the term “removal” had a linguistic currency not limited to the significations given by U.S. citizens such as Cass and McKenney. In addition to Charles La Trobe, two British officials – each of whom had a stint as lieutenant governor of Upper Canada (present-day Ontario) – used the term to define their government’s policies towards indigenous people. Francis Bond Head, while lieutenant governor of Upper Canada from 1836 to 1837, attempted to implement a policy “to remove” all the Province’s First Peoples to Manitoulin Island in Lake Huron. George Arthur, firstly as lieutenant governor of Van Diemen’s Land (present-day Tasmania, Australia) from 1824 to 1836, oversaw the “removal” off the island of the Van Demonian indigenous people who had survived a bloody war against their colonial invaders.

---

<sup>7</sup> Francis Paul Prucha and Donald F. Carmony, "A Memorandum of Lewis Cass: Concerning a System for the Regulation of Indian Affairs," *Wisconsin Magazine of History* (1968): 41. Both Cass and McKenney (despite his Quaker upbringing) fought in War of 1812: Willard Carl Klunder, *Lewis Cass and the Politics of Moderation* (Kent, Ohio: Kent State University Press, 1996). 8-15; Herman J. Viola, *Thomas L. McKenney: Architect of America's Early Indian Policy, 1816-1830* (Chicago: Sage Books, 1974). 4.

Then as lieutenant governor of Upper Canada (1838-1842), Arthur dealt with the regional ramifications of both Head's and the U.S. government's removal policies.

Although used in disparate contexts, the term "removal" had a shared meaning in the United States and British empire. During George Arthur's administration in Van Diemen's Land, Francis Bond Head's in Upper Canada, and Charles La Trobe's in the Port Phillip district of New South Wales (1839-1854), British colonists used the term "removal" to refer to policies similar to those adopted in the United States towards Native American peoples; they used "removal" to label efforts aimed to expatriate "native" peoples from their homelands, and to expropriate these territories for the British Crown for the exclusive use of the British settler population. Though in the British settler colonies of Van Diemen's Land, Upper Canada, and New South Wales, the colonial administrations never adopted an explicit, statutorily enacted "removal" policy as the Jackson administration did in the United States, colonial officials nevertheless used the same term to refer to what were, in both design and effect, very similar policies.

This adoption of analogous policies towards distant and otherwise unconnected peoples in no way implies that indigenous peoples in Van Diemen's Land and First Peoples in Upper Canada, for instance, were intrinsically similar. Indeed, even the different racialized labels that U.S. citizens and British colonists gave – "red" for Native people in North America and "black" for indigenous people in Australia – highlight that each local context had its own contingent (and always unstable) racial regimes. Yet Non-Native people in the United States and Britain (and its empire) nevertheless also commonly subsumed all indigenous peoples under the (generally derogatory) category of "savage," which they contrasted with their own self-labeled "civilized" societies. In many cases, U.S. citizens and British colonists imposed very similar pre-conceived

ideas about “savagery” onto people racialized as “red,” “Indian,” or (increasingly in the 1830s) “Aborigine” in North America and “black” or “Aborigine” in Australia.

This dissertation follows the stories of five white men – all in positions of administrative authority in either the U.S. or British colonies – who either advocated for or presided over efforts “to remove” indigenous peoples from their homelands. For Lewis Cass, Thomas McKenney, George Arthur, Charles La Trobe, and Francis Bond Head, the existence of indigenous people on land claimed, or at least earmarked, for settlement by U.S. citizens or British subjects represented a situation that gave rise to a “moral” problem or duty. Although La Trobe’s political and cultural sensibilities seemingly differed from Cass’s Jacksonianism, they were less dissimilar to those of the Quaker-born Methodist Thomas McKenney. As a whole-hearted supporter, from the mid-1820s, of a federal policy “to remove” eastern American Indian peoples to the west of the Mississippi, McKenney saw removal as the only way for the U.S. government to discharge its moral duty to protect Native Americans from harm at the hands of non-Native people, and to impart to them the apparently fundamental human imperatives of “civilization” and Christianity. Both La Trobe and George Arthur (an evangelical Anglican) also believed in the absolute necessity of saving indigenous peoples, not only from the physical violence of settler-colonist attacks but also from what they saw as the degradations of savagery and heathenism, through programs to “civilize” and convert them to Christianity. Francis Bond Head in contrast – heavily influenced by Romanticism – viewed First Nations people as noble savages, whose pristine “natural” way of life needed to be preserved by removal from the path of a malevolent “civilization.” Yet like Cass, who had by 1830 disavowed the possibility of “civilizing” and Christianizing American Indians, Head also framed the need for removal as a moral imperative.

Though these men each based their justifications on ostensibly different ideologies, they nevertheless all supported removal policies as a way to discharge what they defined as their respective regime's "moral" duty towards the indigenous peoples whose homelands lay in the path of U.S. or British expansion. While in reality, these instances of expansion represented human-made acts of territorial appropriation, these men – like many other U.S. and British commentators at the time – represented them as the predestined and inevitable spread of "civilization." For these men, "civilization" referred to their self-defined view of their own society as the epitome of a progressive modernity. They presented removal as a way of discharging their moral duty to indigenous people, who would otherwise be swept aside by the inevitable and unstoppable march of advancing "civilization." As La Trobe wrote in *The Rambler in North America*, the Jackson administration's removal policy apparently represented the benevolent policy of a government towards a people facing an obvious and imminent demise.<sup>8</sup>

In one sense, such appeals to morality and inevitability can be understood as covers for what were actually starkly coercive and malign policies. While all these men represented removal as an ultimately benevolent plan, their policies not only attempted to justify extensive territorial dispossession, they also projected segregationist visions that aimed to severely restrict the spaces of indigenous people's residence and movement. At their core, moreover, they held the intensely ethnocentric supremacist presumption that U.S. or British officials had both the right and duty to dictate indigenous peoples' futures. Such a presumption necessarily involved large-scale denials of indigenous peoples' political personhood and sovereign claims to their lands. Even in North America, where U.S. and British governments at least to some extent implicitly recognized indigenous peoples' sovereignty and political personhood through the

---

<sup>8</sup> Latrobe, *Rambler in North America*, 1: 130.

enactment of land-surrender treaties, treaty making nevertheless became part of their intensified coercive efforts to extinguish Native peoples' land title and to control their movements.<sup>9</sup>

Yet the writings and governing activities of these five white men reveal that their appeals to morality did not merely obscure these violent practices; their discursive constructions of morality in fact represented a crucial cultural dynamic that underpinned removal policies. Integral to all these men's discursive and interpersonal treatments of indigenous people was a shared brand of paternalist morality. Central to the way they sought to exercise authority, they based this paternalism on visions of their own ethno-racial and masculinist difference from the indigenous people with whom they interacted and about whom they wrote. Within the scope of this self-referential moral order, they could coherently portray as just, necessary, and natural, their presumed prerogative to exercise authoritarian control over indigenous peoples. Moreover, when expounded as a means to save indigenous peoples from the alleged decay and doom inflicted upon them by forces outside human control, these men's representations of removal took the guise of morally righteous and heroic attempts at salvation.

But underpinning all these appeals nevertheless lay a shared brand of paternalism, which manifested in these men's attempts to subordinate indigenous peoples to their dictates. Through a shared paternalist construction of morality they justified, in the name of benevolence, justice, and righteous necessity, the expatriation of indigenous peoples and the expropriation of their homelands. While to some extent explanations of U.S. and British expansion onto indigenous lands in North America and Australia in the 1820s, 30s, and 40s can be explained in terms of broad economic and demographic trends, the dynamics of paternalism, shared among those exercising authority at the highest levels of U.S. and British administrations, help explain why

---

<sup>9</sup> This is not to say that treaties have not made a difference. The lack of treaties in Australia has had huge legal ramifications for indigenous peoples in Australia, who cannot, unlike American Indian tribes and First Peoples in U.S. and Canada, litigate based on nineteenth-century treaty-recognized resource rights and land title.

indigenous peoples in locations as remote and dissimilar as southeastern Australia and the Great Lakes region of North America faced such similar patterns of subjugation.

### **Morality and “the Tide of Emigration”**

In their justifications for removal, these five men referenced a trope – commonly expounded in the nineteenth-century Anglophone world – that contact between “savage” and “civilized” societies inevitably led to the extinction of the “savage” people. As Stephen Conn notes about representations of Native Americans in U.S. historical thought, “extinction became such a constant and familiar refrain in the literature of the nineteenth century that it is almost not worth quoting. It was a conviction, rather than a prediction, and it was such a ubiquitous belief that it did not exist so much in the realm of empirical observation as in the world of unquestioned assumption.”<sup>10</sup> Indeed, commentators often drew on metaphors of nature to convey the supposedly unquestionable character of this conviction. In these renderings, U.S. citizens’ and British subjects’ expropriation of indigenous homelands became a “wave of civilization” or “tide of emigration,” which swept aside “native” peoples as unstopably as the waves and tides of the sea.

Such analogies functioned to represent British and U.S. expropriations of indigenous peoples’ sovereign territories as something occurring outside human control, and therefore unstopable by human endeavor. The Jacksonian press in the United States, in particular, infused reports of the implementation of the government’s Indian removal policy with references to this sense of the inevitability of U.S. territorial expansion. For instance, in September 1836 the *Chicago Democrat* reported from Mackinac that over 4,000 Anishinaabeg had assembled on the

---

<sup>10</sup> Steven Conn, *History's Shadow: Native Americans and Historical Consciousness in the Nineteenth Century* (Chicago: University of Chicago Press, 2004). 31.



island to ratify the recent Senate changes to the treaty negotiated by their leaders and U.S. government agents in Washington. Putting words in the mouth of the Anishinaabeg, the *Democrat* related that “[t]he Indians do not contemplate removing from their old hunting grounds without many regrets. They, however, as well as the government, could not but see that the tide of emigration was pressing upon them so rapidly, notwithstanding our highly penal laws against encroachments by the whites, that either a peaceful cession, or a long continued war and their ultimate extirmination [sic], must be the result.”<sup>11</sup> According to this account, the assembled Ottawas and Ojibwes apparently recognized the futility of resisting the unstoppable “tide of emigration” that would imminently be pressing upon them, and thus agreed to “be removed farther west where land equally good will be provided an[d] guaranteed [sic] to them.” This attribution to the Anishinaabeg of an accordant realization of the need to remove westwards was more rhetorical flourish than representation of reality. While the Anishinaabeg had a variety of reasons for entering into this treaty with the U.S., they did not so neatly correlate with the conviction, prevalent in such Anglo-American representations, that some natural “tide of emigration” would inevitably doom their existence in Michigan and require their expatriation beyond the Mississippi River.<sup>12</sup> In fact, the treaty did not require removal, and its Indian signatories were never removed.

Similarly, many British agents, most of whose politics differed considerably from the republican Jacksonians’, referred to the trope that “the Aborigines” in the British settler colonies seemed somehow to fade from contact with the expanding British settler society. As Alan Lester notes, such representations evinced a “conception of European influence working indirectly

---

<sup>11</sup> *Chicago Democrat*, 17 September 1836.

<sup>12</sup> For a discussion of Ottawa reasons for entering into this agreement, see McClurken, “Ottawa Adaptive Strategies to Indian Removal,” 31-37.

rather than systematically to ‘diminish’ Aborigines.”<sup>13</sup> For instance, at the 1836 hearings of the House of Commons Aborigines Select Committee – instigated by the Whig M.P. Thomas Buxton, leader of the influential “Clapham Sect” of evangelicals – Bishop Broughton, the Archdeacon of New South Wales, told of the decimation of indigenous people around the colonists’ settlement of Sydney. When asked whether indigenous people had “gradually retired before the progress of civilization,” he answered: “I am afraid to say they do not so much retire; they seem to me to wear out, from some cause; wherever Europeans meet with them, they appear to wear out.”<sup>14</sup> Seemingly making an implicit reference to the very real devastation wrought by European-transmitted diseases in Australia, Broughton’s “observation” nevertheless projected such destruction into the future, as if unseen malevolent forces would, like disease, continue inevitably to spread to all facets of indigenous peoples’ existence. He thus articulated his conviction “that within a very limited period, those who are very much in contact with Europeans will be utterly extinct; I will not say exterminated, but they will be extinct.”<sup>15</sup>

Though such depictions attributed indigenous peoples’ (prophesied) doom to contact with Europeans or non-native Americans, because they presented this contact as brought about by inevitable processes, they rarely questioned the ultimate right of U.S. citizens or British colonists to claim or invade indigenous homelands. By framing the alleged doom of indigenous peoples and the expropriation of their homelands as part of some natural and unstoppable spread of “civilization,” these representations therefore created a discursive moral order in which the British and U.S. governments and their people held no general culpability for indigenous

---

<sup>13</sup> Alan Lester, "Humanitarians and White Settlers in the Nineteenth Century," in *Missions and Empire*, ed. Norman Etherington (Oxford: Oxford University Press, 2005), 73.

<sup>14</sup> Aborigines Select Committee, *Report from the Select Committee on Aborigines (British Settlements): Together with Minutes of Evidence* (London: House of Commons, 1836). 17. Cited in Aborigines Select Committee, *Final Report from the Select Committee on Aborigines (British Settlements)* (London: House of Commons, 1837). 10-11. See also Lester, "Humanitarians and White Settlers," 73.

<sup>15</sup> Aborigines Select Committee, *1836 Report*: 17. Cited in Aborigines Select Committee, *1837 (Final) Report*: 10-11. See also Lester, "Humanitarians and White Settlers," 73.

dispossession. Expunged from this discourse was the fact that attempts to dispossess indigenous peoples actually involved systematic human exertions. Lewis Cass, Thomas McKenney, Charles La Trobe, and Francis Bond Head, in particular, emphasized this trope of inevitability in their writings. While they labored hard, as part of their administrative duties, to dispossess indigenous peoples of their homelands and abrogate their cultural institutions, in their writings these men represented themselves as acting merely in the shadows of forces outside their control.

### **The Demographics of Inevitability**

Reverberations of this trope can easily creep into contemporary historical analyses of nineteenth-century U.S. and British territorial expansion. Even with the advantages of hindsight, the sheer scope of these nations' economic and demographic growth can seem to imbue their territorial expansion – and the congruent “removal” of indigenous peoples – with a sense of inevitability. In his book, *Replenishing the Earth: the Settler Revolution and the Rise of the Anglo-World, 1783-1939*, James Belich brings the long nineteenth-century of U.S. and British territorial expansion into a single historical frame, documenting its unprecedented scope. Defining the British Isles and the original thirteen U.S. colonies as “two great Anglophone settling societies,” Belich describes how, after 1783, these “two Anglo metropolises emitted a vast stream of settlers into the American West and the British Dominions or settlement colonies.”<sup>16</sup> He terms the British Dominions – listed as Canada, Australia, New Zealand and (“with some hesitation”) South Africa – as “a water-linked ‘British West,’” which combined with “Old Britain . . . to comprise ‘Great Britain’, the white, un-coerced part of the British

---

<sup>16</sup> James Belich, *Replenishing the Earth: the Settler Revolution and the Rise of the Anglo-world, 1783-1939* (Oxford; New York: Oxford University Press, 2009). 57,70.

Empire.”<sup>17</sup> After 1815, he argues, both British and American “Wests” experienced a series of economic booms that fueled, and in turn were fueled by “explosive colonization.”<sup>18</sup> Using the term “colonization” in this context as “the reproduction of one’s own people through far-settlement,” he describes this phenomenon not simply as rapid “economic and demographic growth and development,” but also as “a process of societal reproduction, territorial expansion, and the sweeping aside of precursors, which was often bloody.”<sup>19</sup> Belich notes that from 1828, Australasia, for instance, “underwent a prodigious bout of explosive colonization,” so that by 1841, “when the boom ended, the settler population had increased to about 210,000, quadrupling in fourteen years.”<sup>20</sup>

In this account of Anglophone expansion, the “sweeping aside of [indigenous] precursors” seems predominantly to emerge as a phenomenon determined by the forces of boom and bust economics detached from human endeavor. Belich attributes this “sweeping aside” to the effects of “explosive colonization.” Acknowledging the alternative meaning of the term “colonization” as a descriptor for “the subjugation of distant peoples,” he combines the word’s two significations by stating that indigenous peoples had previously “all displayed . . . resilience and adaptability” to “normal European colonization,” but that “*explosive* colonization . . . proved too much for them.”<sup>21</sup> For instance, writing about the “Black War” in Van Diemen’s Land (between indigenous peoples and their British invaders), Belich argues that while “[t]here was some increase in conflict in 1824-6 . . . real war broke out in 1827 with the beginning of the [economic] boom.”<sup>22</sup>

---

<sup>17</sup> Ibid., 70.

<sup>18</sup> Ibid., 177-85.

<sup>19</sup> Ibid., 178-79.

<sup>20</sup> Ibid., 261.

<sup>21</sup> Ibid., 180-81.

<sup>22</sup> Ibid., 274.

While boom and bust economics, with its concurrent fluctuations in the levels of British and American demand for land, can no doubt help to explain intensifications and diminutions of indigenous-invader conflict over land, it can never fully elucidate the contingencies involved in such conflicts. In Van Diemen's Land, for example, though the colonist-created documentary archives record an increase in the intensity of conflict from 1827 to 1831, by this time most of the island's indigenous people had been killed. As James Boyce notes, "[t]he 12-volume collection of Colonial Secretary Office records pertaining to Aborigines, first collated on the orders of [George] Arthur, largely relates to this time. Furthermore, it was not until martial law was declared in late 1828 – effectively providing legal immunity for killing Aborigines – that much of the killing began to be reported."<sup>23</sup> Although, in colonist-defined terms, the "real war" broke out in 1827, given the ongoing nature of the dispute and the huge number of previous deaths, it is highly disputable whether the indigenous people would have seen 1827 as a turning point for a more "real" conflict. While tracking the peaks and troughs of boom and bust economics might help identify broad trends, such an approach can therefore obscure a complex array of local contingencies. Moreover, in the example of Van Diemen's Land, although greater colonial demand for land occurred in the context of an economic boom, this does not explain how and why the British administration ultimately adopted a policy "to remove" the surviving indigenous people from the island at the end of the war.

Similarly, literature on "settler colonialism," though useful, also tends to explain U.S. and British expansion in broad sweeps, and thus to infuse it with a similar sense of inevitability. Like Belich's analysis, this category provides a way to bring within a single analytical frame the

---

<sup>23</sup> James Boyce, *Van Diemen's Land* (Melbourne: Black Inc., 2010). 196. For works treatments of this conflict see N.J.B. Plomley, *The Aboriginal / Settler Clash in Van Diemen's Land, 1803-1831* (Hobart: Queen Victoria Museum & Art Gallery, 1992); Lyndall Ryan, *The Aboriginal Tasmanians* (St. Lucia: University of Queensland Press, 1981).

seemingly similar phenomena of large numbers of people spreading to distant lands and subordinating erstwhile distant indigenous peoples. From the perspective of generalized accounts of “settler colonialism,” removal can be understood as the discursively logical endpoint of European and Euro-American systemic expropriations of indigenous land. For example, Australian historian Patrick Wolfe – a major proponent of the idea of settler colonialism – identifies a common impulse in settler societies which he labels the “logic of elimination”; the connecting thread of cultural logic underlying the attempts of the colonizers “to replace indigenous society with that imported by the colonisers.”<sup>24</sup> Yet theorists of settler colonialism tend to overemphasize similarities in the structures of settler-colonial power in different locations, and thus oversimplify or misread the significance of local contingencies. For instance, in order to emphasize similarities, Wolfe reads Cherokee removal in the 1830s as resulting from the agency of “not some state instrumentality but irregular, greed-crazed invaders who had no intention of allowing the formalities of federal law to impede their access to the riches available in, under, and on Indian soil.”<sup>25</sup> In emphasizing the direct role of frontier settlers in indigenous dispossession, such accounts tend to posit agency onto a collective and seemingly unstoppable land-hungry mass, without close attention to the political and cultural context in which these dispossessions occurred.

In focusing on the writings and governing activities of five white men, I have chosen to track more closely the human dimensions of indigenous dispossession in the 1820s, 30s, and 40s, specifically that overtly labeled “removal.” These five men all consciously reflected on how and

---

<sup>24</sup> Patrick Wolfe, "Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era," *Social Analysis*, no. 36 (1994): 93,96. See also Veracini, *Settler Colonialism*; Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London and New York: Cassell, 1999); Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *American Historical Review* 106, no. 3 (2001).

<sup>25</sup> Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 391.

why they believed it necessary “to remove” indigenous peoples from their homelands. Their stories – along with those of the indigenous peoples whom they wrote about, interacted with, and attempted to subjugate – provide windows into more contingent narratives about how and why the starkly segregationist and subordinating impulses of “removal” could be portrayed as both necessary and just, and also into the actual outcomes of attempts to impose these policies. This is not a “top down” history, which assumes that the dictates of these U.S. and British government officials controlled the course of events. Indeed, for all the stark and dehumanizing implications of these men’s policies, indigenous people – as individuals and sovereign peoples – continued to act according to their own political and cultural imperatives, albeit amidst intensifying webs of British or U.S. coercion. While the five white men did not have mythical powers to control the course of history, they nevertheless had considerable military and economic resources at their disposal. They were, moreover, part of the larger movements identified by scholars such as Belich, whose work highlights the massive demographic and economic scope of the expansion that these men, in their administrative capacities, were responsible for overseeing. But their stories also act as a reminder that behind these movements lay human endeavor, including the cultural work necessary to maintain supremacist systems of human subjugation as if they reflected an inevitable natural order.

### **Different “Civilizations”**

Implicit in these men’s representations of U.S. or British territorial expansion as the inevitable spread of civilization was the invocation of the term “civilization” as a casual (and vague) descriptor of the make-up of U.S. and British societies. Contrasted against what they defined as indigenous peoples’ undeveloped or natural state of “savagery,” “civilization”

represented the epitome of an advanced modernity. Religious men with (what would become known as) humanitarian sensibilities, such as George Arthur, Charles La Trobe, and Thomas McKenney, believed that representatives of British or American “civilization” had a duty to spread the blessings of Christianity and “civilized” manners to the “native” people in contact with their expanding societies. Francis Bond Head, in contrast, saw “civilization” as a malevolent force, and believed that any contact with agents of “civilization” – including missionaries aiming “to civilize” and Christianize – inevitably doomed the (so-called) pristine and noble “savage man” to extinction.<sup>26</sup> Although abhorring such Rousseauian sensibilities, even modified as they were by romantic doom, Lewis Cass by 1830 shared Head’s (later) assessment that it was impossible “to civilize” American Indians, conjuring a discursive “Indian character” that was inherently immune to the (self-proclaimed) benefits of “civilization.”<sup>27</sup> These men therefore constructed indigenous peoples’ difference in a dichotomous opposition to the apparently self-evident characteristics of their own “civilized” society.

In both the United States and Britain (and its settler colonies), proponents of “civilizing” and Christianizing indigenous people represented their policy as the humane alternative to avaricious policies such as “removal” or the prevailing ad hoc, and often-violent practices involved in settler-led colonization. In the early republic U.S., Thomas Jefferson had envisioned that as his idealized republic of yeomanry expanded westwards onto ever-more Native American lands, the American Indians would themselves become “civilized” independent farmers and assimilate into the U.S. polity. Jefferson even suggested that those who preferred to continue a hunting-based economy could move to the west of the Mississippi, to the recently acquired lands

---

<sup>26</sup> See, for example, Francis Bond Head, "The Red Man," *Quarterly Review* 66(1840). For a discussion of Head’s romantic views see Theodore Binnema and Kevin Hutchings, "The Emigrant and the Noble Savage: Sir Francis Bond Head's Romantic Approach to Aboriginal Policy in Upper Canada, 1836-1838," *Journal of Canadian Studies* 39, no. 1 (2005).

<sup>27</sup> Lewis Cass, "Removal of the Indians," *North American Review* 30, no. 1 (1830).



of the Louisiana Purchase (1803) – and that any whites in that territory could relocate to the eastern states.<sup>28</sup> When former Jeffersonians such as Jackson and Cass proclaimed the (now) apparent impossibility of “civilizing the Indians” in their present locations, their pronouncements coincided with appeals of U.S. citizens, most loudly in the Southern states, to completely “remove” Indian nations from within the borders of the states. Although both Presidents James Monroe and John Quincy Adams had supported “removal” policies (which Thomas McKenney attempted to implement in the late 1820s), in its Jacksonian guise as a congressionally enacted law, the policy met with huge opposition, not only from American Indians, but also from a vocal coalition of non-Native evangelical Christians. These “antiremovalists” argued that the government should both honor its treaty commitments to American Indian nations, and continue its policy “to civilize” and Christianize American Indian peoples.<sup>29</sup> In the context of this political struggle, the lines of battle in the non-Native political arena were drawn between those who wanted a policy aimed at “civilizing” Native Americans in their current locations, and those who wanted all the eastern peoples “to remove” west of the Mississippi river. McKenney, who continued to support removal as an integral component of a broader “civilization” policy, was a notable outlier in a political landscape marked by a removal-civilization dichotomy.

In Britain, an apparently dichotomous political divide also marked discussions, precipitated by evangelical Christians, regarding the administration of the settler colonies. On one side were the evangelical Christians who wanted to treat “the Aborigines” more humanely by civilizing and Christianizing them, and on the other were the apparently materially-driven

---

<sup>28</sup> Conn, *History's Shadow*: 31; Gregory Evans Dowd, *A Spirited Resistance: the North American Indian Struggle for Unity, 1745-1815* (Baltimore: Johns Hopkins University Press, 1992). 117-22; Anthony F. C. Wallace, *Jefferson and the Indians: the Tragic Fate of the First Americans* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1999). 17-18. Jefferson, like James Monroe and John Quincy Adams after him, insisted that “removal” should be voluntary.

<sup>29</sup> Jeremiah Evarts and Francis Paul Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings* (Knoxville: University of Tennessee Press, 1981); Satz, *American Indian Policy*: 13-14.

settlers, from whose abuse the humanitarians wanted to protect the colonies' indigenous people.<sup>30</sup> Alan Lester, for instance, notes that, "apart from the anti-slavery movement, the most celebrated struggles between missions and secular forces were fought from the late 1820s to the mid-1840s, when missionaries and their allies posed their model of Christian humanitarian imperialism as an alternative to the practices prevailing in the settler colonies."<sup>31</sup> Mobilizing predominantly in protest to British actions in the Cape, the humanitarian's efforts included the hearings of the Aborigines Select Committee, and its final report, which "supplied the definitive humanitarian, missionary-informed, analysis of the evils of settler-led colonialism."<sup>32</sup> The report thus articulated these humanitarians' absolute commitment to the idea that the British held a duty to bring Christianity and civilization to all those who came with the reach of their expanding empire.

These dichotomies between the (self-proclaimed) more humane policy of "civilizing" and Christianizing indigenous people, and other apparently more venally inspired policies, such as removal, marked a partisan divide within the political contexts in which they arose. Yet focusing only on the differences between these policies can obscure the fact that similar presumptions underpinned both. Even those who mooted questions about the morality of expropriating indigenous lands – for instance the evangelicals involved in the British Aborigines Select Committee or the American proto-Whigs who supported Cherokee national sovereignty – still assumed that virtuous agents of "civilization" (be they either British colonists or U.S. citizens) needed to guide and tutor indigenous people. Indeed, evangelical humanitarians often proclaimed

---

<sup>30</sup> See Zoë Laidlaw, "'Aunt Anna's Report': The Buxton Women and the Aborigines Select Committee, 1835-37," *The Journal of Imperial and Commonwealth History* 32, no. 2 (2004); Zoë Laidlaw, *Colonial Connections, 1815-45: Patronage, the Information Revolution and Colonial Government* (Manchester, U.K. ; New York: Manchester University Press ; Distributed exclusively in the USA by Palgrave, 2005). 27-30, 147-54; Lester, "Humanitarians and White Settlers."

<sup>31</sup> Lester, "Humanitarians and White Settlers," 64.

<sup>32</sup> *Ibid.*, 70. Regarding the authorship of this report, see Laidlaw, "'Aunt Anna's Report'."

this civilizing mission as the only hope to save indigenous people from the doom apparently unleashed by settler-colonial expansion. And though in certain circumstances they spoke out against settler violence towards indigenous people and the wholesale expropriations of indigenous lands, they nevertheless presumed – albeit to varying degrees – that British colonists or U.S. citizens, as representatives of “civilization,” had a right and duty to enter indigenous homelands and dictate indigenous peoples’ movements and lifestyle. Moreover, their presupposed alternatives of salvation through civilization, or death through extinction, left little conceptual space for indigenous people as separate political actors, with rights to control their own destinies outside the adoption of “civilization” and conversion to Christianity.

As the stories of George Arthur, Charles La Trobe, and Thomas McKenney also highlight, a commitment to this brand of humanitarianism did not preclude either the concurrent promotion or adoption of removal policies. As practiced by these men, the policies were mutually constitutive. The arenas of partisan politics nevertheless make up part of their stories. In the United States, McKenney – in contrast to Lewis Cass – attempted to navigate what he saw as a moderate political position in the polarized controversy over the Indian Removal Bill. Cass instead threw his full support behind the Jackson administration; his pronouncements therefore fell cleanly on the Democratic side of the nascent U.S. second party system’s formal political divide. In the sphere of British governmental politics, Francis Bond Head’s views on Indian policy fell outside the administrative mainstream. But it was not his advocacy of removal per se that made him such an outlier. In the years before Head’s arrival in Upper Canada, Indian Department officials had mooted a plan to remove the Province’s First Peoples to Manitoulin Island as part of their broader civilization policy. Head’s promotion of removal caused controversy because he justified it by appealing to Romantic views ostensibly incommensurable

with the prevailing humanitarian commitments of the colonial office. Although for Head, as for Cass, removal represented a marked retreat from civilization policies, for both Arthur and La Trobe – whose views were more in harmony with those of the colonial office – as well as for McKenney, removal policies did not represent a dichotomous alternative to their declared civilizing mission.

These latter men never precisely delineated the characteristics of “civilization” that indigenous people needed to assume to become “civilized”; their writings instead generally presumed that, beyond vague descriptions of indigenous people becoming sober, settled, farmers, such practicalities were self-evident. When they mobilized the term however, they generally implied that by transforming into “civilized” Christians, indigenous people would become docile and controllable members of British or American society. But as Charles La Trobe by 1848 came to realize, the civilizing mission he and others espoused was founded on the presumption that “the Aboriginal Natives” would submit to British guidance. While La Trobe by then viewed this presumption as the “main error” of “schemes devised at a distance for the protection and reclamation of the Aborigines,” he nevertheless foresaw no other possible future for indigenous people than to become “civilized” Christians.<sup>33</sup> Similarly, at the height of the removal crisis in the United States, Thomas McKenney had been unable to image a future for U.S.-Indian relations other than one in which American Indians “voluntarily” followed the dictates of their benevolent American “fathers” and removed west of the Mississippi where, away from malevolent forces, they could continue along the path to becoming “civilized” Christians.

Like George Arthur, McKenney and La Trobe had held a dream that indigenous people would reinvent themselves to conform to their image of what it meant to be fully human; in other words, to become “civilized” Christians. For these men of deep religious conviction, such hopes

---

<sup>33</sup> La Trobe to Edward Deas Thomson, 18 November 1848, PROV, VPRS 16, Unit 6, File 48/1148.

were similar to the “missionary dream” that Catherine Hall describes in the context of the post-emancipation British Caribbean, whereby missionaries imagined that manumitted slaves would present themselves as a docile labor force and congregation; “a dream which,” Hall writes, “fragmented as the missionaries came to realize, to a greater or lesser extent, that they could not control the destinies of others.”<sup>34</sup> In contrast to the post-abolition British Caribbean, these men never established exact economic schemas for indigenous peoples’ “civilized” lives. Yet during their respective governmental tenures they would similarly be reminded that they were not in control of indigenous peoples’ destinies. Their committed effort to keep trying, nevertheless, contributed greatly to the invasive regimes of coercion that indigenous peoples faced. For underpinning all these men’s policies towards indigenous peoples – which includes the three committed to the civilizing mission as much as the two who disavowed it – was the same paternalistic presumption: that U.S. or British agents had the right to shape indigenous peoples’ present and future existence.

For indigenous peoples, partaking in “civilization” did not, of course, mean what men such as Arthur, La Trobe, and McKenney intended. In North America in particular, nations chose to adopt so-called “civilized” lifestyles as, amongst other factors, a way to control their own destinies and continue to exist as sovereign peoples. As Tiya Miles shows in *The Ties that Bind*, from the late eighteenth century some people in the Cherokee Nation began to adopt so-called “civilized” ways, including holding slaves, not to assimilate into the U.S. population, but to buttress their nation’s sovereign independence in the face of American encroachments.<sup>35</sup> Similarly, Catholic Ottawas in Michigan, and their kin who moved to Wikwemikong on Manitoulin Island (on the British side), chose to adopt the general form of “civilized” life – in

---

<sup>34</sup> Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Oxford: Polity, 2002). 21. See also Lester, “Humanitarians and White Settlers.”

<sup>35</sup> Miles, *Ties that Bind*: 20,39,71,104-05,13.

settled villages, with men undertaking farm labor – as part of their plans for their futures.<sup>36</sup>

Ojibwe leaders in Upper Canada, most notably the Methodist ministers Kahkewaquonaby (Peter Jones) and Shahwundais (John Sunday), also adopted the appearance of a “civilized” life. Like the Cherokees, this was not, as men such as Jefferson had intended, about assimilating into the invading American or British societies. For these people, adopting the trappings of so-called “civilization” never implied forfeiting their sovereign independence.

But as the Cherokees found out, adopting “civilized” trappings did not ensure that their sovereign independence would be respected. While their non-Native evangelical allies partly supported their resistance to removal on the basis of Cherokee “civilization” and Christianity, men such as Cass and McKenney denied that any of the southeastern peoples had achieved any significant semblance of a “civilized” existence. Indeed, the concept of “civilization” was malleable enough to mark indigenous peoples’ difference in a variety of different ways. Generally used without reference to any delineated empirical criteria, opinions regarding indigenous peoples’ lack of so-called “civilization” could be mobilized, whatever the material or political reality, to deny their right of continued existence in their sovereign homelands. In the end, the idea of “civilization” was more a mechanism for American or British control than a descriptor of any lived reality.

### **Comparisons, Connections, Law, and Religion**

This project is trans-imperial in its scope and both comparative and transnational in its methodology. In telling an interconnected story of U.S. and British imperial expansion, this narrative identifies important, but hitherto unexplored, inter-imperial connections between the

---

<sup>36</sup> See, for example, McClurken, "Ottawa Adaptive Strategies to Indian Removal."

U.S. and British empires. It responds, for instance, to Antoinette Burton's recent appeal that histories of the British empire must begin to take up a "multi-axial approach" that goes beyond comparison and seeks "'actual historical connections and disconnections between different sites of empire' between and across empires, as well as inside the dominant one."<sup>37</sup> Particularly in light of the recent disciplinary trend towards "global" history, Burton calls attention to the fact – not yet often acknowledged by scholars – that the British empire was always embedded "in a world of interdependent trans-colonial footholds, economic concessions, territorialized encounters, and 'international frontiers.'"<sup>38</sup> Indeed, by similarly treating the expansionist United States as an empire that needs to be understood in a global context, though more limited in range than the British, this project takes up the challenge of connecting various sites of empire between and across empires. The Great Lakes region of North America, in particular, provides a site of analysis from which to highlight U.S. and British imperial power as connected and mutually constituted through the circulation of people and information. But in also branching out across the Pacific to sites in Australia, this project also shows the more global reach of trans-imperial connections.

Methodologically, this project is comparative in sense that it moves between some very different contexts, where similar patterns of colonial subjugation emerge. Chapter One, for instance, begins in Van Diemen's Land, where George Arthur attempted to ameliorate the escalating indigenous-colonist conflict by "conciliating" the island's indigenous peoples with "benevolence" and subjection to the English common law. The narrative then moves to the western Great Lakes where, during the same years, American Indian peoples in the western

---

<sup>37</sup> Antoinette Burton, *Empire in Question: Reading, Writing, and Teaching British Imperialism* (Durham and London: Duke University Press, 2011). 283. Citing David Lambert and Alan Lester, *Colonial Lives across the British Empire* (Cambridge, U.K.; New York: Cambridge University Press, 2006). 30.

<sup>38</sup> Burton, *Empire in Question*, 290.

Great Lakes faced American efforts, mostly made by Lewis Cass, to bring them within the jurisdiction of U.S. law for violent crimes against non-Indian “U.S. citizens.” Other themes emerge in the ensuing chapters as a result of bringing different locations into a single historical frame, such as the importance of diplomacy and diplomatic missteps – not just in North America but also in Van Diemen’s Land and the Port Phillip district of New South Wales – as well as the fundamental importance of evangelical Christianity for these men’s restrictive projections regarding indigenous peoples’ futures. In another example, while all five men justified removal policies (at least partly) on the basis of the alleged “moral” dangers faced by indigenous peoples from contact with “civilization,” the stories of Arthur, Thomas McKenney, Charles La Trobe, and Francis Bond Head all reveal instances that suggest more personal, ego-centric reasons – centering on their understandings of their own masculinity – for why they advocated for such a starkly segregationist policy. But given the variety of different local contingencies within which these men operated, this comparative approach never assumes that the material effects of these men’s efforts were the same. This project instead uses a comparative framework to explore the possibilities that emerge when reading dynamics in light of conjectured global patterns of Anglo-American imperial designs.

Within a narrative told around the stories of five men, such patterns nevertheless emerge within webs or networks of connections. This project therefore takes up a transnational methodological approach in the sense that it explains similarities by following people and ideas that move across national or imperial borders. The theoretical framework owes much to recent scholarship in the humanities and social sciences that has sought subjects of study beyond the confines of national boundaries, particularly histories of the British empire that represent imperial power as constituted through “webs” or “networks” of people, ideas, and



commodities.<sup>39</sup> Tony Ballantyne, for example, conceives of “the British empire as a ‘bundle of relationships that brought disparate regions, communities and individuals into contact through systems of mobility and exchange.’”<sup>40</sup> Indeed, many examples of such circulations and connections emerge within the spaces of the British empire touched on by this project. The most prominent example is George Arthur who, in his career with the colonial office, circulated through London to posts in British Honduras, Van Diemen’s Land, Upper Canada, and Bombay. Though Francis Bond Head and Charles La Trobe did not have as highly exalted careers in the colonial service, like Arthur they had connections to networks of patronage, family, and friendship, as did the many others, such as Methodist and Moravian missionaries, with whom they crossed paths. Following the movements of these people and their ideas highlights what other scholars have noted: that British constituted their imperial power through interconnected webs or networks.

In addition to these intra-imperial links, connections and exchange also existed between British and U.S. agents. Charles La Trobe – a prime example of someone involved in this cultural exchange – travelled through North America in 1832 and 1833. In the context of this project, his travels through Indian Country are particularly revealing in light of his subsequent indigenous policy as a British colonial official in New South Wales. The U.S.-British defined frontier zone or “borderlands” of the North American Great Lakes region is another crucial site that connected U.S. and British agents. American Indian and First Nations people’s constant movement across this border (which they had not been part of creating), in particular, made this a zone of interconnected Native, British, and American diplomacy. Moreover, the U.S.-British

---

<sup>39</sup> See, in particular, Tony Ballantyne, *Orientalism and Race: Aryanism in the British Empire* (Houndmills, Basingstoke, Hampshire ; New York: Palgrave, 2002); Laidlaw, *Colonial Connections, 1815-45: Patronage, the Information Revolution and Colonial Government*.

<sup>40</sup> Ballantyne, *Orientalism and Race: Aryanism in the British Empire*: 1.

proximity meant that each government formulated its Indian policy – at least to some extent – taking into account either the other’s policy or its perception of the other’s policy. For instance, while governor of Michigan Territory, Lewis Cass formulated his Indian policy in light of the British in Upper Canada and his perception of the threat of their influence over the peoples in the region.<sup>41</sup> And during Head’s and Arthur’s tenures as lieutenant governors of Upper Canada, they oversaw Indian policy regarding the delivery of presents to “visiting Indians” from the U.S. side, and – particularly in Arthur’s case – dealt with the regional impact of the U.S. government’s removal policy.

This project could also not have been conceptualized without scholarship that interrogates the mechanisms of colonial or imperial power.<sup>42</sup> In line with such work, I consider British and American law, for example, as culturally specific sets of practices, and as instruments through which British and American agents sought to subjugate indigenous peoples. As Sally Merry highlights in her 1991 review of (then) recent literature on “law and colonialism,” European-derived law needs to be conceptualized as an avenue through which colonial agents attempted to define and control the people they sought to subjugate.<sup>43</sup> My finding that during the 1820s, colonial officials attempted to bring indigenous people within the ambit of their legal institutions, also links to the scholarship of historian Lisa Ford. In her 2010 book, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836*, Ford traces and compares legal cultures in the U.S. state of Georgia and the British colony of New South Wales, and argues that during the 1820s both the Georgian and New South Wales courts

---

<sup>41</sup> See, for instance, Prucha and Carmony, "A Memorandum of Lewis Cass: Concerning a System for the Regulation of Indian Affairs."

<sup>42</sup> For example, John Comaroff, "Reflections on the Colonial State, in South Africa and Elsewhere," *Social Identities* 4(1998); Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005); Greg Denning, *Islands and Beaches: Discourse on a Silent Land: Marquesas, 1774-1880* (Carlton, Vic.: Melbourne University Press, 1980); Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).

<sup>43</sup> Sally Engle Merry, "Law and Colonialism," *Law & Society Review* 25, no. 4 (1991).

began to define jurisdiction territorially in order to bring indigenous crime within the ambit of the settler state and, at the same time, to assert exclusive sovereignty over indigenous peoples' homelands. Ford therefore highlights British and American legal constructs as constitutive elements of efforts to dispossess indigenous people.<sup>44</sup> Though in the 1820s western Great Lakes Native American peoples would ultimately frustrate some of Lewis Cass's attempts to assert jurisdiction over them, his actions – assessed in light of Ford's findings – nevertheless link to broader trends within Anglo-American legal cultures.

In making sense of the five men's motivations and cultural worlds, works that posit the centrality of evangelical Christianity to the early nineteenth century have been particularly influential. The paternalist attitudes that jump from the pages of the men's writings about indigenous peoples seem particularly infused with the influence of the late eighteenth- and early nineteenth-century transatlantic revivals. For instance, in *The Age of Atonement*, Boyd Hilton outlines the fundamental influence of evangelical beliefs on British politics and business in the early nineteenth century.<sup>45</sup> In particular, the correspondence of George Arthur – who had close ties to the influential Clapham Sect, about whom Hilton writes – is saturated with pronouncements of his faith in the earthly workings of providence. Some of his letters in the aftermath of the “Black Wars” in Van Diemen's Land, for example, seem barely to conceal a worried conscience being prayed away by affirmations of his faith in the Atonement on the Cross.<sup>46</sup> McKenney, a Methodist, and La Trobe, a Moravian, were similarly deeply influenced by their need to reconcile their actions with the demands of their conscience.<sup>47</sup> Moreover, U.S.

---

<sup>44</sup> Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Cambridge, Mass.: Harvard University Press, 2010).

<sup>45</sup> Boyd Hilton, *The Age of Atonement: the Influence of Evangelicalism on Social and Economic Thought, 1795-1865* (Oxford: Clarendon Press; Oxford University Press, 1988).

<sup>46</sup> *Ibid.*, 8.

<sup>47</sup> McKenney's biographer Herman Viola does not mention McKenney's Methodism, but Jeremiah Evarts, the secretary of the American Board of Commissioners for Foreign Mission identified McKenney as a Methodist in an

historians have shown, evangelical religion had a huge impact on U.S. society and politics during the Jacksonian and antebellum eras, especially in both shaping the growing middle class and underpinning some of the crucial political divides of the second party system.<sup>48</sup> Even Head and Cass, though not religious to the extent of the other three, infused their writings with religious language, conveying the sense that they lived in a culture in which providence was everywhere.

But most importantly, focusing on the significance of evangelical Christianity during this period is a reminder that these men did not inhabit a secular, culturally relativistic world. For Arthur, La Trobe, and McKenney, there was only one true and proper path that human beings could follow: to live as “civilized” Christians. Though they might have referred to their intentions as “benevolent,” such benevolence was confined within the scope of transforming indigenous people into their image of humanity. They therefore perceived converting indigenous people to Christianity as an imperative duty. Like the less religious Cass and Head, they lived in a world of absolutes. In their pronouncements on Indian policy, both Cass and Head differentiated Native people from U.S. citizens or British subjects on more overly stark lines. In 1830, Cass based his claim to paternalist supremacy over American Indians on the basis of their alleged inherent incapacities to become “civilized,” while Head based his on a romantic vision of a world starkly divided between nature and civilization. Yet the paternalism of Arthur, La Trobe, and McKenney – who so earnestly wanted to admit indigenous people into the proper “civilized” and Christian body of humanity – was absolutist in the more programmatic sense of aspiring to dictate to indigenous people how they lived their lives, and to dispossess them completely of

---

1827 letter to a colleague: Jeremiah Evarts to Rufus Anderson, 31 March 1827, Houghton Library, Harvard University, ABCFM Papers, ABC 11, Vol. 2; Viola, *Thomas L. McKenney*. For a transatlantic history of Methodism see David Hempton, *Methodism: Empire of the Spirit* (New Haven: Yale University Press, 2005).

<sup>48</sup> See for example, Howe, *What Hath God Wrought*; Paul E. Johnson, *A Shopkeeper's Millennium: Society and Revivals in Rochester, New York, 1815-1837*, American century series (New York: Hill and Wang, 1978); Mary P. Ryan, *Cradle of the Middle Class: the Family in Oneida County, New York, 1790-1865* (Cambridge, Eng. ; New York: Cambridge University Press, 1981); Ronald G. Walters, *American Reformers, 1815-1860* (New York: Hill and Wang, 1997).

their cultures. Though different in their conceptual makeup, all these paternalisms can be understood as making a shared framework for paternalist control, by which these men projected a supremacist presumption that U.S. or British agents had the right (and even for most, the duty) to control indigenous people's lives and dictate their futures.

A particularly interesting phenomenon occurred when some of these men's paternalist views met with the linguistic metaphors of Great Lakes diplomacy. As Richard White reveals in *The Middle Ground*, from the seventeenth century, peoples in the Great Lakes integrated the French (and subsequently the British and Americans) into their political and diplomatic systems by extending to their officials the fictive-kin title of "father," who they viewed as representatives of the "Great Father": the king of France or Britain or, in the case of the U.S., the President.<sup>49</sup> Rather than in any way implying subordination to the will of a patriarch, such a system functioned around an indigenous moral economy in which a "father" held duties to treat his "Indian children" generously and mercifully. For the literally minded McKenney, however, the linguistic conventions of American Indian leaders asking their American "fathers" to pity them met with his evangelical Christian sense of paternalism to produce a view of U.S-Indian relations as rigidly and necessarily conforming to a strict paternalistic relationship. In McKenney's view, American Indian "children" were thus obliged to follow the benevolent dictates of their American "fathers." Head likewise enjoyed playing the role of "father" to his "Indian children" during his short tenure in Upper Canada. Like McKenney, he was never fully aware of the cultural meanings behind the First Peoples' diplomatic conventions, instead interpreting the language in line with his own paternalist presumptions. The theater of Great Lakes diplomacy therefore provided these men with a stage on which to perform their paternalism.

---

<sup>49</sup> Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge & New York: Cambridge University Press, 1992).

Indeed, apart from Cass, all the men exhibited a remarkable lack of diplomatic astuteness in dealing with indigenous peoples. In a world made up of absolutes, with indigenous people conceptually confined within these men's fixed relational schemas, they either failed fully to grasp the metaphoric nature of diplomatic conventions (in North America), or even to recognize the need to deal with indigenous people under the auspices of official diplomacy (in Australia). While Cass used his grasp of Great Lakes diplomatic protocols to maneuver American Indian peoples into submitting to U.S. jurisdiction in the 1820s, the politically naïve McKenney took the Great Lakes conventions literally, with disastrous consequences, for example, on a mission to the more southern Creek nation in 1827.<sup>50</sup> And while Cass machinated in North America, Arthur's failure to recognize an indigenous diplomatic mission to Hobart no doubt contributed to the escalation of the indigenous-colonist conflict in Van Diemen's Land. La Trobe would make similar diplomatic missteps in Port Phillip in the late 1830s and early 1840s. All these men – apart from Cass, whose pronouncements always contained strong suggestions of reactive (and performative) *realpolitik* – continued to hold remarkably entrenched and limited views about the indigenous people with whom they interacted. Confined within the scope of their paternalist relational schemas, these men seem to have been remarkably incapable of viewing indigenous people other than as the potential objects of a civilizing mission, or as treacherous or noble “savages.”

## Outline

My first chapter explores American efforts in the Great Lakes in the 1820s, and simultaneous British attempts in Van Diemen's Land to impose legal jurisdiction over

---

<sup>50</sup> Discussed in Chapter Four.

indigenous people, and the consequent push back from indigenous people, who asserted different legal cultures. In chapter two I focus on rituals and ceremonies held in the late 1820s in the Great Lakes, showing a shift in both British and American Indian policy towards a new brand of paternalism. In chapter three I draw out the meanings of specific encounters between the officials and indigenous people, highlighting instances of perceived moral danger, which these American and British men curiously failed to focus on explicitly, even as they advocated for removal as the solution to a so-called “moral problem.” In chapter four I focus on the discursive logic these removal proponents created through their explicit advocacy for removal policies. My fifth chapter highlights the removalist underpinnings of British protectionism in the 1830s and 1840s. And finally, in chapter six, I tell a transnational history of indigenous removal in North America, which draws together British and U.S. Indian policy and relations in the Upper Great Lakes region.

## Chapter One

### Imagined Geographies of Justice

#### Introduction

In 1821, the Ho-Chunk leader Nawkaw Carimine travelled south from his village at Big Green Lake (between Green Bay and the Portage, in present day Wisconsin) to attend the Circuit Court in Belleville, Illinois, where two young Ho-Chunk men stood trial, charged with the murder of two American soldiers on Rock Island in 1820. Following the prescribed procedures and rules of evidence of the U.S. justice system, the court found the men guilty and sentenced them to death. Having witnessed the court proceedings against the two young men from his nation, who were dangerously emaciated after a year of incarceration in an American jail without enough food and water, Carimine condemned the entire process. Addressing the court after the verdict, Carimine concluded, “I came here to see justice, but I find none.” One of the men died before the date of execution. The other was scheduled for execution on 21 July 1821.<sup>51</sup>

In 1825, approximately 10,000 miles away in the British penal colony of Van Diemen’s Land, the British administration executed two indigenous men for murder. Musquito – originally from the Australian mainland – and Black Jack, a local man, were part of a group who had carried out raids on settler homesteads, as conflict intensified between indigenous people and the

---

<sup>51</sup> *Raleigh Register*, 6 July 1821. The report names the Ho-Chunk leader who made this speech as “Cah-rah-mah-ree, an aged chief,” which must have been Nawkaw Carimine, who at the time was also commonly known as Carimine, and would have been about 85 years old: Carl Waldman, "Nawkaw," American Indian History Online, *Biographical Dictionary of American Indian History to 1900*(2000), <http://www.fofweb.com.proxy.lib.umich.edu/activelink2.asp?ItemID=WE43&iPin=ind0723&SingleRecord=True>.



settlers who were invading a corridor of their land north of the main settlement town of Hobart. The previous year's arrival of the colony's new lieutenant governor George Arthur had coincided with the escalation of the conflict. Arthur hoped that the execution of Musquito and Black Jack would act as a deterrent to other indigenous peoples and therefore curb the "depredations" against the settlers. Arthur was not a savvy politician in this regard. The condemned Musquito saw the folly of British attempts to use his and Black Jack's execution as an example. After his sentence, Musquito reportedly told his jailor Mr. Bisdee that "[h]anging no good for black fellow . . . Very good for white fellow, for *he* used to it."<sup>52</sup> In this statement Musquito not only denied the legitimacy of his subjection to British law, he also seemingly questioned the utility of using the public spectacle of execution as a means of imposing the colonists' notions of law and order on those who saw themselves as outside that system. Though executions might make the "white fellow" conform to the edicts of the British law, this was only because it was something they were "used to." It would not work in the same way on the "black fellow" who was not accustomed to these rituals of justice.

Though these executions occurred in geographically disparate locations, under two different occupying forces, they nevertheless highlight similar dynamics. Both occurred in the context of expansionist Anglophone societies, and in response to the problem of how to deal with the violence of so-called "native" people living in territory either being settled, or earmarked for settlement. Although Illinois – where the killings that led to the Belleville trial took place – had achieved statehood in 1818, it was, like the Michigan Territory, very much part of the contemporaneous United States "West." A similar "British West" of settler expansion lay across the border to the north in Upper Canada. Moreover, in addition to the territories in British North

---

<sup>52</sup> Henry Melville, *The History of Van Diemen's Land from the Year 1824 to 1835, inclusive, during the Administration of Lieutenant-Governor George Arthur*, vol. 1 (Sydney: D. S. Ford, 1959). 33.

America, as Jamie Belich states, by the late eighteenth century the “schizoid British West had another branch.”<sup>53</sup> In 1788 and 1803 respectively, the British had founded the penal colonies of New South Wales, on the eastern seaboard of the Australian continent, and Van Diemen’s Land - the present-day island of Tasmania – lying off the southeast corner of the same continent.<sup>54</sup> By the early 1820s, the population of both these Australasian colonies was beginning to experience significant growth, with the emigration of free settlers from the British Isles supplementing the population of prisoners and freed prisoners.

During the 1820s, at both these sites, colonial officials attempted to bring indigenous people within the ambit of their legal institutions. In Van Diemen’s Land, the British passed and carried out the death sentence on four indigenous men, including Musquito and Black Jack. In the Great Lakes area, U.S. officials had, for a time, some success bringing Native Americans to trial for violence against non-Indians, including passing the death sentence on at least four men. Though U.S. government agents in the Great Lakes region needed to pay heed to the still pervasive diplomatic conventions of the region, they managed, in some cases, to maneuver to bring Native American people within the full ambit of the federal legal system. Before the 1821 Belleville trial, for instance, the Ho-Chunks had surrendered the two men to the U.S. as part of diplomatic negotiations. Carimine’s outrage at the trial suggests that the treatment his countrymen received at the hands of the Americans did not adhere to the terms under which the Ho-Chunk leaders had agreed to the surrender.

Though not part of the surrender negotiations in the Belleville case, Cass at this time was involved in similar cases. Returning from a treaty council in 1821, he had to decide whether to pardon two Native American men – a Menominee man named Kewabiskim, and an Ojibwe man

---

<sup>53</sup> Belich, *Replenishing the Earth*: 82.

<sup>54</sup> *Ibid.*, 79-82.

named Ketauka – who had been sentenced to death after each being convicted of murder. In deciding whether to issue an executive pardon, Cass considered issues relating to security, as well as the legal issues raised in Kewabiskim and Ketauka’s cases. In terms of security, Cass worried that British officials would use the executions to incite Native American violence against U.S. citizens. In terms of legal questions, he considered whether malice aforethought should be required in the case of “savages” charged with murder. Ultimately however, Cass found neither consideration persuasive enough to grant mercy, deciding that the evidence was too clear to allow for executive interference and that the law should be allowed to take its course.<sup>55</sup> Both men were executed by the U.S. regime in Detroit at the end of December 1821.

In his 1826 *North American Review* article on the “Manners and Customs of the Several Indian Tribes,” Cass mentioned the Belleville trial as an example of what he described as the general characteristic of Indians to gallantly surrender after committing an act of “murder.” Though he did not mention either Ketauka or Kewabiskim, he did mention a case that had, at the time he drafted the article, come to occupy a central concern in his diplomatic dealings with the Ojibwes, that of the seven Ojibwe men accused of killing U.S. citizens on the shores of Lake Pepin in 1824. In his article Cass wrote about Native American surrenders as if they were a convenient behavioral facet of the “Indian character,” which would aid these peoples’ inevitable subjection to U.S. legal jurisdiction and control. Yet as shown by the difficulties he experienced in bringing the Lake Pepin seven within the ambit of this justice system, while Cass publically proclaimed the inevitable supremacy of U.S. institutions and practices over the Michigan Territory, forcing Native American people to surrender to the jurisdiction of the U.S. law required intensive diplomatic efforts. Despite his attempts to display to the Lake Superior

---

<sup>55</sup> Charles R. Tuttle, *General History of the State of Michigan: with Biographical Sketches, Portrait Engravings, and Numerous Illustrations* (Detroit: R. D. S. Tyler & co., 1873). 434.

Ojibwes the apparent might of the U.S. government through staged military displays, Cass's inability to bring the Lac du Flambeau Ojibwes within the reach of U.S. jurisdiction instead highlighted that – in spite of earlier successes closer to the western shores of Lake Michigan – U.S. sovereignty in the western Great Lakes was more imagined than real.<sup>56</sup>

From the earliest days of his tenure as Michigan territorial governor, Cass had a strong – albeit disapproving – comprehension of the diplomatic culture of the Great Lakes and the rituals that had cemented the alliance between the British and their Indian allies in the War of 1812. Similarly, no British official posted to the Canadas who had even cursory dealings with First Peoples could be ignorant of these obligations. Yet such was not necessarily the case in dealings with the “natives” in other parts of the British Empire. For instance, when Arthur arrived in Van Diemen's Land in May 1824, he came armed only with the best of benevolent intentions towards the “Native Aborigines,” without any conception that he may need to court them diplomatically. As an evangelical Anglican, Arthur felt a strong sense of duty to redeem the “natives” from their so-called “savage” state and to reveal to them the light of Christianity. This program left no room for viewing indigenous people as diplomatic emissaries.

For Arthur, as for Cass, the common law was the necessary arbiter of justice in cases of violence between the “natives” and non-natives. While for Arthur, this presumption was based on an utter failure to recognize the need to enter into diplomatic relations with indigenous people, Cass and other U.S. agents in the Great Lakes region used diplomatic methods as part of their attempts to bring Native Americans within the jurisdiction of the U.S. law and the control of the U.S. government. In their respective (disparate) locations, these officials therefore employed different means aimed at similar ends. They imposed their own laws, which they

---

<sup>56</sup> Michael J. Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America* (Philadelphia: University of Pennsylvania Press, 2012). 350-56.

packaged as a system of universal and natural justice, over incidents of indigenous people's violence towards non-indigenous people. Only these claims to automatic and natural jurisdiction could mask the fact that the indigenous men executed in North American and Van Diemen's Land had been hanged by a foreign power, for killing foreign intruders on their land.

### **Benevolence, Conciliation, and Justice**

In May 1824, George Arthur arrived in Van Diemen's Land to an atmosphere of growing fear among the colonists. The colonists' consternation related to the activities of a group of Oyster Bay people said to be under the control of Musquito, an Aboriginal man from Sydney who had taken to the bush after being vilified by the "prisoner population" for the services he had rendered the authorities in the capture of the bushranger Michael Howe.<sup>57</sup> In the months leading up to Arthur's arrival, violence between the Oyster Bay group and the European invaders had resulted in the death of two colonists. Unlike the local newspaper, which blamed Musquito and his side-kick Black Jack, the newly arrived lieutenant governor sought a policy of conciliation with "the Natives of this Island," to address the violence he blamed on the settlers. In June 1824, he therefore publically proclaimed his administration's policy of promoting "the utmost Forbearance towards the Aborigines," and appealed "especially to Stock-keepers in their several Districts" to treat them "on all Occasions with the utmost Kindness and Compassion." Arthur intended "to support and encourage all measures which may tend to conciliate and civilize the Natives of this Island; and to forbid and prevent, and when perpetrated to punish, any Ill-treatment towards them."<sup>58</sup>

---

<sup>57</sup> Boyce, *Van Diemen's Land*: 80; Melville, *History of Van Diemen's Land*, 1: 26; Ryan, *Aboriginal Tasmanians*: 79.

<sup>58</sup> Arthur, "Proclamation," 23 June 1824, *Hobart Town Gazette*, 25 June 1824 & 16 July 1824.

Arthur's apparent belief that the conflict could be solved through the implementation of humanitarian ideals made him blind to the diplomatic intent of the Oyster Bay people late that year. In early November 1824, a delegation of Oyster Bay people travelled to Hobart Town. Most likely the group sought to open diplomatic relations with the government regarding the source of the conflict between themselves and the Europeans, such as settler violence and the scarcity of food due to the encroachments on their hunting grounds. They most likely also intended to negotiate for the release of Musquito and Black Jack, who had been captured early in August 1824. Arthur immediately provided the group of sixty or so people with food and clothing and on the second night had them conducted to the road men's hut four miles from town.<sup>59</sup> However, on the third day the delegation left town, apparently displeased with the treatment they had received. Arthur's benevolent designs did not fit the Oyster Bay people's diplomatic mission.

In 1824 Arthur seemed only able to view the island's indigenous peoples as wretched natives destined to receive his benevolence and to be redeemed from savagery through "civilization" and Christianization. Arthur also had an unswerving faith in the English common law as an impartial institution of universal good. During his first three years in Van Diemen's Land, he combined appeals for benevolent conciliation with "the Native Aborigines" with attempts to use the common law to ameliorate the escalating conflict between the indigenous peoples and the colonists. In this time, Arthur's administration enacted the death sentence on four Aboriginal men, including Musquito and Black Jack. For a time, Arthur's administration

---

<sup>59</sup> D. C. Sheldon, ed. *The Parramore Letters: Letters from William Thomas Parramore, Sometimes Private Secretary to Lieutenant Governor Arthur of Van Diemen's Land, to Thirza Cropper, His Fiancée in Europe and England, the Majority from 1823-1825*. (Sydney: D. and C. Sheldon, 1993), 60-61. Cited in Boyce, *Van Diemen's Land*: 187.

therefore defined indigenous people's actions as individual criminal acts against the persons and property of the colonists.

Arthur's posting to Van Diemen's Land in 1824 had provided him with the opportunity to build on the humanitarian achievements of his previous post in Honduras. Like the slaves in Honduras, Van Diemen's Land's convicts and "native" people presented causes through which to cultivate God's moral order. In this, Arthur shared the beliefs and outlook of London's Clapham Sect, an influential group of evangelical moderates who had campaigned for the 1807 abolition of the slave trade and would, in 1833, achieve the passing of the Slavery Abolition Act in the British Parliament. In his previous post as Superintendent of Honduras, Arthur's efforts on behalf of slaves had found him favor with influential members of this group, including William Wilberforce, Thomas Fowell Buxton, James Stephen, and Earl Bathurst. Arthur developed his convict policy to satisfy these shared humanitarian concerns.<sup>60</sup> In an 1828 letter to Wilberforce, for example, he concluded his discussion of the Van Diemen's Land penal system by stating that "the result of my experience of these wretched Beings, is – that the Heart is desperately wicked, but that even the vilest can be and are occasionally softened & reclaimed."<sup>61</sup> Arthur therefore shared beliefs, common among British evangelicals such as members of the Clapham Sect, that policies of benevolence should be adopted towards all people, in the hope that they too could be brought within a society in which each person lived by the dictates of Providence.

---

<sup>60</sup> A. G. L. Shaw, "A Colonial Ruler in Two Hemispheres: Sir George Arthur in Van Diemen's Land and Canada," *Tasmanian Historical Research Association Papers and Proceedings* 17, no. 3 (1970): 89; A. G. L. Shaw, *Sir George Arthur, Bart, 1758-1854; Superintendent of British Honduras, Lieutenant-Governor of Van Diemen's Land of Upper Canada, Governor of the Bombay Presidency* (Carlton, Australia: Melbourne University Press, 1980). 65.

<sup>61</sup> George Arthur to William Wilberforce, 9 October 1828, Mitchell Library (ML), Arthur Papers, A2165, Vol. 5.

When Arthur arrived in Van Diemen's Land in May 1824, he took up a position as head of what he himself would describe as "an extensive Gaol to the Empire."<sup>62</sup> His arrival also coincided with the immigration of an increasing number of free settlers to the island. First colonized by the British as a penal settlement in 1803, Van Diemen's Land's European population only began to increase rapidly after 1817. Fueled by an increase in both convict transportation, and the beginnings of free migration from the British Isles, the 1817 population of 3,114 Europeans rose to 12,643 in 1824.<sup>63</sup> During this seven year period before Arthur began his tenure as Lieutenant-Governor, 4,000 of the European arrivals were free immigrants. By 1830, when Arthur was half way through his tenure, the population had reached 23,500, 6,000 of whom were free settlers.<sup>64</sup> Drawn by the promise of available land with which to realize capital investment in the pastoral industry, many of these free immigrants were, like Arthur, former military officers from the Napoleonic war, or younger sons of the landed gentry of England, Scotland, and Ireland, or sons of Colonial Office officials.<sup>65</sup>

Although Arthur was therefore in a sense the head "gaoler" of a penal colony, his arrival at a time when Van Diemen's Land was also growing as a free settlement meant that he had to administer a colony with two purposes.<sup>66</sup> In a dispatch to Earl Bathurst at the colonial office in London in 1826, Arthur noted the dual designation of the colony, stating that "[t]he work of regulating a Penal Settlement would be easy were not Your Lordship contemporaneously laying the foundation of a free Colony."<sup>67</sup> In order to integrate the two purposes, Arthur built on the policy implemented by his predecessor William Sorell and oversaw a system by which convicts

---

<sup>62</sup> Arthur to Bathurst, 21 April 1826, *Historical Records of Australia*, series 3 (HRA 3), vol. 5, 152. Cited in Shaw, *Sir George Arthur*: 64-65.

<sup>63</sup> Plomley, *Aboriginal / Settler Clash*: 11; Ryan, *Aboriginal Tasmanians*: 83.

<sup>64</sup> Ryan, *Aboriginal Tasmanians*: 83.

<sup>65</sup> *Ibid.*

<sup>66</sup> Shaw, "A Colonial Ruler in Two Hemispheres," 89.

<sup>67</sup> Arthur to Bathurst, 21 April 1826, HRA 3, vol. 5, 153.



worked for “respectable” free settlers, thus providing a source of unpaid labor, and a system of master-servant tutelage. The dual designation of the colony therefore allowed Arthur to solve, in a practical way, what he saw as the moral problem presented by the existence of convicts.

The existence of “natives” in Van Diemen’s Land represented a different moral challenge to Arthur. He believed he could solve this problem by implementing benevolent policies aimed “to conciliate” the island’s indigenous peoples. Arthur’s visions of conciliation were dictated by proscribed presumptions about the only possible future for the island’s indigenous peoples: Christianization and “civilization.” In the proclamation Arthur issued in June 1824, he attempted to co-opt the help of the British population of the island in the implementation of these benevolent designs. The proclamation opened with the statement that “it has been represented to HIS HONOR the LIEUTENANT GOVERNOR that several settlers and others are in the Habit of maliciously and wantonly firing at, injuring, and destroying the defenceless NATIVES or ABORIGINES.” He appealed “especially to Stock-keepers in their several Districts,” evincing a belief that the conflict could be blamed on the immoral conduct of convict and ex-convict stock-keepers. He appealed to these people to reform their behavior towards the “natives of Aborigines” so that they might help the government’s efforts “to conciliate and civilize the Natives” of the island.<sup>68</sup>

Arthur saw the equal extension of the British law to the “Native Aborigines” as central to his policy of benevolence. He viewed the British judicial system as an important vehicle through which to administer a just society, believing that it protected those who adhered to its just dictates, and punished those who chose to violate them. In his proclamation of 23 June 1824, for instance, he stated that “[t]he Natives of this Island being under the Protection of the same Laws which protect the Settlers, every Violation of those Laws, in the Person or Property of the

---

<sup>68</sup> Arthur, “Proclamation,” 23 June 1824, *Hobart Town Gazette*, 25 June 1824 & 16 July 1824.

Natives, shall be visited with the same Punishment as though committed on the Person or Property of any Settler.” Arthur thus used the threat of British justice as a means to gain the colonists’ compliance with his plans to “civilize the Natives.” He further stated that anyone caught “firing at, killing, or committing any Act or Outrage or Aggression on the Native People . . . shall be prosecuted for the same before the Supreme Court.”

Arthur published this June 1824 appeal to convict and ex-convict stock-keepers amidst the ongoing escalation of violence. The same week that he published the proclamation, Arthur received a letter from Charles Rowcroft, a settler on the Clyde River, which stated that “the party of natives headed by Musquito a black native of Syndey, continue to infest the district of Murray & the parts adjacent.”<sup>69</sup> Rowcroft attributed two deaths, three assaults, and the destruction of a stock hut to Musquito’s party. These attacks had begun the year before. On 15 November 1823, a group of Oyster Bay people, purportedly led by Musquito and Black Jack, had allegedly killed two stock-keepers and injured another at Grindstone Bay, and two incidents of death and one of assault were reported in the following February, March and April respectively.<sup>70</sup> The *Hobart Town Gazette* (“the Gazette”) reported two of these incidents as the death of the stock-keeper James Doyle at Blue Hills in March and the servant James Taylor at Old Beach in April, and also reported the death of stock-owner Matthew Osborne in July 1824.<sup>71</sup> Arthur’s arrival in Van Diemen’s Land, and his early articulation concerning his native policy, therefore occurred in the context of an increase in the number of confrontations between the Oyster Bay people and their European invaders.

---

<sup>69</sup> Charles Rowcroft to George Arthur, 16 June 1824, Tasmanian Archive and Heritage Office (TAHO), CSO1/1/316 7578.

<sup>70</sup> Minutes of Proceedings in Criminal Cases, Various Centres, including Norfolk Island, TAHO, SC32/1; Registers of Prisoners Tried in Criminal Cases, TAHO, SC41/2; Tasmanian Archival Estrays: Governor’s Office – Judges Reports, 1823-39, TAHO, MM71/1/7; Plomley, *Aboriginal / Settler Clash*: 58.; *Hobart Town Gazette*, 26 March 1824, 2; *Hobart Town Gazette*, 2 Apr 1824, 2.

<sup>71</sup> *Hobart Town Gazette*, 26 Mar 1824, 2; *Hobart Town Gazette*, 2 April 1824, 2; *Hobart Town Gazette*, 16 July 1824, 2. See also *ibid.*, 58-59.

Like Rowcroft, the Gazette – Hobart’s only newspaper at the time – attributed these violent incidents to Musquito, aided by his companion Black Jack. Musquito in particular came to represent the belligerent outsider, whose grievances had led to a life of crime, in which he corrupted otherwise innocent and peaceful local people. Transported as a convict to Van Diemen’s Land from New South Wales in 1813, Musquito worked for the government as a tracker and was instrumental in the apprehension of various notorious bushrangers, though he never received the promised repatriation to Sydney for these services.<sup>72</sup> According to an early historian of Tasmania, “Musquito was instrumental in bringing to justice many of the most notorious of the marauders; but no sooner was this accomplished, than the prisoner population insulted and jeered him for the services he had rendered the Colony . . . he took to the bush.”<sup>73</sup> Much less is recorded of Black Jack, except that he was native to the island. When the Gazette reported on 2 April 1824 that James Taylor had been “speared by the Natives,” they attributed the occurrence to the influence of Musquito and Black Jack. The report stated that although neither Musquito nor Black Jack were seen with the offending party, “there is reason to believe they must have been near the spot, from the circumstances of the Natives having been, with one or two instances only excepted, entirely harmless, until these two Blacks have lately appeared among them.”<sup>74</sup> In blaming the growing conflict on a belligerent outsider and his companion, the colonists attributed the unrest to individual criminals with personal grievances. This left open the hope that once the colonists arrested Musquito and his side-kick Black Jack, peace would return to the district.

---

<sup>72</sup> Boyce, *Van Diemen's Land*: 109; Melville, *History of Van Diemen's Land*, 1: 26; Ryan, *Aboriginal Tasmanians*: 79.

<sup>73</sup> Melville, *History of Van Diemen's Land*, 1: 26.

<sup>74</sup> *Hobart Town Gazette*, 2 Apr 1824, 2.

Yet by the time Musquito had been captured, these hopes had begun to diminish.

Musquito was arrested in early August 1824 by an Aboriginal teenager named Tegg and an adult colonist named Gotfried Hanskey, both members of a pursuit party constituted especially for the purpose of Musquito's capture.<sup>75</sup> A week before the capture, the Gazette offered an alternative analysis of the causes of the unrest, ascribing the recent "mischievous disposition" of the "poor untutored Natives . . . to the unprovoked aggressions that have long since been perpetrated upon them by stock-keepers and others; of which, it appears to us, they are now becoming sensible, owing perhaps in a great measure to the knowledge which they must have gained from Musquito and other blacks, who have been brought up amongst Europeans, lately joining them." As Arthur had done in June, the Gazette blamed convict stock-keepers for initiating the conflict, asserting that the recent deaths of stockmen proved "the imprudence of molesting the Natives, who have always been considered the most harmless race of people in the world; and have consequently never been known to show their revenge until within these last few months."<sup>76</sup> In October, when a group of Oyster Bay people, now without Musquito and Black Jack, attacked the house and stock-yard of James Hobbes in York Plains for the second time, the Gazette went even further in their analysis of the cause of the conflict: "We are not however surprised that the Eastern Marshes should be so much infested, as they form the Natives' best hunting grounds, from which of course, they are anxious to expel the Settlers, by making attacks on their stockmen and cattle."<sup>77</sup>

Although Arthur similarly blamed "lower-class" convict stock-keepers for initiating the violence, he did not seem to grasp any such systemic causes of the conflict. Arthur seemed to

---

<sup>75</sup> *Hobart Town Gazette*, 13 Aug 1824, 2; *Hobart Town Gazette*, 20 Aug 1824, 2; Melville, *History of Van Diemen's Land*, 1: 31.

<sup>76</sup> *Hobart Town Gazette*, 6 Aug 1824, 2.

<sup>77</sup> *Hobart Town Gazette*, 29 Oct 1824, 2; See also Plomley, *Aboriginal / Settler Clash*: 59.

base his hope for Van Diemen's Land's peaceful and prosperous future on the presumption that the island's indigenous peoples should, and *would*, give up their land as Europeans continued to claim it for purposes inconsistent with the co-existence of the indigenous people. For Arthur, the fact that groups such as the Oyster Bay people would be unavoidably pushed off their hunting grounds through the colonists claiming sole rights to the land did not seem to present itself as an underlying problem that undermined his attempts to broker peaceful relations. Rather, Arthur seems only to have been able to see the Oyster Bay people's actions as the natural response of "savages" when provoked. The solution, in addition to attempting to reform the behavior of the lower-class colonists, was to transform the indigenous people from a "savage" to a "civilized" state; to stop them wandering, to make them settle, to teach them industry, and above all, to lead them to the truth of Christianity. In 1824 his policy for dealing with the conflict was to proclaim the jurisdiction of the English common law over the those "committing any Act of Outrage or Aggression on the Native People," and to extend a benevolent hand towards the indigenous people themselves, thus bringing them under the protection of the British crown.<sup>78</sup>

This summation of the state of the conflict, and the extrapolations he therefore made for its solution, left Arthur blind to an opening for diplomacy, even when it fell in his lap. As noted above, in early November 1824, a week after the second attack on Hobbe's station, a delegation of Oyster Bay people came to Hobart Town, most likely to open diplomatic channels after the capture of Musquito and Black Jack. On 5 November, the Gazette reported that "no fewer than sixty-four Aborigines came into town on Wednesday, of their own accord, and in a pacific manner well calculated to conciliate even those who had been most prejudiced against them. No sooner was their approach discovered, than our humane Lieutenant Governor advanced to meet

---

<sup>78</sup> Arthur, "Proclamation," 23 June 1824, *Hobart Town Gazette*, 25 June 1824 & 16 July 1824.

and welcome them.”<sup>79</sup> Although on their arrival Arthur immediately provided them with food and old clothes – as had become the custom in Van Diemen’s Land – for the second night he had them conducted to the road men’s hut four miles from town. On that same day he wrote an order requesting “that the utmost Kindness may be manifested towards them, until some Arrangement can be made by the Government for providing for their Accommodation, and removing them to some proper Establishment.”<sup>80</sup> Yet according to the colonist William Parramore, on the third day the Aboriginal people “were rather sullen and refused to sing the Kangaroo song, and moved off early the next morning.”<sup>81</sup> In receiving this group as subjects of his philanthropic native policy, Arthur thwarted the delegation’s ability to meet its diplomatic mission, and it seems, caused them serious offense.

Confined within the scope of his “benevolent” intentions, Arthur conceptualized conciliation in terms of what he saw as his moral obligation to promote the welfare of an inferior “savage” people. In leaving town so quickly, and in making their displeasure known, it appears that the Oyster Bay delegation had in some way been insulted by this condescending benevolence. Indeed, to a people whose tactics could, and would, continue to jeopardize the viability of the pastoral economy, Arthur had taken a seriously miscalculated approach. At the height of the “black war” in the late 1820s and early 1830s, the Oyster Bay people helped create an atmosphere in which colonists’ well founded fear of attack and death meant that they could either stay and defend their property, or abandon it without hope of any return on their investment.

In 1824, Arthur seemed to be only able to view the island’s indigenous peoples as a population destined to receive his benevolence. In the days following the delegation’s premature

---

<sup>79</sup> *Hobart Town Gazette*, 5 November 1824, 2.

<sup>80</sup> “Government & General Order,” 4 November 1824, in *Hobart Town Gazette*, 5 November 1824, 1.

<sup>81</sup> Sheldon, *The Parramore Letters*, 60-61. Cited in Boyce, *Van Diemen's Land*: 187.

exit from Hobart Town in November 1824, Arthur and other reform-minded Christians held a meeting to plan an “Institute for the Civilisation and Instruction of the Aborigines of the Island,” which they proclaimed as a “great Cause of Benevolence.”<sup>82</sup> The philanthropists ultimately failed to follow through with their stated mission, despite deciding on arrangements such as how charitable contributions could be made to the institute. Arthur’s attempts to found a native institution the following year also failed, with his attentions being taken up by an outbreak of crimes committed by convict bushrangers.<sup>83</sup> Yet the people who were to be the subjects of their charity continued their previous activities. On 24 December 1824, the Gazette reported that “the tribe of Aborigines, who recently visited town, and were treated by His HONOR the LIEUTENANT GOVERNOR with particular kindness, attempted the other day beyond the Big River to spear a poor man that came up with them by chance.”<sup>84</sup> Benevolence, it seemed, was not the answer.

### **The “Common Law of Mankind”**

Though the Oyster Bay delegation may have intended to discuss the fate of Musquito and Black Jack during their visit to Hobart Town in November 1824, Arthur did not view these men as prisoners of war for whom repatriation was possible. Rather, he allowed the colonial judiciary to treat both men’s actions as individual crimes to be punished to the full extent of the British law; they were tried and hanged. Only once more after these executions would Arthur’s administration attempt to fix the “unbending arm of justice” on indigenous people for crimes against the British law in Van Diemen’s Land with the 1826 case of Jack and Dick. On the day of Jack’s and Dick’s execution, Arthur wrote a public notice, confirming that he would impose

---

<sup>82</sup> *Hobart Town Gazette*, 19 Nov 1824, 1.

<sup>83</sup> Boyce, *Van Diemen's Land*: 187.

<sup>84</sup> *Hobart Town Gazette*, 24 Dec 1824, 2.

the British justice system on all those – both colonist and Aboriginal person – who violated this “common law of mankind.” Yet as Musquito had lately been aware, despite Arthur’s universalistic claims, the common law was merely the law of the “white fellow,” and would have no discernable effect, beyond the infliction of violent deaths by hanging, on the escalating conflict.

Musquito and Black Jack first entered the ambit of the colonists’ legal system in December 1824. During his capture Musquito had been shot in the groin by his Aboriginal apprehender Tegg.<sup>85</sup> He stayed in the Colonial Hospital until 3 September, when he was removed to the County Gaol.<sup>86</sup> The colonial administration tried both Musquito and Black Jack on 1 Dec 1824 for the murder of William Hollyoake and Mammaoa (a Tahitian servant). Through this process, the colonial administration therefore held both men individually accountable for the actions of the entire group. At the December trial Musquito was found guilty of being present with “divers other persons whose names are as yet unknown . . . at the time of the murder . . . aiding helping abetting comforting assisting and maintaining” the murder of Hollyoake. Black Jack, acquitted on this occasion, was tried again on 21 January 1825 for the February 1824 murder of Patrick Macarty, and was found guilty of aiding and abetting the murder, on the same terms as Musquito in the Hollyoake and Mammaoa case.<sup>87</sup> Though held individually responsible for these crimes, the judge’s reports of these trials made it clear that these were not individual acts of murder. Similarly, the Gazette’s report of the trial, which included more particulars of the alleged crimes, stated, for instance, that Mammaoa and Musquito “were at the other side of the creek, coming towards the hut; when they came opposite they got over. The other natives were

---

<sup>85</sup> Melville, *History of Van Diemen's Land*, 1: 31.

<sup>86</sup> *Hobart Town Gazette*, 3 Sept 1824, 2.

<sup>87</sup> Minutes of Proceedings in Criminal Cases, Various Centres, TAHO, SC32/1; Tasmanian Archival Estrays: Governor’s Office – Judges Reports, 1823-39, TAHO, MM71/1/7.



by the hut door, so that now the whole body was assembled.”<sup>88</sup> At least on this occasion then, Arthur’s administration had managed to fit the escalating conflict – albeit roughly – into the pretexts of justice and individual responsibility as defined through the workings of the English common law.

The colonial authorities executed Musquito and Black Jack on the morning of Friday, 25 February 1825. In the eyes of the crowd of colonists that witnessed the execution, Musquito and Black Jack were, on this morning, the unfortunate participants in a well established British ritual of justice. They shared the scaffold with six other convicted criminals. When they climbed onto the platform they were expected to show humility and express their remorse for their sinful crimes, then request the presiding cleric to address the spectators on their behalf. On this morning, the Reverend Mr. Bedford, who had been part of the group of philanthropists temporarily intent on creating an “Institute for the Civilisation and Instruction of the Aborigines of the Island,” addressed the crowd. Bedford stated that the condemned men “entreat in this their last hour that you will turn from the error of your ways to the Lord your GOD, for he will have mercy. Yes, my brethren, these poor unhappy fellow-worms whose lives have become forfeited to the laws of violated justice and humanity, implore you all to shun the path that leads to death – to avoid bad company – to be industrious, sober, and slow to anger – to be obedient, honest and religious.”<sup>89</sup>

On their day of execution, Musquito and Black Jack were even less likely to have adhered to these sentiments than their fellow condemned. As we have seen, Musquito saw himself as an outsider to the customary law of the “white fellow” under which he would be

---

<sup>88</sup> *Hobart Town Gazette*, 3 Dec 1824, 2

<sup>89</sup> *Hobart Town Gazette*, 25 Feb 1825, 2.

executed, and did not think that his death would convey a customary example to others, namely other “black fellows.”

Although the execution of Musquito and Black Jack proved to have no discernable deterrent effect, Arthur’s administration again attempted to use colonial legal institutions to deal with indigenous people whose actions they viewed as criminal. After the apprehension of Musquito and Black Jack, the Oyster Bay and Big River people intensified their raids on stations in the settled districts, as colonists continued to attack indigenous groups, destroy native food sources and exclude indigenous people from the lands vital to their economy. In April 1826 the colonial authorities apprehended two men who allegedly speared the stock-keeper Thomas Colley at Oyster Bay the previous month.<sup>90</sup> These two men, known as Jack and Dick, were charged with the murder of Colley, who had died of his wounds fourteen days after the encounter.<sup>91</sup> Their case was heard in front of a military jury in the Supreme Court at the end of May 1826. Chief Justice Pedder appointed an interpreter and two attorneys to act pro bono for the accused, but barred Dick and Jack from giving evidence because, not being Christian, they could not take an oath on the Bible.<sup>92</sup> Nevertheless, a military jury found them guilty, mostly on the evidence of convict stock-keepers, with Jack held to have thrown the spear causing the mortal wound, and Dick found guilty of “aiding abetting helping comforting assisting and maintaining” Jack in the crime. Despite not being allowed to give evidence because they were not Christian, the verdict imbued Jack and Dick’s actions with a decidedly Christian cosmology. The court held that both men, “notwithstanding the fear of god before their eyes but being moved and seduced by the instigation of the Devil . . . feloniously willfully and of their malice

---

<sup>90</sup> Plomley, *Aboriginal / Settler Clash*: 60.

<sup>91</sup> Tasmanian Archival Estrays: Governor’s Office – Judges Reports, 1823-39, TAHO, MM71/1/7.

<sup>92</sup> *Hobart Town Gazette*, 27 May, 3 June, 9 June 1826; *Colonial Times*, 27 May 1826; Editorial Note, HRA 3, vol. 9, 797-798.

aforethought did kill and Murder” Thomas Colley.<sup>93</sup> Chief Justice Pedder sentenced both men to death.

Though at this stage Arthur remained committed to imposing British law on the conflict between the colonists and the island’s indigenous people, the trial of Jack and Dick produced a notable critique from the press on the function of the common law in this context. The *Colonial Times* (“the Times”), a Hobart newspaper that began circulating in 1825, questioned the applicability of British criminal law to “these unhappy men.” The Times argued that, as relates to “these poor creatures, it was by no means clear that Van Diemen’s Land was English ground.” The newspaper noted that if British forces had taken possession of the country “*by the right of conquest*” then “these poor Blacks” would, according to the international law jurisprudence of Vattel, Grotius and others, “instead of being subject to our Law, we, the invaders would have been subjected to theirs!” That the rights of conquest did not apply, the Times suggested, was because these “poor wretches” were “little better than *feræ naturæ*” and were therefore believed to have no laws. Given this view, the Times argued “surely it would almost be as just to subject any other description of wild animal to the operation of the British Law!” After this exposition, the Times made a stand against Jack and Dick’s death sentence, stating that “we hope that there are those here who will use their influence ty [sic] prevent these poor creatures becoming victims to a breach of law which they understand not; and their responsibility to which is questionable by the very highest authority.” The Times also questioned the utility of imposing the death penalty in this context, stating that “[a]s example, their execution will be worse than useless. For to whom will such be made? Not to the Aboriginal Tribes, because none of them will be present to witness it, and their scattered habits of life prevent even the possibility of their

---

<sup>93</sup> Editorial Note, HRA 3, vol. 9, 797-798; Tasmanian Archival Estrays: Governor’s Office – Judges Reports, 1823-39, TAHO, MM71/1/7.

hearing it.”<sup>94</sup> Though sharing Arthur’s characterization of the island’s indigenous peoples as “poor wretches,” the Times’ editorial questioned the humanity and Christian nature of using the death sentence in these circumstances.

In contrast, Arthur continued his proclaimed commitment to bringing the conflict within the ambit of the British law. On the morning of Jack and Dick’s deaths, the colonial secretary’s office released a government notice on behalf of the lieutenant governor. The notice, dated 13 September 1826, declared that it was the lieutenant governor’s hope that this “extreme Sentence of the Law” would act as an “Example . . . not only to Prevent the Commission of similar Atrocities by the Aborigines, but to induce towards them the Observance of a conciliatory line of Conduct, rather than harsh or violent Treatment; the latter being but too likely to produce Measures of Retaliation, which have their Issue in Crime and Death.” By this time Arthur had evidently reached the belief that “it may at present be found difficult, and impractical” to improve the “moral Condition” of “this ignorant race,” nevertheless “forebearance and kindness may do much towards lessening aggression on their Part, and rendering them comparatively harmless.” Furthermore, the notice made clear Arthur’s public commitment to imposing the justice of “the common Law of mankind” equally to both sides of the conflict. He stated that while “a manifestly wanton and direct Violation of the common Law of mankind, such as was perpetrated by the Two Individuals who suffered this Day, will assuredly be visited with the same Punishment, the Lieutenant Governor is determined to Protect the Aborigines of the Colony from injury or annoyance, and on Offenders in this respect, the severest penalties which the Law may prescribe, will be inflicted without the slightest interposition of Mercy.”<sup>95</sup>

---

<sup>94</sup> *Colonial Times*, 2 June 1826, 2.

<sup>95</sup> *Colonial Times*, 22 September 1826, 1.

Though as Musquito had suggested, what Arthur viewed as the universally applicable “common law of mankind” was in fact the customary law of the invading “white fellow.” Violent encounters in the settled districts, such as those for which the colonial authorities arrested Jack and Dick, suggest the application of other customary laws. In warning colonists against behavior that would produce “Measures of Retaliation,” Arthur’s 13 September notice implied a wrong done to Jack and Dick. As Arthur’s conciliator George Augustus Robinson would learn on one of his “friendly missions” in 1831, the death of Thomas Colley had happened in the context of close inter-personal interactions. A man named Stansfield, who had witnessed a disagreement between Jack and Colley (a convict-servant), related to Robinson that Colley had, one evening on returning home and seeing “the natives” nearby, become “displeased” with Jack and “flogged him with [his] bullock whip.” Some time later, Colley returned to the area after a spell at the convict settlement on Maria Island. Upon seeing Jack again, Colley asked the indigenous man whether he remembered him, to which Jack apparently replied yes, he remembered Colley as “the ---- that flogged him.” The account gives no further explanation except to say that after this conversation, “the natives killed” Colley.<sup>96</sup> Colley, however, did not die of his spear wound until two weeks after the retaliation attack, so it is not clear that “the natives” intended to kill him.<sup>97</sup> If Jack did in fact spear Thomas Colley, as the military jury found, he likely understood his assault as a legal retaliation for the earlier assault by whipping under his people’s laws. Once captured, Jack never admitted to committing a crime.<sup>98</sup>

As Arthur’s notice of the same day declared, on 13 September 1826 Jack and Dick experienced the “extreme sentence” of British law. Though Arthur represented the “common law

---

<sup>96</sup> Robinson’s journal entry for 13 January 1831: N. J. B. Plomley, ed. *Friendly mission: the Tasmanian journals and papers of George Augustus Robinson, 1829-1834* (Hobart: Tasmanian Historical Research Association, 1966), 314. For Plomley’s explanation see footnote 106, page 445.

<sup>97</sup> Tasmanian Archival Estrays: Governor’s Office – Judges Reports, 1823-39, TAHO, MM71/1/7.

<sup>98</sup> *Colonial Times*, 5 May 1826, 2.

of mankind” as an agent of good, the imprisonment and execution of Jack and Dick highlight the extreme violence entailed in the colonial law’s retributive function. Dick’s health rapidly declined upon incarceration. An old man with leprosy, or some leprosy-like skin condition, he was quarantined from the other prisoners and, according to the newspaper, was only able to move about the prison by crawling on his hands and knees, with only a loose piece of blanket covering his body.<sup>99</sup> Although executed with five European men, Jack and Dick seem to have been the main subjects of interest on the scaffold that day. When reporting on the public spectacle of the executions, the Times noted that Dick “screamed out most bitterly, apparently fully sensible of his impending fate; and, notwithstanding he could climb up the ladder to the platform, he refused, when he was carried up by the Executioner. Being placed on the platform, he would not stand up along with the rest of the unhappy sufferers; he was therefore placed upon a stool, which dropped with him when the awful moment arrived which plunged them into eternity.” He reportedly “died very hard,” which meant that as his neck did not break with the drop, he would have strangled to death slowly and painfully. The report also suggested that Jack did not die instantly, as the cord tying his hands behind his back slipped up to his elbow, and “he reached up his hand to his neck, and bled profusely from the nose.”<sup>100</sup> Like Musquito and Black Jack, Jack and Dick experienced the “full extent” of the British common law, becoming subjects in the public enactment of a foreign theater of justice.

Arthur’s benevolent and humane intensions towards the indigenous people of Van Diemen’s Land did not lead him to show mercy to these four men. Arthur’s “benevolent” native policy, in this context, was not benign. To Arthur, benevolence meant providing the natives with the only possible future for them – that they given up their “wandering” life, and become

---

<sup>99</sup> *Hobart Town Gazette*, 5 May 1826, 3; 20 May 1826, 2.

<sup>100</sup> *Colonial Times*, 15 September 1826, 3.

“civilized” Christians. When Aboriginal people did not respond positively to this intended kindness and committed “outrages” and “atrocities” against the settlers and their property, Arthur let the procedures of the English common law take over. For Arthur, this law was the “common law of mankind,” and breaches of it were therefore breaches of humanity. While he expressed a desire to prevent the “atrocities” of both colonists and indigenous people, his administration never managed to prosecute any colonists for violence against indigenous people.

For the four men who met the “full extent” of this law, this system of justice was not only foreign to their laws from before the initial British invasion in 1803, it also ran counter to the relatively peaceful culture of exchange that had developed since the colonists arrived.<sup>101</sup> In hindsight it is easy to see that the colonists’ legal system, despite its claims to the administration of a universal and impartial judgment, was merely a foreign customary system. For instance, the “common law of mankind” said nothing about the destruction of hunting grounds, or the invasion of land and sacred places.<sup>102</sup> Yet for Arthur, the common law represented the only possible system through which to impose moral order on the colony. These presumptions would, however, be shaken as Arthur presided over seven years of intensifying conflict between the colonists and the island’s indigenous peoples. Historian N. J. B. Plomley posits 1824 as the year that marks the start of this conflict; a conflict which by the 1830s became known amongst the colonists as the “Black War.”<sup>103</sup> In dealing with this conflict, Arthur would ultimately find it necessary to suspend the common law, and institute martial law.

---

<sup>101</sup> Boyce, *Van Diemen's Land*: 10-11,63-68,98-100.

<sup>102</sup> Shaw, "A Colonial Ruler in Two Hemispheres," 93.

<sup>103</sup> Plomley, *Aboriginal / Settler Clash*: 5-6.

## Surrenders to “Justice”

Unlike Arthur, British officials in North America, along with their republican neighbors to the south, could not be blind to the need for diplomatic negotiations with the “native aborigines.” While the British had invaded Van Diemen’s Land at the site of Hobart Town without negotiating any terms of surrender with the indigenous owners of the land in North America, U.S. and British officials in North America entered into official treaties to extinguish Indian title to the land. They recognized the politic need to negotiate with Native peoples, even if, like Lewis Cass, they ultimately hoped to usurp American Indian and First Nations sovereignty. Cass used his firm grasp of Great Lakes diplomatic customs as a tool in his quest to control American Indian peoples, to extinguish their land titles, and to abrogate the perceived subversive threat of the British. His attempts to assert U.S. jurisdictional sovereignty therefore formed part of his efforts to achieve American Indian subjection to the U.S. government, and to gain control of the land that he imagined as part of the U.S. nation’s geo-political future. Backed by the 1817 Act “for the punishment of crimes and offences committed within the Indian boundaries,” Cass and other U.S. agents attempted to deal with Indian violence against non-Indians through recourse to the institutional framework of the U.S. legal system.<sup>104</sup> Although jurisdiction was not assumed to operate in such a blanket way as the British assumed in Van Diemen’s Land, Cass and other U.S. agents worked hard to achieve the surrender of Native Americans in order to prosecute them in U.S. courts for purported crimes against U.S. citizens, both within and outside Indian Country in the Great Lakes region. In this way, they attempted to make the pretensions of U.S. jurisdictional sovereignty over Native Americans, as represented by the 1817 Act, into a reality.

---

<sup>104</sup> U.S. *House Journal*. 1817. 14<sup>th</sup> Cong., 14<sup>th</sup> sess., 3 March, 383; An Act to Provide for the Punishment of Crimes and Offences Committed within the Indian Boundaries, ch. 92, 3 Stat. 383 (1817).



Yet in his public discourse, Cass condensed the complexities and difficulties encountered in achieving these surrenders into generalizations about the “Indian character.” In July 1825, Cass was in Prairie du Chien finalizing preparations for a treaty council, at which he hoped to expand U.S. influence in the region by defining boundaries and brokering peace between the peoples of the Upper Mississippi region. At the same time that he undertook these practical, diplomatic measures to assert U.S. sovereignty and jurisdiction (partly against the perceived threat of the British to the north), Cass sought to intervene in the transatlantic discourse on North American Indian relations. Outraged by an essay in the most recent London *Quarterly Review*, he penned a response for the next issue of the *North American Review*.<sup>105</sup> In his response article, Cass expounded, at length, his self-proclaimed knowledge about the “Indians of North America,” including the so-called “Indian character.” One character trait apparently shared by all American Indians was their bravery in submitting to retribution when they had “been guilty of murder.” According to Cass, even those Indian men who killed U.S. citizens generally “freely delivered themselves” for trial, including, he stated, “[t]he Winebagoes convicted at Belleville . . . and the seven persons now confined at Mackinac, for the murder of four American citizens upon Lake Pepin, in August [sic] 1824.”<sup>106</sup> In this account, such an apparent behavioral tendency of the “Indian moral character” complemented the seemingly natural and inevitable extension of U.S. jurisdiction over American Indian peoples, even to “crimes” committed within Indian Country.

---

<sup>105</sup> Lewis Cass to Thomas McKenney, 30 July 1825, National Archives (NA), RG 75, M234, Office of Indian Affairs, Letters Received, Michigan Superintendency, 1824-27 (OIALR, MS), roll 419. The article that provoked Cass’s outrage was George Proctor, “The North American Indians,” *Quarterly Review* 31, no. 1 (1824). This was an anonymously penned review of two works: James Buchanan, *Sketches of the History, Manners, and Customs of the North American Indians* (London: Printed for Black, Young, and Young, 1824); John Dunn Hunter, *Memoirs of a Captivity among the Indians of North America, from Childhood to the Age of Nineteen: with Anecdotes Descriptive of Their Manners and Customs* (London: Printed for Longman, Hurst, Rees, Orme, Brown, and Green, 1824). The anonymous reviewer was identified in the *Quarterly Review Archive* as George Proctor, the nephew and son-in-law of the British Colonel Henry Proctor, who Cass held responsible for huge American losses at Frenchtown, Ohio, during the War of 1812: see John Fierst, “Rationalizing Removal: Anti-Indianism in Lewis Cass’s *North American Review* Essays,” *The Michigan Historical Review* 36, no. 2 (2010): 6-8, 23-24.

<sup>106</sup> Lewis Cass, “Indians of North America,” *North American Review* 22, no. 1 (1826): 55-56.

Yet even Cass's own rhetoric suggested the atmosphere of coercion in which these surrenders had taken place. He stated that the men who surrendered had "freely delivered themselves to our authority, as necessary offerings for their own guilt, and to exonerate their tribes from suspicion or injury."<sup>107</sup> On the one hand, Cass therefore represented Native American surrenders as an example of the strangeness of the "Indian character," and on the other, as the "free" response to threats of collective retribution. Indeed, the Ho-Chunk men convicted at Belleville and the seven Ojibwes held at Mackinac surrendered in response to U.S. threats. In both these cases, U.S. officials held councils with the relevant leaders to press for the surrender of the perpetrators.

The two Ho-Chunk men brought to trial at Belleville in June 1821 stood accused of the murder of two U.S. soldiers on Rock Island in March 1820. According to Major Marson, the commanding officer stationed at Fort Armstrong on Rock Island, on 29 March 1820, Sergeant Blettenberger and Private Rigg, of the 5<sup>th</sup> infantry, "passed out of the garrison unarmed, [and] were shot, scalped, and otherwise mangled in a most shocking manner." This was, Marson declared, the most recent "consequence of the hostility of the Winebagoes and the smallness" of his command.<sup>108</sup> Marson's letter, printed in the *Daily National Intelligencer* in May 1820, confirmed earlier reports that the deaths had been "perpetrated by those vile and detestable Winebagoes."<sup>109</sup> In June, Major Leavenworth, the commandant of Fort Crawford in Prairie du Chien, held a council with Ho-Chunk leaders at the Prairie. The Ho-Chunk leaders reportedly "disclaimed and denounced the act, and said it was done by two fools, who had covered the whole nation with shame." They made it clear that they had no wish or intention to go to war, and they gave over five leaders to act as human collateral for nine days, until they delivered up

---

<sup>107</sup> *Ibid.*, 56.

<sup>108</sup> *Daily National Intelligencer*, 17 May 1820.

<sup>109</sup> *Daily National Intelligencer*, 8 May 1820. See also *Daily National Intelligencer*, 15 May 1820.

the perpetrators.<sup>110</sup> In the fall after their surrender, Colonel Leavenworth delivered Chewacharah and Whorajinkah – the two men accused of the killings – to the civil authorities at Edwardsville, from where they were transferred to Belleville jail to await their trial before the circuit court.<sup>111</sup>

The Ho-Chunk leaders most likely surrendered these two men to the U.S. military forces, most likely, as a politic maneuver, not an admission that their people should be subject to U.S. law. The leaders surrendered their countrymen in the expectation that the Americans would treat the accused in line with the region’s diplomatic protocols. Instead, as Carimine expressed at the men’s trial, the Americans had breached these just expectations. After the judge had pronounced the sentence of death on the two men, the Ho-Chunk leader reportedly stated: “When I came down here, I had hoped to find that Che-wa-cha-rah and Wo-rah-jin-kah had been better treated, but my heart is oppressed at the cruelty that they have received. I did hope that pity would have been found for them, and that mercy would have been shown them.”<sup>112</sup>

In condemning this display, Carimine referred not only to the lack of mercy shown by the passing of the death sentence, but also to the treatment that Chewacharah and Whorajinkah received while incarcerated. By the time the U.S. civil authorities brought Chewacharah and Whorajinkah to trial in May 1821 they were weak and emaciated. The *Illinois Intelligencer* reported that Colonel Leavenworth, on seeing great difference in Chewacharah and Whorajinkah’s appearance since he had delivered them over to the civil authorities the previous fall, “considered it his duty to enquire into the cause,” which he did in the presence of Major Biddle of the army and “a number of the most respectable citizens of this town.” According to

---

<sup>110</sup> *Daily National Intelligencer*, 26 July 1820.

<sup>111</sup> *Daily National Intelligencer*, 31 July 1820; *Raleigh Register, and North-Carolina Gazette*, 6 July 1821 (printing a report from the *Kentucky Reporter*).

<sup>112</sup> Reprinted in *Raleigh Register*, 6 July 1821.

the report, in response to their interrogation, Chewacharah and Whorajinkah “complained very much of their treatment while at Belleville.” During the previous winter they had no fire or bedding, and were thus compelled to lie on the hard floor with only a blanket for covering. By way of food, they had generally received “only a small piece of corn bread of the size of a small biscuit, and half that quantity of meat; *and at one time, for three days and nights, received neither food nor water.*”<sup>113</sup> As suggested by the editors of the *Illinois Intelligencer*, who reported Carimine’s speech directly after expounding these details of Chewacharah and Whorajinkah’s treatment, Carimine’s complaint that his fellow countrymen had suffered injustice was understood by U.S. citizens.

Yet in condemning Chewacharah and Whorajinkah’s treatment at the hands of the U.S. authorities, Carimine also made a much larger point about the incompatibility of this treatment with his beliefs about the terms on which the surrender had been negotiated. Ever the diplomat, Carimine immediately tempered his statements about the cruelty Chewacharah and Whorajinkah had received by stating “[b]ut, let peace be between us. I look to our Great Father as I do to the Great Spirit for protection.” Rather than a submission to the power of the U.S. executive, this statement was an appeal that attempted to remind the Americans of the terms of the surrender of the men; an effort to remind Judge Pope – the “Father” representing the President (the Great Father) – of his obligation to take pity of his Indian “children” and show them mercy. Carimine therefore concluded: “My Father – I came here to see justice, but I find none – Cah-rah-mah-ree is honest – he speaks what he thinks – he shakes you for the last time by the hand.”<sup>114</sup> For Carimine, the system to which Chewacharah and Whorajinkah had been subjected after their surrender – their treatment while incarcerated and their impending execution

---

<sup>113</sup> *Raleigh Register*, 6 July 1821. Emphasis in original.

<sup>114</sup> *Raleigh Register*, 6 July 1821.

– did not meet the tenants of the diplomatic codes through which the U.S. officials had negotiated the men’s surrender.

The treatment of Chewacharah and Whorajinkah at the hands of the U.S. justice system took an immediate toll on one of the men. Though the court had scheduled the execution for 14 July that year, the men received a last-minute presidential reprieve of one month, during which time one of the men died. Published reports do not state which man died in custody, or whether the appeals for permanent reprieve were successful. It is also unclear whether the execution of the surviving man took place after the expiration of the one-month respite, though presumably if it did, it occurred in front of a crowd similar to the disappointed large group of onlookers who had flocked to see the “Indian-hanging” the month before.<sup>115</sup> A widely published report announced that the man had “seemed to regard his approaching end with apparent unconcern” though no other details were given.<sup>116</sup>

Much fuller details circulated regarding the execution of two other Native American men in Detroit later that year. On 27 December 1821, an Ojibwe man named Ketaukah (or Ketawkah), and Kewabiskim, a Menominee man, were executed in front of a crowd of “very numerous” spectators for separate murders.<sup>117</sup> On May 12 1821, Ketaukah had fallen in with a party of Americans on their second day of travel from Green Bay, which included Dr. William Madison, the U.S. military surgeon stationed at Green Bay. Two hours later, near Manitowoc, Ketaukah shot Madison from his horse, and the Doctor died soon after.<sup>118</sup> Ketaukah’s Ojibwe community delivered him to the U.S. authorities in Detroit on 1 June.<sup>119</sup> Fewer details circulated

---

<sup>115</sup> *Daily National Intelligencer*, 30 Aug 1821; *Daily National Intelligencer*, 21 Sept 1821. I have, as yet, been unable to find any mentions of this possible reprieve in the territorial or agency reports.

<sup>116</sup> *Daily National Intelligencer*, 21 Sept 1821.

<sup>117</sup> From Detroit, 28 Dec 1821, in *Maryland Gazette and Political Intelligencer*, 24 Jan 1822.

<sup>118</sup> Report from Detroit, 1 June 1821, in *Daily National Intelligencer*, 22 June 1821.

<sup>119</sup> Report from Detroit, 1 June 1821, in *Daily National Intelligencer*, 22 June 1821.

in the press about Kewabiskim's actions, except that he had killed a "French" trader named Charles Ulrick at Green Bay earlier in 1821.<sup>120</sup> A circuit hearing of the territorial Supreme Court convicted the two men in Detroit in October 1821.<sup>121</sup> According to the reports of their executions, the men met their deaths gallantly and bravely. They "walked firmly to the gallows, and . . . ascended the steps of the drop in a manner peculiarly firm – after which, they asked through the interpreter, the pardon of the surrounding spectators, for the crime they had committed. They then shook hands and gazed for a few minutes on the assemblage and on the heavens, when their caps were drawn over their faces, and they were launched into eternity."<sup>122</sup>

The press reports of the dual execution and its lead-up presented Kataukah and Kewabiskim's subjection to the U.S. justice system as both legitimate and natural. According to a reprinted article emanating from Detroit, both Kataukah and Kewabiskim had allegedly acknowledged the legitimacy of their impending punishment: "[t]he Indians, since their trial, often acknowledged that they deserved the punishment to which they were sentenced – and, in their own way, had prepared themselves to meet their fate." The men also followed what the reporters represented as customary "Indian" preparations for their impending deaths. For the several weeks before to their execution, the men collected "tobacco, pipes, & c" to offer "to the Great Spirit on the day of their death." They also acquired red paint, which they used to paint the walls of their cells and their blankets with "numerous figures of men, quadrupeds, reptiles, & c.," and one man painted a picture of "an Indian hanging by the neck" on his blanket. Then, the night before their execution, the men used an improvised drum to accompany "their solemn death dance," which they did until late into the night, and resumed early on the morning of their

---

<sup>120</sup> Ebenezer Childs, "Recollections of Wisconsin Since 1820," *Wisconsin Historical Collections* 4(1859): 164.; *Daily National Intelligencer*, 9 Nov 1821; *Illinois Gazette*, 1 Dec 1821.

<sup>121</sup> *Daily National Intelligencer*, 9 Nov 1821; *Illinois Gazette*, 1 Dec 1821.

<sup>122</sup> Reprinted in *The National Advocate for the Country*, 18 Jan 1822; *Maryland Gazette and Political Intelligencer*, 24 Jan 1822.

executions.<sup>123</sup> By stating that the men had admitted to the justice of their impending fate, this report presented Kataukah and Kewabiskim's deaths at the hands of the U.S. legal system as fundamentally righteous. By including details of their preparations, it fortified Euro-American presumptions about the U.S. legal system being universal in its distribution of justice; that it accommodated rather than usurped American Indian customs.

While these reports from Detroit gave an unequivocal account of the guilt of the men and the justice of their fate, earlier articles had reported issues raised at trial about problems inherent in trying to bring Native Americans within the ambit of U.S. criminal law. Both trials, held at Detroit before the Territorial Supreme Court, were reported together; but Kewabiskim's case was referred to only briefly without details of the proceedings, while Kataukah's received lengthy treatment. On his arraignment, counsel for Kataukah, "Messrs. Doty and Witherell," both of whom would become eminent judges, had immediately challenged the jurisdiction of the court in the matter. According to one report, Doty and Witherell argued that "the Courts of the United States could not take cognizance of crimes committed in the Indian country – that the Winnebago and Chippewa nations were both sovereign and independent, exercising exclusive jurisdiction over all offences committed within their respective territorial limits, &c."<sup>124</sup> A report of the trial in Washington's *Daily National Intelligencer* noted that "[t]he principle involved in this trial relative to the sovereignty of the Indians tribes, was somewhat similar to that in the case of *Tommy Jemmy*, the Indian who was tried in New-York."<sup>125</sup> The court rejected Doty and Wetherell's arguments challenging the jurisdiction of the court, including the contention that

---

<sup>123</sup> Reprinted in *The National Advocate for the Country*, 18 Jan 1822; *Maryland Gazette and Political Intelligencer*, 24 Jan 1822.

<sup>124</sup> *Illinois Gazette*, 1 Dec 1821.

<sup>125</sup> *Daily National Intelligencer*, 9 Nov 1821. For an account of the Tommy Jemmy case, see Matthew Dennis, *Seneca Possessed: Indians, Witchcraft, and Power in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2010).

Ketaukah was a member of an independent nation, as defined by writers on the laws of nations, which had exclusive jurisdiction over “all offences committed within the limits of its territory.” Ketaukah therefore faced trial before a jury, and was found guilty and sentenced to be executed on 27 December 1821.<sup>126</sup> But his trial revealed that even among the U.S. legal fraternity, the legitimacy of extending U.S. sovereignty into Indian Country was not an unquestioned presumption.

Despite petitions to reprieve Ketaukah and Kewabiskim from the scaffold, Cass decided to let the law – as it had played out in the trials – “take its course.”<sup>127</sup> Curiously, although he had been directly involved in Ketaukah and Kewabiskim’s execution, he did not mention either case in his 1826 *North American Review* article. In spite of his executive prerogative, he did not reprieve them from the fate that other U.S. agents had dealt to Chewacharah and Whorajinkah, whom Cass mentioned as the “Winebagoes convicted at Belleville.”<sup>128</sup>

### **Escape from Mackinac**

But Cass’s supremacist posturing about American Indian submission to U.S. law in the pages of the *North American Review* was premature. By the time his article appeared at the beginning of 1826, the Ojibwe men, whose surrender he also mentioned, had escaped from Mackinac and made their way back to their Ojibwe villages in the Lac du Flambeau area (south of Lake Superior). The deaths at the center of this controversy occurred in early July 1824, when four men travelled by canoe from Prairie du Chien northwards on the Mississippi River towards Fort Snelling. The men worked for Jean Brunet, an Indian trader based in Prairie du Chien. Lead

---

<sup>126</sup> *Daily National Intelligencer*, 9 Nov 1821; *Illinois Gazette*, 1 Dec 1821.

<sup>127</sup> Tuttle, *General History of the State of Michigan*: 434.

<sup>128</sup> Cass, “Indians of North America,” 56.



by an American named John Findlay, the group also included three other boatmen (or voyageurs) named Crawford, Depous, and Bennett.<sup>129</sup> One night they set up camp on Lake Pepin; the place where the Chippewa River enters the Mississippi and a common camp site for travelers. On the same night a group of about thirty Ojibwe men camped nearby. The men all conversed; at least one of Brunet's men spoke Anishinaabe. The Ojibwe men reportedly helped themselves to the traders' provisions, and asked if the four men had seen a Dakota (Sioux) party nearby. Sometime soon after, some of the Ojibwe men killed and scalped the four traders.<sup>130</sup>

The four bodies were soon after found by a U.S. military party, and reports of the incident then proliferated in U.S. newspapers and correspondence between U.S. officials.<sup>131</sup> In these accounts, the four non-Ojibwe men were generally referred to either as "white" or as American citizens. Such descriptors, used loosely in the Upper Great Lakes at that time, marked certain people as culturally and politically distinct from the majority of the area's population who self-identified – and were identified by others – as belonging to an American Indian nation, such as the Ojibwes or Dakotas. At other times American officials might have referred to the three voyageurs as "Canadiens," or even derogatorily as "mixed breeds."

Over the next three years after the deaths on Lake Pepin, Lewis Cass led concerted U.S. government efforts to subject the Ojibwe perpetrators to the U.S. criminal justice system. He referred to the four dead men as "our citizens," and to their deaths as a "flagrant murder" or

---

<sup>129</sup> "Extract from a gentleman residing at the Prairie du Chien, to Capt. S. Perkins, of Detroit, dated July 16, 1824," *The National Advocate*, 27 August 1824; William W. Bartlett, "Jean Brunet, Chippewa Valley Pioneer," *The Wisconsin Magazine of History* 5, no. 1 (1921): 35.

<sup>130</sup> Henry Schoolcraft to Lewis Cass, 31 August 1824, NA, RG 75, M234, OIALR MS, roll 419; "Late Indian Murders," *Daily National Journal*, 18 October 1824; Henry Rowe Schoolcraft, *Personal Memoirs of a Residence of Thirty Years with the Indian tribes on the American Frontiers: with brief notices of passing events, facts, and opinions, A.D. 1812 to A.D. 1842* (Philadelphia: Lippincott, Grambo and co., successors to Grigg, Elliot and co., 1851). 198-200.

<sup>131</sup> For example, "Extract of a Letter from Maj. Thomas Biddle of the U.S. Army, to the Paymaster General, dated Prairie des Chien, July 14, 1824." *Daily National Journal*, 21 August 1824; "Extract of a letter from a gentleman residing at the Praire [sic] du Chien, to Capt. S. Perkins, of Detroit, dated July 16, 1824." *The National Advocate*, 27 August 1824 and *Daily National Intelligencer*, 30 August 1824; Charles Trowbridge to Henry Schoolcraft, 8 September 1824, Captain Clarke to John Holliday, 25 December 1824, NA, RG 75, M234, OIALR MS, roll 419.

“outrage,” and drawing on overly masculinist tropes, framed the Ojibwe violence as an attack on “U.S. citizens” which affronted the “honor of [the U.S.] government.” On Cass’s advice, the War Department in Washington directed – or rather approved the efforts Cass had already instigated – for U.S. civil and military officials in the western Great Lakes to use every means, short of open hostilities, to obtain these Ojibwe men. He believed it necessary to subject these men to U.S. “public justice” in order to demonstrate the potency of U.S. power to the region’s peoples.<sup>132</sup> For Cass, the imperatives for such demonstrations were never divorced from the specter of British influence. As he wrote to Secretary of War Barbour in 1825, he believed the Lake Superior Ojibwes held an ongoing “attachment . . . to the British, and,” he continued, “they are so remote that it will be long before foreign influence can be wholly destroyed.”<sup>133</sup> Cass believed, however, bringing the Lake Pepin killers within the jurisdiction of the U.S. law would be a good start.

Claims to U.S. sovereignty and jurisdiction in the “remote” Lake Superior region, though largely fanciful, served Cass’s very real political aim of strengthening U.S. authority and influence in the region. As a practical and astute politician, Cass understood the political context in which the Lake Pepin killings had occurred. Like the newspaper reports of the incident, he interpreted the deaths as collateral damage in the ongoing conflict between the Ojibwes and the Dakotas.<sup>134</sup> As historian Michael Witgen has recently shown, traders such as those who died on Lake Pepin in July 1824 worked in a political and economic system dominated by “the ongoing struggle between the Anishinaabeg and the Dakota for control of the transcontinental trading

---

<sup>132</sup> For example, Cass to Thomas McKenney, 4 April 1825; Cass to James Barbour, 19 April 1825; Cass to Barbour, 2 June 1825; Cass to Barbour, 28 June 1825; Cass to McKenney, 6 December 1825; Cass to McKenney, 16 April 1826; Cass to Barbour, 19 May 1826; Cass to Henry Schoolcraft, 19 May 1826; Cass to McKenney, 13 November 1826; Cass to McKenney, 20 November 1827, NA, RG 75, M234, OIALR MS, roll 419.

<sup>133</sup> Cass to Barbour, 28 June 1825, RG 75, M234, OIALR MS, roll 419.

<sup>134</sup> Cass to McKenney, 4 April 1825; Cass to Barbour, 19 May 1826, NA, RG 75, M234, OIALR MS, roll 419; *Daily National Journal*, 21 August 1824 & 29 June 1825.

system.” This struggle, according to Witgen, “shaped the daily lives of everyone, Native and non-Native, in the western interior of North America from the seventeenth century until the later part of the nineteenth century.”<sup>135</sup> Indeed, Cass saw the Lake Pepin incident as an opportunity for U.S. agents to gain a foothold – and what he hope would potentially be a controlling influence – in the region’s political economy. These same imperatives drove his diplomacy at the Treaty of Prairie du Chien the next summer, where (in July 1825) he attempted to impose boundary lines between the Ojibwes and the Dakotas, in the hope that an American-brokered détente would enlarge U.S. influence.

By the time Cass arrived at Michillimackinac in June 1825, en route to the Prairie du Chien treaty council, five of the Ojibwe perpetrators of the Lake Pepin deaths had surrendered themselves to U.S. agents. They had surrendered in response to U.S. threats of force against their nation, and on the assurances of ultimate impunity, which they had received from local Métis traders and U.S. Indian agents, with whom they had kinship ties.<sup>136</sup> They also most likely expected only temporary incarceration. Their surrender did not, in any way, imply absolute submission to the dictates of the U.S. criminal justice system.

But Cass wanted to subject these Ojibwe men to the full extent of U.S. criminal law. He wrote to the Secretary of War that the “condemnation and the execution of some of [these men]” would “produce an immediate and decisive effect.” For Cass, this was an opportunity to

---

<sup>135</sup> Witgen, *An Infinity of Nations*: 350.

<sup>136</sup> Members of the war party claiming responsibility for the deaths on Lake Pepin surrendered to the Indian Agent Henry Schoolcraft at Sault Ste Marie on 22 June 1825. Five men – Sagetone, Kakabisha, Otagami, Annimikence, and Nawajiwienoce – were taken into custody then sent down to jail at Mackinac. The alleged leader of the party, Kewaynowut, though present at Sault Ste Marie during the surrender, was only taken into custody a month later. The seventh man, who Cass wrote about in his *North American Review* article was actually imprisoned for a different killing: Schoolcraft, *Personal Memoirs*: 209-13. Captain Clarke to John Holliday, 25 December 1824; John Holliday to Captain Clark, 3 February 1825, enclosing Gitchi Iamba and Followers, address to their Great Father; Major Cutler to James Barbour, 23 June 1825; Major Cutler to Barbour, 30 June 1825; Cass to McKenney, 30 June 1825; Captain Clarke to Barbour, 1 July 1825; Judge James Doty to James Barbour, 22 July 1825, enclosing affidavits of William Morrison, William A. Aikin, Eustace Roussain, George Johnston, Lyman M. Warren, and Jean Baptiste Corbin taken on 16 July 1825, NA, RG 75, M234, OIALR MS, roll 419; Witgen, *An Infinity of Nations*: 351-52.

demonstrate the so-called “power and authority” of the United States. He also suggested the organization of a military excursion to the Fond du Lac area for the ostensible purpose of tracking down two of the men believed “most guilty” for the Lake Pepin deaths – including the leader Kewaynokwut – who had not yet surrendered. And even if the fugitives did not consequently surrender, Cass argued that – in any case – “the display of an armed force at the extremity of Lake Superior would produce the most salutary effects upon the Indians.” He surmised to the Secretary of War that “the Indians of that country are restless & dissatisfied” because “[t]hey do not know the strength of the government, nor do they respect its office or its requisitions.”<sup>137</sup>

Indeed, the Ojibwe men’s subsequent escape from Mackinac in October 1825 highlighted this lack of so-called “respect.” The incarcerated men presumably received word that U.S. officials intended to try and then likely execute at least some of them. The jailer at Mackinac, as well as several of the (so-called) “French” prisoners, advised the Ojibwe inmates that they should break out. The Ojibwe men subsequently cut through a log wall, and escaped under the cover of darkness to Ottawa point, where they embarked on a twenty-two day journey back to their villages in the Lac du Flambeau area.<sup>138</sup> Although a report in the *Detroit Gazette* decried the escape and proclaimed ignorance about how it had been achieved, most people in the region would have understood what had most likely occurred.<sup>139</sup> In a situation that invoked precedents begun in the days of the French – those that Richard White identifies in *The Middle Ground* – the jailer, the local traders, and the prisoners had followed a familiar pattern of protocols that had originally grown out of “creative misunderstandings” between Native Americans and the

---

<sup>137</sup> Cass to Barbour, 28 June 1825, NA, RG 75, M234, OIALR MS, roll 419.

<sup>138</sup> George Johnson to Henry Schoolcraft, 2 November 1825, NA, RG 75, M234, OIALR MS, roll 419.

<sup>139</sup> *Detroit Gazette*, 1 November 1825.

French.<sup>140</sup> To acknowledge, at least ostensibly, the authority of their “Great American Father,” the accused Ojibwe men surrendered and submitted to temporary incarceration. But in order to avoid the potential repercussions of actually executing the accused, local officials and traders then helped to facilitate the prisoners’ escape.

While local officials and traders maintained this convention, Cass continued his attempts to impose a different customary legal regime – that of the U.S. criminal law. Though the deaths on Lake Pepin in July 1824 occurred deep in Indian Country, because Cass claimed those killed were “U.S. citizens,” he continued to insist that justice demanded that the Ojibwe perpetrators be subject to trial for murder under U.S. criminal law.<sup>141</sup> In May 1826, Cass made plans to travel to Fond du Lac to hold a follow-up council with the Ojibwes, as had been stipulated in the treaty of Prairie du Chien the year before. The escape of the Lake Pepin suspects loomed large in Cass’s plans for this council. He saw the upcoming treaty as a chance to exhibit “the physical force” and “power and authority” of the U.S. government in a region apparently “subject to British influence.” He believed such a display might begin to persuade the Ojibwes of American supremacy so that when the Americans commanded them to do something, such as surrender the perpetrators of the Lake Pepin deaths, the Ojibwes would be more likely to obey and submit.<sup>142</sup> In an attempt to impress this upon the Ojibwes, when Cass and his fellow commissioner Thomas McKenney travelled to Fond du Lac that summer, they were accompanied by 62 men from the 2<sup>nd</sup> Infantry.<sup>143</sup>

---

<sup>140</sup> White, *The Middle Ground*.

<sup>141</sup> Cass’s demands conform to Lisa Ford’s argument, concluded from her study of the state of Georgia and the British colony of New South Wales, that during this time, settler regimes began to assert full jurisdiction over such incidents to bolster their territorial claims: Ford, *Settler Sovereignty*.

<sup>142</sup> Cass to Barbour, 19 May 1826, NA, RG 75, M234, OIALR MS, roll 419.

<sup>143</sup> Schoolcraft, *Personal Memoirs*: 243.

With Cass unwell during the negotiations, McKenney took charge of the matter. After all the parties had signed the treaty, McKenney demanded that the Ojibwes surrender “the murderers.”<sup>144</sup> In response, four men from the Lac du Flambeau area attempted to defer the demand, informing McKenney that they did not have the power to effect the surrender: “*Fathers*, - We four speak as one man. Have patience. *Fathers*, - we have no young men attached to us. It is very difficult for us to make an answer to you.” But McKenney, determined not to be sidetracked, said that if the men were not surrendered, their “father” would “put out his strong arm,” and “by the time the traders come in, in the spring . . . destruction will fall on your women and children.” So, to temporarily appease McKenney, the Ojibwe spokesman told his American “fathers” that “[n]ext spring, you may look for those young men who committed the murder.”<sup>145</sup>

Ultimately, however, neither displays of power nor threats impressed the Ojibwes into submission. Though McKenney and Cass included the demands for surrender in an addendum to the Fond du Lac treaty, early in the summer of 1827 the leaders of the five principal villages of Lac du Flambeau held their own council, and resolved to end the matter without surrendering their countrymen. Delivering the speech in the name of all the leaders, the senior chief Mozobodo presented five strings of wampum to the local agent George Johnston and stated the council’s resolution – both of which were delivered to Cass at a treaty council at Butte des Morts, later that summer of 1827.<sup>146</sup>

In conformity with Great Lakes diplomatic protocols, Mozobodo expressed the council’s resolution as a request, made to his American “Father,” asking for forgiveness, on behalf of his children, who had “been foolish” and “done wrong.” “Pity and forgive them, for this time,” he

---

<sup>144</sup> Thomas Loraine McKenney, *Sketches of a Tour to the Lakes: of the character and customs of the Chippeway Indians, and of incidents connected with the treaty of Fond du Lac* (Baltimore: F. Lucas, Jun'r., 1827). 321.

<sup>145</sup> *Ibid.*, 471.

<sup>146</sup> Cass to McKenney, 20 November 1827, enclosing Schoolcraft to Cass, 2 August 1827, NA, RG 75, M234, OIALR MS, roll 419.

stated “and give us once more quietness. Our five villages, under my direction make this request, and we give you our hands in friendship with all our hearts.” The alleged murderers then got up and presented two strings of wampum, also to be delivered to Cass along with their speech, in which they said, “Listen to us, Father! We cannot resolve to redeliver ourselves up. We have not the resolution of going again to prison. Your arm is strong and heavy – your punishment too severe. We tremble at your name.”<sup>147</sup> Rather than acquiesce to U.S. agents’ assertions of American legal jurisdiction, these men from the five Lac du Flambeau villages instead asserted their region’s existing justice regime for homicide cases. With the wampum ceremony they fulfilled the necessary requirements to “cover the dead,” and thus put an end to the cycle of deathful retributions. Using proper diplomatic etiquette, they couched their message as a request that their American “Father” accept this peace offering. In reality though, this was more pronouncement than request. In refusing U.S. agents’ demands, the Ojibwes from Lac du Flambeau sent a clear message: they did not accept the validity of U.S. jurisdictional claims, and would therefore not submit their countrymen to the customs of the U.S. criminal justice system.

Their message was also a reproach to Cass and other U.S. agents who had flouted the region’s legal and diplomatic customs by continually insisting that the perpetrators of the Lake Pepin killings be subject to the full extent of U.S. law. In saying to their American Father “[y]our arm is strong and heavy – your punishment too severe,” the suspected murderers – along with the council of Ojibwe leaders – admonished Cass for contravening the bounds of legitimate fatherly behavior. The Ojibwes implicitly asserted that those claiming the title of father in this diplomatic-fictive-kinship relationship were expected to behave towards their so-called “children” with generosity, mercy, and forgiveness.

---

<sup>147</sup> Enclosed in Schoolcraft to Cass, 2 August 1827, NA, RG 75, M234, OIALR MS, roll 419.

But this role of “father” meant something very different to Cass. The paternalist authority that Cass aimed for, as representative of the United States, was supremacist and absolutist. It required that the Ojibwes recognize the U.S. government as their sovereign ruler, and that upon request they would consequently submit, in full, to unilateral U.S. legal jurisdiction. In other words, for Cass, this was a zero sum equation of sovereignty: for cases where he deemed that U.S. legal jurisdiction applied, he required the full and absolute submission of American Indian people. In this construction of political “reality,” any acts which Cass and other U.S. agents deemed as aberrant were framed as affronts to the rightful authority of the United States. Interestingly – and tellingly – Cass represented the killings on Lake Pepin as an insult to the “honor” of the U.S. government; he described the efforts of U.S. agents to bring the Ojibwe suspects to trial as attempts to gain satisfaction for this insult, and thus “vindicate the honor of [the] government.” These representations evinced a different conception of masculinist authority to that asserted by the Lac du Flambeau Ojibwes in their reproach to Cass. Although Cass ostensibly played the role of diplomatic “father” to his Indian “children,” he did not do this to conform to the existing political culture of the region. Instead he maneuvered and machinated to achieve an absolutist, dictatorial authority over American Indian peoples.

But in the case of the Lake Pepin deaths, Cass was frustrated in his attempts to achieve even just the appearance of a subordinating control over the Ojibwes. The trial and execution of the Lake Pepin perpetrators was to have displayed the apparent submission of the Ojibwes to the dictates of a supreme sovereign. But in seeking to manufacture this display of authoritarian potency, and then failing, he instead highlighted the impotence of U.S. authority. In reality, these claims of U.S. sovereignty and legal jurisdiction could only be maintained by coercing Ojibwe cooperation. Yet Cass had offended against the region’s existing diplomatic and legal customs by



his heavy-handed tactics, causing the Ojibwes to respond by reasserting *their* expectations for fatherly behavior.

### **Conclusion**

In the 1820s, British officials in Van Diemen's Land and U.S. officials in the North American Great Lakes regions made similar efforts to bring indigenous peoples within the ambit of their legal systems for violent crimes against (those they defined as) non-indigenous. Though in both locations the most senior local government officials – George Arthur and Lewis Cass – respectively represented such actions as the expansion of universal codes of justice, as both Musquito and Nawkaw Carimine pointed out, this was not justice as indigenous people understood it. Instead, the executions of indigenous people in both places signified the impositions of foreign legal rituals and were part of broader British or American attempts to impose their government's exclusive sovereignty in indigenous territories earmarked for expropriation by the British Crown or U.S. government.

Both Arthur and Cass used paternalist language in their attempts to bring indigenous people within the scope of their government's legal jurisdiction. For Arthur, belief in the common law as the natural arbiter of the escalating indigenous-colonist conflict combined closely with his humanitarian beliefs in the need to “civilize” and Christianize the island's indigenous people. Indeed, he seemed incapable of viewing indigenous people as anything other than “wretched” people needing British guidance. In the immediate wake of Musquito's capture, his failure to recognize the need to deal with indigenous peoples as diplomatic envoys seemingly had immediate negative consequences. With the conflict apparently escalating further, Arthur

gave up his dreams of ameliorating it with “justice” and “benevolence,” and instead declared martial law over the widespread indigenous-colonist violence.

In contrast, officials in North America, such as Cass, dealt with indigenous peoples using well-established diplomatic customs. Cass, in particular, used the paternal language of these protocols and imbued them with his own paternalistic ideas about U.S. supremacy. These conventions made it impossible even to envision a blanket implementation of the common law, as Arthur had done in Van Diemen’s Land. Cass instead had to legitimate his imposition of U.S. notions of justice through diplomatic negotiations for the surrender of American Indians accused of crimes under U.S. law. While Cass and other U.S. agents paid lip service to the protocols of indigenous diplomacy in order to achieve these surrenders, once surrendered, the American Indians were to be subject, in full, to the dictates of the U.S. justice system, even for acts committed in their own country. Such practices were, as Nawkaw Carimine and the Lac du Flambeau Ojibwes made clear, a bastardization of the codes of Great Lakes indigenous diplomacy, and an attempt to impose a foreign regime of “justice.”

In fall 1828, Lewis Cass and William Clark (Superintendent of Indian Affairs for Missouri) travelled to Washington at the behest of Thomas McKenney and the new Secretary of War, Peter Porter, charged with the task of drawing up a set of regulations for the whole Indian Department. Porter had explained to Cass that he needed to enumerate “[a] system which shall explain and establish the nature of the relations hereafter to exist between the United States and these dispersed and unfortunate people.”<sup>148</sup> By February the next year, Cass and Clark had completed a report that ordered and codified U.S. statutory law relating to Indians, including a set of regulations to govern the agents of the Indian Department in carrying out those laws. Porter submitted the report to Congress on 9 February 1829, recommending its enactment.

---

<sup>148</sup> Porter to Cass, 28 July 1828, NA, RG 75, M21, OIALS, roll 5; Viola, *Thomas L. McKenney*: 115.

Although this bill itself never passed Congress, its provisions made up the bulk of the *Indian Intercourse Act* of 1834, which Cass submitted to Congress as Secretary of War. The 1829 report thus gives a telling insight into Cass’s thinking about the intersection between American Indians and the operation of the U.S. law.<sup>149</sup>

Cass and Clark pieced together most of the fifty-six sections of the bill’s first part from the exact wording of previous laws.<sup>150</sup> Section 45, for instance, was the first section of the *Indian Country Crimes Act* of 1817. Using the wording of the 1817 Act, section 45 declared that “any Indian or other person or persons” would be held liable for an act that would be considered a “crime, offence, or misdemeanor . . . if committed in any place or district or country under the sole and exclusive jurisdiction of the United States,” when the act was committed “within the United States, and within any town, district, or territory, belonging to any nation or nations, tribe or tribes of Indians.”<sup>151</sup>

Cass and Clark included a new section – one not drawn from any previous laws – to assist in the practical application of the prosecution of crimes in Indian Country. In section 48 of the proposed Bill, they stated

it shall be the duty of Superintendents, Agents, and Subagents, to endeavor to procure the arrest and trial of all Indians accused of committing any crime, offence, or misdemeanor, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize: and the President may direct the military force of the United states to be employed in the apprehension of such Indians, and also in prevent or terminating hostilities between any of the Indian tribes.

---

<sup>149</sup> Francis Paul Prucha, *Lewis Cass and American Indian policy* (Detroit: Published for the Detroit Historical Society by Wayne State University Press, 1967).

<sup>150</sup> *Ibid.*, 7.

<sup>151</sup> U.S. *House Journal*. 1817. 14<sup>th</sup> Cong., 14<sup>th</sup> sess., 3 March, 383; An Act to Provide for the Punishment of Crimes and Offences Committed within the Indian Boundaries, ch. 92, 3 Stat. 383 (1817); Lewis Cass and William Clark, “A Revised System of Laws and Regulations on the Subject of our Indian Affairs”: 181 S. Doc. No. 72, 20<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (1829).

This represented what Cass and Clark either believed, or at least posited to be, the status quo in bargaining strengths between the United States and the Native American peoples in negotiating the consequences of violence between Native and non-native Americans in Indian Country. The report Porter submitted to Congress in February 1829 included Cass and Clark's commentary on each of the fifty-six sections. In their annotations on section 48, they stated that "this authority has not heretofore been granted by our laws" but that there were "powerful reasons . . . why it should be exerted." One of the reasons they gave was that "[t]he relations of the Government of the United States to the Indian tribes is, in many respects, a paternal one, founded upon the strength and intelligence of the one party and the weakness and ignorance of the other."

To further convince Congress of the imperative to delegate to Indian agents a militarily backed power to negotiate for the delivery of accused Indians and to broker peace between Indian tribes, Cass and Clark represented an Indian society and politics that posed an inevitable threat both to themselves and the U.S. citizenry. "The Indians," they stated, "are broken into little independent communities, jealous, vindictive, and warlike." They then gave an account of an Indian culture in which young men could not find societal inclusion unless they undertook war-path "deeds of valor to recount" at "their great war dances." According to Cass and Clark, this contributed not only to "the miseries which environ" the Indians themselves, but also threatened the personal security of U.S. citizens: "It is disgraceful for a war party to return without success: but one scalp will redeem them from this reproach. If an enemy cannot be found, it is often taken from a friend: and thus our citizens are always ex-posed when travelling in the vicinity of their war-paths."

It is unsurprising that Cass and Clark's 1828 report contained a new provision to provide Indian agents with delegated executive authority to undertake a practice that had become

customary: the negotiation for the surrender of Indians accused of the killing of U.S. citizens. In his 1826 article in *The North American Review*, Cass had represented the U.S. legal system as the ultimate, natural, and impartial arbiter of justice in cases of violence between Native Americans and U.S. citizens. Yet it took the force of arms, diplomatic maneuverings, and threats of collective retribution – sometimes only very thinly veiled by the rhetoric of paternal obligation – to get the peoples of the Great Lakes to submit, even partially, to assertions of U.S. sovereignty.

Although unacknowledged in his more public discourse, Cass nevertheless conceded – in attempting to draft an effective legal regime – that successfully extending U.S. jurisdiction into Indian Country for violent crimes between Native Americans and others required negotiating – albeit in a heavy-handed manner – with Indian leaders to achieve the surrender of their accused countrymen. In other words, while he used the U.S. legal system as a tool in his attempts to abrogate Native American sovereignty in the area, he still opaquely acknowledged the need to adhere to indigenous protocols in order to gain the appearance of American Indian subjection to U.S. sovereignty.

Yet for all Cass's exertions and McKenney's threats at Fond du Lac in 1826, U.S. agents never managed to force the Lake Pepin killers to play the ill-fated roles forced upon Chewacharah, Whorajinkah, Kataukah, and Kewabiskim in the early 1820s. Cass and McKenney travelled to Butte des Morts (in present-day Wisconsin) the following year (1827) to effect a treaty they hoped would finalize boundaries between the Ojibwes, Menominees, Ho-Chunks, and immigrant "Stockbridge" Iroquois. They most likely anticipated, along with the press, the surrender of the Lac du Flambeau men. According to a June 1827 report of Cass and McKenney's departure from Detroit for the Buttes des Morts council, it was generally

“expected that at this council the murderers of Lake Pepin [would] be surrendered, agreeably to the promise of the Indians made at the treaty of Fond du Lac.”<sup>152</sup> But before the council got underway, news reached both Cass and McKenney that a group of Ho-Chunk men had attacked residents in Prairie du Chien. As will be discussed in the next chapter, after the panic finally died down and the treaty was concluded, and with the Ojibwe and now Ho-Chunk “murderers” still at large, Cass improvised his own, extra-legal punitive ceremony to punish an American Indian man who attacked his mother-in-law, and to display, to the thousands of American Indians in attendance, the “power and authority” of the United States.

---

<sup>152</sup> Report from Detroit, 19 June 1827 in *Daily National Intelligencer*, 2 July 1827.

## **Chapter Two**

### **Rituals of Morality**

#### **Introduction**

In the late summer of 1828, Ho-Chunk leader Hootshoapkau (Four Legs) traveled from his village on Lake Winnebago in the Michigan Territory to Drummond Island to confer with the British and to receive their presents. While there, Hootshoapkau asked his “Father,” the British commanding officer, to send a message to his “Great Father.” “The country I came from,” stated Hootshoapkau, “has been several years enveloped in a dense cloud . . . My Father, the black cloud is so weighty that it has nearly crushed me.” When asked what he meant by the “black cloud,” Hootshoapkau responded that he had “been bent down (in great trouble) for two years by the Americans,” and that he cried for many of his “young men who are imprisoned by the Americans (& one of them is since dead).” He related how the previous summer, Red Bird – the man who had died in an American prison – had led an attack on some residents in Prairie du Chien and then, a few days later, became embroiled in a drunken shoot-out with a steamboat full of U.S. soldiers further up the Mississippi River. In explaining the source of this “black cloud,” Hootshoapkau named only one man: Lewis Cass. When the Ho-Chunk leaders met Cass for the treaty at Butte des Morts, then ten days later at Green Bay, the Governor threatened to “annihilate the Winibago Nation” if the “murderers . . . were not immediately given up.” Although Hootshoapkau conceded that openly fighting with “the Big Knives” (Americans)

would be ill advised, he and other Ho-Chunk leaders were anxious to hear “news” from the British that might “disperse the cloud that hangs over them.”<sup>153</sup>

British intelligence about the tensions between the Ho-Chunks and the Americans had similarly placed Cass at the center of the controversy. Captain Thomas Anderson, clerk and interpreter for the Indian station on Drummond Island, had written in August 1827 to Colonel Givins, Superintendent of the Indian Department for Upper Canada, relating “the reports which are in circulation regarding disturbances that are said to exist betwixt the Western Indians and the American Governor Cass.” Anderson’s account of the Ho-Chunk men’s attacks, although confused chronologically, nevertheless evinced pithy insight into the underlying causes of the tensions; the Ho-Chunks very clearly understood Cass’s designs on their homelands. “The Winebagoes,” he wrote, “who are not blessed with much spirit of forbearance, openly declared their determination not to attend the treaty [at Butte des Morts], alleging that they had been repeatedly deceived, . . . that they had long resisted their importunities to purchase their lands, and were in future determined to keep clear from such meetings; upon which his Excellency [Cass] appears to have *talked big*, and even threatened to annihilate them.”<sup>154</sup>

It is unclear whether the British officers on Drummond Island in the summer of 1828 told Hootshoapkau and his fellow Ho-Chunk leaders any “news” that might have dispersed the cloud that hung over them. Though their Indian allies kept the British Indian Department informed about U.S.-Indian relations, the lasting peace between the British and the Americans coincided with a noticeable shift in British thinking on Indian policy. British leaders had begun to re-conceptualize the dictates of paternal benevolence, and thus to change the way they thought about their alliance with the peoples of the Great Lakes region. Born more in the conversion

---

<sup>153</sup> “Speech Delivered by Nayocantay (Four Legs),” National Archives of Canada, (NAC), RG 10, vol. 14. For a published copy of this speech see *Michigan Pioneer and Historical Collections*, 23 (1893): 144-147.

<sup>154</sup> Anderson to Givins, 20 August 1827, enclosed in Dalhousie to Huskisson, 22 November 1827, PRO CO 42/212.



experiences of the trans-Atlantic revivals – later called the Second Great Awakening in the United States – than in the customs of Great Lakes diplomacy, these new ideas involved the subjection of apparently helpless children to the protection of a wise and authoritarian father who would teach them the proper and necessary moral order of human society.

On the United States side of the border in Detroit, the movement of thousands of Native American people across the river into Upper Canada to receive gifts from the British continued to cause local unease among the Euro-American population during the 1820s. In July 1826, for instance, the *Detroit Gazette* reported that “[t]he Indians from this peninsula, and, indeed, even from the Mississippi, have for three weeks past, been flocking ‘in pairs and singly,’ and by dozens – ‘on horseback and on foot,’ and in canoes, to Malden, to receive their annual gifts from their great father, ‘over the water;’ and to renew their annual pledge of love to his people and devotion to his interest.” Though this devotion to a foreign power somewhat troubled the writers of the *Gazette*, their main concern was the disorderly conduct that always ensued as the travelers crossed back through Detroit: “We have not learnt that any depredations have yet been committed on our settlers by the Indians who are on their return from Malden; but some of the usual drunkenness and fighting, which this annual visit never fails to produce, have been enacted in our streets.”<sup>155</sup> The main issue raised by the annual migration of the Indians therefore concerned the nuisance to local law and order, rather than the potential threat of their allegiance to a foreign power.

By the second half of the 1820s, Cass also no longer seemed as concerned by Native Americans visits to British stations across the border. In 1819, when he launched his campaign to stop the movements, Cass had argued to the secretary of war, John Calhoun, that the visits compromised U.S. sovereignty through the influence of a foreign power on the Indians, who had,

---

<sup>155</sup> *Detroit Gazette*, 25 July 1826; *New-York Spectator*, 8 Aug 1826.

in the recent war, been a formidable military force.<sup>156</sup> Yet within a few years, Cass seems to have eased his concerted efforts to stop the crossings. In addition to reports from his agents as far away as the Mississippi about the diminishing signs of any British influence, Cass appears to have become more confident about the security of U.S. sovereignty in the area.<sup>157</sup> While he continued to mobilize the specter of British influence in the western reaches of the Territory in order to justify to the secretary of war strategic diplomatic ventures, such as with his 1826 military-supported voyage to meet the Ojibwes at Fond du Lac, he no longer made concerted overt attempts to stop Native American trips to parley with their British father, and receive British presents. He had successfully developed more covert means – such as scheduling treaties during summer – to forestall many such trips. For instance, when asked by the British at Drummond Island in 1828 why he had not come to receive presents for the past four years, Hootshoapkau replied, “the Americans have placed great guns to oppose our passage,” which included the 1825 treaty at Prairie du Chien, and the 1827 treaty at Butte des Morts.<sup>158</sup>

Cass nevertheless remained hostile to the British. In another anonymously penned article, appearing in the *North American Review* in 1827, Cass maligned the British for its relations with “the Indians,” and defended U.S. Indian policy against what he defined as the hypocrisy of British critiques.<sup>159</sup> Again responding to an article in the *London Quarterly Review*, which stated that “it has always been the boast of American policy that ‘*the Indians shall be made to vanish before civilization, as the snow melts before the sunbeam,*’” Cass put forward the U.S.

---

<sup>156</sup> Cass to Calhoun, 27 May 1819 in Carter (ed.), *Territorial Papers*, vol. 10, 827-31; Ronald Gregory Miriani, “Lewis Cass and Indian Administration in the Old Northwest, 1815-1836” (University of Michigan, 1974), 43-44.

<sup>157</sup> *Ibid.*, 73.

<sup>158</sup> “Speech Delivered by Nayocantay (Four Legs),” NAC, RG 10, vol. 14; *Michigan Pioneer and Historical Collections*, 23 (1893): 145.

<sup>159</sup> Lewis Cass, “Policy and Practice of the United States and Great Britain in their Treatment of Indians,” *North American Review* 24, no. 2 (1827). Interestingly, Cass uses British policy on “the Australasia continent” as one of his examples of this hypocrisy, stating: “And what permanent advantages, either physical or moral, have the Australasians derived from the civilized neighbors? We hear of no treaties of cession, no ‘purchases compulsory,’ or voluntary, no mutual discussions, no annuities for future relief. *The land is wanted, and it is taken.*”: *ibid.*, 392-93.

government's treaty-making practices and its "civilization" program as the epitome of enlightened Indian policy.<sup>160</sup> In contrast, the "actual relations" of "the Indians" with the British could, he wrote, "be emphatically stated in few words. *They were useful, and were used, in war to fight, and in peace to trade.*"<sup>161</sup> And yet, while Cass criticized the British for predominantly courting the Indians for strategic military and economic purposes, the British government had begun to shift towards new Indian policy priorities.

In Upper Canada British officials who knew the weight of their obligations to their First Nations allies had to contend with a push from London to reduce the costs of the Indian Department. While local officials, including the Governor General of British North America, Lord Dalhousie, continued to view Native Americans as useful allies against the republican threat to the south, as relations with the United States stabilized in the 1820s, they began to envision a move away from the present-giving obligations of the alliance, towards a program in which First Nations people would become "civilized" and thus absorbed into the rapidly growing settler population. The First Peoples of Upper Canada therefore seemingly declined in military importance to the British at the same time that their land increased in value due to a rapid upsurge in colonial settlement.<sup>162</sup> Yet as the local British officials knew, the promises made when the military alliance was at a premium locked them into obligations that they could not rescind without both the danger of a First Nations backlash and a loss of honor. The practice of courting the First Nations through the rituals demanded by the fictional kin relationship of the father and his children had created, from the British perspective, a fiduciary obligation that

---

<sup>160</sup> Ibid., 387-88,400-08.

<sup>161</sup> Ibid., 369.

<sup>162</sup> See Belich, *Replenishing the Earth*; J. R. Miller, *Skyscrapers Hide the Heavens: a History of Indian-White Relations in Canada* (Toronto ; Buffalo: University of Toronto Press, 2000). 118; John C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900* (Montreal ; Ithaca: McGill-Queen's University Press, 2003). As discussed in chapter five, however, the British again drew on the military capacities of their Native American allies during the 1837 "rebellion" and its aftermath.

would be inequitable to breach. Only a higher moral duty could override this obligation. They found this in the idea that it was the true paternal duty of a benevolent father to “ameliorate the condition” of his children through civilization and Christianization.<sup>163</sup>

Though this language of “protectionism” would come to dominate British policy towards the indigenous peoples of the empire, the same sense of paternal benevolence was also a major impulse of Indian policy in the United States. In particular, U.S. Superintendent of Indian Affairs Thomas McKenney, more sincerely committed to his role as protective father than the pragmatic Lewis Cass, proclaimed a particular commitment to seeing out his moral duty to protect his Indian children through civilization and Christianization. The strength of this commitment was clear in McKenney’s accounts of a particularly dramatic incident that occurred at the conclusion of the Butte des Morts treaty council in the summer of 1827, in which Cass orchestrated an improvised ceremony to emasculate an American Indian man in front of hundreds of Menominee, Ho-Chunk, and Ojibwe onlookers. For Cass, the ceremony represented a strategic maneuver to display the allegedly superior power and authority of the U.S. government to the peoples of the region. For McKenney, in contrast, the ceremonial emasculation of a Native American man (who attacked his mother-in-law) represented a “moral lesson,” which he saw as part of his true paternal moral duty: to oversee the transformation of all American Indians into “civilized” Christians.

Although McKenney fashioned himself as a true friend of “the Indians,” he thus also felt a duty to act as their benevolent but stern father. In the moral order inspired by these benevolent

---

<sup>163</sup> As Sir George Murray, of the colonial office in London wrote to the Governor of British North America in 1830, “It appears to me that the course which has hitherto been taken in dealing with these people, had had reference to the advantages which might be derived from their friendship in times of war, rather than to any settled purpose of gradually reclaiming them from a state of barbarism, and of introducing amongst them the industrious and peaceful habits of civilized life.” Sir George Murray to Sir James Kempt, 25 Jan 1830, House of Commons Parliamentary Papers, *Papers Relative to the Aboriginal Tribes in British Possessions* (London: House of Commons, 1834). 87-89.; Miller, *Skyscrapers Hide the Heavens*: 119-20.

designs, the children were obliged to act according to paternal dictates. Like Arthur's view of the Van Demonian indigenous people, McKenney saw Native Americans as a "moral problem" for the United States government. Not all moral issues raised in this relationship could be dealt with effectively by the U.S. legal system.

Despite U.S. statutory claims to jurisdiction within "Indian boundaries" over crimes involving U.S. citizens, no enacted instruments attempted to impose U.S. notions of juridical justice over incidents between American Indians. While section 1 of the 1817 Act, which Cass and Clark would enumerate under section 45 of their 1829 Bill, purported to extend U.S. jurisdiction to crimes "within Indian boundaries," this nevertheless specifically did not "extend to any offence committed by one Indian against another within any Indian boundary."<sup>164</sup> The British adopted a similar de facto policy in Upper Canada.<sup>165</sup> Yet in both the United States, and in Upper Canada, the common law was only one avenue through which officials attempted to impose their understanding of the proper moral order of human society on Native Americans and First Peoples. In Upper Canada, the legacy of diplomatic alliances with the First Peoples continued to entail obligations for the British. While Native people residing in the United States and other parts of Upper Canada continued to migrate in mass to British stations in Upper Canada to receive presents and pay tribute to their British great father, on both sides of the border officials began to refashion the Indians as a "moral problem."<sup>166</sup> Despite the differences in circumstances between North America and the British penal colony of Van Diemen's Land,

---

<sup>164</sup> U.S. *House Journal*. 1817. 14<sup>th</sup> Cong., 14<sup>th</sup> sess., 3 March, 383; An Act to Provide for the Punishment of Crimes and Offences Committed within the Indian Boundaries, ch. 92, 3 Stat. 383 (1817); Lewis Cass and William Clark, "A Revised System of Laws and Regulations on the Subject of our Indian Affairs": 181 S. Doc. No. 72, 20<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (1829); 186 H. Doc. No. 117, 20<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (1829).

<sup>165</sup> See, for example, Mark D. Walters, "The Extension of Colonial Criminal Jurisdiction over the Aboriginal People of Upper Canada: Reconsidering the *Shawanakiskie* Case (1822-26)," *The University of Toronto Law Journal* 46, no. 2 (1996).

<sup>166</sup> Miller, *Skyscrapers Hide the Heavens*: 118.

the moral vision of British and U.S. officials in North America distinctly resembled that which George Arthur had displayed during his early years in Van Diemen's Land.

### **Morality and Manhood at Butte des Morts**

During the summer of 1827, Lewis Cass and Thomas McKenney travelled to "La Petite Butte des Morts" (in present-day Wisconsin) to act as treaty commissioners in negotiations between the United States and groups of Ojibwe, Ho-Chunk, and Menominee people. At this council Cass intended to build on the diplomatic exertions he had made at Prairie du Chien two years previously when he sought to gain at least the nominal loyalty of the region's American Indian peoples and their corollary renunciation of allegiance to the British. But the recent Ho-Chunk attacks on residents of Prairie du Chien and on a U.S. keelboat crew on the Mississippi river threatened to unsettle the thin veneer of amicable relations between the U.S. agents and the congregated Indian peoples. No doubt Cass and McKenney also felt annoyed at the likelihood that the Ojibwe perpetrators of the Lake Pepin deaths would not surrender themselves, despite the agreement the two U.S. agents thought they had reached with the Ojibwes the previous summer at Fond du Lac. The treaty negotiations proceeded amidst all these tensions. Then, after the conclusion of the council, in response to an act of violence committed by a Native American man against his mother-in-law, McKenney, Cass, and the other U.S. agents improvised a punishment ceremony in which they symbolically castrated the man in front of a large crowd of onlookers. In his written accounts of this incident, McKenney framed this punishment as a lesson in morality, given by the Americans to all the Indian men looking on, in an attempt to correct what McKenney saw as immoral gender relations among Indian people.

Though McKenney articulated his morality tale in terms of Indian gender relations, the U.S. agents' improvised crime and punishment ceremony was ultimately more about gender relations between (male) U.S. agents and Native American men. On this day, Cass and McKenney seemingly managed to portray themselves as possessing a supreme paternal authority over the congregated Native American men. On most other recent occasions, this role had merely been aspirational; their abilities to play the authoritarian father had been limited by Native American expectations of paternal generosity and reciprocity and, above all, by the Indian leaders' clear views that playing the diplomatic role of "children" to their American "fathers" did not, in any way, entail subordination to U.S. agents.

McKenney published two accounts of the incident at Butte des Mortes. The first appeared in the New York magazine *The Knickerbocker* in 1835, and the second in his 1846 *Memoirs*.<sup>167</sup> The two versions differ slightly in their sequencing of events, and in the wording that McKenney used to recollect some of the rhetorical exclamations. But basically each tell the same morality tale in which McKenney, Cass, and the other U.S. agents inflicted a humiliating ceremonial punishment on a man who attacked his mother-in-law.

According to McKenney, at the conclusion of the treaty council, as people packed up to leave, a whiskey trader arrived in the woods behind the treaty ground. A woman attempted to prevent her son-in-law from trading their recently received supplies for "fire-water." In order to rid himself of this impediment, the son-in-law attacked the woman with his knife, making deep gashes in both shoulders before "Major F." knocked him down and prevented him thrusting the

---

<sup>167</sup> Thomas Loraine McKenney, "Indian Sketches and Legends: Part One," *The Knickerbocker, or New York Monthly Magazine* 6, no. 4 (1835). This account was also reprinted the next month: Thomas McKenney, "A Scene in an Indian Village," *Daily National Intelligencer*, 6 Nov 1835.

knife into the woman's heart.<sup>168</sup> When McKenney and the other U.S. agents asked Cass, "what shall we do with this man?" Cass "answered promptly, 'Make a woman of him.'"<sup>169</sup> In front of all the Indians present, they improvised a ceremony in which they dressed the man in a woman's petticoat and symbolically castrated him by breaking the blade off the handle of his knife. McKenney's accounts ultimately constructed the ceremony as a lesson in morality, dispensed to the Indians by their American fathers in an attempt to rectify what McKenney saw as the unnatural and inhumane gender relations of a generalized "Indian" society.

In addition to providing McKenney with raw materials for a morality tale, this incident appears to have been a small victory for Cass in his efforts to subjugate the Native American peoples of the Great Lakes. Yet the act of intervening in violence between Indians, and the nature the punishment took, appear to have been highly unusual. During the 1820s, Cass and other U.S. agents in the Great Lakes area generally did not attempt to bring violence between individual Indians within the jurisdiction of the U.S. law. In the 1850s, Judge Witherell, who had acted as counsel for Kataukah at his murder trial in 1821, recounted that he "had no recollection of one Indian being hung for killing another Indian. It was generally understood, in early times, that they might settle these matters in their own way."<sup>170</sup> Outside "Indian boundaries," however, there appear to have been prosecutions for Indian on Indian violence. On 6 January 1826, Jaques Crow, an Ottawa man, was found guilty of manslaughter in the Monroe County circuit court in the Michigan territory for the death of a Pottawatomie woman named Ambequaw. Crow received one year of hard labor in the county prison and a fine of one hundred dollars.<sup>171</sup>

---

<sup>168</sup> Thomas Loraine McKenney, *Memoirs, Official and Personal* (Lincoln: University of Nebraska Press, 1973). 88-89.

<sup>169</sup> *Ibid.*, 89.

<sup>170</sup> B. F. H. Witherell, "Reminiscences of the North-West," *Wisconsin Historical Collections* 3(1857): 336.B

<sup>171</sup> James Riley to Cass, 1 May 1820, NA, RG 75, M1, Michigan Superintendency Letters Sent (MSLS), roll 3; *Detroit Gazette*, 21 February 1826; *Daily National Journal*, 13 March 1826.



Exceptions to the general rule of non-interference in Indian violence seem to have been made when U.S. agents judged that circumstances so demanded. In the case of the Saginaw Ojibwe leader Kishkauko, U.S. agents in Detroit used Indian on Indian violence outside Indian Country as an excuse for the incarceration of a man they considered a dangerous troublemaker. Before his arrest in 1826, Kishkauko was well known in the area for his violent acts, and was spoken of among the U.S. population as “murderous” and “notorious.”<sup>172</sup> For instance, in December 1823, the Detroit press described Kishkauko’s antics at an intra-tribal Saginaw Ojibwe ceremony to cover the dead (after a man had killed his neighbor). According to the report, interfering with the custom of the brethren deciding on the fate of the killer, “Kishkauko, the notorious Saginaw chief, stepped up to the slayer, and with a single blow with his tomahawk, laid him dead at his feet.” Apparently, “[t]he Indians present were very much astonished, and asked him the reason why he had interfered to prevent the operation of their old law? He replied, in his peculiar tone and manner, “The law is now ALTERED.”<sup>173</sup> Kishkauko made the news again in September 1825, when U.S. agents decided to hold him as security after the Saginaw Ojibwes refused to admit claims against their annual annuity payments. Then, the following January, when a Saginaw man was found nearly dead at sunset in the streets of Detroit with a tomahawk wound to the back of his head, “[s]uspicion immediately rested upon Kishkauko, the notorious war chief, long known for his many atrocious murders.”<sup>174</sup>

The deputy sheriff and a posse immediately pursued Kishkauko’s party, which included his son Chimick (or Big Beaver). The posse overtook Kishkauko’s party at midnight and found Chimick with a bloody tomahawk. According to the newspaper report, on being told that it was Governor Cass’s “wish that they should immediately appear before him, [Kishkauko and his

---

<sup>172</sup> From Detroit, 6 February 1824: *Daily National Intelligencer*, 15 March 1826.

<sup>173</sup> *Daily National Intelligencer*, 2 January 1824; Witherell, "Reminiscences of the North-West," 332-34.

<sup>174</sup> Report from Detroit, 10 January 1826: *Daily National Journal*, 30 January 1826.

companions] quietly suffered themselves to be taken to prison.”<sup>175</sup> At the coroner’s inquest the following day, the jury unanimously found Chimick responsible for the murder, and Kishauko as his accessory before the fact.<sup>176</sup> Four months later, Kishkauko, with the help of a delivery of poison from his wife, killed himself in jail.<sup>177</sup> In June, the leaders of the Saginaw Ojibwe petitioned Cass for the release of Chimick, who referred the petition to the President.<sup>178</sup> However, Chimick escaped from jail in October, only to drown sometime soon after.<sup>179</sup>

Cass was therefore not against subjecting Native Americans to the U.S. justice system for violence against other Indians if the situation permitted. In Kishkauko’s case, this may also have been taken as a chance to reinstitute a prosecution against him for a killing of a non-Indian several years before the war.<sup>180</sup> In contrast, Chimick continued to be held only on the grounds of killing of the Saginaw Ojibwe man. As with the case of Jaques Crow, the violence occurred outside “Indian boundaries,” thus giving Cass and other U.S. agents firmer ground for imposing U.S. jurisdiction. In contrast, the punishment he designed at Butte des Morts was well inside “Indian boundaries,” and a long way away from recognized rituals of the U.S. justice system. Yet to Cass, the treaty grounds no doubt represented a landscape transformed (albeit temporarily) into a site to display the supreme power and authority of the United States government.

For McKenney, the attack of the Indian man on his mother-in-law at Butte des Morts in 1827 was symptomatic of the wider moral problem represented by “Indian” gender relations. The true immorality of the son-in-law’s violence at Butte des Morts lay not in the assault itself.

---

<sup>175</sup> Report from Detroit, 10 January 1826: *Daily National Journal*, 30 January 1826.

<sup>176</sup> Report from Detroit, 10 January 1826: *Daily National Journal*, 30 January 1826.

<sup>177</sup> Detroit, 23 May: *Daily National Intelligencer*, 14 June 1826.

<sup>178</sup> Detroit, 28 June 1826: *Daily National Journal*, 14 July 1826.

<sup>179</sup> *Detroit Gazette*, 20 October 1826; Witherell, "Reminiscences of the North-West," 332-34. This “escape” appears to have occurred under similar circumstances to the escape of the Lake Pepin killers at Mackinac in 1825. Most likely, local officials and residents adhered to the local custom of looking the other way while a Native American “murderer” such as Chimick absented himself from their custody.

<sup>180</sup> *Detroit Gazette*, 21 Feb 1826; *Daily National Journal*, 13 March 1826.

Rather, in McKenney's narrations of the incident, it was the gendered nature of the attack that prompted American intervention. The man's attack on his mother-in-law was a crime subject to the American's summary and improvised ceremonial punishment because it was committed by an Indian man on an Indian woman. It therefore needed to be understood through the prism of a generalized "Indian" society, in which Indian men were the malign "Lords" of Indian women. He did not identify from which group the man came, though there were three peoples represented at the council – the Ojibwes, the Ho-Chunks, and the Menominees. Instead, McKenney wrote about the son-in-law's actions as representing an immoral characteristic of a stereotyped "Indian" society.

In his narratives of the incident, McKenney presented gender relations in this generalized "Indian" society as aberrant to his own version of ideal gender norms – the apparently essential and true universal standards to which all relations between the sexes should adhere. Thus, like many other nineteenth-century European and Euro-American commentators, McKenney judged gender relations among Native American peoples from the perspective of his own society's prevailing gender norms. According to McKenney then, that day at Butte des Morts, during the summer of 1827, the Indians needed to be taught about the true moral order in which human society should be structured.

McKenney therefore justified the actions of the U.S. agents in administering the punishment in terms of not only punishing the perpetrator of the attack, but in teaching a moral lesson, to all the Indian men present, about proper gender relations. In his 1835 narrative, he stated that "[i]t would never do to leave that region, and the Indians present, under the belief that such conduct would be permitted; and especially was it due to the Indian women to use the occasion in such a way as to raise them from that degraded subordination in which they were

held.”<sup>181</sup> Similarly, he concluded his description of the incident in his *Memoirs* by stating that “this mode of punishment was intended to produce moral results, and to elevate the condition of women, among the Indians.”<sup>182</sup> For McKenney, this quest to relieve Indian women of what he saw as “the drudgery to which she is subject” was a central element in his benevolent intentions towards the Indians.

He therefore wrote about the punishment ceremony as if it were part of a righteous moral crusade. In his 1835 article, he stated that from the moment the U.S. agents interjected in the violence, they could hear the Indian men “whetting their knives, and denying [the American’s] right to interpose.” The Native men reportedly proclaimed that: “An Indian man has a right to kill a woman, and no white man shall interfere.”<sup>183</sup> When news spread that the man would be punished, an atmosphere of animosity apparently prevailed among the Native American men, for “They had all heard that the murderer, (in intent) was to be punished [even for] an attempt to *kill a woman!* – a right which the men considered to be as sacred as was their right to their hills and rivers.”<sup>184</sup> McKenney therefore constructed the American intervention as a righteous and brave effort to counter what he saw as morally aberrant gender relations.

Despite the discontent of the vast majority of the men present, the crowd nevertheless assembled, and the culprit was brought to the mound. In the 1835 account McKenney recalled that Cass then announced to the audience, “We have determined to punish this man: we will make a woman of him!” Two voyageurs then stripped the man of his leggings, “and all the exterior appendages of his sex” and “put on him an old worn-out petticoat.” McKenney then took the knife out of the offender’s hand, and in an act suggestive of castration, broke the blade from

---

<sup>181</sup> McKenney, "Indian Sketches and Legends: Part One," 333.

<sup>182</sup> McKenney, *Memoirs, Official and Personal*: 92.

<sup>183</sup> McKenney, "Indian Sketches and Legends: Part One," 333.

<sup>184</sup> *Ibid.*

the handle.<sup>185</sup> In his later (and even more dramatic) *Memoir* account, McKenney recalled that before the voyageurs put the petticoat on the man, he (McKenney himself) took the knife out of the man's waist-belt, drew it from its scabbard, then "thrust the blade into a crack in the flag-staff, and broke it off at the handle; then putting the handle in the culprit's hand, I raised it well and high up, and said – No man who employs his knife as this man employs his, has the right to carry one. Henceforth, this shall be the only knife he shall ever use."<sup>186</sup> McKenney then took the opportunity to pontificate his moral lesson to the crowd and proclaimed that "[w]oman, wherever she is, should be protected by man, not murdered. She is man's best friend. The Great Spirit gave her to man to be one with him, and to bless him; and man, whether red or white, should love her, and make her happy."<sup>187</sup>

But for the man who received the humiliation of the summary public ceremonial emasculation there was, in McKenney's accounts, to be no uplifting ending. After the ceremony, the man fled to a nearby lodge, followed by an interpreter. "On reaching the door of his lodge," the man fell "face foremost," and breathing "hard and heavily," muttered that he wished the Americans had shot him, as he had thought they were going to. "I went out to be shot," he said. "I am now a dog - - and worse than a dog, – *I'm a woman!*"<sup>188</sup> In McKenney's view, the man had received the punishment he deserved; he had come to be as degraded as the women who he, as an Indian man, had been guilty of degrading.

In both his accounts of the incident, McKenney maintained that the individual man's punishment was of secondary importance to the message he hoped it sent to the Indian men in the crowd. And although this message was articulated through violent references to

---

<sup>185</sup> Ibid., 333-34.

<sup>186</sup> McKenney, *Memoirs, Official and Personal*: 91.

<sup>187</sup> Ibid.

<sup>188</sup> McKenney, "Indian Sketches and Legends: Part One," 334.

emasculatation, McKenney nevertheless argued that, overall, the Americans' intentions had been benevolent because the fundamental aim of the ceremony was to relieve Indian women from what he saw as their subjection and drudgery. He thus wrote that, "this mode of punishment was intended to produce moral results, and to elevate the condition of women, among the Indians."<sup>189</sup> For McKenney, above all else, the ceremony was benevolent in intent because it asserted universally proper and natural gender relations, for the benefit of Indian women.

By framing this incident as part of a morally righteous cause, McKenney also presented American intervention as natural and just. Yet intervening in this dispute, and administering a ceremonial punishment, was highly anomalous behavior on the part of the Americans, even when viewed in the context of American attempts to assert their controlling influence over the peoples of the Great Lakes region. During this time, Lewis Cass in particular was intent on bringing Native Americans within the ambit of the U.S. judicial system in cases where they caused the deaths of U.S. citizens. He attempted this even when these deaths occurred in Indian Country, where U.S. jurisdiction was more an aspiration than a contemporaneous reality. But as stated earlier, it was very unusual for U.S. officials to claim jurisdiction over Indian on Indian violence, especially in Indian Country. Yet in McKenney's renderings, American intervention was unquestionably justified because the knife-wielding son-in-law's act represented a grievous breach of the natural moral order.

But looking beyond the meanings that McKenney himself ascribed to this ceremony, this incident highlights other significant dynamics. Presuming that McKenney's reminiscences give at least a general picture of what actually happened that day at Buttes des Morts in 1827, then this incident seems to have been a moment where Lewis Cass, Thomas McKenney, and their fellow U.S. officers, managed to gain (albeit temporarily) a much-sought-after ascendancy over a

---

<sup>189</sup> McKenney, *Memoirs, Official and Personal*: 92.

gathering of Native American men. Lewis Cass, in particular, was well known throughout the territory for his efforts to assert a controlling authority in U.S.-Indian relations. He was also known in non-Indian circles as an expert on “the Indian” and “the Indian character.” Yet, as discussed earlier, when read in light of his actual diplomatic activities in the Great Lakes, these often-degrading discursive stereotypes appear as disingenuous political maneuvers. By 1827, Cass had over ten years experience traveling through Indian Country and negotiating treaties with the various peoples of the Great Lakes region. He had spent time with various American Indians groups, not only during social and diplomatic gatherings, but also as part of his efforts to collect and record information about Native American histories and cultures. His understanding of the people with whom he dealt went beyond his own discursively constructed stereotypes.

In fact, it seems that when McKenney and the other U.S. officers came to ask Cass what they should do with the knife-wielding son-in-law, Cass used his interpretation of Native American histories to construct a punishment ceremony aimed at praying on deep-seated fears among the male onlookers. Cass most likely got the idea for dressing the man in a petticoat from his belief that the phrase “putting on the petticoat” denoted subjection and loss of manliness among at least some Native American peoples. In his 1826 article in the *North American Review*, Cass referred to the Delawares metaphorically “putting on the petticoat” by submitting to the Iroquois in the eighteenth century. In this article, he argued against an interpretation by a Moravian missionary that the Delaware were at the height of their power when they “put on the petticoat.” Cass wrote that to believe “an Indian tribe, while in the full career of victory, should be stopped, by a proposition from their rivals and enemies to become women, to put on a petticoat . . . the last degradation to which a warrior could submit, requires a degree of credulity

greater than has fallen our lot.”<sup>190</sup> Cass’s choice to reference this idea at Butte des Mort suggests that he believed the petticoat would symbolize a loss of manhood among the peoples present at the council. He transformed this linguistic metaphor into a visual symbol to display one individual man’s punitive degradation. The Americans then combined the emasculation symbolized by the petticoat with the breaking of the man’s knife. This ceremonial allusion to castration and loss of masculine honor further represented this stripping of manhood.

So despite McKenney’s narrative attempts to make this ceremony about the morality of male-female societal relations, this ceremony was fundamentally about the U.S. agents asserting their control over the Native American men. The gendered interaction that seems most crucial here was thus between two groups of men – McKenney, Cass, and the other U.S. officers on the one hand, and the Ojibwe, Ho-Chunk, and Menominee men on the other. That Cass and McKenney chose publically and symbolically to castrate a Native American man, highlights most powerfully that understandings of manhood were central to their efforts to get their projected authority to gain some real traction. But in many other moments (as previously discussed), such as Cass’s failed attempts to bring the alleged Lake Pepin murderers within the ambit of U.S. justice, Cass and McKenney failed in their efforts to bring to fruition their discursive projections of control over American Indian peoples. And they failed in these cases because indigenous men did not subscribe to Cass and McKenney’s authoritarian pretensions.

The protocols still current in the Great Lakes during this time required U.S. agents such as Cass and McKenney to take the role of “father” in diplomatic negotiations. Both men adhered to the linguistic conventions required by this role (for instance during the treaty negotiations at Fond du Lac in 1826 and then at Butte des Morts in 1827). As already discussed, their ideas on what it meant to play role of “father” involved differed from those of their Native American

---

<sup>190</sup> Cass, "Indians of North America."



“children.” While Cass and McKenney knew the required language, they subverted it in their attempts to assert a subordinating control over Native American people. At the same time Native American people attempted to reassert their ideal of a generous and forgiving father.

At the same time, in the writings of men such as Cass and McKenney, Native American people had come to represent a “moral problem” of a different kind. Both men proclaimed that the United States government had a moral duty to the Indians. However, this was the kind of moral duty that McKenney represented in his narration of the crime and punishment incident at Butte des Morts. It was a unilaterally defined understanding of morality, which gave government agents the ostensible right and duty to assert control over Native American people when they transgressed this moral order. McKenney’s ideas in this area seem to have been genuinely idealistic, rather than disingenuous. He honestly believed he had a duty to bring Native American people in line with what he thought to be the true and proper moral order. In the case of Cass, a pragmatic and committed U.S. expansionist, references to the government’s moral duty appear more as rhetorical gestures than heart-felt commitments. But in neither man’s schema was there room for a moral code influenced by indigenous peoples’ understandings of right and wrong.

For one day, in the summer of 1827, Cass and McKenney seemingly managed to make their vision of their own, unilateral, paternal authority a momentary reality. And yet, in the reality of negotiations and struggles with Native American people, their pretensions to being the supreme paternal authority in the land were rarely so successfully carried out.

### **Honor, Obligation, and Equity**

During the 1820s, the British authorities in the Canadas continued to be locked in the web of obligations created and perpetuated by the annual present-giving ceremonies. Attended by

thousands of Native Americans from across the Canadas, as well as by thousands residing in the territory claimed by the United States, the British authorities used these ceremonies as forums at which to exercise strategic diplomacy and gather intelligence. In November 1827 the Governor-General of British North America, Earl Dalhousie, wrote from Quebec to the secretary of state for the colonies, Earl Bathurst, in London, strongly stressing the need to continue the tradition of giving presents to their Indian allies. In this dispatch, Dalhousie enclosed Captain Anderson's August 1827 report from Drummond Island (now in Michigan) about news of a conflict between the Ho-Chunks and the Americans, which Dalhousie introduced as a description of "some late events and disputes with Governor Cass and the Americans in the Michigan Territory." Dalhousie's interpretation of the significance of Anderson's letter was later removed from the version of the dispatch printed in the 1834 House of Commons Parliamentary Papers on "Aboriginal Tribes." Referring to diplomatic dynamics between the British and their republican neighbors, which were perhaps deemed too sensitive for wider dissemination, Dalhousie stated that "[t]hese papers not only shew approaching dissensions in that matter between the Indians and Americans, but they shew urgent necessity for . . . attentive inquiries there, for a sort of Diplomatic management in that quarter, for active communication with the Officers of the Indians Department at these outposts – and above all for a pointed fidelity in the delivery of the presents that by long custom have been paid, and must continue to be paid to them."<sup>191</sup> For the executive government in British North America, the delivery of presents was part of a policy to protect British interests in the area.

The British government in London did not necessarily share this understanding. Indeed, in stressing the vital role played by officers of the Indian Department, Dalhousie was directly

---

<sup>191</sup> Dalhousie to Huskisson, 22 Nov 1827, PRO CO 42/212. This part of letter was omitted from extract contained in the House of Commons Parliamentary Papers, *1834 House of Commons Papers*: 5-6.

responding to an executive push from London to abolish the department. By the late 1820s, the expense of the annuities to the North American Indians had become a concern for the treasury in London, which was increasingly looking to systematize colonial administration in order to reduce expenditure. With pressure to administer the colonial office within the bounds of this tightening fiscal framework, the secretary of state for war and the colonies, Lord Goderich, wrote to Dalhousie in July 1827 stating “that measures should be taken for ascertaining the precise expense of the Indian department, both in the salaries of officers, and in the amount of the stores distributed to the Indians, with the view of effecting the reduction, and ultimately abolition of the establishment.”<sup>192</sup> This policy therefore represented an economic rationalization, which would entail the ultimate abolition of a department whose entanglement in customary obligations seemingly did not fit neatly within the developing fiscal system. As part of the measures to implement this abolition, Goderich informed Dalhousie that the heads of the Indian Departments should meet with all the chiefs entitled to annual presents to negotiate the commutation of goods into fixed installments of British currency. Upon abolition of the department, these installments would be issued “at the nearest military post at which an officer of the commissariat may happen to be stationed.”<sup>193</sup> The custom of present-giving, and the department that administered it, were therefore to be abolished to make way for a less expensive, purely financial arrangement through which the British government could discharge its obligations to the Indians.

Dalhousie’s argument that the abolition of the Indian Department would harm Britain’s foreign relations interests was only one of many that he presented to refute, in its entirety, this policy directive from London. In his forcefully argued dispatch of November 1827, he gave an account of the local circumstances under which the Indian Department operated in order to

---

<sup>192</sup> Goderich to Dalhousie, 14 July 1827, *ibid.*, 5.

<sup>193</sup> Goderich to Dalhousie, 14 July 1827, *ibid.*

present the incompatibility of the proposed measures to local administrative demands. In wording which left no room for the adoption of the proposal, in either form or substance, Dalhousie stated that he thought “the proposed measure fully fraught with mischief to the Indians, no saving nor advantage possible to the Government, and the future consequences of it dangerous in the extreme.”<sup>194</sup> He therefore firmly refused to end present-giving ceremonies or to commute annuities entirely to currency. Reminding the colonial office in London of the local customs to which officials in Canada were bound, he enclosed a letter he had sent to the former secretary of state for the colonial office, Earl Bathurst, in December 1822. In this letter he succinctly summarized these obligations and communicated the imperative need that they be met: “Old customs have established claims in the minds of the Indians upon the bounty of their Great Father, as his Majesty the King of Great Britain is spoken of by them, which, if curtailed or broken off, would be considered a breach of faith unjustifiable in their eyes, and would assuredly be followed by consequences seriously to be avoided.”<sup>195</sup> As the overarching theme of his critique, Dalhousie argued that the policy directive had been conceived without any understanding of the demands of Indian policy administration in North America. British obligations to the First Nations could not be reduced to a purely fiscal relationship; they involved a web of diplomatic relations, and any such attempts to abrogate these hereditary responsibilities would seriously impede British interests in North America.

Dalhousie argued that the most serious consequences of such a breach of faith would be experienced in relation to the “Western tribes” in Upper Canada and the United States. He therefore stressed the dangers the local authorities in Upper Canada would face if presents were abolished, warning that “savage as those distant tribes are, they have their treaties, their peace

---

<sup>194</sup> Dalhousie to Huskisson, 22 Nov 1827, PRO CO 42/212; *ibid.*, 5-6.

<sup>195</sup> Dalhousie to Bathurst, 16 December 1822, enclosed in Dalhousie to Huskisson, 22 Nov 1827, PRO CO 42/212; *ibid.*, 7.

and war agreements, constantly in their minds; they would insist upon their presents established by long custom, and if not complied with on representation, they would do themselves justice to their own satisfaction, and we should soon find them most formidable enemies.” Moreover, Dalhousie argued that losing their Indian allies on both sides of the imperial frontier would affect their ability to secure their interests against the United States. He therefore stressed that their friendship with their Indian allies, on its present terms, worked as an effective buffer against the United States: “The friendship the Western tribes bear to the British is sincere, and in proportion as the American excite their [antipathy] by encroachments and by false promises; or by non performance of promises made, so does their regard for, and their admiration and confidence in the British rise with their Chiefs.”<sup>196</sup> According to Dalhousie, the annual present-giving councils therefore served a necessary and effective role in protecting British interests in Upper Canada.

In rejecting the suggestion that Britain’s material obligations to the Native Americans be commuted to British currency, Dalhousie drew on language that stressed Britain’s paternal obligations to their Indian “subjects.” As part of his broader critique that the policy from London had been conceived without any knowledge of the local circumstances, Dalhousie stated that colonial officials in the Canadas would receive the news that they would be commuting the presents into money with “the utmost alarm” because “[e]very man here knows that money to Indians is instantly spent in spirituous liquors.” The system of giving practical presents as payment, he argued, had been “intended expressly to avoid temptation, and take away the means furnished to that dreadful state of brutal drunkenness, to which all Indians, men, women and children, give themselves.” In order to stress this issue as an imperative local concern, Dalhousie represented it as a matter of major importance to First Nations leaders, with whom he dealt

---

<sup>196</sup> Dalhousie to Huskisson, 22 November 1827, PRO CO 42/212. This passage was also left out of extracted version in *ibid.*, 5-7.

directly in the discharge of his administrative duties: “One of the most urgent and most constant prayers made to me by the chiefs is to remove the white men, tavern keepers, from their villages, and it has created great trouble, with much legal expense and difficulty, to do that in late years.”<sup>197</sup> Dalhousie therefore represented the local government’s relationship with the Indians as entailing direct paternal obligations to the Indians, which – contrary to the assumptions being made in London – they carried out with a view to moral as well as fiscal responsibilities.

Dalhousie’s arguments suggested that he grasped the economic rationale behind the colonial office’s push to wind down and ultimately abolish the Indian Department. In advocating for the continuation of the department, he therefore used terms that might be more agreeable to the Treasury in London. In concluding his November 1827 dispatch, he expressed his “most humble but earnest advice, that this Department, so far from being abolished, should be remodeled, and made more efficient to the extensive and important duties which are required in it.”<sup>198</sup> He thus expressed a politic willingness to adhere to the pressure on the colonial office to rationalize expenditure, though he redefined the bounds through which this was possible, firmly asserting that the duties of the Indian Department must nevertheless continue.

Although Dalhousie successfully persuaded the colonial office in London to retain the Indian Department in North America, over the ensuing years colonial office officials nevertheless continued to pass on, from the treasury in London to the executive in Upper Canada, the pressure to reduce the cost of the department. Five years later, in 1832, a private memo reached London which criticized the efficiency of the Indian Department and argued that the department be wound down. In response to this, the lieutenant governor of Upper Canada, Sir John Colborne, stressed to Goderich – who had again assumed the role of secretary of state

---

<sup>197</sup> Dalhousie to Huskisson, 22 November 1827, PRO CO 42/212; *ibid.*, 6.

<sup>198</sup> Dalhousie to Huskisson, 22 November 1827, PRO CO 42/212; *ibid.*, 7.

for war and the colonies – the heavy weight of the obligation felt by the British officials in Upper Canada to continue the annual delivery of presents. “[T]he British Government cannot,” he stated, “I imagine, now, under any circumstances, get rid of an inconvenient debt, contracted at a period when an alliance with the Indians was highly appreciated.”<sup>199</sup> Sensing the incongruity of the custom to administrators back in London, Colborne argued that national honor rested on the continuation of the tradition: “However embarrassing, therefore, it may be found to incur an expense annually for presents, I am persuaded your Lordship will think that this periodical acknowledgement of their claims and exertions cannot be discontinued without a loss of character on the part of the British nation.”<sup>200</sup> In order to bolster this argument, Colborne also enclosed a letter from the Chief Superintendent of the Indian Department in Upper Canada, James Givins, who gave further weight to these claims of honor, by stressing the nature in which the obligations arose. Givins couched the obligations in terms of those owed to former soldiers. He stated that the British commitments to the Indians had arisen “during the late contest with the United States,” in which the Indians had joined the British forces “with remarkable zeal.” He further stated that “[m]any individuals of the several tribes have received wounds in that war while fighting in our cause. Promises of support and assistance in presents were held out to them, under the authority and sanction of the Commander of the Forces for the time being, and that assistance was promised in perpetuity.”<sup>201</sup> The British government could not, argued Colborne and Givins, abrogate these obligations without a breach of honor.

In his response to criticisms of his department, Givins used a language of equitable entitlement to articulate the relationship between his department and the Indians. For instance, writing about the British government’s practice of extinguishing Indian land title, Givins stated

---

<sup>199</sup> Colborne to Goderich, 30 November 1832, *ibid.*, 141-43.

<sup>200</sup> Colborne to Goderich, 30 November 1832, *ibid.*

<sup>201</sup> Givins to Rowan, 28 November 1832, *ibid.*, 144.

that “it is a matter of public notoriety that the purchases from the Indians are made in a very formal manner, under written treaties and contracts, and the amount of the consideration specially stated.” Articulating how this practice created equitable obligations on the part of the British, he stated, that “the honor and good faith of the Government” were “as much pledged” to the fulfillment of these agreements “as in the case of any patent or deed from the Crown, and indeed more so, because the Indians have not the same legal remedy as other subjects.”<sup>202</sup> In articulating the local diplomatic custom in terms of “honor” and “good faith,” Givins managed to frame an apparently anomalous colonial practice into a well established English customary language; the language of equitable obligations. Although there might have been grey areas regarding the exact legal status of Indian treaties, the practice nevertheless produced equitable claims on the British, which imposed upon them a duty to act in the interests of the Indians.<sup>203</sup>

This type of language had already gained currency in London, as it allowed the colonial office to articulate requests for funds for an incongruous practice using an understandable administrative vocabulary. For instance, Dalhousie had suggested in 1827 that the custom of delivering presents had created an equitable obligation, the breach of which the Indians themselves would punish. As already noted, he believed that the “distant tribes,” in particular, “would insist upon their presents established by long custom, and if not complied with on representation, they would do themselves justice to their own satisfaction.”<sup>204</sup> Similarly, when Viscount Howick, the under-secretary for the colonies, made the colonial office’s 1832 annual request for the treasury to defray money towards the expense of the Indian Department in British North America, he articulated the imperative to continue these obligations because of the

---

<sup>202</sup> Givins to Rowan, 28 November 1832, *ibid.*, 145.

<sup>203</sup> See Blackstone’s 1826 (18<sup>th</sup> edition) commentaries for the relationship between court of chancery and common law courts.

<sup>204</sup> Dalhousie to Huskisson, 22 November 1827, PRO CO 42/212; House of Commons Parliamentary Papers, 1834 *House of Commons Papers*: 6.



demands of both expedient and equitable government, stating that “[u]nder these circumstances it would be alike impolitic and unjust suddenly to discontinue the issue of the customary presents.”<sup>205</sup> Justice, in this context, did not correlate to a legal obligation per se, but to a fiduciary obligation for the British to fulfill, in good faith, their promise to provide the First Nations with annual presents. Though First Nations people could not pursue a legal remedy in the British courts, they could nevertheless exact their own justice. Moreover – as the language of the British officials implies – to discontinue the presents would not only be unjust to the Indians, it would also bring shame and dishonor upon the British government.

However, by the early 1830s, this framing of British diplomatic relations with North American Indians as a fiduciary relationship became increasingly paired with the language of broader benevolent intentions towards the “improvement” of “the Indians.” In 1830, for instance, Colborne wrote of his intention to implement, in a much more systematic way, a policy aimed at the ultimate “civilization” of all First Nations people in Upper Canada. He noted that although the Indians would unlikely be induced “to consent suddenly to exchange many of their usual presents for articles that we may consider more useful to them,” he trusted however, “that their interests which have been long shamefully neglected, will be found strictly consulted in following the system which has been commenced this season, and that in a few years they will become useful subjects, and prepared to provide for themselves.”<sup>206</sup> These proposals gained strong support from the colonial office in London. For instance, in 1830, Goderich communicated his “approbation” for the measures Colborne had adopted “for civilizing and improving the condition of the Indians in Upper Canada.”<sup>207</sup> Again in 1831, he approved of

---

<sup>205</sup> Howick to Stewart, 14 February 1832, *ibid.*, 138.

<sup>206</sup> Colborne to George Murray, 14 October 1830, *ibid.*, 128-29.

<sup>207</sup> Goderich to Colborne, 27 December 1830, *ibid.*, 129.

Colborne's plan to purchase tobacco in Canada, and to use the amount saved "to forward the measure in progress for civilizing and improving the habits of the Indian tribes."<sup>208</sup>

Given that these civilization plans aimed to make First Nations people self-sufficient, this policy would allow British officials to receive the necessary funds to fulfill their good faith obligations to the Indians, while also imagining a future where they would be released from such obligations. Therefore, in 1832, when Howick couched the colonial office's request for the release of funds to buy the presents, he used the newly developed civilization program to assure the treasury that such grants would be finite; that colonial officials were committed to a policy which entailed the lessening of expenses. Howick therefore informed the secretary of the Treasury that though Lord Goderich regretted "the necessity of proposing that Parliament should be asked for so large a grant," he trusted that the amount of future grants "may gradually be diminished in proportion as the Indians can be induced to settle and to adopt the habits of civilized life."<sup>209</sup> This also gave officers of the Indian Department a stronger moral position from which to request funds. In 1830, for instance, Colborne wrote of his intention to sanction, within the allotted budget for the Indian Department in Upper Canada, "every reasonable expense required to civilize the Indians and ameliorate their condition."<sup>210</sup> Then, when arguments about the need to abolish the department again emerged in 1832, Colborne could refute them from the standpoint of moral obligations, stating that "the benevolent intentions of His Majesty's Government will be frustrated should the expenditure of the Indian department be diminished."<sup>211</sup>

---

<sup>208</sup> Goderich to Colborne, 25 July 1831, *ibid.*, 134.

<sup>209</sup> Howick to Stewart, 14 Feb 1832, *ibid.*, 138.

<sup>210</sup> Colborne to George Murray, 14 October 1830, *ibid.*, 128-29.

<sup>211</sup> Colborne to Goderich, 30 November 1832, *ibid.*, 141-43.

The custom of giving presents to the Indians, which appeared to the government in London as an incongruous practice, was translated into the language of governmental administration as an equitable obligation. Although it created responsibilities that would be unjust to abrogate, as the pressure from treasury increased in the late 1820s, British governmental officers in both England and North America increasingly viewed it as an inconvenient system that needed to be overcome. Yet it was only in the interests of a larger justice that it could be abandoned. Plans for the civilization in Upper Canada fit this criterion; in civilizing the Indians the officials could argue that they were, in fact, not abrogating their fiduciary duties, but instead were taking better care of the interests of those to whom they were under an obligation. Colborne, for instance, presented his civilization policy as a moment in which the true interests of the Indians had, at last, been recognized, stating that such interests “had been long shamefully neglected.”<sup>212</sup> Moreover, once the civilization program had been articulated in this way, the custom of delivering presents itself became morally questionable. Now practices that did not contribute to the ultimate goal of “civilizing the Indians” could not be truly, morally just. Administrators therefore refashioned the custom of present-giving as a temporary problem that would be overcome once First Nations people embraced the benefits of “civilization” and Christianity.

In terms of the prevailing ideologies of moral duty and fiscal responsibility, a policy aimed at “civilizing the Indians” seemed the ultimate solution to the moral and fiscal problem that the Indians posed to the British administration in both Upper Canada and London. Though they could not immediately end delivering presents without compromising both their honor and the peaceful nature of their relationship with their “Indian children,” they could instead give presents that the First Peoples could employ towards the goal of becoming self-sufficient

---

<sup>212</sup> Colborne to Murray, 14 October 1840, *ibid.*, 129.

subjects. The British would therefore discharge their moral duty by bringing First Nations people within the realm of what they saw as the proper structures of human economic and social relations.

### **Conclusion**

Ideas of morality therefore proved remarkably amenable on both sides of the border to providing both the imperative and the justification for rituals and policies that subjugated Native peoples. In the name of moral pedagogy, McKenney could justify a violent ritual of punishment to subject Native American manhood to the apparently unstoppable virility of U.S. power, thus imposing what he posited as the morally immutable and universally natural order of gender relations. Similarly, British plans to “civilize the Indians,” like earlier Jeffersonian ideology in the U.S., would discharge the British regime’s apparent “moral obligations” to the Indians by bringing them within the ambit of what British agents projected as proper human relations. They would become self-sufficient subjects rather than military allies to whom the British owed a fiscally inconvenient equitable obligation. Yet in both cases, the discord created by these dealings would have an ongoing impact.

Cass and McKenney’s ceremony at Butte des Morts seems to have provoked, or at least contributed to, fears among Native American men in the Great Lakes of emasculation at the hands of the Americans. In April 1832, a group of mainly Sauk people, under the leadership of Black Hawk, returned to Illinois from across the Mississippi. Hostilities between the group and the U.S. ensued, continuing through the summer. In an attempt to understand Black Hawk’s grievances, William Clark gathered information from two neighboring Mesquakie (Fox) men. According to these men, a group of Sauk people from Black Hawk’s community had recently

returned terrified from a visit to the British fort at Amherstburg. The cause for alarm was the warning they had been given during the visit that “the Americans were determined shortly to lay hands on all [their] males, both old and young, and deprive them of those parts which are said to be essential to courage.”<sup>213</sup> Such warnings apparently resonated in a region where a thousand people had five years earlier witnessed an American ceremony of symbolic castration.

In the more immediate aftermath of the events of 1827, McKenney would continue to exhibit, in his administration of the Indian Office, a similar mix of obstinate authoritarianism and paternal benevolence. In their 1829 report on Indian Affairs, Cass and William Clark would, as already discussed, seek to formalize – and bring within the U.S. statute books – the procedures for negotiating the surrender of Native Americans accused of crimes against non-Indians. Had McKenney the final say on this authority, such surrenders may have been designated with more immediate and dire consequences. When Red Bird died in custody in January 1828, before being brought to trial – as Hootshoapkau related to the British at Drummond Island that summer – McKenney pronounced his regret, not only for Red Bird’s suffering, but also “from the loss of the example which hanging would have produced.”<sup>214</sup> Writing to Clark in April 1828, McKenney argued that something needed to be done to reduce the long pre-trial incarceration periods of “Indians who commit violence, and who ought to die for their acts.” McKenney contended that the “forms of our Courts in their cases ought to be changed” so that “if an Indian surrenders himself, or is surrendered by his Tribe for murder,” the act of the surrender should itself be the only proof needed to carry out an execution. Until Clark and Cass wrote a report to consolidate such laws however, the Indian department would have to continue to “go on Slip-

---

<sup>213</sup> Cited in Kerry A. Trask, *Black Hawk: the Battle for the Heart of America* (New York: Henry Holt, 2006). 117-18.

<sup>214</sup> McKenney to William Clark, 10 April 1828, NA, RG 75, M21, OIALS, roll 4; Viola, *Thomas L. McKenney*: 182.

shod.”<sup>215</sup> Such a merciless view was particularly curious from a man who, as will be discussed in the next chapter, had only the previous summer been tremendously enamored with Red Bird.

In Upper Canada, the obligation of giving presents to their First Nations allies continued to create a headache for the British administration. In 1836, the British government in England again pushed for a commutation of presents to North American Indians. Well briefed on the government’s previous attempts to commute the presents to money payments, the new secretary of state for war and the colonies, Lord Glenelg, asked Francis Bond Head, the newly appointed lieutenant governor of Upper Canada, whether it would be possible to end delivering presents to “the Indians” without an “unjust and impolitic” breach of good faith.<sup>216</sup> Though Head proposed plans to end delivering presents to the “visiting Indians” from the U.S., he nevertheless rejected proposals that the duties of the Indian Department be moved to the Commissariat, believing that this would end the special, fiduciary relationship between the British “father” and his “Indian children,” and entail a “Migration of these simple People from Equity to Law.” Head instead sought to hold onto the ceremonial role of “father” to the Indians, arguing that “The Lieutenant Governor of Upper Canada, styled by the Indians ‘their Father,’ has, under the Direction of the Colonial Minister, hitherto treated them as his Children, but if any new Regulations whatever were to be created to deprive him of parentally governing these People according to their simple Habits, and according to transient Circumstances, they would be Losers by the Arrangement.”<sup>217</sup> Like McKenney, Head would attempt to use his position of paternal governance to effect the “removal” of the Province’s First Peoples, with the stated aim of saving them from the apparently malevolent forces of “civilization.” Yet, as was also the case with McKenney, George

---

<sup>215</sup> Ibid.

<sup>216</sup> Glenelg to Head, 14 June 1836, PRO CO 43/45, 102.

<sup>217</sup> Head to Glenelg, 4 April 1837, House of Commons Parliamentary Papers, *Copies or Extracts of Correspondence since 1st April 1835, between the Secretary of State for the Colonies and the Governors of the British North American Provinces respecting the Indians in those Provinces* (London: House of Commons, 1839). 137.

Arthur, and Charles La Trobe, these pronouncements about protecting indigenous people from “moral” dangers obscured – as will be discussed in the next chapter – more personal reasons for advocating for the complete separation of so-called “savage” and “civilized” societies.

## Chapter Three

### The Moral Dangers of Encounter

#### Introduction

When Englishman Charles Joseph La Trobe travelled through North America in 1832 and 1833, his future as a British colonial official was as yet unforeseen. In the two-volume narrative of this trip, published in 1835 under the title *The Rambler in North America*, La Trobe proclaimed that one of the purposes of his travels was to meet American Indian people.<sup>218</sup> During his travels La Trobe did, in fact, have several close interactions with Native American and First Nations people. In the United States, he also imbibed a large amount of Jacksonian rhetoric on U.S.-Indian relations. Although an outsider, and an avowed “cosmopolitan,” La Trobe’s descriptions of Native American people align remarkably closely with tropes commonly used in justifications for the Jacksonians’ Indian removal policy. On first reading, La Trobe appears to explain his support for the federal government’s policy as if he were a mouthpiece of the Democratic Party, heralding removal as the only way to solve the apparently inevitable and endemic problems created by the proximity of “civilization” and “savagery.” Like Lewis Cass, Thomas McKenney, and George Arthur, La Trobe framed these problems as issues of morality, which the non-indigenous, self-proclaimed “civilized” society had a moral duty to solve. Strikingly though, he defined the problems in abstract and generalized terms, rarely mentioning actual encounters or interactions with Native American people. Yet during his travels through

---

<sup>218</sup> Latrobe, *Rambler in North America*, 1: 17.



Indian Country in 1832, La Trobe confronted problems of a much more personal ilk; problems which he also framed – though only in private accounts – as “moral.”

Travelling as mentor to the twenty-year old Swiss Count, Albert de Pourtalès, La Trobe faced the ongoing challenge of preventing his young charge from the immorality of sowing his wild oats with as many Native American women as possible. In his published text La Trobe justified at length, in abstract, generalized terms, the Jacksonians’ starkly segregationist removal policy, but he never mentioned the day to day struggles he faced while attempting to thwart Pourtalès’s sinful intentions, and to reform his moral character. During his travels through Indian Country, La Trobe therefore experienced contacts between the so-called “civilized” and “savage” as rife with moral danger of a more intimate and therefore more unspeakable nature. Such perceptions of moral danger, experienced during close interactions with indigenous people, suggest that beneath the abstract, generalized justifications for removal, there lay other reasons why La Trobe believed that “[t]he white man and the Indian cannot be near neighbours.”<sup>219</sup>

Like Thomas McKenney, George Arthur, and Francis Bond Head (who became lieutenant governor of Upper Canada in 1836), La Trobe used relational dichotomies such as “civilization” and “savagery” to explain what he saw as both the actual and proper order of human relations. He thus wrote of “civilization” and “savagery” as common-sense descriptors of readily perceptible societal characteristics; the U.S. polity took the mantle of “civilization” and Indian peoples, the other, less exalted label. Francis Bond Head also consistently referred to this relationship, though as a romanticist, he proclaimed the superior lifestyle of the so-called “primitive children of the forest,” over what he framed as the malevolence of “civilization.” While also presuming these categories, Thomas McKenney more often mobilized the paternalist relational metaphor of American “fathers” and Indian “children.” George Arthur too, though not

---

<sup>219</sup> Ibid., 133.

so committed to the overtly paternalist language, believed that ideal relations between the British colonists and the Van Demonian indigenous people would entail the indigenous people adhering to the benevolent, fatherly dictates of the colonists. Upon these abstracted, dichotomous relationships, these men founded their justifications for removal.

These dichotomies represented particular visions of the true and necessary order of relations between different categories of people: in North America, “Indian” and non-Indian; in Van Diemen’s Land, “Aborigine” and non-Aborigine. For the men who employed them, they therefore also necessarily contained self-understandings of what it meant to be a non-indigenous man, and the self-proclaimed representatives of “civilized” society. Yet while these generalized understandings of the differences between themselves and indigenous people could be cleanly delineated in their written discourse, during interpersonal interactions with indigenous people, these men faced situations that challenged and subverted their discursively constructed boundaries. For instance, when confronted with fully mature Native American men, Thomas McKenney and Francis Bond Head had to face the physical presence of masculine subjectivities that destabilized their abilities to project themselves as the more-mature figures lording over their so-called Indian “children.” One does not need to read too deeply between the lines of these men’s writings about their interactions with indigenous people to uncover dynamics that suggest reasons why – beyond their overt justifications – they proclaimed support for starkly segregationist removal policies.

While they advocated for removal as a way to discharge the so-called moral duty of a (self-styled) more advanced or mature society over supposedly childlike or “savage” people, their writings about interactions with indigenous people reveal many other issues, which they would also have identified as “moral,” but which they did not make explicit. In this chapter I

explore these hidden dynamics of encounters between U.S. and British government officials and indigenous people, in order to suggest how the white men's experience of these encounters contributed to their support for removal. While McKenney, along with the Englishmen Charles La Trobe, George Arthur, and Francis Bond Head, ultimately promoted removal on the ostensible grounds that it saved indigenous people from inevitable harm and even extinction, their writings about their encounters with indigenous people reveal personal experiences that suggest alternative explanations for why they decided that proximity between indigenous people and "civilization" presented such "moral" dangers. In this way, I reveal some of the hidden cultural impulses behind the move in the United States and parts of the British Empire towards the stark extremism of removal policies, all of which entailed the attempted total expropriation of indigenous land and the almost absolute segregation of indigenous people from the invading society.

When viewed from the perspective of interpersonal interactions, issues of masculinity lay at the heart of these cultural dynamics. During encounters between these American and English men and indigenous people, the non-indigenous men had to confront what it meant to be a "civilized" man, or the wise and benevolent "father" to their indigenous "children." In the case of Thomas McKenney, who travelled to the western Great Lakes in the summers of 1826 and 1827, the strict paternalist relational schema through which he viewed his all relations with his "Indian children" seemingly unraveled in the presence of large numbers of Native American men. In tantalizing homoerotic descriptions of these men's beautiful physical forms and movements, McKenney implicitly revealed the unarticulated sense of danger he experienced from close personal proximity to Native Americans. In these situations the attraction McKenney felt towards the very unchildlike masculinities of Native American men represented an obscured

site of moral danger for his ostensibly heterosexually pure, “civilized” masculinity. Five years later, on the plains west of the Mississippi River, Charles La Trobe struggled to avert the moral danger represented by the potentially lecherous outcome of his young charge’s heterosexual desires. These perceptions of moral dangers, of a sexual nature, brought out by close contact with indigenous people, destabilized the starkly drawn categories on which these men defined their difference from indigenous people.

Other attractions, not necessarily of a sexual nature, also contributed to these dynamics. In Van Diemen’s Land from 1828 to 1830, George Arthur implemented progressively more coercive measures against the island’s indigenous people as their conflict with the settlers further intensified. Under a declaration of martial law, he courted the favor of the captive leader Eumarrah in the hope that the indigenous man would help in his plans to achieve a conciliated resolution to the war. But when Eumarrah abandoned him during a military operation, Arthur’s sense of betrayal helped harden his resolve against the people he now painted as inherently “treacherous savages,” and thus paved the way for his adoption of a policy to expatriate the island’s indigenous people to Flinders Island in the Bass Strait. In Upper Canada in 1836, Francis Bond Head relished the opportunity to fulfill his romantic fantasy to play the role of the benevolent “father,” who would save his “Indian children” from the malevolent forces of “civilization.” His interactions with two indigenous men – Assiginack and Peter Jones – reveal that his plans to effect this salvation by removing Upper Canada’s First Peoples to Manitoulin Island in Lake Huron rested largely on his egocentric desire to play the all-powerful father to his Native American “children;” a role that his interactions with the apparently “authentic Indian” Assiginack allowed, but which his conversations with the Methodist minister Peter Jones, did not. Like McKenney, Arthur, and La Trobe, Head’s writings reveal that such interactions created

crucial sites for reifying, in complicated ways, an adherence to a policy that necessitated the total dispossession and expulsion of indigenous peoples from their land.

### **Learning the “Indian Character”: Thomas McKenney and the Dangers of Masculine Allure**

Unlike Lewis Cass, who did not support Indian removal until 1829, Thomas McKenney consistently advocated throughout the late 1820s for the federal government to adopt a removal policy. Though his views about a generalized “Indian character” owed much to Cass’s teachings, McKenney’s public pronouncements about the future of the eastern Indians were more saturated in paternalist language than those of the more pragmatic Cass. McKenney argued that the eastern Indians faced ongoing exposure to harm and even the danger of extinction unless they adhered to benevolent government dictates to emigrate to the safety of lands west of the Mississippi river. Yet for all his pronouncements about the U.S. government’s responsibility to save its Indian “children” by leading them to safety, McKenney’s writings about his 1826 and 1827 trips into Indian Country in the Great Lakes region suggest other causes for his feelings that proximity with Indians created sites rife with potential moral dangers. In his accounts of two encounters – one with the Ojibwes at Fond du Lac in 1826, and the other with the Ho-Chunk (Winnebago) at the portage of the Wisconsin River (present-day Portage) the next summer – McKenney barely concealed the unsettling sense of allure he felt towards the fully mature masculine physical forms of certain Native American men. Though McKenney always framed his written advocacy for removal in terms of paternal concern for the moral and physical well-being of his Native American “children,” his descriptions of these encounters suggest that McKenney feared moral hazards when among unmistakably adult Native American masculinities. Without ever explicitly

owning such feelings, McKenney's rhetorical gestures towards them imply that behind his advocacy for removal lay feelings beyond a disinterested paternal concern for his Indian "children."

At the treaty council with the Ojibwes at Fond du Lac in 1826, Thomas McKenney had expected to take an apprentice role to his more senior and experienced fellow commissioner Lewis Cass. During his fourteen years as head of the Indian Department, McKenney had acquired and maintained a great sense of esteem for Cass. By June 1826, when McKenney first visited Cass's gubernatorial residence in Detroit, Cass was already an experienced Indian treaty negotiator, and had published an article on the "Indians of North America" in the *North American Review*. In the journal of his 1826 trip, published as *Sketches of a Tour to the Lakes* in 1827, McKenney wrote that his experience in the Indian department had served to satisfy him "that it is not every body who knows enough of the Indian character to conduct councils with them to a successful and harmonious issue."<sup>220</sup> According to McKenney, Cass would therefore be "no ordinary instructor," for "[f]ew men have so intimate a knowledge of the Indian character as Governor Cass."<sup>221</sup> Recording his first day in Detroit, McKenney wrote that "[a]t two o'clock I paid my respects, for the first time, in his own house, to a man, for whom, for fourteen years, I have cherished a feeling of the sincerest attachment, and whose talents will yet be availed of by the nation, and in some department of the general government. This is my prediction – mark it."<sup>222</sup> As hindsight shows, McKenney's prediction was correct. Unlike McKenney, who would find himself on the wrong side of the Jacksonians and out of a job, Cass would ride the wave of Democratic politics into the inner sanctum of the Jackson administration.

---

<sup>220</sup> McKenney, *Sketches of a Tour to the Lakes*: 312.

<sup>221</sup> *Ibid.*, 312-13.

<sup>222</sup> *Ibid.*, 110.

In his 1826 article, Cass positioned himself in print, the way he presumably did in person: as the true arbiter of knowledge on the “Indian character,” and as a person continually occupied in the quest for further knowledge in this area. Coming out firmly against the removal policy that President Monroe had promoted in his address to Congress in January 1825, Cass argued that the Indians could not adapt to a “removal through eight degrees of latitude, and fifteen degrees of longitude,” that would bring them into “a country, of whose animal and vegetable production they are ignorant,” and which would “require them to make great changes in their habits.”<sup>223</sup> Cass saw only danger in the policy: “The whole subject . . . is involved in great doubt and difficulty, and it is better to do nothing, than to hazard the risk of increasing their misery.”<sup>224</sup> By the following year, although his public position on removal was more equivocal, he was not yet a fully fledged proponent of the policy. In his article on “Indian Treaties,” published in the *North American Review* in April 1827, Cass put removal forward as a well intentioned policy option in the moral crusade to ameliorate “the condition of the Indians,” but one which he still believed could have appalling consequences.<sup>225</sup>

Although McKenney exalted Cass as the expert arbiter of true knowledge on the “Indian character,” he did not share all his mentor’s opinions on the direction of Indian policy. In the summer of 1826, McKenney was already a keen supporter of, and advocate for, a policy to remove Native Americans west of the Mississippi River. In *Tour to the Lakes*, McKenney used his narrative as a forum for this advocacy. Narrating his journey to Detroit to meet Cass, McKenney described a conversation with fellow passengers on the mail stage between Utica and Auburn on the subject of the Indians. These passengers, all Quakers, consisted of “a Mr. M—s,

---

<sup>223</sup> Cass, “Indians of North America,” 117. For Monroe’s speech see “Message of President Monroe on Indian Removal,” January 27, 1825 in Francis Paul Prucha, *Documents of United States Indian policy* (Lincoln: University of Nebraska Press, 2000). 39.

<sup>224</sup> Cass, “Indians of North America,” 119.

<sup>225</sup> Cass, “Indian Policy and Practice,” 408-09.

his sister and daughter, and two nieces.”<sup>226</sup> Convinced that his fellow travelers held “the benevolent feelings of the entire community of Friends towards the Indians,” McKenney used the conversation as an opportunity to argue for the government’s benevolent aims to save “the remnant of the race” through removal. When Mr. M—s intimated that Secretary of War James Barbour’s “plan for colonizing these people” seemed contrary to the aims of teaching Indians the habits of a sober, settled, domestic life, McKenney responded by propounding the apparent benefits of removalist segregation. For instance, he concluded his monologue on the subject by stating, “[i]f I recollect the views of the secretary, they embrace all that can be desired by the warmest friends of the Indians. Lands, education, implements of husbandry, domestic animals; and added to all these, protection from surrounding enemies, whether white or red, and a permanent and ever-during home, where their faculties may continue to expand, and their hopes to brighten and flourish to the latest of their generations.”<sup>227</sup> To McKenney, the plan to remove the eastern Indians west of the Mississippi was central to his benevolent intentions to save “the remnant of the race.”

While Cass would in 1829 make the pragmatic shift to support removal, justifying it on the basis that the policy of civilization had failed, throughout the late 1820s McKenney advocated for removal as the only way to achieve the civilization and Christianization of the Indians. He proclaimed that only by segregating them from the apparently inevitable fatal dangers entailed by their contact with whites could the “remnant” of the eastern peoples be saved and civilized. As we have already seen (in previous chapters), McKenney imbued the language of metaphoric kinship with a meaning that reflected a newer, more unilateral understanding of paternal rights and obligations. Yet his writings about certain encounters he had in 1826 and

---

<sup>226</sup> McKenney, *Sketches of a Tour to the Lakes*: 67.

<sup>227</sup> *Ibid.*, 70-71.



1827 with well-formed Native American men belied this newer paternalist metaphor, even as he continually reasserted it.

The first encounter occurred after the arrival of the parties to the treaty council at Fond du Lac, during an Ojibwe dance ceremony centered on the ritual of present exchange. Although in his discussion of the ceremony in *Tour of the Lakes*, McKenney stated that “[s]uch a sight presents a wide field for moral reflection,” his descriptions of this “sight” were infused with an unmistakable homoeroticism. He described the dancing of a group of men in which he could, for instance, “see from their breathing – for they were all naked (except the *auzeum*.) and painted, – that their dancing was a severe exercise.”<sup>228</sup> The second scene involved the ceremony for Red Bird and Wakau’s surrender at the portage of the Wisconsin. McKenney’s first account of this event was published in October 1827. He subsequently included the incident in his 1846 *Memoirs*, in which he quoted extensively from the letter he had addressed at the time to the Secretary of War James Barbour of “this most imposing, and . . . never-to-be-forgotten ceremony.”<sup>229</sup> Nearly twenty years after witnessing the scene, McKenney’s descriptive focus suggests that what had most impressed him was Red Bird’s dignity in the face of defeat, the grace of his movements, and above all, the beauty of his masculine form.

In his writings, McKenney implies that the beautiful Native American masculine forms represented some kind of moral danger to the non-Indian onlooker. In his analysis in *Tour of the Lakes* of the dance ceremony at Fond du Lac, McKenney explains that his interest in the scene lay in the chance it gave for “moral reflection.” Central to this reflection was the beauty of these men’s naked physical forms:

---

<sup>228</sup> Ibid., 285.

<sup>229</sup> *Daily National Intelligencer*, 20 October 1827; *New-York Spectator*, 26 October 1827.

No one can witness such a scene, and look upon bodies of the finest mould, for they are all such, and one especially the most perfect I ever beheld; and would in Italy be worth its thousands for a model, without feeling anxious for the arrival of the time (but how slow have been its advances!) when all these unmeaning and barbarous customs shall give place to the refinements of civilized life, and the sensual object which led to this, be changed to the nobler one of which their faculties are so manifestly capable.<sup>230</sup>

In their nakedness, partaking in such “unmeaning and barbarous customs,” these men – including the “perfect” one who especially caught McKenney’s attention – represented an alluring sensuality. That this sensual allure represented danger was suggested by the urgency with which McKenney hoped it would be overcome. He therefore tempered his euphoric pronouncements about beholding such beauty by placing the scene within a teleological schema which dictated that such displays of magnificence could not, and would not, continue. According to McKenney, the time would come when such raw bodily sensuality would inevitably be overcome by “the refinements of civilized life,” which would allow Native Americans to realize the “nobler” fate to which their spirits were capable. The coming of civilization to the Ojibwes would therefore end such displays, and release McKenney from the unsettling feelings that gazing upon these “bodies of the finest mould” seemed to stir up.

Only by sharing the presumption that the dance ceremony was a malevolent custom could McKenney’s readers overcome the discord between his description of the scene and his subsequent analysis. McKenney portrayed the dance as an intense and pleasurable activity for both viewer and participant. Yet in his ensuing “moral reflection” on the scene, he nevertheless painted Native Americans as “sufferers.” Despite all the aesthetic and voyeuristic appeal to the viewer, and the apparent pleasures of participation in the dance, McKenney believed that such customs endangered Native American people because they could only be saved from the doom of their inevitable collective extinction, and the affliction of their unredeemed souls, through

---

<sup>230</sup> McKenney, *Sketches of a Tour to the Lakes*: 287.

civilization and Christianization. That they would, and must, become civilized and Christianized was therefore a non-negotiable imperative. In his “moral reflection” on the dance scene, he stated that “[i]t is too late now to tell us that Indians cannot be civilized, aye, and Christianized too.”<sup>231</sup> According to McKenney, this was the only way to save the Indians, so it was therefore the moral responsibility of the citizens of the United States to achieve these aims: “whilst we give up the old Indians to die as they live, and leave them and their destiny to their God, we are bound by every consideration of moral and religious obligation, to save their offspring.”<sup>232</sup>

In this way, McKenney attempted to contain the pleasures of the ceremony, and the alluring masculine beauty that he had witnessed, within the realm of his controlling benevolence. Rather than giving in to the yearnings of the flesh, as the dancers themselves had done by pursuing the “sensual object” of their “barbarous custom,” McKenney instead stated his intention to remain steadfast to his conviction that he, and other U.S. citizens had the power and duty to save the Indians. He thus argued that “Indians are men – they are within our jurisdiction – they are sufferers – we have the power, and they the capacity; and we are bound to relieve them.”<sup>233</sup> Yet McKenney was not successful in fully resolving the unsettling discord between his descriptions of the dance scene and his benevolent designs for “the Indians.” Although in his subsequent advocacy for removal he would talk of the government’s benevolent desires to save its Native American “children,” this confrontation with the physical presence of beautiful strapping masculine forms at Fond du Lac could never really be made to fit his paternal metaphor.

The following summer, McKenney’s compulsion to hold forth on his glorious benevolent designs was again tempered when he became besotted with the perfect form of another fully

---

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid., 288.

mature Native American man. During Red Bird and Wekau's surrender to the United State military and Indian agents at the portage of the Wisconsin, McKenney seems to have kept his smitten gaze on Red Bird during almost the entire ceremony. His fellow on-lookers all apparently looked in the same direction because, as McKenney stated, "of all the Indians I ever saw, [Red Bird] is, without exception, the most perfect in form, in fact, and gesture. In height, he is about six feet; straight, but without restraint. His proportions are those of the most exact symmetry, and these embrace the entire man, from his head to his feet. His very fingers are models of beauty."<sup>234</sup> Gazing at Red Bird, McKenney noticed, and subsequently described in meticulous detail, how, for example, the piece of scarlet cloth around his neck rested "one-half on his breast . . . and the other on his back."<sup>235</sup> In his descriptions of the surrender ceremony, McKenney revealed his fancy for Red Bird as the apparent embodiment of grace and physical perfection.

Yet Red Bird also represented a danger, for behind his alluring physicality lay the mind of a murderer. The masculine beauty of Red Bird contrasted starkly with those he described as on display during the Ojibwe present giving ceremony at Fond du Lac the year before. Red Bird's appearance and movements seemed beautiful to McKenney in that he interpreted them as containing markers of refined civilization. In listing off the splendor of Red Bird's form, he noted for instance, "[h]is head, too – sure no head was ever so well formed. There was no ornamenting of the hair after the Indian fashion . . . but it was cut after the best fashion of the most civilized."<sup>236</sup> Unlike the almost naked Ojibwe dancers at Fond du Lac, Red Bird was dressed in a "yankton dress" of "almost a pure white," suggesting both modesty and sexual purity. McKenney was incredulous that behind this beautiful façade hid the mind of a killer, stating that,

---

<sup>234</sup> McKenney, *Memoirs, Official and Personal*: 108.

<sup>235</sup> *Ibid.*, 109.

<sup>236</sup> *Ibid.*, 108.

“whilst his face is full of expression and of every sort, to interest the feelings, and without a single, even accidental glance, that would justify the suspicion that a purpose of murder could by any possible means conceal itself there . . . I could but ask myself, can this be the murderer – the chief who could shoot, scalp, and cut the throat of *Gagnier*?”<sup>237</sup> What gave McKenney’s incredulity rhetorical force was that the aesthetically glorious Red Bird had, in fact, killed Gagnier. The danger of Red Bird laid not in any childlike attributes, but the compelling beauty of his graceful and regal form, which suggested the refinements of a civilized mind, rather than that of a barbarous killer.

At the same time, McKenney nevertheless used his knowledge of the “Indian character,” to redeem Red Bird – albeit only rhetorically – from his designation as a dangerous murderer to that of a chivalrous warrior. In his *Memoirs*, McKenney reminisced that “[t]here was, as I have said on a previous occasion, when referring to the subject of this voluntary surrender, something heroic in it.”<sup>238</sup> To McKenney, this heroism laid in the fact that Red Bird and Wekau voluntarily surrendered to the U.S. agents, for the sake of their people. In McKenney’s words, they sacrificed themselves “rather than have ‘a road cut through their country with guns,’ which would subject the innocent to both affliction and death.”<sup>239</sup> With the voice of authority on “the Indian,” McKenney stated that “the murders committed at Prairie du Chien were not wanton, but in retaliation for wrongs committed upon this people by the whites.” Although Red Bird was a “murderer” according to U.S. law, McKenney argued that he was not under “Indian law”: “The parties murdered at the Prairie, were doubtless innocent of the wrongs and outrages of which the Indians complained, but the law of Indian retaliation does not require that he alone, who commits a wrong, shall suffer. One scalp is held to be due for another, no matter from whose head it is

---

<sup>237</sup> *Daily National Intelligencer*, 20 October 1827; *New-York Spectator*, 26 October 1827.

<sup>238</sup> McKenney, *Memoirs, Official and Personal*: 105.

<sup>239</sup> *Ibid.*, 106.

taken, provided it be torn from the crown of the family, or people, who have made a resort to this law necessary.”<sup>240</sup> McKenney could therefore explain the murderous actions of the noble Red Bird, by subsuming them into an essentialized codification of “Indian” behavior.

In this understanding, McKenney showed himself to be a true student of Cass. Though their views on removal differed, in many other respects McKenney assimilated Cass’s views on “the Indians.” Cass, the voice of authority, pronounced the sameness of the “Indian character” everywhere.<sup>241</sup> When Cass did, in January 1830, publically, throw the weight of his authoritative pronouncements behind the cause of removal, he used his representations of a generalized “Indian character” to argue that removal was the only solution to the “moral problem” of the existence of the Indians east of the Mississippi. Cass thus argued that Indians made up “a distinct variety of the human race. Speaking languages, which, in the present state of our knowledge of them, appear to spring from four primitive stocks, and which are broken into many different dialects, in all the essential characteristics of mind, manners, and appearance, they are one people.”<sup>242</sup> In making pronouncements about Red Bird’s “Indian” behavior, McKenney similarly subsumed all Native American peoples within the one racialized category.

Despite these encounters, in his private advocacy for removal McKenney clung to the metaphor of Native Americans as children in need of paternal benevolence. Writing from Washington in 1829, he argued that the Whig opposition to removal, focusing on “the rights of the Indians” evaded the question at issue. The question, he argued, “is one of another sort; and embraces the simple proposition, what is to be done, all things considered, for saving, and bettering the condition of the Indians!” He compared “the Indians” to children who had inherited

---

<sup>240</sup> Ibid.

<sup>241</sup> Richard Drinnon, *Facing West: the Metaphysics of Indian-hating and Empire Building* (Minneapolis: University of Minnesota Press, 1980). 169.

<sup>242</sup> Cass, “Removal of the Indians,” 70.

a family mansion from which “deadly elements” originated, who should, despite holding binding title to the property, leave it to escape “their desolating effects.” More overtly he stated, “I look upon the Indians (with some few exceptions of course) to be nothing but children, and am convinced that nothing would be so good for them as to treat them as such – provided the object of the treatment was to improve their condition.”<sup>243</sup> Of the Cherokee, in particular, he stated that “[s]eeing as I do the condition of this people, and that they are bordering on destruction, I would, were I empowered, take them firmly but kindly by the hand, and tell them that they must go; and I would do this, on the same principle that I would take my own Children by the hand firmly, but kindly and lead them from a district of Country in which the plague was raging.”<sup>244</sup>

Though he couched his arguments in terms of paternal benevolence, two recent encounters with Native American men had left him with those unsettling, alluring impressions. His ecstatic description of the Ojibwe dancers bore little direct relation to the need to relieve the Indians of their suffering. The physical presence of masculine bodies, and the sense of attraction that McKenney clearly felt towards them, suggested that the metaphor of leading children out of danger only fit the way that McKenney chose to articulate his feelings about “the Indians.” Fears of his own corruptibility in the face of the attractions of their masculine form informed McKenney’s starkly segregationist conviction that the Indians must remove to the west of the Mississippi.

---

<sup>243</sup> McKenney to Lincoln, 28 Sept 1829, NA, RG 75, M21, OIALS, roll 6.

<sup>244</sup> McKenney to Baldwin, 28 Oct 1829, NA, RG 75, M21, OIALS, roll 6.

## **From Diplomatic Courtship to Treacherous Betrayal: George Arthur and Eumarrah in Wartime Van Diemen's Land**

In November 1828, George Arthur, still lieutenant governor of the British colony of Van Diemen's Land, declared martial law over all the indigenous people in the settled corridor of land between Hobart and Launceston. In the second half of 1829, he began courting the captured leader Eumarrah in an attempt to enlist the indigenous man's help in implementing a conciliated end to the war. Yet when Eumarrah abandoned Arthur's military operation against the district's indigenous people in November 1830, Arthur felt betrayed. He had assumed that during their acquaintance he had won Eumarrah's loyalty and trust. Rather than seeing Eumarrah's actions as those of an independent political actor, Arthur ultimately explained them as the inevitable "treacherous" acts of an inveterate "savage." Arthur explained that it was due to this treacherous character, apparently exhibited by all indigenous people on the island, that his conciliation efforts had failed. He thus justified his use of coercive force against the Van Demonian indigenous people, and their ultimate removal to Flinders Island.

Arthur first became acquainted with Eumarrah, whom he referred to as the "chief of the Stoney Creek Tribe," in 1829.<sup>245</sup> Eumarrah had been captured in November 1828 by a party that included Gilbert Robertson, the Chief District Constable of the Sorrell district, and Kickerterpoller ("Black Tom").<sup>246</sup> Two years later, Eumarrah joined Arthur's "Black Line" operation; a combined military and civilian operation that aimed to encircle, capture, and drive all the indigenous people in the settled corridor between Launceston and Hobart Town to the peninsula. When Eumarrah deserted the operation on 13 November, Arthur seems to have felt

---

<sup>245</sup> George Arthur to George Murray, 20 Nov 1830, HRA 3, vol. 9, 591.

<sup>246</sup> TAHO, CSO 1/331/7578, 158. Ryan, *Aboriginal Tasmanians*: 101. Kickerpoller had been brought up by settlers, but returned to indigenous society during his adolescence.



personally betrayed. In his official dispatch to the colonial office of 20 November 1830 – dated four days before he ordered an end to the black line operations – Arthur referred to this recent abandonment. After informing George Murray (the secretary of state for war and the colonies) of the history of his acquaintance with Eumarrah, he stated that “[o]n this occasion therefore I brought him to me, and entrusted him to conduct a party to the Natives, assuring him that they should be clothed and fed and protected, but to my disappointment and sincere regret, he availed himself at the first moment to abscond and has I fear rejoined his Tribe with the most hostile intentions.”<sup>247</sup>

Arthur explained his “disappointment and sincere regret” by relating an account of his acquaintance with Eumarrah. Arthur wrote that after Eumarrah’s initial capture, “he was narrowly watched, but by his apparently artless manner, and strong protestations of attachment, he was gradually confided in more and more, until at length, I felt a confidence that he would be greatly instrumental in carrying into effect the measure so ardently desired for conciliation.”<sup>248</sup> Arthur had felt that a mutual understanding had grown between the two men as their acquaintance progressed: “I have continually had him brought to the Government House, and personally satisfied myself that he *fully understood* that the wishes of the Government were those of kindness and benevolence toward all his race.”<sup>249</sup> But in light of Eumarrah’s recent abandonment, Arthur faced the fact that he had fundamentally misjudged the relationship. He trusted Eumarrah, and had thus pinned on him many of his hopes for conciliating the island’s indigenous people and ending their violent conflict with the settlers. Moreover, he had courted Eumarrah’s favor sincerely, with honorable intentions, only to experience the sting of rejection;

---

<sup>247</sup> Arthur to Murray, 20 Nov 1830, HRA 3, vol. 9, 591.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

despite Eumarrah's "strong protestations of attachment," the other man had not truly returned his feelings. Eumarrah had played him.

In trying to win over Eumarrah to his cause of conciliation, Arthur had shown a new openness to courting indigenous people diplomatically. Although his ultimate aim to civilize and Christianize the island's indigenous people had not changed, by 1828 he had begun to see that benevolent intentions and the mobilization of the common law would not end the conflict. While the violence had continued to escalate after the executions of Dick and Jack in 1826 (discussed in chapter two), the colonial administration did not again attempt to bring any indigenous people to trial for the death of colonists. Instead, acknowledging that his policy, which aimed to achieve conciliation through benevolence, had not functioned as he had hoped, Arthur increasingly sanctioned the use of coercive measures to drive indigenous people from the "settled districts." In November 1826, and then again in November 1827, he declared that "the black Natives may be driven from the settled Districts, which has now become a measure of indispensable necessity, as they cannot by conciliatory means be induced to retire from them."<sup>250</sup> In April 1828, he issued a proclamation that indigenous people were no longer permitted to enter the settled district. Then, in November 1828, he declared martial law over all indigenous people remaining within it.

Through these policies, Arthur incrementally sanctioned the colonists' segregationist demands for what they referred to as "removal." As early as 1825, petitions from free settlers had called for Arthur to direct military resources towards removing indigenous people from the areas subject to settlement.<sup>251</sup> The press similarly advocated for Arthur's administration to ameliorate the violence by ending the proximity of the colonists and indigenous people. Such plans entailed the colonists having sole possession of the disputed lands, while the government actively

---

<sup>250</sup> Proclamations printed in *Hobart Town Gazette*, 2 December 1826; *Hobart Town Courier*, 1 December 1827.

<sup>251</sup> For example, Thomas Antsey to George Arthur, 18 April 1825, TAHO, CSO 1/253/6069. Cited in Shaw, *Sir George Arthur*: 125.

removed the indigenous people to somewhere where they would no longer threaten settlers. In December 1826, the *Colonial Times* argued that intercourse between the colonists and indigenous people had “produced only hatred, and revenge” and that only “a removal” could protect the colonists from “incursions, similar to the Caffrees in Africa, or the back-woodmen, in North America.” They thus proclaimed that “[w]e make no pompous display of Philanthropy (sic) – we say unequivocally, SELF DEFENCE IS THE FIRST LAW OF NATURE. THE GOVERNMENT MUST REMOVE THE NATIVES – IF NOT, THEY WILL BE HUNTED DOWN LIKE WILD BEASTS, AND DESTROYED!” In this article, the *Colonial Times* suggested the offending groups could be taken to King’s Island “with a small guard of soldiers to protect them,” where they would “be compelled to grow potatoes, wheat, &c. catch seals and fish . . . and acquire some slight habits of industry, which is the first step of civilization.”<sup>252</sup> In subsequent years, colonists would also suggest and experiment with Bruné and Gun Carriage Islands before Arthur’s administration finally decided on Flinders Island’s as the ultimate destination of this “removal.”

While many colonists in the late 1820s continued to call for removal, Arthur refused to condone such a solution. He instead still hoped to end the conflict through means that conformed more neatly with his humanitarian ideals. At a loss regarding how to resolve the situation, in January 1828 he wrote to the secretary of state for war and the colonies in London, Lord Goderich. “The necessity of taking some decisive step,” he wrote, “becomes every day more apparent, as the settlers advance on the favourite haunts of the Natives, but I confess I feel the subject exceedingly perplexing.”<sup>253</sup> He told Goderich that the only remedy he had heard proposed was “to collect the Natives, and remove them to some Island in the Straits, where there

---

<sup>252</sup> *Colonial Times*, 1 December 1829.

<sup>253</sup> Arthur to Goderich, 10 Jan 1828, in House of Commons Parliamentary Papers, *Copies of all Correspondence between Lieutenant-Governor Arthur and His Majesty's Secretary of State for the Colonies, on the Subject of the Military Operations lately carried on against the Aboriginal Inhabitants of Van Diemen's Land* (London: House of Commons, 1831). 4.

is no want of their accustomed food, and where . . . a better chance would be afforded of success to any effort for their civilization.”<sup>254</sup> Rejecting this as a course which would further aggravate rather than conciliate the indigenous people, he wrote that “nothing short of the last necessity could tolerate so great an aggravation to their injuries, as they would unquestionably consider removing them from their native tracts.”<sup>255</sup> Showing some insight into the grievances that motivated indigenous attacks, Arthur argued that a removal policy would not help the benevolent mission to civilize the island’s indigenous people. He thus informed Goderich that the indigenous people “already complain that the white people have taken possession of their country, encroached upon their hunting grounds, and destroyed their natural food, the kangaroo; and they doubtless would be exasperated to the last degree to be banished altogether from their favourite haunts; and as they would be ill-disposed to receive instruction from their oppressors, any attempt to civilize them, under such circumstances, must consequently fail.”<sup>256</sup> Removal, according to Arthur, was not a satisfactory solution to the problem.

Instead, Arthur articulated a policy to protect “the Aborigines” from the people he believed truly responsible for the conflict: the island’s lower-class convict and former-convict population. Although Arthur could understand that the conflict would further escalate as more settlers moved onto indigenous people’s hunting grounds, he did not directly link the violence itself with this systemic dispossession. Rather, in his Calvinistic calculations, the “formidable appearance” of “the Aborigines” who had “perpetrated . . . repeated outrages within the settled districts” could only be the direct result of sinful mistreatment on the part of the bad elements of the penal colony’s white society.<sup>257</sup> Arthur therefore continued to blame the violence on the

---

<sup>254</sup> Arthur to Goderich, 10 Jan 1828, in *ibid.*

<sup>255</sup> Arthur to Goderich, 10 Jan 1828, in *ibid.*

<sup>256</sup> Arthur to Goderich, 10 Jan 1828, in *ibid.*

<sup>257</sup> Arthur to Goderich, 10 Jan 1828, in *ibid.*

treatment that indigenous people had received at the hands of convict and former convict “stock-keepers,” and more especially, escaped convict “bushrangers.” In April 1829, for instance, he wrote to the Colonial Office in London stating that “I feel, and I feel it strongly too, that the animosity of those . . . people was first excited by the barbarous treatment which they experienced from the Convicts who absconded, and from the repeated cruelty of the distant Stock-Keepers.”<sup>258</sup> To this belief Arthur had remained, and would continue to remain, faithful.

Most importantly, this presumption about the true cause of the conflict informed the nature of solutions that Arthur would propose. Rather than adopting the suggested policy of removing the indigenous people off the main island, Arthur informed Goderich in January 1828 that he would instead attempt to protect them from the threats posed by the stock-keepers. He explained that he would try “to settle the Aborigines in some remote quarter of the island, which should strictly be reserved for them, and to supply them with food and clothing, and afford them protection from injuries by the stock-keepers.” Like his earlier policies based on the proliferation of benevolence, such a measure required the cooperation of the indigenous people themselves, who were thus required to confine “themselves peacefully to certain limits, beyond which if they pass, they should be made to understand they will cease to be protected.”<sup>259</sup> To Arthur, the free settlers were largely an unoffending party; the first aggressors had been the stock-keepers and runaway convicts. The perplexing question, which continued to haunt Arthur throughout the war, was how to make the indigenous people understand that there were two classes of men among the white colonists; that the unoffending class were generally men of good character who wanted

---

<sup>258</sup> Arthur to Murray, 28 Apr 1829, HRA 3, vol. 8, 334.

<sup>259</sup> Arthur to Goderich, 10 Jan 1828, in House of Commons Parliamentary Papers, *Military Operations against the Van Diemen's Land Aborigines*: 4.

to protect the indigenous people from the harms inflicted on them by the men of the lower-class.<sup>260</sup>

In place of such persuasion, Arthur implemented policies to compel indigenous people, by force if necessary, from the areas taken over by colonists. With the backing of his executive council, Arthur sanctioned the progressively more intensive use of coercive force to expel the indigenous people from the settled districts. On 15 April 1828, he released a proclamation which officially divided the island into “settled” and “unsettled” districts. Declaring that previous measures had proven ineffective in stemming the escalating violence, he stated it had “therefore become indispensably necessary to bring about a temporary separation of the coloured from the British population of this territory.” To achieve this, “the coloured inhabitants should be induced by peaceful means to depart, or should otherwise be expelled by force from all settled districts therein.” To police this arrangement, a line of military posts would be stationed “along the confines of the settled districts.”<sup>261</sup> This, according to Arthur, was to be a lawful and respectable exercise of force, and not a license for colonist violence against Aboriginal people. He therefore proclaimed that “[n]othing herein contained shall authorize, or be taken to authorize, any settler or settlers, stock-keeper or stock-keepers, sealer or sealers, to make use of force, (except for necessary self-defence) against any Aboriginal, without the presence and direction of a magistrate, military officer, or other person of respectability.”<sup>262</sup> However, six months later in November, Arthur declared that such measures had proven ineffective in “removing the Aborigines from the settled districts,” and “putting a stop” to their “atrocities.” On 1 November he therefore “Proclaimed and directed” that until the cessation of hostilities, “MARTIAL LAW

---

<sup>260</sup> See, for example, Arthur to Twiss, 28 May 1830, HRA 3, vol. 9, 343-44.

<sup>261</sup> Printed in, for example, House of Commons Parliamentary Papers, *Military Operations against the Van Diemen's Land Aborigines*: 6.

<sup>262</sup> *Ibid.*, 7.

is and shall continue to be in force against the several Black or Aboriginal Natives, within the several Districts of this Island.”<sup>263</sup> Through these measures, Arthur admitted that the conflict could not be resolved through conciliating the aggrieved indigenous people, and instead attempted to force all those within the settled district to abandon their land.

In declaring martial law on 1 November 1828, Arthur also officially gave up any remaining pretenses that the violent conflict could be dealt with through recourse to the retributive functions of the English common law. In declaring martial law, Arthur stated that “it seems, at present, impossible to conciliate the several tribes . . .; and the ordinary Civil Power of the Magistrates, and the means afforded by the Common Law, are found by experience to be wholly insufficient for the general safety.”<sup>264</sup> This declaration therefore heralded a significant reframing of the violence. While Arthur had previously approached the conflict as representing a collection of individual acts of violence, committed by British subjects on other British subjects, he now represented the violence as the open and declared hostilities of a group opposed to the British colonial establishment. In this new framing, indigenous people had officially become the colonists’ wartime enemies. Arthur therefore now interpreted indigenous attacks on settlements within the territory under martial law as acts of war, rather than transgressions of the common law.

Thus, when Gilbert Robertson’s roving party captured Eumarrah and four other Stoney Creek people a week after the declaration of martial law, the colonists treated the captives more as prisoners of war than alleged felons. As part of the declaration of martial law, Arthur established six roving parties to remove an estimated two-hundred indigenous people from the

---

<sup>263</sup> George Arthur, “Proclamation,” 1 November 1828, in ML, Arthur Papers, A2188, vol. 28. See also HRA 3, vol. 9, 186-7.

<sup>264</sup> Ibid.

settled districts.<sup>265</sup> On 7 November, the roving party of military and field police headed by Gilbert Robertson and guided by Kickerterpoller (Black Tom) tracked Eumarrah's group from Oyster Bay to Maloney's Sugar Loaf and surrounded them while they slept in bark huts. After the Stoney Creek people's dogs alerted them to the approaching party, the colonists discharged their guns, shooting Eumarrah under the ear.<sup>266</sup> Robertson later recalled that one of the soldiers then used Eumarrah "very ill."<sup>267</sup> The press reported that while five of the ten member group escaped into some nearby thick scrub, Robertson managed to capture the remaining five, among which was "their King, named Eumarrah, whose indignation at being deprived of his liberty is very great." Eumarrah reportedly declared it was "his determined purpose, as well as that of the Oyster bay, the Blue hill, and the Big river tribes, to make repeated incursions, and to destroy all the whites he possibly can, which he considers a patriotic duty."<sup>268</sup>

When Robertson brought the five captives before Arthur and his executive council on 19 November, Eumarrah and his comrades tactfully denied ever having speared white people. They instead stated that the Port Dalrymple people had killed white people because they had been driven off their kangaroo hunting grounds.<sup>269</sup> After "considerable communication with the five Natives," the executive council advised Arthur to remove the captives to the Coal River Gaol while measures could be adopted for their permanent security "so as entirely to prevent their return to the settled districts of the Island."<sup>270</sup> Unlike Jack and Dick, who had only two years previously been marched to the scaffold, Arthur's administration treated Eumarrah and his

---

<sup>265</sup> Ryan, *Aboriginal Tasmanians*: 101.

<sup>266</sup> Gilbert Robertson, Evidence before the Aborigines Committee, 3 March 1830, in House of Commons Parliamentary Papers, *Military Operations against the Van Diemen's Land Aborigines*: 48.

<sup>267</sup> Gilbert Robertson, Evidence before the Aborigines Committee, 3 March 1830, in *ibid.*

<sup>268</sup> *Hobart Town Courier*, 22 Nov 1828.

<sup>269</sup> TAHO, CSO 1/331 7578, 159.

<sup>270</sup> TAHO, CSO 1/331 7578, 160.



comrades as prisoners of war; held not predominantly for retributive purposes, but to stop them returning to the field of battle.

In defining the conflict as a state of war, Arthur also re-defined the bounds within which he would attempt his still existent, albeit diminishing, hopes to conciliate the island's belligerent indigenous people. In this new context, even though Eumarrah was well known to have fought against and killed colonists, Arthur would acknowledge him as a leader of an opposing force, who commanded respect among his people. At a hearing of Arthur's newly formed "Aborigines Committee" in March 1830, Eumarrah's captor, Gilbert Robertson, expressed this new approach. Acknowledging his belief that Eumarrah "has committed several murders, although he denies it," Robertson nevertheless argued that men like Eumarrah held the key to achieving peace, stating that the "only means of conciliating the Natives would be by keeping such a one as Umarow [Eumarrah], giving him a taste for our comforts."<sup>271</sup> While giving his evidence before the Aborigines Committee, Robertson also argued that the authorities needed to give Eumarrah some freedom of movement; if they treated him well, and permitted him to go to the bush, he would come back, but if they did not, he would try to escape.<sup>272</sup> Robertson had formulated this plan the previous year in light of the apparent ease in which Eumarrah was able to escape his captivity. In a letter to Arthur's colonial secretary dated 9 June 1829, he suggested that both in spite of, and because of, Eumarrah's recent escape, the colonists should pursue a scheme of treating him with marked generosity and kindness, in order to "altogether fit him for the purpose of influencing his countrymen to put themselves under the protection of the Government."<sup>273</sup> Thus began Arthur's

---

<sup>271</sup> Gilbert Robertson, Evidence before the Aborigines Committee, 3 March 1830, in House of Commons Parliamentary Papers, *Military Operations against the Van Diemen's Land Aborigines*: 48.

<sup>272</sup> Gilbert Robertson, Evidence before the Aborigines Committee, 3 March 1830, in *ibid.*

<sup>273</sup> Gilbert Robertson to John Burnett, 9 June 1829, TAHO, CSO, 1/330 7578, 52-3.

courtship of Eumarrah as a powerful war-time leader and man of dignity, rather than as a “murderer” and subordinate.

Arthur seems to have begun his acquaintance with Eumarrah sometime after Robertson’s June 1829 suggestion that the indigenous man could prove an effective peace emissary. Robertson, and most likely other colonists in the Richmond area where the Coal Goal was situated, had apparently been taken by Eumarrah, who appears to have been a man of considerable personal charm with an engaging and dignified demeanor. In his 9 June letter to Arthur’s office, Robertson informed the colonial secretary that although to them Eumarrah was a “savage and a captive,” they must “not forget that amongst his own people he is a Prince.” Relating information drawn from conversations with Eumarrah, Robertson also stated that although the colonists drew stark distinctions between themselves and the “savages,” Eumarrah himself viewed the colonists much as he would any other enemy tribe.<sup>274</sup> Robertson therefore suggested that Eumarrah should be immediately taken out of jail and furnished with two well-fitting and comfortable suits of clothes, a sufficient quantity of tea and sugar (“of the latter he is particularly fond”), well-fitting shoes, “a comfortable bed near a good fire,” and be presented with a “badge and chain” by the Governor. In order to show him the colonists’ might, he also suggested Eumarrah “be taken to see the first executions that take place . . . [and to] see the military under the arms, and the prisoners marched to church on Sunday.”<sup>275</sup> In this plan, the colonists were to treat Eumarrah with the respect that his dignified countenance demanded, in the hope that they would win his allegiance.

When Arthur courted Eumarrah’s favor, the Englishman’s behavior therefore necessarily presumed that the other man was someone of power among his people, for it was this influence

---

<sup>274</sup> George Robertson to John Burnett, 9 June 1828, TAHO, CSO 1/330 7578, 52-3.

<sup>275</sup> TAHO, CSO 1/330 7578, 53.

that Arthur hoped to usurp for his conciliation efforts. On 10 June 1829, in immediate response to Robertson's idea, Arthur noted that he "should much wish to join the whole of this on fair trial." The first step, according to Arthur, was to find a steady, clever, intelligent and reliable man to be Eumarrah's companion, and in the meantime ordered his secretary to send instructions to the Coal River jail to treat "this Chieftain" with kindness, "and let him have good Clothing &c &c."<sup>276</sup> In the next two weeks, Arthur's administration had provided Eumarrah with a convict servant. According to Josiah Spode, the muster master in charge of convict records and assistant police magistrate for Hobart, this servant was a cut above "the ordinary run of Convicts." For although a convict, Eumarrah's servant William Pahle was "a German by birth [who] has formerly held a Commission in the Hanoverian Services, and his education & bringing up [was] altogether of a much superior cast."<sup>277</sup> Arthur ordered that Pahle be sent "to the Coal River in order that he may be with Eumarra a fortnight or three weeks – after that he will be able to judge whether sufficient confidence is to be placed in him, to carry into effect the plan enumerated by Mr. Gilbert Robertson."<sup>278</sup> Pahle must have reported favorably of Eumarrah's potential because as Arthur's letter of 20 March 1830 to Murray suggests, after this time Arthur had Eumarrah "continually . . . brought to the Government House" in order to fully convince him "that the wishes of the Government were those of kindness and benevolence toward all his race."<sup>279</sup> Arthur had thus stumbled on the apparent need to court the island's aggrieved indigenous people diplomatically. During his personal interactions with Eumarrah, Arthur seems to have treated the indigenous man as an important war-time enemy leader, to be flattered and convinced that the good class of colonists had benevolent intentions towards the islands' indigenous people.

---

<sup>276</sup> George Arthur, Minute, 10 June 1829, TAHO, CSO, 1/330 7578, 55.

<sup>277</sup> Josiah Spode, 23 June 1829, TAHO, CSO 1/326 7578, 88.

<sup>278</sup> George Arthur, Minute, 24 June 1829, TAHO, CSO 1/326 7578, 80.

<sup>279</sup> Arthur to Murray, 20 November 1830, HRA 3, vol. 9, 591.

Arthur's plans to use Eumarrah to effect his "so ardently desired for" hopes of conciliation fit with his continued attempts to resolve the conflict through peaceful means, while simultaneously sanctioning the use of coercive force by declaring martial law. Informing London of his 1 November 1828 declaration of martial law, he assured the secretary of state that "you may be assured that every means in my power, which are most consistent with humanity, will be used, even at the present extremity, for bringing about a good understanding with these wretched beings."<sup>280</sup> Earlier in 1828, in response to Aboriginal people's complaints about the mistreatment of women by sealers on Bruny Island in the Bass Strait, Arthur had established a ration station on the island in the hope of attracting indigenous people from the settled district.<sup>281</sup> In an effort to turn this ration station into a mission, in March 1829 Arthur advertised that in order to further his "anxious desire to ameliorate the condition of the Aboriginal inhabitants of this territory," the government required "a steady person of good character . . . who will take an interest in effecting an intercourse with this unfortunate race, and reside upon Bruné Island."<sup>282</sup> From the applicants for the position, Arthur chose a man named George Augustus Robinson, a bricklayer and builder of strong evangelical Christian religious beliefs, who had moved to Hobart as a free settler in 1824.<sup>283</sup> In responding to the job offer, Robinson promised to devote himself "entirely to the object of the mission."<sup>284</sup>

After six months of attentions from Arthur, and attachment to Gilbert Robertson's roving parties, Eumarrah joined Robinson's first conciliation mission. By December 1829 Robinson

---

<sup>280</sup> Arthur to Murray, 4 November 1828, HRA 3, vol. 7, 626.

<sup>281</sup> Ryan, *Aboriginal Tasmanians*: 102.; Welsh to Arthur, 11 Apr 1828, TAHO, CSO 1/327 7578; Arthur to Colonial Secretary, 23 Apr 1828, TAHO, CSO 1/316 7578.

<sup>282</sup> Government Notice No. 49, 4 March 1827, in House of Commons Parliamentary Papers, *Military Operations against the Van Diemen's Land Aborigines*: 31-31.; *Hobart Town Courier*, 7 March 1829, 2; *Colonial Times*, 13 March 1829, 4.

<sup>283</sup> TAHO, CSO 1/321 7578; Vivienne Rae-Ellis, *Black Robinson: Protector of Aborigines* (Carlton, Vic: Melbourne University Press, 1996). 12.

<sup>284</sup> George Robinson to John Burnett, 24 March 1829, TAHO, CSO1/1/321 7578.

had, with the aid of the influential Anglican clergyman Reverend Bedford, persuaded Arthur to allow him to lead the first of what would become known as his “friendly missions” to the island’s western peoples.<sup>285</sup> Robinson had identified the first recipients of his efforts as the Port Davey people, who had become hostile due to the recent spread of colonists to their territory. On 24 December, Eumarrah and Kickerpoller (Black Tom) arrived in Hobart from Richmond, after finishing their latest roving party activities, in preparation for joining Robinson’s mission.<sup>286</sup> Robinson had been anxious to have the two men assigned to him because of the Kickerpoller’s linguistic skills and Eumarrah’s prestige. He particularly requested that before the expedition, Eumarrah be allowed to accompany him to Bruny Island so he “could see the benevolent provision which His Excellency had made for the friendly natives.”<sup>287</sup> Two days after arriving in Hobart, Eumarrah and Kickerpoller accompanied Robinson to Bruny Island where they were issued western clothing, before returning to town on 28 December. The party of Robinson, Eumarrah, Kickerpoller and eleven other indigenous people left in search of the Port Davey at the end of the following January.<sup>288</sup>

Eumarrah’s ensuing movements showed how little, during all these activities, he had subordinated himself to the colonists’ goals.<sup>289</sup> In March, Eumarrah, Kickerpoller, and Robinson’s party made successful contact with the Port Davey people and set up camp in one of their villages. However, on hearing that Eumarrah and Kickerpoller had participated in roving parties, the Port Davey people stole away during the night. Robinson then ordered the rest of the mission party back to Hobart, but remained with Eumarrah and Dray, a Port Davey woman, to

---

<sup>285</sup> Plomley, *Friendly Mission*, 89; Rae-Ellis, *Black Robinson*: 37-38.

<sup>286</sup> Robinson Journal, 24 December 1829; Plomley, *Friendly Mission*, 92.

<sup>287</sup> George Robinson to John Burnett, 22 December 1829, TAHO, CSO1/1/331 7578, 210.

<sup>288</sup> Plomley, *Friendly Mission*, 92,96.

<sup>289</sup> Michael Roe, "Eumarrah (1798-1832)," ed. National Center of Biography, *Australian Dictionary of Biography* (Australian National University, 2006), <http://adb.anu.edu.au/biography/eumarrah-12905>.

make further contact with the group. In May, after making contact, Eumarrah and Dray both decamped, leaving Robinson alone in the bush.<sup>290</sup> Eumarrah used his bush expertise to trek the approximately 160 miles eastwards back to his homeland.<sup>291</sup>

This, however, was not the separation that so annoyed Arthur, for in October, during the commencement of the black line operation, news reached Arthur that Eumarrah had rejoined the colonists in Launceston. Arthur reportedly sent for Eumarrah to join him in the field.<sup>292</sup> A memo dated 19 October 1830, sent to the Chief Police Magistrate at Launceston, instructed that “[y]ou will be pleased carefully to make known to UMARA that he will be employed in the bush with the Lieut. Govern. as it is supposed when he understands that he is not to be separated from His Excellency that he will go readily and cheerfully.”<sup>293</sup> And employed in the bush he was. But whatever Eumarrah’s feelings for Arthur, his assistance on the line lasted less than a month; he “ran of into the bush” on 13 November.<sup>294</sup> This very fresh sting of abandonment, rather than Eumarrah’s break from Robinson earlier in the year, prompted Arthur to write to Murray on 20 November of his “disappointment and sincere regret” that Eumarrah had “availed himself at the first moment to abscond.”<sup>295</sup> Although Eumarrah had received his attentions and proclaimed an attachment in return, Arthur now had to face the fact that the indigenous man had never really accepted the terms of the relationship Arthur had offered.

Arthur now correctly feared that Eumarrah had “rejoined his Tribe with the most hostile intentions.”<sup>296</sup> After leaving the line, Eumarrah joined resistance efforts against the colonial

---

<sup>290</sup> Rae-Ellis, *Black Robinson*: 51.

<sup>291</sup> Roe, "Eumarrah (1798-1832)."

<sup>292</sup> *Hobart-Town Courier*, 23 Oct 1830, 2

<sup>293</sup> Note to Mulgrave, 19 October 1830 Plomley, *Friendly Mission*, 108, footnote 65.

<sup>294</sup> TAHO, CSO 1/324 7578; *Hobart-Town Courier*, 20 Nov 1830.

<sup>295</sup> Arthur to Murray, 20 November 1830, HRA S3, vol. 9, 591.

<sup>296</sup> *Ibid.*

invaders in the Tamar and Esk valleys.<sup>297</sup> Arthur seems to have experienced Eumarra's abandonment as the rupture of a developing, and promisingly close, personal connection. This connection had promised itself as a possible avenue through which to solve the "perplexing" problem of the conflict between the colonists and the island's indigenous people. Earlier in the year, Arthur had written to London in an almost desperate plea for advice on the matter. He laid out the problem, defined within his terms: "We are bound to protect the Settlers from such acts of barbarity as they have been exposed to from these Blacks, and yet, I conceive, we are equally bound, notwithstanding all their treachery and inhumanity, to treat them with the utmost forbearance, for, although the free settlers are, in a great degree, an unoffending party, there can be no doubt that the runaway convicts were the first aggressors – and how are these ignorant savages to distinguish?"<sup>298</sup> For a time, Eumarra presented ray of hope. Here was a leader of dignity, who was clearly not ignorant, and to whom Arthur might be able to impress upon the true nature of the conflict: that the aggressions had been committed by the lower class colonists, and that the rest of the colonial population had the interests of Eumarra and his people at heart and sought merely to protect them.

Eumarra's abandonment of him on the line convinced Arthur that he had been wrong to invest such hopes in an indigenous man. No doubt feelings of mutual respect and attachment had developed between the men, with Arthur previously courting Eumarra as an important prisoner of war and potential ally, giving him gifts of tea and sugar, clothing, and a servant. Owing to Eumarra's "apparently artless manner, and strong protestations of attachment," Arthur had "gradually confided in [him] more and more," and had assumed that Eumarra's work on the line

---

<sup>297</sup> Roe, "Eumarra (1798-1832)."

<sup>298</sup> Arthur to Twiss, 28 May 1830, HRA 3, vol. 9, 343-4.

represented a final enlistment in the colonial administration's cause.<sup>299</sup> Yet when Eumarrah left for a second time, Arthur faced his folly. In describing this in his 20 November dispatch to Murray, he concluded that this was merely one among many instances that "might be adduced of the treacherous character of these savages."<sup>300</sup>

Arthur's account of his relationship breakdown with Eumarrah formed a crucial component of Arthur's justification for the forced removal. The fact that Eumarrah's abandonment came towards the end of the operation did not stop Arthur informing Murray in November 1830 that, in consequence of the inevitable and intractable "treacherous character" of "savages" such as Eumarrah, "conciliatory measures are not likely to succeed and cannot in prudence be any longer pursued."<sup>301</sup> He thus used Eumarrah's "treachery" to justify why he had chosen, against Murray's own directions for moderation, to mount such a costly logistical operation against the island's indigenous people. Outlining the atmosphere that led to his decision to implement the black line operation, Arthur wrote that "[f]ailing in every endeavour to conciliate, and the outrages of the Savages being more daring in their murders and robberies more systematically conducted, the next measure which we are bound *to attempt* is, I conceive, that which is now in progress – the earnest and hearty cooperation of the whole of the European population to capture them with the least possible destruction of life, or to drive them into Tasmans Peninsula."<sup>302</sup> Arthur used his history with Eumarrah to illustrate – albeit anachronistically – the conclusions about the "treacherous character" of the island's indigenous people. On this basis, he justified his decision to mount a six week long campaign, which drew £30,000 from the imperial coffers, and involved the mobilization of the colony's entire military

---

<sup>299</sup> Arthur to Murray, 20 November 1830, HRA 3, vol. 9, 591.

<sup>300</sup> Ibid, 591-2.

<sup>301</sup> Ibid.

<sup>302</sup> Ibid, 592.



and police force, supplemented by the “en mass” services of both free and convict inhabitants. In this way, he also rationalized his corollary 1 October declaration of martial law “against all the black or aboriginal Natives within every part of this island.”<sup>303</sup>

In August 1831, George Augustus Robinson, in reliance on the indigenous leader Mannalargenna, finally remade contact with Eumarrah.<sup>304</sup> The following month, in alliance with Eumarrah, Mannalargenna insisted that Robinson set up a meeting with Arthur. On 5 October 1831, Arthur met with the group of indigenous people accompanying Robinson in Launceston.<sup>305</sup> Although no details of the meeting survive, the group seems to have insisted on the creation of a reservation near Campbell Town. They had realized that although Robinson had insisted that they would not be removed from the main island, he had nevertheless been trying to lead them to an island off the coast.<sup>306</sup> When Arthur presented the proposal to the executive council on 10 October, he did not mention that the plan had been achieved through diplomatic negotiations with Mannalargenna, Eumarrah, and the rest of the group. Instead he told the council that “Mr Robinson was . . . of opinion that some central situation should be established . . . so as to constitute a home for the Chiefs Manna Langana ‘Eumarrah,’ and the rest of the natives who form Mr Robinson’s party, and whom he considers perfectly conciliated.”<sup>307</sup>

Eumarrah apparently understood the precarious nature of the agreement reached with Arthur. Aware that his room for maneuver had decreased, Eumarrah invoked his previous relationship with Arthur in an attempt to have his interests and concerns addressed. During the

---

<sup>303</sup> George Arthur, “Proclamation,” 1 October 1830, in House of Commons Parliamentary Papers, *Military Operations against the Van Diemen’s Land Aborigines*: 71.; George Arthur, “Memorandum,” 20 November 1830 in *ibid.*, 72.

<sup>304</sup> See Plomley, *Friendly Mission*, 585, footnote 95. Robinson concealed from the colonial secretary the fact that it was Eumarrah who had taken part in notorious attacks.

<sup>305</sup> George Robinson, Journal, 5 October 1831: *ibid.*, 483.; George Arthur, Minute, 28 September 1831, TAHO, CSO 1/326 7578; Boyce, *Van Diemen’s Land*: 290-91.

<sup>306</sup> Boyce, *Van Diemen’s Land*: 285-91.

<sup>307</sup> Executive Council Minutes, 10 October 1831, TAHO, EC 4/1, 2. Cited in *ibid.*, 291.

ensuing month, while he continued as part of Robinson's "friendly mission," he pointed out to Robinson the route he had taken to leave the black line operation the year before. According to Robinson, while Eumarrah explained his movements, he "said I must tell the Governor UMARRAH was a good man and how he would find out the natives."<sup>308</sup> His appeals would not come to fruition. Eumarrah died of dysentery in Launceston hospital the following March.<sup>309</sup> In death Eumarrah was spared the full realization that Arthur would ultimately not allow any indigenous people to remain on the Van Diemonian mainland. The agreement to have a reserve near Campbell Town had merely been a temporary means of appeasement. Over the next two years, Arthur's administration removed the majority of the remaining indigenous people to the harsh environment of Flinders Island in the Bass Strait.

### **An Englishman in the U.S.A.: Charles La Trobe and the Hidden Dangers of Indian Country**

Nowhere in the published narrative of his 1832-33 travels through North America did Charles Joseph La Trobe mention the personal struggles he had endured while acting as mentor and moral guardian to the twenty year-old Swiss Count Albert de Pourtalès. His trials had been particularly intense during their travels through Indian Country, when Pourtalès' abstract romantic fascinations with American Indians translated into concerted efforts to initiate intimate relations with Native American women. For the deeply religious La Trobe, who like George Arthur and Thomas McKenney understood the world as a divinely controlled system of providential rewards and punishments, Pourtalès's potentially lecherous behavior presented an acute moral danger, from which he (La Trobe) was honor bound to protect the younger man. Yet

---

<sup>308</sup> George Robinson, Journal, 24 October 1831: Plomley, *Friendly Mission*, 491.

<sup>309</sup> *Hobart-Town Courier*, 31 March 1832, 2.

in his accounts of their travels in *The Rambler in North America*, La Trobe omitted any illusions to these struggles. Instead, he infused his narrative with Jacksonian-like rhetorical pronouncements such as the “white man and the Indian cannot be near neighbours.”<sup>310</sup> Yet like McKenney, La Trobe had experienced a sense of moral danger from encounters with Native American people in Indian Country. Though he did not publically admit to such feelings, they no doubt nevertheless formed part of the foundations for his support of the stark dispossessions and segregationist impulses necessitated by the implementation of the U.S. Indian Removal Act.

When he arrived in the United States in May 1832, Charles Joseph La Trobe was a thirty-one year old unpropertied English gentleman from a respectable family of Moravian clerics and missionaries. His father and grandfather, like George Arthur, had links to London’s influential Clapham Sect, which spearheaded the British anti-slavery movement. After his travels through North America, La Trobe received his first Colonial Office assignment to report on the education of former slaves in the West Indies, most likely due to family connections.<sup>311</sup> Because of their Huguenot heritage, La Trobe’s family also had connections to Huguenot families on the European continent, such as that of the Swiss Count, Frédéric de Pourtalès of Neuchâtel. It was through this connection that La Trobe received his commission to undertake a tour of North America with the Count’s eldest son and heir, twenty year-old Count Albert de Pourtalès.

In his published journal of the trip, *The Rambler in North America*, La Trobe wrote that one of his reasons for traveling to North America was to visit the homes of Native American people.<sup>312</sup> Such a statement suggests that La Trobe’s own interests controlled the course of his tour. Yet La Trobe’s personal correspondence, written while he travelled, reveals a different

---

<sup>310</sup> Latrobe, *Rambler in North America*, 1: 133.

<sup>311</sup> See, for example, Diane Reilly Drury, *La Trobe: the Making of a Governor* (Carlton, Vic: Melbourne University Press, 2006). 108-11.

<sup>312</sup> Latrobe, *Rambler in North America*, 1: 17.

picture. It seems that much of the trip's itinerary, including the men's forays into Indian Country, was built around the whims and desires of the young Pourtalès. Pourtalès had a romantic fascination with American Indians. La Trobe, who had been engaged by the Count and Countess Pourtalès to travel with their wayward son, never mentioned the true nature of his relationship with the young Pourtalès in *The Rambler*. Nor did he mention how much Pourtalès's whims informed their travels, and how much energy he spent trying to prevent Pourtalès from partaking in immoral activities. In *The Rambler*, La Trobe used Jacksonian inspired justifications for U.S. Indian removal policy as the backdrop for his narrative of the men's travels in Indian Country. He pronounced that contact between the "white man and the Indian" had been an unmitigated disaster for the Indians, and to protect them from further danger and their apparently inevitable total extinction, the government had benevolently decided to remove the so-called "wrecks of these tribes" to lands west of the Mississippi.<sup>313</sup> Yet La Trobe kept hidden from his public readership the more pressing personal dangers he experienced during his tours of Indian Country. In his daily struggles to mentor and protect the young Swiss Count, it was the Indians themselves, and Native American women in particular, who presented the moral dangers from which he needed to protect his young charge.

La Trobe and Pourtalès traveled to North America at a time when "[h]undreds, nay, thousands of white sails" bespangled the Atlantic, and thus a voyage to America was "no longer a circumstance worth signaling as a marvel."<sup>314</sup> La Trobe ended the first volume of *The Rambler* with an archetypal list of American travelers in Europe, and English travelers in America. After ridiculing various stereotypes of parochial and narrow-minded travelers, La Trobe put himself forward as somewhat of a "Cosmopolitan," though he disliked the word. As a

---

<sup>313</sup> Ibid., 134.

<sup>314</sup> Ibid., 23.

cosmopolitan traveler, La Trobe was apparently open-minded about his new surroundings, adaptable “to change of place and scene,” and able “to form ties with the natives of every clime.”<sup>315</sup> La Trobe did not explicitly categorize his “trusty comrade, Count Pourtales” in this discussion. However, given the few hints in the text of Pourtales’s enthusiasm for the Indians, it is clear that had Pourtales been English, La Trobe would have categorized him as the “sentimental traveller, who having read Rousseau and Chateaubriand, and become enamoured of the image of man in a state of nature, unsophisticated and unspoilt by civilization, or of some sweet picture of savage life, dives his way through the forests to the Indian settlements, to find an amiable ‘*Chactas*,’ or still more amiable ‘*Atala*.’”<sup>316</sup> Reading between the lines, it seems that during their rambles through North America, Pourtales hoped to translate his abstract romantic fascination with American Indians, into an experiential reality.

Above all else, Pourtales wanted to live with the Indians – to hunt, live in their homes, and, most imperatively, to have many Indian wives. In particular, the young Count longed to live with the Osages on the plains, as he had met a group of Osages when they visited Switzerland in 1827.<sup>317</sup> When reading La Trobe’s *Rambler* in conjunction with other accounts of this trip, Pourtales’s quest for the Indians provides a crucial subtext and hidden narrative thrust. Engaged by the Count and Countess Pourtales to travel with their wayward elder son through North America, La Trobe was charged with the task of reforming the Swiss youth’s already dissolute character, and rescuing him from the immortal risks posed by a life lived without adherence to proper moral values. This struggle lay at the center of La Trobe’s travels in North America, yet they make no appearance in his published narrative.

---

<sup>315</sup> Ibid., 243.

<sup>316</sup> Ibid., 242.

<sup>317</sup> John Barnes, "Hunting the Buffalo with Washington Irving: La Trobe as Traveller and Writer," *La Trobe Journal*, no. 71 (2003): 57.

During the entire trip through North America, La Trobe looked to divine providence to guide him as he in turn acted as moral guide to Pourtalès. Indeed, during the trip La Trobe and Pourtalès had many encounters that could be described as providential. On the ship from France they met the author Washington Irving, who was returning to his homeland after seventeen years' residence in Europe. The three became firm friends. Then when Irving met Henry Ellsworth while holidaying at Saratoga Springs, La Trobe and Pourtalès received an extended invitation to accompany Ellsworth's tour to Indian country west of the Mississippi. Irving would himself publish an account of the trip in 1835 under the title *A Tour on the Prairie*.

Despite the 1830 Indian Removal Act's designation of a territory west of the Mississippi for the resettlement of all eastern Native American peoples, no formal survey of the region had been undertaken. For many years much of this area had been predominantly controlled by the Osages, though it was also frequented by plains peoples such as the Pawnees, and more recently, an influx of emigrant Cherokee and Creek groups.<sup>318</sup> It was linked to a network of competing political interests, centering on the plains, which also drew in many peoples east of the Mississippi.<sup>319</sup> In 1832, Cass commissioned the first formal surveys of the area after land rights conflicts flared up between the western peoples and the emigrant groups.<sup>320</sup> In La Trobe's words, Ellsworth had therefore been commissioned by the Jackson administration to undertake an expedition to this "unexplored region to the West" in order "to arrange various matters connected with the Indian tribes newly congregated on the western frontiers."<sup>321</sup> La Trobe and Pourtales accepted the invitation. They saw it as a chance to further one of their own projects, which La Trobe writes was to attach themselves "to one of the two great bands of the Osage tribe, the Grey

---

<sup>318</sup> Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006). 196-244; Satz, *American Indian Policy*: 133.

<sup>319</sup> See Pekka Hämäläinen, *The Comanche Empire* (New Haven & London: Yale University Press, 2008). 141-80.

<sup>320</sup> Miriani, "Lewis Cass," 27; Satz, *American Indian Policy*: 133.

<sup>321</sup> Latrobe, *Rambler in North America*, 1: 70-71.

Hairs or Clermont, and to accompany them on their autumnal hunt.”<sup>322</sup> The chance to set out with a planned expedition, to further their quest to live and hunt with the Osages – Pourtalès’s image of the quintessential Indian – “offered too much temptation to be resisted or rejected.”<sup>323</sup>

La Trobe and Pourtalès had originally only intended to accompany the Ellsworth expedition until the first opportunity to break away toward an Osage hunting party. La Trobe wrote in *The Rambler* that “[t]his project was however eventually defeated, and you would hardly be interested by my going into the history of the disappointment, which, in truth, was a grievous one, especially to my companion.”<sup>324</sup> By the time the expedition had set off from Fort Gibson, the Osage parties had advanced far into the prairies, making pursuit difficult, and exposing La Trobe and Pourtalès to the danger of Pawnee attack if they did manage to catch up with the Osages. Though everyone in the expedition had tried to convince Pourtalès of the “rashness” of attempts to join the Osages, he would not be dissuaded, and La Trobe had no choice but to follow him in what would become a precipitously abandoned venture.<sup>325</sup>

In omitting details of this “disappointment” in *The Rambler*, La Trobe applied a rule that he followed throughout the text; he avoided any discussion that might give his readers clues about the true nature of his relationship with Pourtalès. At the start of volume one, he had merely introduced him as the “young Count de Pourtales, a cheerful and accomplished travelling companion, who, I believe, was bent like myself on forming opinions from observation.”<sup>326</sup> A different picture of Albert Pourtalès’s character and the nature of the travelling companions’ relationship emerge in La Trobe’s private letters to the Count and Countess Pourtalès. In the

---

<sup>322</sup> Ibid., 137,71.

<sup>323</sup> Ibid., 71.

<sup>324</sup> Ibid., 137.

<sup>325</sup> Henry Leavitt Ellsworth, *Washington Irving on the Prairie; or, A Narrative of a Tour of the Southwest in the Year 1832* (New York: American Book Company, 1937). 13; Washington Irving, *A Tour on the Prairies* (Oklahoma City: Harlow Pub. Corp., 1955). 21.Irving 21.

<sup>326</sup> Latrobe, *Rambler in North America*, 1: 18.

course of this correspondence, La Trobe refers to his “young & mercurial friend” Albert as a young man in need of “moral guidance,” who displayed a “fickleness and instability of purpose,” and was “deficient in endurances . . . in times of no excitement.”<sup>327</sup> Writing to the Countess, La Trobe explained that it was often necessary for him to place checks upon Albert’s “proceedings & guard against excess.”<sup>328</sup> However, he found that these checks had to be placed in a diplomatic and subtle manner because of “the peculiar character of the tie that binds my companion to me as fellow travellers – a tie that in fact binds him at the same time that it cannot be proclaimed.”<sup>329</sup> Throughout the tour, La Trobe’s letters to Pourtalès’s parents included long labored summations of whether their son was “retrograding or advancing,” and pondering on the likely longevity of any evidence of his improved conduct and adherence to proper moral principles.<sup>330</sup>

The main threat to Pourtalès’s moral feeling appear to have been his romantically inspired fascination with American Indians, initially the Osages in particular. On this topic La Trobe was less than candid in his letters to Pourtalès’s parents, though he did allude to incidents during the two month trip with Ellsworth and Irving that gave the young Count’s “unbridled & unreclaimed fancy . . . a force & vigor which made them particularly difficult to counteract.”<sup>331</sup> In contrast, Henry Ellsworth’s account of the trip presents a fuller picture of the extent of Pourtalès’s Romantic fancies and passions. In a long private letter to his wife, Ellsworth expressed his distaste for Pourtalès’s character and conduct. While Ellsworth disapproved of Pourtalès’s adoption of Indian style dress – amongst other things, it was the young Count’s

---

<sup>327</sup> La Trobe to Madame la Comtesse Frederic de Pourtalès, 24 March 1833; La Trobe to Madame Pourtalès, 26 January 1833; La Trobe to Madame Pourtalès, 10 August 1832; La Trobe to Madame Pourtalès, 20 September 1833; La Trobe Neuchâtel Archive, La Trobe Manuscripts Collection (LTMC), State Library of Victoria, MS 13354, Box 5, Folder 44.

<sup>328</sup> La Trobe to Madame Pourtalès, 26 January 1833, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

<sup>329</sup> La Trobe to Madame Pourtalès, 3 December 1832, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

<sup>330</sup> La Trobe to Madame Pourtalès, 20 September 1833, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

<sup>331</sup> La Trobe to Madame Pourtalès, 3 December 1832, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.



brazen pursuit of Indian women, which offended Ellsworth's Yankee sensibilities most profoundly.<sup>332</sup>

According to Ellsworth, Pourtalès was driven in his commitment to break with the party in order to pursue the Osages by his quest for liaisons with Indian women. Referring to the incident, Ellsworth stated that "Mr Latrobe preferred to accompany us, but Mr Pourteles had become so completely beguiled by the stories of Osage customs and privileges . . . he determined to part with us – Mr Chouteau had assured him the facility of getting an Osage wife during his residence . . . this object blinded his eyes to all danger."<sup>333</sup> In the end, La Trobe and Pourtalès spent only a day in pursuit of the Osage, with Pourtalès apparently having been finally persuaded of the folly of the enterprise. They rejoined the Ellsworth party again at night fall.<sup>334</sup> However, during their absence, Ellsworth took the chance to discuss his disapproval of Pourtalès's conduct with Irving. Ellsworth related to his wife that Pourtalès's "passions led him to great extremes." He made particular reference to Pourtalè's conduct at the Union mission station at Fort Gibson, where "he [had] attempted to seduce an amiable young Indian girl" by giving presents to her mother, and then prevailing on the superintendant's wife about the matter. Of this conduct, Ellsworth proclaimed "what presumption! indignation and refusal, ought to have covered the Swiss gentleman [with?] shame." Yet this was not the worst conduct. In the words of Ellsworth, "[t]here were other instances of misconduct more gross, but I will not pollute my pages with a recital of them."<sup>335</sup>

Ellsworth's pronouncements on Pourtalès's conduct leaves open the question of whether the young Swiss Count did, in any way, fulfill his pretensions to the role of Don Juan of Osage

---

<sup>332</sup> Ellsworth, *Washington Irving on the Prairie*: 5,12-14,43,48.

<sup>333</sup> *Ibid.*, 5.

<sup>334</sup> *Ibid.*, 16; Irving, *A Tour on the Prairies*: 23.

<sup>335</sup> Ellsworth, *Washington Irving on the Prairie*: 14.

country. However, Ellsworth summarized Pourtalès as exhibiting “a curious compound of character, brilliancy & fun mixed with frivolity and base sensuality.” The young man’s age and “transatlantic indulgencies” could nevertheless not justify his conduct, and that “he will later in life, look back upon his western follies (to say the least) with shame – I have ventured through a friend, to mention the deep mortification which may be inflicted upon his future domestic felicity . . . by the appearance of red progeny, who will rise up to call him father!”<sup>336</sup>

Writing to Pourtalès’s mother after their tour with Ellsworth, La Trobe explained the anxiety and strain under which Pourtalès’s behavior had put him. Though he never explicitly referred to any immoral conduct, he explained to the Countess the difficulty he had restraining and guiding her son “without the display & production of some forceable means for restraint . . . on occasions where his fancies & plans were of a character that prescribed my giving concurrence either directly or indirectly.”<sup>337</sup> He was, however, explicit about the strain he had been under during that time: “It has been a season of great mental anxiety to me, & now that I believe it has come to its termination I look back upon it with something like a shudder.”<sup>338</sup> La Trobe subsequently wrote to the Countess of his misgivings about their plans to join an Osage buffalo hunt the following year, alluding to the fact that Indian country had dangerous effects on the young Pourtalès’s disposition: “Hitherto, a moment of passion has been a moment of absolute & almost literal intoxication with him – when one might say that, he had eyes, but saw not, & ears, but heard not.”<sup>339</sup> In the end, the pair found their plans to return to Osage country thwarted by war between the Osages and Cherokees, but Pourtalès instead had his Romantic

---

<sup>336</sup> Ibid., 67.

<sup>337</sup> La Trobe to Madame Pourtalès, 3 December 1832, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

<sup>338</sup> La Trobe to Madame Pourtalès, 3 December 1832, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

<sup>339</sup> La Trobe to Madame Pourtalès, 8 June 1833, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

fancies met by a tour of the Western Great Lakes and Upper Mississippi region.<sup>340</sup> Returning from this trip at the end of November 1833, La Trobe wrote to the Countess: “I am thankful that our visit to the Indian country finished when it did, for I am now more and more convinced, that the species of feverish excitement under which he labours while in it, is far from being healthy - & not likely to add to the strength of his moral feeling.”<sup>341</sup>

These reflections on the struggles undertaken as Pourtalès’s mentor and moral guardian reveal much about La Trobe’s cosmology. The responsibility of being guardian to a wayward young man whose soul was in serious peril weighed heavily. To save Pourtalès from this danger, La Trobe had to continually reveal to the young man the true nature of God’s moral universe, and remind him of the necessity of heeding Providence in order to live by God’s law. In a letter to the Countess in March 1833, La Trobe wrote as evidence of her son’s improvement that “I have been gratified by hearing him . . . state clearly his conviction that the hand of Providence had been watchful over him & saved him in many instances from the madness of his own Schemes & the fruits of his follies by interposing checks or leading him another way.”<sup>342</sup> In attempting to save Pourtalès, La Trobe needed to convince the young man of the danger into which his romantic fascination with the American Indians would lead, and that he must instead heed divine providence.

Although La Trobe made sweeping generalizations about “the Indians,” he was not a romantic of the same hue as Pourtalès. La Trobe nevertheless many times recounted in *The Rambler* the sweet sorrow he felt for what he saw as the inevitable decline of America’s Indians, who he stated “are known to diminish in number so rapidly, that common observation alone

---

<sup>340</sup> La Trobe to Madame Pourtalès, 23 July 1833, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354. See Charles Joseph Latrobe, *The Rambler in North America*, 2 vols., vol. 2 (New York: Harper & Bros., 1835). 183-228.

<sup>341</sup> La Trobe to Madame Pourtalès, 30 November 1833, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

<sup>342</sup> La Trobe to Madame Pourtalès, 24 March 1833, La Trobe Neuchâtel Archive, LTC, SLV, MS 13354.

enables any one to predict their utter extinction before the lapse of many years.”<sup>343</sup> Though this was to be regretted, it was on this basis that La Trobe pronounced his intellectual solidarity with the Jackson administration’s removal policy. According to his public declarations, La Trobe believed that experience had shown “the insurmountable inconveniences and evils consequent upon the existence of bodies of men in their savage state in the centre of civilization.”<sup>344</sup> In this equation, the evils presented danger to the Indians, and therefore, in the interests of benevolence, they needed to be removed to the west of the Mississippi.

By the time he finalized *The Rambler* for publication, La Trobe therefore had much to say on the topic of the American Indian, and the U.S. Indian removal policy. He expounded, at length, the virtues of the removal policy, and gave other lengthy expositions on Native Americans. Presented as a lesson drawn from the experiences and knowledge gained from his travels in North America, he stated that “however unwillingly,” he had “been led at length to admit” that the “white man and the Indian cannot be near neighbours. They never will and never can amalgamate.”<sup>345</sup> That the Indians needed to remove west of the Mississippi had been made necessary by the fault of two different parties. Firstly, it was the fault of sinful whites of bad character, who had thwarted the “benevolent designs” of the government, so that the Indians had been “surrounded by bad men, as the hungry wolves of the desert surround a troop of horses.”<sup>346</sup> Secondly, the Indians themselves were to blame, for they had turned their back on civilization – which was their only opportunity for both worldly and spiritual salvation: “If the Indian turns his back upon the alternative of civilization, he must recede; and were it not even advantageous to

---

<sup>343</sup> Latrobe, *Rambler in North America*, 1: 130.

<sup>344</sup> *Ibid.*, 70-71.

<sup>345</sup> *Ibid.*, 133.

<sup>346</sup> *Ibid.*, 134.

the white, it would be a mercy to the latter to attempt by all lawful means to arrange matters in such a way as to avoid the possibility of collision.”<sup>347</sup>

Though he had not, of course, been involved in the formulation of the removal policy, and was only marginally involved in its implementation, the idea of removal made sense to La Trobe. In his advocacy for Indian removal, La Trobe sounded like the most partisan of Jacksonian Democrats. At the start of *The Rambler*, La Trobe claimed the authority of one who had attempted to keep his imagination and his mind “unbiased and uninfluenced by preconceived notions, from whatever source they might be drawn.”<sup>348</sup> Thus, La Trobe gave his pronouncements on Indian removal extra weight, for he presented them as the views of an objective, open-minded, cosmopolitan outsider. Yet he was only able to find solidarity with the U.S. government’s Indian removal policy because he could assimilate it to his epistemological and cosmological outlook; in other words, that there was one true and proper path that all human souls should and must follow and this was to live within a “civilized” society adhering to divine providence.

Yet the struggles that La Trobe kept hidden from his public readership had no doubt also been influential in informing his views. As revealed by the level of anxiety experienced in his commitment to saving Pourtalès’s immortal soul, the “cosmopolitan” La Trobe’s acceptance of difference was limited only to that which fell within the proper bounds of Christianity and “civilization.” His constant efforts to prevent Pourtalès from engaging in immoral activity had shown that interactions between whites and Indians created sites of degradation and moral danger for both people, and needed to be stopped. La Trobe’s struggles to act as moral guide and mentor to Pourtalès, and to ameliorate the effects of his young friend’s romantic fancies,

---

<sup>347</sup> Ibid., 133-34.

<sup>348</sup> Ibid., 17.

therefore reveal more fully the constitution of La Trobe's cultural world. Although in his published text he propounded a very detached Jacksonian style rhetorical justification for the United States government's Indian removal policy, La Trobe had undergone severely taxing struggles which no doubt helped to entrench his belief in the extreme segregationist foundations of removal.

### **The Romance of the Forest: Francis Bond Head, Assiginack, and Peter Jones**

In August 1836, Francis Bond Head, the new lieutenant governor of Upper Canada, travelled to Manitoulin Island in Lake Huron for the first annual delivery of presents to be held at that location. By his own accounts, upon arrival at Manitoulin, Head summarily decided the island would be the perfect site for the colony's First Peoples to remove themselves to in order to escape the malevolent forces of "civilization," which were spreading as the rapidly growing settler population engulfed the land.<sup>349</sup> At this council, Head purported to effect the surrender of the extensive and fertile Saugeen Tract from the Saugeen Ojibwe, and to gain the consent of the region's Anishinaabeg to remove to Manitoulin Island. However, in the subsequent controversy surrounding these proceedings, Head's representations would come to be questioned. With a romantic sensibility reminiscent of Pourtalès's, though seemingly without the blatant attempts at sexual conquest, Head represented himself as the heroic father chosen to save his innocent and primitively virtuous "red children" from the corrupting forces of civilization. Yet beneath all this heroic romantic bravado lay a fear: because it apparently decayed true "Indianness," contact between Indians and whites would also undermine his ability to play his fantasy role of "father"

---

<sup>349</sup> Head to Glenelg, 20 August 1836, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 122.; cf his later account in Francis Bond Head, *The Emigrant* (N.Y.: Harper & Brothers, 1847). 77.

to his noble, Indian “children.” Consequently, Head held in high esteem the Odawa man, Jean-Baptiste Assiginack who, despite not living a pristine “natural” life in the forest, had the diplomatic and interpersonal skills to allow Head to play his much-valued paternal role. Head did not hold Peter Jones – an Ojibwe man and Methodist minister – in similar esteem. Unlike Assiginack, Jones represented the moral danger of contact between so-called “civilized” and “savage” people; he represented the apparent decay of their pristine noble nature. But beneath such explicit deprecations lay perhaps Head’s true, more narcissistic reason for disliking Jones; with Jones, Head could not play his fantasy role of father to his noble, Indian “children.”

In the years preceding Head’s arrival in Upper Canada, the British obligation of giving presents to their War of 1812 Indian allies continued to meet with opposition from the government in England. In 1836, the government in London again pushed for a commutation of presents to the Indians in British North America. As part of his initial instructions on Indian policy in Upper Canada, Lord Glenelg (the secretary of state for war and the colonies) asked Head to investigate the possibility of abrogating the custom.<sup>350</sup> Well briefed on the government’s previous attempt to commute presents to payments of money, Glenelg informed Head that “[i]n July 1827 a similar measure was proposed to Lord Dalhousie by the Earl of Ripon. Lord Dalhousie’s object to it was, however, very decided, and was expressed in terms which it would scarcely be possible to strengthen.”<sup>351</sup> Glenelg grasped that the practice of giving presents to the Indians had created an equitable obligation for the British government, and that precipitously ending the practice, without warning would be an “unjust and impolitic” breach of good faith. He therefore asked Head to determine “how far it may be practicable consistently with good faith and sound policy gradually to diminish” the annual presents “with a view to the ultimate

---

<sup>350</sup> Lord Glenelg to Francis Bond Head, 14 June 1836, CO 43/45, NAC, Q-series.

<sup>351</sup> Glenelg to Head, 14 June 1836, CO 43/45, NAC, Q-series.

abrogation of the existing custom.” In particular, Glenelg directed Head to consider how to wind down the practice in light of “the principle object” of current British “intercourse with the Tribes,” which he identified as “the moral & religious improvement of the Indians & their instruction in the arts of civilized life.”<sup>352</sup>

Head himself had a very strict understanding of the fiduciary nature of the relationship between the British government and the Indians. Forwarding a treaty that he had made with an Anishinaabe group at Manitoulin Island in the summer of 1836, he informed Glenelg that “Your Lordship will at once perceive that the Document is not in a legal Form, but our Dealings with the Indians have been only in Equity; and I was therefore anxious to show that the Transaction had been equitably explained to them.”<sup>353</sup> Writing the next year of a plan to move the duties of the Indian Department to the Commissariat, he argued that “[t]he Migration of these simple People from Equity to Law would be productive of the most serious Evils to them as well as to the Government.”<sup>354</sup> Head, in particular, sought to retain the kinship characteristics of the British-Indian alliance, with its concurrent requirement that the lieutenant governor play the ceremonial role of “father.” He thus argued to Glenelg that “[t]he Lieutenant Governor of Upper Canada, styled by the Indian ‘their Father,’ has, under the Direction of the Colonial Minister, hitherto treated them as his Children, but if any new Regulations whatever were to be created to deprive him of parentally governing these People according to their simple Habits, and according to the transient Circumstances, they would be Losers by the Arrangement.”<sup>355</sup> Head believed it best to retain the gubernatorial discretion entailed in an equitable relationship between the British and the Indians. He thus thought it “highly politic that we should retain the Advantage as well as

---

<sup>352</sup> Glenelg to Head, 14 June 1836, CO 43/45, NAC, Q-series.

<sup>353</sup> Head to Glenelg, 20 August 1836, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 123.

<sup>354</sup> Head to Glenelg, 4 April 1837, *ibid.*, 137.

<sup>355</sup> Head to Glenelg, 4 April 1837, *ibid.*



the Disadvantage of possessing no written Documents, or no fixed Rule of governing the Indians beyond the Will and Pleasure of the Great Father the King.”<sup>356</sup>

Yet Head’s vision of how he – as the local “father” representing the “Great Father the King” – would use this discretion diverged sharply from the policy that Glenelg advised him to pursue. Based on his staunch belief in the tenets of romantic primitivism, Head projected a vision of British-Indian relations that was, in many ways, antithetical to the prevailing civilization policy. Head believed, like other romantics such as William Wordsworth and Samuel Taylor Coleridge, that American Indians were exemplars of “natural man.” Living in this “natural” state, American Indians were uniquely positioned to reap the moral benefits of unadulterated communion with the benevolent spiritual forces of nature. Thus, unlike contemporaries who stereotyped American Indians as “degenerate savages,” Head valorized them as morally superior to populations subject to the artificial and corrupted “civilized” world.<sup>357</sup> He filled his official dispatches on Indian policy with statements about Indian nobility, and the need to save them from the corruption of so-called “civilization.” In one letter to Glenelg, for instance, Head wrote of the unfailing nobility of “the Red Man,” stating that despite the “Cruelties and Injustice” they had endured, “in the Red Man’s Heart there exists no Sentiment of Animosity against us, no Feeling of Revenge,” and they always showed hospitality and kindness to a “White Man” if he “be lost in the Forest.”<sup>358</sup> Unlike Glenelg, who wanted to save the Indians through Christianization and “civilization,” Head believed that Indians were fundamentally and incommensurably different (and superior) to “civilized man,” and that to remain true “noble savages,” they needed to be kept safe from the corrupting forces of “civilization.”

---

<sup>356</sup> Head to Glenelg, 4 April 1837, *ibid.*

<sup>357</sup> Binnema and Hutchings, “The Emigrant and the Noble Savage,” 117.

<sup>358</sup> Head to Glenelg, 20 November 1836, in House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 125.

Yet despite this omnipresent romanticism, Head claimed to base his Indian policy decisions on knowledge drawn from direct acquaintance with the “Indian character.” In his official dispatch to Lord Glenelg of November 1836, he gave a lengthy account of his travels to “the annual Delivery of Presents to the visiting Indians at Amherstburg, and also that which took place for the first Time at the Great Manitoulin Island in Lake Huron.”<sup>359</sup> Before launching into his pronouncements about “[t]he Fate of the Red Inhabitants of America,” Head also told Glenelg that “[d]uring my inspectional Tour of the Province I also visited (with One or Two trifling Exceptions) the whole of the Indian Settlements in Upper Canada, and in doing so made it my Duty to enter every Shanty or Cottage, being desirous to judge with my own Eyes of the actual Situation of that Portion of the Indian Population which is undergoing the Operation of being civilized.”<sup>360</sup> Head used this statement as the foundation to bear the analytical weight of his ensuing policy justifications. He presented himself as a tabula rasa that had been filled during these visits, and also during the former “slight Opportunity” he had to make himself “acquainted with the Indian Character in South America.”<sup>361</sup> In including South American peoples to his conceptions of American Indians, Head made his generalizations even more sweeping than Lewis Cass’s. Nevertheless, like Cass, Head claimed an authoritative foundation for his Indian policy based on his first-hand acquaintance with a supposed general Indian character.

On this basis, Head justified the implementation of a policy to remove all the First Peoples of Upper Canada to Manitoulin Island. Although he viewed Indians as noble and morally superior to those who called themselves “civilized,” this superior nobility did not give the Indians the power to stop themselves “daily and yearly fading before the Progress of

---

<sup>359</sup> Head to Glenelg, 20 November 1836, *ibid.*, 124.

<sup>360</sup> Head to Glenelg, 20 Nov 1836, in *ibid.*

<sup>361</sup> Head to Glenelg, 20 November 1836, in *ibid.*, 125.

Civilization.”<sup>362</sup> For Head, the noble Indian existed in a state of virtuous simplicity akin to that of a child whose innocence was always in danger of being lost through contact with the complex and corrupt adult world. He therefore consistently referred to First Peoples as “the simple virtuous Race,” and the “Red Children of the Forest.”<sup>363</sup> Similarly to McKenney, Head seized upon the linguistic metaphors of Great Lakes diplomatic culture, in which imperial officials took the title of “father” to their Indian “children,” and imbued them with a new significance based on his own epistemological sensibility. However, in contrast to McKenney, who saw removal as a means of ultimately achieving civilization, Head’s paternal benevolence consisted in removing the apparently simple and innocent Indians from all contact with what he saw as the inevitably malevolent forces of civilization. He argued to Glenelg that this noble simplicity and innocence put Indians at particular risk: “It is impossible to teach the Indian to beware of the White Man; for it seems to be the Instinct of his untutored Nature to look upon him as his Friend. In short, his Simplicity is his Ruin; and though he can entrap and conquer every wild Beast in his Forest, yet invariably he becomes himself the Prey of his White Brother!”<sup>364</sup> He thus justified his removal policy to Glenelg by stating that “the greatest kindness we can perform towards these intelligent, simple-minded People, is to remove and fortify them as much as possible from all Communication with the Whites.”<sup>365</sup>

On arriving on Manitoulin Island in August 1836, he apparently judged it a well-suited environment in which to “fortify” the Indians. He informed Glenelg that from his observations of the island, “he felt convinced that a vast Benefit would be conferred both upon the Indians and

---

<sup>362</sup> Head to Glenelg, 20 November 1836, in *ibid.*, 129.

<sup>363</sup> Head, *Emigrant*: 97.; Head to Glenelg, 24 July 1837, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 148.; PRO CO 42/438.

<sup>364</sup> Head to Glenelg, 20 November 1836, in House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 126.

<sup>365</sup> Head to Glenelg, 20 November 1836, in *ibid.*, 125.

the Province by prevailing upon them to migrate to this Place.”<sup>366</sup> Head therefore transformed part of the present-giving ceremonies into treaty councils in which he purported to obtain the consent of the attendant Anishinaabe people to give up their land in exchange for reservations on Manitoulin Island.<sup>367</sup> According to his official memorandum of the negotiations, he opened his address to the gathered Anishinaabeg by referring to the history of the Indian-British alliance in the Great Lakes: “Seventy Snow Seasons have now passed away since we met in Council to the crooked Place (Niagara), at which Time and Place your Great Father the King and the Indians of North America tied their Hands together by the Wampum of Friendship.”<sup>368</sup> The time had however come when forces had changed the circumstances of that alliance. While the creation of the United States had separated from the “Great Father many of his Red Children,” the seemingly inevitable increase in the white population, and “the Progress of Cultivation” had, according to Head, impoverished native hunting grounds, thus making necessary new arrangements to protect “the Red Children of the Forest” from the “Encroachments of the Whites.”<sup>369</sup> According to Head, during these negotiations one Anishinaabe group “consented to give up the Twenty-three thousand Islands,” while the Saugeen Ojibwe “consented to give up a Million and a Half of Acres.”<sup>370</sup> Head had a “short plain Memorandum” drawn up to this effect, which he and the Indian leaders signed, witnessed by the clergy and government officers in attendance.

Head relished this opportunity to play “father” to his “red children”; it was a romantic fantasy that had come true. In his explicit justifications for pursuing a removal policy he consistently referenced the supposed dangers that contact with “civilization” posed for the

---

<sup>366</sup> Head to Glenelg, 20 August 1836, in *ibid.*, 122.

<sup>367</sup> See *ibid.*, 123-24.

<sup>368</sup> *Ibid.*, 123.

<sup>369</sup> *Ibid.*

<sup>370</sup> Head to Glenelg, 20 August 1836, in *ibid.*

Indians. Yet the corollary danger, implicit in his explanations of the Indians losing their childlike, innocent nobility, would be the much more personal loss of his own ability to play the role of “father” to his adored “red children.” Though in his official correspondence Head thinly concealed his personal attachment to this role, news circulating among his family more fully reveal his investment in this aspect of his gubernatorial duties. Writing to their son, his wife wrote of Head’s recent “delightful wild expedition to the Manitoulin Islands in Lake Huron to meet 1500 Indians,” where he had been “universally beloved & admired, and that the Indians were delighted with him.”<sup>371</sup> As lieutenant governor of Upper Canada, Head was not only able to fulfill his fantasy of interacting with the noble “Red Man,” he became – at least in his own mind – the embodiment of an omniscient paternal authority over the apparently childlike Indians. This allowed him to play the role of hero “father,” who saves his Indian “children” from degradation by removing them from the malevolent forces of civilization.

While Head apparently savored his “delightful wild expedition” to Manitoulin Island to counsel his Indian children, some Indians had not equally delighted in the prospect of making the journey. A group of Potawatomis living in the Indiana-Ohio region of the United States had received the news, sent the previous year, that all the summer presents for Upper Canadian and visiting Indians would be given at a Manitoulin Island. Though Head would, years later, continue to draw pleasure from the memory of his canoe trip to Manitoulin Island, for the Potawatomis whose trip would have been decidedly longer, such a journey was not something to be savored.<sup>372</sup> They thus wrote to their “Father,” Sir Francis Bond Head, to inform him of the impracticality of the plan. “The hardships we would have to undergo by coasting the great Lake,” they stated, “to say nothing of the imminent danger, and loss of time, would be more than

---

<sup>371</sup> Julia Bond Head to Frank S. Head, 29 September 1836, Francis Bond Head Family Papers, vol. 1, Bodleian Library, Oxford. Accessed at the National Archives of Canada, Ottawa.

<sup>372</sup> Head, *Emigrant*.

our Great Father would be willing that his red children should suffer.” They therefore requested that the British continue the practice of distributing presents at Amherstburg, reminding their “father” of his duty not to abandon them after all the sacrifices they had made in taking up “the Tomahawk” when the Americans – “the Big Knife” – threatened.<sup>373</sup> The Potawatomis’s petition also suggested that they were not exactly the kind of intrepid, canoe-bound, noble adventurers of the forest that Head had conjured in his visions. “We have long since abandoned the idea of ever ascending in our frail wooden Canoes beyond the rivers and bays immediately in our neighborhood,” they stated. Instead, they often employed ferrymen to transport themselves and their herds of ponies across the much-closer St. Clair River.<sup>374</sup>

While not all invitees could make the council, the dignity and solemnity of the Anishinaabeg who attended seemed to confirm Head’s romantic-primitivist presumptions about the nobility of the Indians. In particular, Head was deeply impressed by the performance of the orator “Sigonak,” who the gathered Anishinaabeg selected to respond to the Head’s proposals. Boasting to his publisher John Murray of his travels to Manitoulin to hold a “grand Council” with the Indians, he wrote about how enraptured he was with Sigonak’s reply, and his purported skills to speak “without once stopping, from sun rise to sunset.” He thus rhetorically asked Murray, “[i]s not this being what’s called ‘a powerful speaker’?”<sup>375</sup>

Sigonak, more commonly known to the British as Jean-Baptiste Assiginack, seems to have exemplified Head’s notion of the noble “Red Man.” Head was by no means the first British official to be deeply impressed by Assiginack. Apart from a small break in service in the late 1820s, when he had returned to his Odawa community at Arbre Croche in the Michigan Territory, Assiginack had served as an “interpreter” for the British since the end of the War of

---

<sup>373</sup> George Ironside to Givins, 11 June 1836, NAC, RG 10, vol. 569.

<sup>374</sup> Ironside to Givins, 11 June 1836, NAC, RG 10, vol. 569; Clifton, *The Prairie People*: 307.

<sup>375</sup> Head to Murray, 20 August 1836, John Murray Archive, National Library of Scotland, MS 42279.

1812.<sup>376</sup> He played a crucial, leading role in present-giving ceremonies and was well known among British officials, in the words of his friend Thomas Anderson, as “an Indian of extraordinary talents,” who possessed “an almost universal influence over the Western Tribes.”<sup>377</sup> Head was so impressed with Assiginack during 1836 Manitoulin Island council that he added five pounds to his pay for the year.<sup>378</sup> He also seemingly sought to establish ongoing contact with the Odawa man; Assiginack reportedly visited Toronto in November 1836 to lay before Head a wampum belt “delivered to the North American Indians by Sir William Johnson in 1744.”<sup>379</sup> Presumably for Head, Assiginack’s personal charm and diplomatic talents translated into a personification of true “Indianness.”

Indeed, this must have had more to do with Assiginack’s interpersonal skills, than the reality of his life, which in many respects did not fit Head’s vision of the pristine “red child of the forest.” Skilled in the diplomatic protocols that harked back to over two centuries of European-Indian relations in the Great Lakes, many aspects of Assiginack’s life also reflected the cosmopolitan cultural landscape of the region. Most likely educated in Lower Canada, where he converted to Catholicism, he seems have lived most of his early life at L’Arbre Croche, until he moved to Drummond Island to work for the British after the War of 1812, during which time he accumulated wealth by investing his money in Montreal and in local trading ventures.<sup>380</sup> After a short stay back in L’Arbre Croche in the late 1820s, he moved back to the British side, joining Thomas Anderson’s settlement at Penitaguishene (Coldwater), which was planned as a “civilized” Indian settlement. Head must have been aware that Assiginack himself had chosen to

---

<sup>376</sup> Thomas Anderson, “Question to be answered by the officers of the Indian Department resident at the different posts in Upper and Lower Canada,” Drummond Island, 5 March 1827, Anderson to Givins, 4 October 1827, Assiginack to Anderson, 22 September 1827, Anderson to Lieut. Carson, 24 Sept 1827, NAC, RG 10, vol. 44; Anderson to Givins, 13 May 1828, NAC, RG 10, vol. 45; Anderson to Givins, 25 May 1830, NAC, RG 10, vol. 46.

<sup>377</sup> Thomas Anderson to Col. Givins, 3 May 1830, NAC, RG 10, vol. 46.

<sup>378</sup> Anderson to Givins, 1 September 1836, NAC, RG 10, vol. 46.

<sup>379</sup> Anderson to Givins, 17 November 1836, NAC, RG 10, vol. 63.

<sup>380</sup> Anderson to Givins, 11 June 1828, NAC, RG 10, vol. 45.

live a somewhat (so-called) “civilized” life. In 1837 Assiginack requested to commute his allowance of presents to purchase “a Yoke of Steers for his farming purposes.” Anderson recommended to his superiors in the Indian Department that such a request be granted “a man of [Assiginack’s] influence setting so good an example” might “be followed by many others.”<sup>381</sup> Head, presumably knowing the reason for Assiginack wanting money payment in lieu of presents, acceded to the request. Perhaps the so-called “civilized” aspects of Assiginack’s lifestyle did not decrease Head’s esteem; for all intents and purposes Assiginack could still pass as the noble “Red Man” of the forest.

Yet not all First Nations men with whom Head dealt could pass as “Indian” in the same way. Peter Jones (Kahkewaquonaby), a Methodist (Wesleyan) minister, and leader of the Credit River Mississaguas (Ojibwes), had the opposite experience. Unlike Assiginack, Jones spoke and wrote English fluently and, rather than relying on oral diplomatic protocols, he administered his people’s affairs by writing directly to the local administration. When Head arrived in Upper Canada, Ojibwe leaders such as Jones had already spent years struggling with the local and metropolitan British administrations to gain secure title deeds to their land. But their requests fell on even deafer ears under Head’s administration; in his schema real Indians would not request such documents. “[W]ho ever heard of an Indian . . . desiring to transmit Arable Land to his Children?” he would write. People such as Jones, he believed might just as well declare that “when wild Beasts roar at each other it is to complain of the Want among them of Marriage Licences, for Animals understand these “*Documents*” just as well as Indians understand Title Deeds.”<sup>382</sup> In November 1836, after declining the Credit River Ojibwe’s request for the title deeds, Head requested that Peter Jones wait upon him in Toronto. The outcome of the meeting –

---

<sup>381</sup> Anderson to Givins, 27 March 1837, NAC, RG 10, vol. 64.

<sup>382</sup> Head to Glenelg, 15 August 1837, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 149.



unsurprisingly given Head's views on the subject – appears to have been wholly unsatisfying to both parties. Jones subsequently traveled to London to directly petition the metropolitan government.

For Head, Peter Jones represented a two-fold threat to his attempts to save the Indians. Not only was Jones a missionary, he was a missionary posing as an Indian, who was thus corrupting “real” Indian culture from within. As soon as Head heard that the Credit River Ojibwes had sent Jones to petition Queen Victoria directly, he sent a letter to Lord Glenelg warning him of the danger posed by Jones. He wrote that, “Mr Peter Jones who in the Power of Attorney of which he is the bearer has the double title of Chief and Missionary of the Mississagua tribe of the Chippewa nation of Indians is the son of an American surveyor who having in open adultery had children by several Indian Squaws deemed it admirable to bring up one of them as a Missionary!” To Head, Jones's parentage and vocation meant that he could not be a real Indian. However, he noted that when Jones had visited England in the same capacity earlier in the decade, “he was believed to be an Indian” by those he met with. Head represented this belief as false, for Jones's “sallow complexion, his aquiline nose, the position of his eyes and the phrenological formation of his head would to any one acquainted with the red aborigines of America have at once betrayed his origin.”<sup>383</sup> Unlike Assiginack, Jones was not, in Head's mind, a true “Indian.”

Although Head presented his removal policy as if it were based on empirical observation, the generalized “Indian” of his gaze consistently adhered to the tropes of romantic primitivism. Jones did not fit that vision. When he met Queen Victoria in September 1838, Jones – in a

---

<sup>383</sup> Head to to Glenelg, 18 Oct 1837, CO 42/439, NAC, Q-Series. Extracted in the *House of Commons Parliamentary Papers*, but these references to Jones's parentage and his Indianness were not included in the published extract; Donald B. Smith, *Sacred Feathers: the Reverend Peter Jones (Kahkewaquonaby) & the Mississauga Indians*, American Indian lives (Lincoln: University of Nebraska Press, 1987). 164-65.

calculated act of strategic essentialism – wore his fringed and beaded buckskin attire and moccasins ornamented with porcupine quills.<sup>384</sup> Presumably though, he more often did not dress in this kind of attire for local meetings in Upper Canada. Head had no room in his schema for Indian men who did not play the part of noble “red children of the forest.” His policy to remove all the province’s First Peoples to Manitoulin Island rested on a narrative of himself – as heroic father – saving his “Indian children” from the malevolent forces of civilization. Men like Jones, who were literate Christian ministers seeking legal documents for their land, did not fit Head’s narrative.

Jones was not the only local Wesleyan to challenge Head’s removal policy. Other Methodists similarly opposed not just Head’s vision, but also the reality of the methods he had used in his attempts to implement this vision. Over the two turbulent years of his tenure in Upper Canada, Head faced concerted challenges to his Indian policy. In particular, firsthand accounts of the 1836 proceedings at Manitoulin Island emerged to challenge Head’s own representations. Most notably, members of the Wesleyan missionary society, whose minister, Joseph Strinson, had purportedly signed the written agreement, contested the alleged surrender of the Saugeen tract. In 1836, Head boasted to Glenelg of this purchase of a “Million and a Half Acres of the very richest Land in Upper Canada” as the most notable coup of the Manitoulin council.<sup>385</sup> Although in these reports, he emphasized his benevolent aims to save the Indians, he nevertheless bragged of his consequential success in effecting the surrender of a territory that had “long been a Desirandum in the Province.”<sup>386</sup> However, by 1838, the Wesleyan leadership in both Upper Canada and London were pursuing a concerted campaign to persuade the colonial

---

<sup>384</sup> Smith, *Sacred Feathers*, xi. The idea of “strategic essentialism”: Gayatri Chakravorty Spivak.

<sup>385</sup> Head to Glenelg, 20 November 1836, in House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 126.

<sup>386</sup> Head to Glenelg, 20 Aug 1836, in *ibid.*, 123.

office to repudiate Head's removal policy. They argued that not only was removal anathema to their attempts to "civilize" the Indians, but that in his colonial office dispatches Head had misrepresented the methods by which he had implemented the policy. For instance, Egerton Ryerson, a minister in Upper Canada, wrote to Glenelg in April 1838 informing him of several misrepresentations he had noted in Head's "dispatch on the Affairs of the Indians." Among these was "Sir Francis' statement that the Indians readily consented to cede to him the Sankin Territory & remove to Manitoulin & other Islands."<sup>387</sup>

Relating Strinson's first-hand account of the council, Ryerson argued that the Saugeen Ojibwes did not, as Head represented, agree to sell their land and move to Manitoulin. In Ryerson's words, upon the Ojibwes's refusal to surrender the whole of the Saugeen territory, Head "persuaded and even threatened them (by saying he could not keep the white people from coming to settle on their land, that it only belonged to the Indians as a hunting ground &c, & c) they were inflexible – they told him they could not live on Manitoulin and the other Islands – they would not go there." According to this account, the Ojibwes told Head "that they wanted lands they could call their own and live in houses, and have their children learn to read like the white man."<sup>388</sup> Despite Head's continued efforts to persuade and threaten the Ojibwes, they did not accede to his demands until he scaled down the proposal. They thus ultimately agreed to cede only the part of the territory adjoining the Canada Company's Huron tract in return for secure title to the territory north of Owen's Sound. According to Ryerson, "[t]his is what they wanted – land secured to them from which they could not be removed – on which they would have help to build houses, and settle their families and rest their bones."<sup>389</sup> Though in disputing Head's

---

<sup>387</sup> Egerton Ryerson to Glenelg, 9 April 1838, PRO CO 42/454, 370-79.

<sup>388</sup> Ryerson to Glenelg, 9 Apr 1838, PRO CO 42/454.

<sup>389</sup> Ryerson to Glenelg, 9 Apr 1838, PRO CO 42/454.

removal transactions, the Wesleyans sought to defend their own missionary interests, such accounts nevertheless worked to question the credibility of Head's own representations.

While Head consistently refuted such accusations, alternative accounts of the proceedings throw into relief the stylized nature of Head's own representations. In 1837, he had assured Glenelg that equitable procedures had been followed regarding the Saugeen surrender. He wrote that "[t]he proposed Surrender having been previously explained by me to the Chiefs of the Saugeen Territory, as well as to their Methodist Ministers, it was again formally proposed to them by me in Presence of the assembled Chiefs."<sup>390</sup> He sought to reinforce the legitimacy of the surrender document further by stating that he "explained to the Council that we White People have the Power of placing our Words on Paper; that to prevent any Mistakes hereafter I would make their Interpreters translate aloud what I had that Morning written, in order that the Chiefs might judge for themselves whether or not it accorded with what I had just said."<sup>391</sup> Yet despite these rebuttals to the Wesleyan offensive, Head's representations seem to contain the tint of charlatanism.

Perhaps for Head though, his versions of events represented the whole truth, for they were founded on his apparent conviction regarding his moral duty to his "red children." But in his encounters with First Peoples in Upper Canada, Head was clearly not a tabula rasa. All his observations fit remarkably neatly into the edicts of his romantic sensibility. It therefore seems likely that he interpreted the events and proceedings of the treaty councils to fit a predetermined narrative, in which he heroically saved his Indian children from the dangers of "civilization." He consistently referred to the danger of this contact lying solely with the Indians; it would lead to the decay of their pristine nobility and their eventual doom. Yet implicitly, the prospective

---

<sup>390</sup> Head to Glenelg, 15 Aug 1837, in House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 150.

<sup>391</sup> Head to Glenelg, 15 Aug 1837, in *ibid.*

blurring of lines between Indian and white – inherent in the civilizing mission – posed a danger to Head’s ability to fulfill his dream to play the role of benevolent father, who wisely guides his “Indian children” away from danger. While even a shallow look past superficialities would have shown Head that the on-the-ground realities of First Peoples’ lives in Upper Canada did not fit his romantic pastiche, details seemed not to have bothered him when he could play the role of “father.” Though Assiginack’s life contained many realities that did not conform to Head’s vision of a true “Indian” lifestyle, Head seems to have esteemed him because he, at least formally, fitted the requisite complementary role of noble child of the forest. Peter Jones, on the other hand, did not. Men such as Jones threatened Head’s ability to fulfill his fantasy to embody a romantically attune, dominant masculinity over his “red children of the forest.” Contact between Indians and whites therefore seemingly represented a much more personal, narcissistically inspired danger for Head.

### **Conclusion**

As with McKenney, Arthur, and La Trobe, Head’s interactions with particular indigenous people or peoples highlight how important his ability to perform a particular masculine role was to his projections of indigenous peoples’ future. Always couched in the fixed terms of his romantic-primitivist philosophy, Head could not allow for a relational future between himself and Upper Canada’s First Peoples in which he was not the “father” to a romanticized group of “authentic Indians.” Head’s interactions with Assiginack and Peter Jones thus reveal how crucial fulfilling a particular masculine role was in encounters with indigenous people. While for Head this entailed the performance of the heroic father, for Arthur it was that of the sincere humanitarian conciliator; for La Trobe it was as the morally virtuous “civilized” mentor; and for

McKenney it was as the representative of a sexually pure father figure. Like the other three men, Head viewed contact between “civilized” and indigenous people as a site of danger. However, encounters with indigenous people seem not to have changed his predetermined romantic ideals, which shaped all his descriptions of his interactions with First Peoples. In contrast, the writings of the other three men reveal how moments of insecurity and emotional struggle worked to reify their belief that indigenous people should, and must, be exiled from the lands earmarked for settlement.

Rather than explicitly highlighting such impulses in their writings, these men claimed an intellectual authority, based on their first-hand interactions with indigenous people, from which they propounded representations of the general “character” of these people. In turn, they used these representations to justify the total dispossession and exile of entire groups of indigenous peoples. The stories of these encounters reveal the way in which these men had to alter the performance of their authority in light of their dealings with autonomous political indigenous actors. Nevertheless, the fact that the men chose – at least in part based on these encounters – to support removal policies had very real and violent effects on the indigenous peoples who struggled to retain their political autonomy and land in the face of such forces of subjugation. In the United States, this came in the form of a military backed operation to exile them to lands west of the Mississippi.

While removal never gained the same official legitimacy in the British empire, it nevertheless formed an important dynamic in the policy of “protection,” adopted by the colonial office after the release of the Aborigines Select Committee’s report in 1837. Although Glenelg ultimately repudiated Head’s removal policy in his instructions to Head’s successor George Arthur, for a short period, Head’s policy gained considerable traction within the colonial office

in London. Ultimately though, the voices of dissent, such as the Wesleyans, reminded Glenelg and his staff of their commitment to the civilization and Christianization of the empire's "Aborigines." Among the voices of dissent was Charles La Trobe's brother Peter, who challenged Head's removal treaty with the Delaware of Fairfield in Upper Canada on behalf of the Moravians. La Trobe, an advocate of removal in the United States, no doubt followed the family line in this instance. La Trobe, whose prose in *The Rambler* was eerily reminiscent of Cass's Jacksonian rhetoric, nevertheless held a Christian sensibility closer to McKenney's, and hoped for the ultimate civilization and Christianization of the North American Indians. Although in its Jacksonian guise, removal appeared to be in direct opposition to apparently more humanitarian civilization policies, removal was not a quintessentially Jacksonian phenomenon; it was, in fact, malleable to a variety of ostensibly contradictory ideologies. In his published writing La Trobe chose to make similar moral reconciliations to those which his fellow-Englishman George Arthur had been forced to make in the aftermath of the so-called black wars in Van Diemen's Land: removal was ultimately an unavoidable component of benevolent policies.

## **Chapter Four**

### **Patriarchs of Expatriation**

#### **Introduction**

Preparing to leave Van Diemen's Land for London in 1836, George Arthur struggled with an issue that burdened his conscience. During his tenure in Van Diemen's Land, he had presided over a war between colonists and indigenous people that had led to the resettlement and near extermination of the island's Aboriginal peoples. Unsurprisingly, such a possible "stain" on his administrative record required some kind of moral reconciliation.<sup>392</sup> With his pen in hand, writing to his successor Sir John Franklin, Arthur narrated the "black wars" in vague, generalized terms, which nevertheless barely concealed the struggles of his conscience. There was, he wrote to Franklin, no blessing of divine providence for which he was more grateful than that which enabled him "to press to a decisive result a policy in which the mutual interests, and safety of the natives, were, even at the time of their most fatal and incessant aggressions, a subject of the deepest and most anxious concern."<sup>393</sup>

Although Arthur clearly felt burdened by some sense of responsibility to the "Native Aborigines," he could turn to "providence" in order to explain how the human actions of good Christian men could fail to prevent violence and tragedy. Any human fault for what occurred could be fixed upon the apparently savage character of the indigenous people themselves, and to

---

<sup>392</sup> Arthur had worried about this potential "stain" at the height of the conflict in 1830: Arthur to Twiss, 28 May 1830, HRA 3, vol. 9, 343-344.

<sup>393</sup> Arthur to Franklin, 29 October 1835, ML, Arthur Papers, A2165, vol. 5,



the perhaps more savage character of the lower-class convicts and former-convict “stock keepers”: “[m]uch as the numbers of the Aborigines were diminished, by their own mutual wars – by the custom, of destroying their children, when pressed by enemies, and by the too often more wanton attacks of distant Stock Keepers, it is gratifying to me that in its’ [sic] collective capacity this Community is guiltless of their blood.” According to Arthur, providence had worked to punish the sinful behavior of others; he and the other respectable colonists were not to blame. Regarding the “Native Aborigines,” he informed Franklin “that peace, conciliation, and kindness towards them have marked the course of Government, and that there is still a remnant living to enjoy the fruits of that compassion, which I would have gladly extended to the whole race.”<sup>394</sup>

Arthur’s reflections on the events that led to the expatriation and slaughter of Van Diemen’s Land’s indigenous people appear exceptional in the sense that they were the retrospective, private struggles of someone who had instigated a removal policy amidst a violent conflict over the control of land. While for Arthur, justifications for removal took the form of a retrospective personal moral reconciliation with himself and his God, other British and American men made public arguments in favor of adopting systematic, preplanned policies to expatriate indigenous people from lands earmarked for British or American settlement. Yet similarly to Arthur, such justifications predominantly involved “moral” considerations: Thomas McKenney, Lewis Cass, Charles La Trobe, and Francis Bond Head all advocated publically for removal as a morally righteous and necessary prospective policy. In this chapter I will focus on these four men’s explicit, public arguments in favor of policies “to remove” indigenous peoples from their homelands.

---

<sup>394</sup> Ibid.

All these men justified removal as the humanitarian response to an otherwise unsolvable problem. Although not necessary so deeply influenced by Calvinist understandings of providence as Arthur, they nevertheless portrayed the situation of indigenous peoples' contact with "whites" as one steeped in some kind of inevitable misfortune. They presented removal as a necessary, responsible step to alleviate the inevitable suffering and loss apparently inescapably produced by such contact. They framed this suffering and loss as a "moral problem," to which removal represented the morally righteous response. Despite the clear differences in the ideological or philosophical frameworks within which each man articulated their justifications for removal, ultimately McKenney's paternalism, Cass's Jacksonianism, La Trobe's Toryism, and Head's romanticism led each man to the same conclusion; that removal represented both a necessary and morally upright solution to a moral problem.

### **Thomas McKenney and the Strictures of Paternalism**

The rise of Andrew Jackson and the nascent Democratic Party did not substantively change McKenney's pro-removal rhetoric. He gave his whole-hearted approval to the Jacksonians' plans to transform the executive's removal policy into a congressional enactment. In August 1829 Thomas McKenney addressed the first (and last) public meeting of the recently formed New York Board for the Emigration, Preservation, and Improvement of the Aborigines of America ("New York Board"). Speaking amidst the mounting controversy over the proposed congressional removal bill, McKenney sought to find common ground with the ever-growing opposition to removal, instigated by vocal, reform-minded Christian men and women, predominantly from the Union's northeastern states. But McKenney's efforts to promote removal as a cause of Christian benevolence ultimately proved illusory; the vast majority of reform-

minded Christians continued to support the southern nations, particularly the Cherokees, in their opposition to removal. Though ultimately unsuccessful, McKenney's struggles to carve out a discursive space for removal as a benevolent, Christian policy reveal how tightly he was caught within the scope of his own paternalist fantasy about U.S.-Indian relations. He could not assimilate any logic except that which would fit within his view of the proper "moral" relations between a benign U.S. "father" and his American Indian "children."

In seeking support for Indian removal, McKenney initially turned to those who had been his allies in the government's civilization program during the 1820s. From 1819 McKenney had overseen the annual distribution of \$10,000 in congressional appropriations to societies committed to educating and Christianizing American Indians. The American Board of Commissioners for Foreign Missions ("ABCFM") received the largest proportion of this "Indian Civilization" fund. Consisting of a relatively affluent, largely Congregational and Presbyterian membership, by 1829 the ABCFM had twenty-one schools located within the Southern nations.<sup>395</sup>

Yet McKenney's commitment to the Christianization and so-called "civilization" of American Indians ultimately sat uneasily with his paternalist characterization of U.S.-Indian relations. Although throughout the 1820s he had promoted civilization programs, he never seemed able to view Indian leaders – even those who adopted the trappings of "civilization" – as fully autonomous political actors. Like the so-called "uncivilized" leaders he encountered at Fond du Lac in 1826 and Buttes des Morts in 1827, McKenney could not consider Indian men as fully mature political actors. No matter how "civilized" they became, they could never fully escape their designation as "children" who needed to obey the omniscient, benevolent dictates of

---

<sup>395</sup> Francis Paul Prucha, "Thomas L. McKenney and the New York Indian Board," *Mississippi Valley Historical Review* 48(1962): 636.

their American “father.” All McKenney’s justifications for removal presupposed this entrenched vision of how relations between the U.S. people and American Indians should and must be ordered.

As an early advocate of removal under the James Monroe and John Quincy Adams administrations, McKenney expressed the belief that once the eastern Indian peoples heard their “father’s” recommendation to emigrate west of the Mississippi, they would obey. Reporting to Congress in December 1826 on “the disposition of the several Tribes of Indians within the United State to emigrate West of the Mississippi,” McKenney conceded that Indian peoples generally opposed removal. However, referring “to the four Southern Tribes,” to whom, he believed “the greater portion of the remaining Tribes in our States and Territories look” for policy, McKenney argued that once they – and in particular the so-called “influential half breeds of these Tribes” – had the “real views of the Government” explained to them, they would realize that “the interests of the great body of their people would be promoted by emigration.”<sup>396</sup> So at the end of the summer of 1827, after the treaty at Butte des Morts and the surrender of Red Bird, McKenney traveled south to talk to the Chickasaws, Choctaws, and Cherokees.

But on this tour of the South, McKenney discovered that despite his confident predictions, the “Southern Tribes” would not be so easily persuaded. McKenney first met with Chickasaw and Choctaw delegations and managed to coerce a tentative agreement that they send delegates to join a party to explore lands west of the Mississippi. Then in October, with winter looming, McKenney felt he would not have sufficient time to hold a council with the Cherokees. The Cherokees, he believed, would pose a greater diplomatic challenge than the Choctaws or Chickasaws; their leaders’ responses to his proposals would be “too-long winded” and would

---

<sup>396</sup> McKenney to Barbour, 27 December 1826, NA, RG 75, M21, OIALS, roll 3; Viola, *Thomas L. McKenney*: 204-05.

need “to be met at a thousand points.” Moreover, their apparently “delusional . . . scheme of *Soverignty, & Independence, & c* would have first to be demolished” before any progress could be made in convincing them of the wisdom of their “Great Father’s” advice.<sup>397</sup> McKenney instead decided to call a council of Creek leaders, subsequently held in the Creek capital of Tuckabatchee.

Still fresh from his diplomatic dealings in the Great Lakes region, McKenney used the same rhetorical style in his attempts to persuade the assembled Creek leaders to accede to their “father’s” wishes. Rather than pushing for removal as he had with the Chickasaws and Choctaws, McKenney attempted instead to have the Creeks “comply with their father’s wishes” and sell their remaining lands within the borders claimed by Georgia.<sup>398</sup> Giving a long-winded description of his summer travels in the Northwest and then among the Chickasaws and Choctaws, he stated that he had cleared the “briers” from the path of his Indian children, healed their bleeding feet, and spoke “the voice of wisdom from Washington,” which he intended now to do for the Creeks. He then asked the Creeks to obey their “father” in Washington, and give up the land that “the Georgians wanted.”<sup>399</sup>

But McKenney’s attempt to play the role of the wise and benevolent father fell flat when the assembled leaders refused to play the parts of his grateful and obedient “Indian children.” Although he had hoped to avoid discussions with the Cherokees, Cherokee leaders David Vann and John Ridge attended the council in Tuckabatchee. In the *Cherokee Phoenix* the following summer, Ridge gave a scathing account of McKenney’s performance. He described McKenney as having spoken in a “style and manner” that was “no doubt . . . practiced among the Chippeways, Kickapoos, Menominees, Sioux, & c,” but to Ridge, McKenney’s oratory consisted

---

<sup>397</sup> McKenney to Barbour, 15 Oct 1827, OIALR, Choctaw Agency. Cited in *ibid.*, 208.

<sup>398</sup> *Cherokee Phoenix*, 25 June 1828.

<sup>399</sup> *Cherokee Phoenix*, 25 June 1828.

“in gross Indian and disgusting flattery.”<sup>400</sup> When this long-winded speech failed to impress the Creek and Cherokee leaders, McKenney attempted to nullify what he saw as the obstructing influence of Vann and Ridge. The following day he asserted that Opothleyaholo, one of the attendant Creek leaders, had, in conspiracy with Vann and Ridge, made a verbal promise behind the backs of the other Creek leaders to annul a previous treaty made with the United States in Washington.<sup>401</sup> According to Ridge, when these accusations failed to break the leaders’ solidarity, McKenny “made a disconnected speech, destitute of any reason, apparently the effect of anger and disappointment.” When Opothleyaholo told him “he talked too much, and if he talked this way for ten days it would not alter the determination of the council,” McKenney rebuked that “he would be the judge of the length of his own speeches and would talk as much as he pleased.”<sup>402</sup>

With his projections of paternal authority failing to gain traction, McKenney faced the indignity of fighting for his masculine honor against men who had transgressed their proper roles as his obedient children. When he told the council that he could prove that Vann and Ridge had been involved in a conspiracy, Ridge responded that he would swear on the Bible that he had not been. McKenney, incensed at being thus challenged, asserted that he had documents in Washington which proved his charges against Vann and Ridge, and then allegedly declared that “[t]he President had not sent a boy to be contradicted in council, but had sent a man.”<sup>403</sup> By apparently treating him like a “boy,” the Creek and Cherokee leaders had inverted what McKenney believed should and must be the proper relational position between them and himself. In McKenney’s view, only he and other U.S. officials could embody a mature masculinity, and

---

<sup>400</sup> John Ridge in *Cherokee Phoenix*, 25 June 1828.

<sup>401</sup> John Ridge in *Cherokee Phoenix*, 25 June 1828.

<sup>402</sup> *Cherokee Phoenix*, 25 June 1828.

<sup>403</sup> John Ridge in *Cherokee Phoenix*, 25 June 1828.

thus exercise (what he presumed to be) the rightful and necessary authority of the U.S. government over American Indians within the nation's (proclaimed) state and territorial boundaries.

Instead of admitting to his own impolitic behavior and undiplomatic missteps, McKenney blamed the council's failure on the Creek and Cherokee leaders. From this time he would continue to blame the refusal of American Indians to emigrate west of the Mississippi on men such as Opothleyaholo, Ridge, and Vann; "the enlightened and influential half breeds" whose influence he had originally hoped to co-opt.<sup>404</sup> According to McKenney, these men were the root cause of Indian disobedience of their "Great Father's" benevolent dictates.

As the controversy over removal intensified after the electoral success of the Jacksonians in 1828, McKenney continued to proclaim support for the implementation of a purely voluntary Indian emigration program. But his November 1827 council with the Creeks had provided a crucial insight into what "voluntary" removal, on McKenney's terms, would actually entail. McKenney conceptualized this voluntariness within the scope of the strict paternal relationship supposedly existing between the U.S. government and American Indians. It implied Indian choice only in so much as American Indian were obliged to obey the dictates of U.S. paternal authority. It did not imply, despite McKenney's own involvement in Indian treaty negotiations, the need for the U.S. government to gain the consent of sovereign peoples. Moreover, as the council at Tuckabatchee had shown, it would involve bypassing influential, antiremoval, Indian leaders.

---

<sup>404</sup> McKenney to Barbour, 27 December 1826, NA, RG 75, M21, OIALS, roll 3. Perhaps Ridge's marriage to a white woman was another reason that McKenney felt uneasy in this situation. As discussed in chapter two, McKenney apparently felt it part of his paternal duty to teach his "Indian children" about proper gender relations. Such a pedagogical prerogative would seemingly not be so clear with respect to such a "mixed" marriage. Regarding the marriages of Ridge and his cousin Elias Boudinot (the editor of the *Cherokee Phoenix*, discussed below) to white women see: Miles, *Ties that Bind*: 22-24.

In his report of the Tuckabatchee council, McKenney thus told the Secretary of War that the Creeks were “a wretched people,” who in the name of “humanity and justice,” needed to remove west of the Mississippi. This “voluntary” process would involve taking the Indians “kindly, but firmly, but the hand, – and telling them they must go and enjoy it.” Moreover, as the Government had the object of “being kind to the Indians” and bettering “their conditions,” McKenney declared that the government’s “determination” would be final, and that “no persons will be permitted, with impunity, to interfere in it.” To prohibit such interference, he believed that “the presence of a few troops only would be required.”<sup>405</sup> In McKenney’s designation “voluntary” removal therefore equated to a scenario in which the eastern peoples obeyed the dictates of their benign father, with only the presence of a few troops to remind the U.S.’s “Indian children” of their “Great Father’s” strength. Such a scenario would seemingly assert McKenney’s view of the proper relation order between U.S. government agents and the American Indian; an order that had been transgressed at Tuckabatchee.

Prior to Jackson’s 1828 election victory, McKenney had hoped to conscript the support of like-minded Christians to petition for Congress to take a more active role in Indian Affairs. In March 1827 he wrote privately to known promoters of Indian welfare, including the ABCFM secretary Jeremiah Evarts, to begin an interdenominational campaign to petition Congress to support Executive policies aimed at saving the Indians from “termination.”<sup>406</sup> Writing in the context of Georgia’s well-publicized designs on Creek and Cherokee land, McKenney stated that to be successful, the proposed campaign must especially involve the support of committed Christians “in the states and Territories where the opposition to Indians protection and

---

<sup>405</sup> McKenney to Barbour, 29 November 1827, NA, RG 75, M21, OIALS, roll 4.

<sup>406</sup> McKenney to Evarts, 23 March 1827, Houghton Library, ABCFM Papers, ABC 13, vol. 1.



preservation . . . is most violent.” He thus wanted “the good” to “rally round the Executive . . . by speaking in respectful but strong language to the Legislative,” to promote the Executive’s Indian policy, which he believed could not “succeed without Congress.” As part of this appeal to fellow evangelical Christians, he also referred to the “odium” that would attach to the nation, if they did not avert the “termination” of the Indians.<sup>407</sup> But the election of 1828 cemented a divide between McKenney and the majority of northeastern Christian reformers: with his vision firmly fixed on both keeping his job and the potential fruition of his removal plans, McKenney allied himself with the Jacksonian Democrats, while reformers such as Evarts, with whom he had hoped to form a Christian coalition, opposed the policies of the nascent Democratic Party, and over the next few years would organize into the Whig party.<sup>408</sup>

McKenney, who initially managed to hold onto his position within the new administration, threw his energetic support behind Jackson’s plans to implement a statutory removal program. In contrast, groups who actively sponsored missionary work among American Indians, such as the ABCFM and the Missionary Society of the Methodist Episcopal Church, came out in strong opposition to the proposed bill. Jeremiah Evarts and other influential (and predominantly evangelical) Christians began to organize a massive and vocal opposition to the Jacksonian’s Indian removal policy, perceiving it as a direct threat to their Native American missions. As part of the highly public and vocal opposition, evangelical editors of widely circulated denominational periodicals, for instance, developed a decisive stance against the government’s policy. Focusing mainly on the peoples of the South (and the Cherokees in particular), these antiremovalists refuted Jacksonian claims that the civilization policy had failed,

---

<sup>407</sup> McKenney to Evarts, 23 March 1827, ABCFM Papers, ABC 13, vol. 1.

<sup>408</sup> Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979). For the politics and culture of the U.S. second party system, see also Howe, *What Hath God Wrought*; Sellers, *The Market Revolution*; Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: Hill and Wang, 2006).

circulating stories of American Indians who embraced Christianity and so-called “civilization.”<sup>409</sup>

By supporting the Jacksonians’ Indian removal policy, McKenney therefore found himself in direct opposition to the people who shared his vision for the physical and spiritual salvation of the Indians. While he continued to proclaim solidarity with these antiremovalists’ commitment to civilizing and Christianizing the Indians, he believed that all efforts to achieve this salvation had thus far failed. In May 1829, for instance, he wrote again to Jeremiah Evarts, arguing that it was in fact possible “to remodel the Indian character, and fashion it after the civilized form, situated as are those tribes who are within our States.” According to McKenney, the existing “*intellectual, moral, political, and social* relation” between the United States and the Indians were leading to the destruction of the eastern peoples. Any effort to save the eastern Indians must, McKenney asserted, begin with them removing themselves to lands west of the Mississippi, away from these apparently malign relations.<sup>410</sup> In this reckoning, all missionary efforts that took place among the Indians in their current lands were necessarily doomed to failure, and would aid in the destruction, rather than the salvation, of the eastern Indians.

As the controversy over the proposed Indian removal bill escalated in the spring and summer of 1829, McKenney attempted to claim a shared moral high ground with the antiremovalists. Conscious that the vast majority of influential religious voices opposed removal, McKenney attempted to organize a board of interdenominational churchmen and humanitarians to publically support Indian removal as a benevolent Christian cause. After eventually conscripting the Revered Eli Baldwin of the New York Dutch Reform Church as the board’s

---

<sup>409</sup> Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," 18-20; Portnoy, "Negotiating Female Decorum, United States Politics, and Political Agency," 579-81.

<sup>410</sup> McKenney to J Evarts, 1 May 1829: Thomas Loraine McKenney, *Documents and Proceedings Relating to the Formation and Progress of a Board in the City of New York: for the Emigration, Preservation, and Improvement, of the Aborigines of America. July 22, 1829* (New York: Vanderpool & Cole, printers, 1829). 13.

secretary, McKenney emphasized to Baldwin what he saw as the common ground between their pro-removal board and the ABCFM's antiremovalist stance. The "feelings and views" of the ABCFM, McKenney informed Baldwin "are as ours, but the policy embracing the emigration of the Indians is not seen correctly by them, and of course is not for that reason appreciated." One of the aims of their pro-removal board would be "to produce a cooperation of views" with such reformers, who McKenney referred to as "our friends of Boston and elsewhere."<sup>411</sup> On 22 July 1829, mostly due to McKenney's tireless efforts, a handful of other clerical and lay members of New York's Dutch Reform Church formally organized the New York Board and adopted a constitution proclaiming as their goal "the preservation of the American Indians" through their "final and speedy removal . . . from within the jurisdictional limits of the sovereign States."<sup>412</sup>

At the Board's public meeting on 12 August, McKenney, according to Baldwin "in his usual style of elegance and perspicuity," addressed a smaller-than-hoped-for gathering by again framing removal as a benevolent program, and proclaiming solidarity with the antiremovalists' goodwill towards the Indians.<sup>413</sup> He argued that while the Indians could only be saved from an otherwise inevitable doom by their so-called "elevation into the civilized and Christian state," such "elevation" could only be achieved in a territory away from "the perishing consequences to the Indian of a near connexion with a white population."<sup>414</sup> He claimed that all Christian Americans had a moral duty to heed the apparent "admonition of experience" and "employ all

---

<sup>411</sup> McKenney to Baldwin, 13 July 1829, NA, RG 75, M21, OIALS, roll 6.

<sup>412</sup> Prucha, "McKenney and the New York Board," 639-40; Satz, *American Indian Policy*: 14-15; Viola, *Thomas L. McKenney*: 220-21.; "Preamble to the Constitution of the New York Board," 22 July 1829, in McKenney, *Documents and Proceedings of the New York Board*: 21-22.; Prucha, "McKenney and the New York Board," 640-43; Viola, *Thomas L. McKenney*: 220.

<sup>413</sup> Baldwin to Secretary of War Eaton, 14 August 1829, NA, RG 75, M234, OIALR, roll 432; Prucha, "McKenney and the New York Board," 645.

<sup>414</sup> McKenney, *Documents and Proceedings of the New York Board*: 28,38.

honourable means to persuade these hapless people” to acquiesce “to remove” west of the Mississippi River.<sup>415</sup>

McKenney’s framing of removal as a purely benevolent policy betrayed no signs of disingenuousness. In contrast to the hollow pro-removal rhetoric of Andrew Jackson – the champion of white frontiersmen, who nevertheless touted removal as a policy of benevolence towards the Indians – McKenney seems genuinely to have believed that the Jacksonian Democrats’ proposed bill represented the only way to save the eastern peoples from their apparently inevitable decline and extinction. Perhaps willfully unaware that he had aligned himself with a pro-removal moment motivated more overtly by a push for Indian land than by any genuine commitment to Christian benevolence, McKenney consistently touted the government’s policy as truly righteous. In his speech at the New York Board’s public meeting, he rejected the antiremovalists’ framing of the controversy as a contest between righteous humanitarians and sinister, land-hungry, and avaricious sinners. He proclaimed that “[t]here is nothing of cruelty cherished either by our government or people towards the Indians.” Surely, McKenney argued, a difference among good, Christian Americans, over the question of emigration could be permitted “without involving those of us who think the salvation of the Indians depends on a change of their relations to us . . . in the charge of mediating evil, or cherishing a spirit of vindictiveness against these hapless people!”<sup>416</sup> He thus sought to defend himself and other removal supporters against the implication that advocates of removal had cruel and self-interested motivations, and that good Christian men of honor would never support such a policy.

---

<sup>415</sup> Ibid., 38.

<sup>416</sup> Ibid., 41.

But McKenney's attempts to organize a religiously inspired pro-removal campaign paled into insignificance in the face of the vocal evangelical opposition to the government's Indian policy. For instance, between 5 August and 19 December 1829, Jeremiah Evarts published, under the pseudonym William Penn, a series of eloquent and detailed treatises in the national press, in which he presented the removal bill as posing a grave moral and legal breach.<sup>417</sup> In the late summer of 1829, these became the most widely read political essays since Thomas Paine's *Common Sense*.<sup>418</sup> The same summer, after a conversation with Evarts, the female-education reformer Catharine Beecher began to organize a women's opposition movement. In December 1829, she initiated the United States' first ever women's petition campaign against the removal bill.<sup>419</sup> Many evangelical women had personal ties to the teachers, missionaries, and Indian students at mission schools in the southern Indian nations. For these antiremovalists, removal represented not just an abstract legal and moral breach, but also an attack on the civilization programs that they believed were necessary for the United States to fulfill its moral obligation to save and protect its American Indians.<sup>420</sup>

It was therefore a high stakes moral playing field on which McKenney met and attempted to counter the non-Indian opposition to removal. Although he took an opposing view, McKenney also appealed to an absolutist sense of morality. For instance, in the increasingly partisan debates

---

<sup>417</sup> Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*; Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," 23.

<sup>418</sup> Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," 25. Subsequently published as a collection, see Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*.

<sup>419</sup> Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," 25; Portnoy, "Negotiating Female Decorum, United States Politics, and Political Agency," 574. Catharine Beecher was a member of one of the predominant families of northeastern evangelical reformers. Her father Lyam Beecher had worked and sister of Harriet Beecher Stowe, author of *Uncle Tom's Cabin*. Catharine herself was the principal of the Hartford Female Seminary, and a life-long proponent of women's education: *ibid.*, 573.

<sup>420</sup> Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s," 19. For the text of Beecher's petition, with a statement of this obligation, see "Circular Addressed to Benevolent Ladies of the U. States," December 1, 1829. Printed in, for example, *Christian Advocate and Journal*, 25 December 1829, 65-66.

leading up to the congressional vote on the Jackson administration's removal bill, McKenney denied all political motivation, and instead proclaimed himself driven by a called of absolute moral righteousness that transcended political and sectarian divides. In September 1829, for instance, he urged a like-minded Baptist to support removal by putting aside "everything irrelevant," and letting "not an atom of politicks, or sectarian be permitted to float even in its neighborhood."<sup>421</sup> His approach paralleled that of female antiremovalists such as Beecher, who sought to advocate on purely moral grounds. For the purpose of their petition campaign, these women – as Alison Portnoy has shown – claimed an obligation to enter the male-only bastion of Congressional politics by mobilizing an image of women as uniquely moral and benevolent beings.<sup>422</sup> According to Beecher, women were particularly suited to the role of moral arbiter because, in their province away from government, they were "protected from the blinding influence of party spirit, and the asperities of political violence."<sup>423</sup> And while male reformers such as Evarts and statesman Theodore Frelinghuysen – who led the congressional opposition to the removal bill – could participate in debates that specifically discussed issues of legality and governmental policy, like their female allies they nevertheless framed the ultimate stakes of the debate in terms of moral obligations.

McKenney's defense of removal as a morally righteous plan to fulfill these obligations ultimately rested largely on his reassurance that emigration would be purely voluntary. At the end of that August, McKenney supervised – at the executive's expense – the publication of a pamphlet containing the "Documents and Proceedings" of the New York Board.<sup>424</sup> As the first comprehensive statement of the government's avowed Indian policy, it framed removal, on

---

<sup>421</sup> McKenney to Lincoln, 28 Sept 1829, NA, RG 75, M21, OIALS, roll 6.

<sup>422</sup> Portnoy, "Negotiating Female Decorum, United States Politics, and Political Agency," 576-77, 86-90.

<sup>423</sup> "Circular Addressed to Benevolent Ladies of the U. States," December 1, 1829, *Christian Advocate and Journal*, 25 December 1829, 65-66.

<sup>424</sup> McKenney, *Documents and Proceedings of the New York Board*.

McKenney's terms, as the most benevolent of causes for the Indians.<sup>425</sup> He was particularly anxious to defend it against what he saw as the antiremovalists' inaccurate insinuations that the government intended to expel American Indians from their homes. Just before the pamphlet went to press, McKenney sought to include a statement from the President or Secretary of War to meet such "misrepresentations."<sup>426</sup> The published pamphlet therefore included the Secretary of War's assurances in a letter to Baldwin "that nothing of a compulsory course, to effect the removal of this unfortunate race of people, has ever been thought of by the President, although it has been so asserted."<sup>427</sup> Similarly, in October 1829 when the ABCFM adopted a resolution asserting that no Indians should be compelled to leave ancestral lands guaranteed to them by treaty, McKenney argued that the resolution was "an empty form." According to McKenney, the antiremovalists' were "wholly mistaken"; there was no contemplation or intention on the part of either Congress or the Executive to compel the Indians to move.<sup>428</sup>

McKenney also continued to perpetuate his vision that most Indians in fact wanted to emigrate. In his speech at the August 1829 New York Board public meeting, he had challenged the antiremovalists' assertions that the Indians were "opposed to removal," and that force would therefore "be employed to compel them to go."<sup>429</sup> In fact, he argued, "*the great body* of the Indians . . . are *anxious to remove*."<sup>430</sup> McKenney believed the government would not need to use force; the "present excitement" among the "southern tribes" on the issue of removal was "occasioned in great part by the opposition of those persons whose interest is to keep the Indians

---

<sup>425</sup> Prucha, "McKenney and the New York Board," 647.; McKenney, *Documents and Proceedings of the New York Board*.

<sup>426</sup> McKenney to Eaton, 21 Aug 1829, NA, RG 75, M21, OIALS, roll 6.

<sup>427</sup> Eaton to Baldwin, 25 August 1829: McKenney, *Documents and Proceedings of the New York Board*: 46.

<sup>428</sup> McKenney to Baldwin, 23 Oct 1829, NA, RG 75, M21, OIALS, roll 6; see also McKenney to Lincoln, 28 Sept 1829, OIALS; McKenney to Baldwin, 28 Oct 1829, NA, RG 75, M21, OIALS, roll 6.

<sup>429</sup> McKenney, *Documents and Proceedings of the New York Board*: 40.

<sup>430</sup> *Ibid.*

where they are.”<sup>431</sup> Although he did not specifically identify “those persons,” he alluded to them as a group who delivered “threats” against “those who wish to better their destiny,” and who forbade “an *enrolment* for emigration . . . on pain of death!”<sup>432</sup> In private McKenney made it explicitly clear that “those persons” consisted mainly of Creek and Cherokee “Chiefs,” who interfered, apparently on behalf of their own self-interest, with the benevolent plans of the government.<sup>433</sup> They were the same so-called “enlightened and influential half breeds” who had frustrated his plans at Tuckabatchee in 1827. Though McKenney defended the government’s removal policy on the basis of its supposed voluntariness, he believed that once the government somehow negated the interference of the antiremovalist Indian leaders, force would not, in any case, be needed.

McKenney’s apparently opaque public allusions to Southern Indian leaders were transparent to the leaders themselves. The *Cherokee Phoenix* – edited by ABCFM educated Elias Boudinot – took particular exception to McKenney’s claim during the New York Board’s public meeting that “*the great body* of the Indians” were “*anxious to remove*,” but had been dissuaded by the death threats of “others.” The *Phoenix* noted McKenney’s comment only to dismiss it as an unfounded misrepresentation.<sup>434</sup>

As McKenney’s response to this critique revealed, he had an incommensurably different view of the removal debate than the *Phoenix* editor. Rather than providing empirical evidence to back-up his claims, McKenney merely attempted to reassert his position as the true, wise, and benevolent “friend” of the Cherokees. Clearly strung by the newspaper’s dismissal of his speech, he wrote to the editor proclaiming it unjust to have pronounced him their “*enemy*” just because

---

<sup>431</sup> Ibid.

<sup>432</sup> Ibid.

<sup>433</sup> *Cherokee Phoenix, and Indians’ Advocate*, 23 September 1829; McKenney to Baldwin, 8 October 1829, 23 October 1829, 28 October 1829, NA, RG 75, M21, OIALS, roll 6.

<sup>434</sup> *Cherokee Phoenix*, 23 September 1829.



he “should indulge [an] opposite view of this question.”<sup>435</sup> Rather than justifying the public statements he had made in New York, McKenney chastised the *Phoenix* for apparently failing to give him the respect he, as their “friend,” deserved: “Think of it as you may,” he wrote, “you never have had, nor have you now, a warmer or more devoted friend.” Taking on an air of omnipotence, he sanctimoniously warned them to “spurn my counsels as you may – rely on your own superior wisdom as you seem resolved on doing – but mark my words – the day will arrive when you will see for yourselves, who are you real and who are you pretended friends; who your wise, and who your unwise counselors.”<sup>436</sup>

With the subordinating implications of these words no doubt clear, Boudinot responded by reasserting the Cherokees’ right to determine their own destiny. The editor thus replied that McKenney “may be a ‘real friend’ – he may be a ‘wise counselor,’ but after all we must beg leave to judge for ourselves and choose our own friends.”<sup>437</sup> Yet this was in fact not something that McKenney – stuck within the scope of his paternalistic schema – could admit.

McKenney’s use of “friendship” in this context actually implied a paternal authority in which his American Indian “children” would necessarily obey his self-touted “benevolent” dictates. Rather than viewing the decision of the Southern peoples to remain in their homelands as a legitimate, active choice, McKenney saw it as illegitimate disobedience. In McKenney’s view, the necessary and proper ordering of U.S.-Indian relations had apparently gone awry because of the (illegitimate) influence of the Native American leaders. McKenney saw himself as embodying the designated authority of the “American Great Father,” and he therefore expected to be treated by Indian leaders as the personification of a supreme paternal authority. In contrast, men such as Boudinot could never actually escape their designation as “children.” Within this

---

<sup>435</sup> *Cherokee Phoenix*, 11 November 1829.

<sup>436</sup> *Cherokee Phoenix*, 11 November 1829.

<sup>437</sup> *Cherokee Phoenix*, 29 November 1829.

schema, no matter how thorough their non-native education, or how many trappings of so-called “civilization” they had adopted, American Indian leaders’ views could only be legitimate if they obeyed the U.S. government’s dictates. No room existed in this schema for independent Native American sovereignty, even when Indian leaders nominally adopted “civilization.”

On this fundamental point, McKenney also differed from the non-native antiremovalists with whom he sought a common political ground. While his religious sensibility seemingly placed him more in sympathy with these reformers than with his Jacksonian allies, McKenney’s justification for removal highlighted some fundamental differences between his own paternalism and that of the evangelical antiremovalists. In particular, while McKenney viewed Cherokee claims to sovereignty as “delusional,” men such as Evarts supported such claims and strongly advocated for the U.S. nation to honor its treaty obligations to American Indian peoples. Evarts, for instance, saw the U.S.’s Indian treaty obligations as inextricably mixed with the nation’s moral duties to American Indians such as the Cherokees.

But McKenney apparently had no time for arguments that did not correlate with his vision of a benevolent U.S. father saving his Indian “children” from the apparently inevitable forces of doom. While in Washington for the Congressional debates over the bill in April 1830, Jeremiah Evarts called on McKenney at the War Department. According to Evarts, McKenney began their awkward private conversation by saying to Evarts, “Well, you have been laboring hard.” When Evarts asked him to what he referred, McKenney replied, “in writing the numbers of William Penn – but it won’t do. I understand the whole subject. I see through it all. These questions of abstract rights are of no use. The Cherokees are like children in a house on fire. We must pull them out.”<sup>438</sup> Whereas abstract metaphors about paternal relations and threatening fires could somehow represent grounded reality, no arguments that represented American Indians as

---

<sup>438</sup> Journal of Jeremiah Evarts, Washington, 10 April 1830, Houghton Library, ABCFM Papers, ABC 11, vol. 2.

anything but the dependent recipients of his (and the rest of the U.S. government's) benign attention could, for McKenney, be relevant. McKenney saw law and politics as man-made, whereas the so-called "moral" order that governed U.S.-Indian relations was immutable. He failed, for example, to grasp the political functionality and flexibility of Great Lakes diplomatic metaphors, understanding them instead as a fixed relational system in which the U.S. government agents had the immutable right to dictate how American Indians lived their lives.

When McKenney had written to Evarts in 1827, he had sought to form a coalition of like-minded Christians, who shared a commitment to saving the Indians. He wrote that "[e]very good man should interfere, . . . and voices should be raised from every corner of the land where Justice and Humanity can be found to exist, that such a termination of this race may be averted and the charter of the nation saved from such odium."<sup>439</sup> While for both men the issue of how the nation treated "the Indians" was an issue of major significance, McKenney described the extinction of the Indians as a potential "odium" for the U.S. nation. For the more Calvinist-minded Evarts, the vision of doom was even more marked; if the people of the United States did not save the Indians, God's wrath would be wrought upon the entire nation.<sup>440</sup> But the two men's conversation in McKenney's office in April 1830 also evinced a more fundamental divergence of opinion on Indian policy. After proclaiming to Evarts that the "Cherokees are like children," McKenney nevertheless (and perhaps mistakenly) admitted that "[t]he Indians have a right to their country, a perfect right, as much so as any man has to his domicile; but . . ." When Evarts at that point interrupted him to ask "why he did not, in all his writing, begin by saying, that the Indians had a perfect right?," McKenney (according to Evarts) looked embarrassed and stated,

---

<sup>439</sup> McKenney to Evarts, 23 March 1827, ABCFM Papers, ABC 13, vol. 1.

<sup>440</sup> Oliphant, *Jeremiah Evarts*, cited in Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*: 7.

“it would do no good – it is not in the power of man to defend them.”<sup>441</sup> According to McKenney, the Cherokees, like all the Native Americans, were at the mercy of forces beyond human control.

But for Evarts, such appeals to powerlessness were sinful; it was unequivocally immoral to stand by and witness breaches of solemn promises and inflictions of harm. He therefore rebuked McKenney, stating, “Sir, it is in the power of man to defend them . . . Is the world to be told that we cannot fulfill our most solemn engagements?”<sup>442</sup> Although McKenney had proclaimed that the only thing separating him and men such as Evarts was how to save the Indians, their divergence of opinion over removal actually represented fundamentally different moral stances. McKenney justified removal by appealing to the existence of malevolent forces outside human control. For Evarts such justifications were an immoral shirking of the nation’s God-given obligation to honor its treaty commitments to the Indians. But by the time of Evarts and McKenney’s conversation in Washington in April 1830, another prominent pro-removal voice had broken out in the debate on Indian removal. Lewis Cass’s article on Indian removal, published in the *North American Review* in January 1830, provoked a chorus of antiremovalist opposition much more vehement and heated than anything that McKenney’s pro-removal advocacy had inspired.

### **Lewis Cass and The Misfortunes of Providence**

Riding the wave of populist support for removal, Lewis Cass’s essay on “Indian Removal” in the January 1830 issue of the *North American Review* presented an extended justification for the Jacksonians’ removal plans. Ostensibly written to review Thomas

---

<sup>441</sup> Journal of Jeremiah Evarts, Washington, 10 April 1830, Houghton Library, ABCFM Papers, ABC 11, vol. 2.

<sup>442</sup> Ibid.

McKenney's "Documents and Proceedings" of the New York Board, Cass claimed a rhetorical position congruent with the views of the "executive branch," as represented in McKenney's pamphlet.<sup>443</sup> He justified removal with appeals to morality, creating a discursive moral universe in which the removal all the eastern peoples to the west of the Mississippi exemplified the morally upright, and indeed necessary, course of action. Like McKenney, Cass invoked the image of a world in which malevolent forces – existing outside human control – wrought inevitable harm upon American Indians in contact with so-called "civilization." But Cass's mobilization of McKenney's views belied some fundamental ideological differences between the two men's moral stances: Cass painted a moral order that blamed all the present and past "moral" failings of Indian-white relations on what he describes as the inherently inferior "moral character" of the Indians themselves. Unlike McKenney, he abandoned his previous commitment to "civilize" and Christianize American Indian people. According to Cass, the administration's removal bill represented a just policy, made necessary by the apparent inability of American Indians to adopt "civilization."

Cass provoked the vehement ire of the antiremovalists because he presented a moral universe in which the U.S. people held no moral responsibility for the failings of Indian-white relations. But the antiremovalists also used empirical reasoning in their strong objections to Cass's representations that the Cherokees, for instance, had resisted "civilization." Yet the words Cass used to frame his argument – and more specifically, the theological concepts that these words referenced – provoked deeper outrage. Cass, a committed expansionist without strong religious convictions, built his pro-removal argument on references to divine providence; an idea that held deep theological significance for the antiremovalists. He argued that divine providence had ordered Indian-white relations to benefit the U.S. nation and its antecedents, and that the

---

<sup>443</sup> Cass, "Removal of the Indians."; McKenney, *Documents and Proceedings of the New York Board*.

correlating misfortunes experienced by the Indians were in no way the fault of the U.S. people. For the northern evangelical antiremovalists, such an arguments was both fallacious and blasphemous.

In contrast to McKenney and the antiremovalists, whose views represented projections of an immutable, conscience-based morality, Cass's stance appears more overtly politically calculated. He wrote of Indian-white relations, and therefore removal, as a "moral" issue, though he did not link this morality to any doctrinal system. Moreover, unlike McKenney who would, within the course of the year 1830, find himself cast-off by the Jackson administration, Cass would in 1831 become admitted to the inner sanctum of Jackson's cabinet as Secretary of War. Cass was an ardent, ideologically committed Jacksonian.

For Cass, the leap onto Andrew Jackson's bandwagon involved a minor reframing of his public stance on U.S.-Indian relations. While he still spoke of American Indians as a "moral problem" for the United States, he moved away from his previous equivocal opposition to removal. His 1830 article provided an expansive, sixty-page argument proclaiming removal as the only possible solution to the apparently inevitable and otherwise intractable "moral problem" posed by the existence of American Indians on territory earmarked for the U.S. nation's geopolitical future.<sup>444</sup> Entitled as a review of the "Documents and Proceedings" of the New York Board "for the Emigration, Preservation, and Improvement of the Aborigines of America," Cass mobilized the substance of McKenney's pamphlet to bolster his arguments about the necessity of Indian removal. After constructing his own framing of the issues in the first twenty-two pages of his article, Cass turned his attention to the text of the pamphlet, using it to build on his argument

---

<sup>444</sup> For example, Cass, "Removal of the Indians," 72.: "The relative condition of the two races of men, who yet divide this portion of the continent between them, is a moral problem involved in much obscurity."

that the states and the federal government had the apparently irrefutable right to exercise jurisdiction over American Indian peoples.<sup>445</sup>

In contrast to McKenney's advocacy, Cass's public support of removal entailed eschewing the possibility that American Indian people could become "civilized." Through the 1820s Cass had, like McKenney, supported programs aimed "to civilize" the Indians within the Michigan Superintendency. Yet coinciding with his support for removal, Cass claimed the definitive failure of these programs. In early 1830, in response to a Senate resolution requesting that the War Department report on "the progress made in civilizing the Indians for the last eight years, and their present condition," McKenney requested that all Indian Superintendencies report on the question. Cass wrote accordingly in February that "[s]o far as respects the three great tribes of the Northwest, the Chippewas, the Ottawas, and Pottawatomies, I am not aware that any improvement has taken place in their condition within the last eight years." Rather, Cass claimed that "the progress of our settlements, and the greater facilities afforded for the introduction of whiskey, I believe every year adds to the moral and physical evils which surround them."<sup>446</sup> Cass's public support for removal coincided with his declaration that civilization policies had failed.

In contrast to McKenney's arguments, Cass posited removal as a just and necessary policy on the basis that American Indians could not, in fact, become "civilized." Although his pro-removal article drew on McKenney's arguments, Cass justified removal on suppositions from which McKenney had been at pains to distinguish himself. Cass thus represented the apparent failure of American Indians to become civilized as some kind of inherent and inescapable failing of the so-called "Indian character." "Existing for two centuries in contact

---

<sup>445</sup> See *ibid.*, 85-104.

<sup>446</sup> Cass to McKenney, 11 Feb 1830, in "Correspondence on the Subject of the Emigration of the Indians between the 30<sup>th</sup> November 1831 and 27<sup>th</sup> December 1833": 245 S. Doc. No. 512, 23<sup>rd</sup> Cong., 1<sup>st</sup> Sess. (1834).

with a civilized people,” he stated, “they [the American Indians] have resisted, and successfully too, every effort to meliorate their situation, or to introduce among them the most common arts of life.” The fact that the Indians “moral and intellectual condition” had apparently “been equally stationary,” was “not to be attributed to the indifference or neglect of the whites.” Instead, Cass concluded early in his article that “[t]here must then be an inherent difficulty, arising from the institutions, character, and condition of the Indians themselves.”<sup>447</sup> In this schema, the “moral problem” lay with an inherent “moral” defect in the Indian character. All future plans “to civilize” American Indians were therefore necessarily doomed to the same failure as those of the past.

Also unlike McKenney, Cass therefore did not need overtly to challenge the antiremovalists’ framing of the debate over Indian policy as a battle between those wanting to civilize the Indians and those wanting to remove them. While he implicitly contested the antiremovalists’ judgment regarding who fell on the side of good and evil, Cass nevertheless acceded to the idea that the controversy over removal was a dichotomous battle between policies of civilization and removal. But Cass evoked a very different moral playing field by attributing the “moral problem” apparently resulting from contact between “the two races of men” to an inherent failing of the so-called “Indian character.”<sup>448</sup> In this discursive arena, the only way eastern American Indian peoples could have had any ongoing claim to their land was if they had been able to incorporate themselves into so-called “civilized” society.

For in this reckoning, the spread of “civilized” society was a providentially determined, inevitable occurrence, the collateral consequences for which no humans could be held accountable. “Providence,” Cass stated “has placed them in contact with us, and with habits and

---

<sup>447</sup> Cass, “Removal of the Indians,” 72-73.

<sup>448</sup> *Ibid.*, 72.



feelings, which render their incorporation into our society impracticable.”<sup>449</sup> The history of contact between the Indians and the “civilization now represented by the U.S.A. had been determined by “Providence,” and could therefore be written in decidedly deterministic terms:

The decree had gone forth, that the race of pale men should *increase and multiply*, and they did *increase and multiply*. Who, that looks upon human life as it is, could expect, that superiority in arts, in arms, in intelligence, in all the elements of physical and moral power, would not elevate the one party and depress the other; and that this elevation and depression, rendered still more obvious by characteristic differences, could not produce the results which history recorded?<sup>450</sup>

Given the predetermination of events, the fact that such forces would “elevate the one party and depress the other” could not be the fault of “the race of pale men.” Who, asked Cass, “under such circumstances, would impeach the motives or conduct of the adventurers or their descendants, because the people, who preceded them, disappeared or receded before the circle of civilization?”<sup>451</sup> It was therefore not the fault of “civilized” U.S. society that an inherently inferior group of people was unable to adapt to the inevitable, providentially created world order.

Cass fortified these appeals to providence with Lockean-inspired proclamations about land entitlement. He thus argued that American Indians had no ongoing right to own or use the land that providence had destined for full “industrious” use by this “civilized” society. In Cass’s words, the Indians’ “misfortunes have been the consequence of a state of things which could not be controlled by them or us. Planted, as our ancestors were, in the course of Providence, upon the skirts of a boundless forest, they gradually subdued it by toil and industry.”<sup>452</sup> The Indians’ rights to the land that would inevitably be “subdued” therefore extended only as far as they remained in harmony with the providentially determined spread of so-called “civilized” industry.

---

<sup>449</sup> Ibid., 84.

<sup>450</sup> Ibid., 107.

<sup>451</sup> Ibid.

<sup>452</sup> Ibid.

On these presumptions, Cass made his case for the underlying moral righteousness of the U.S. government's plans to remove the eastern peoples from their land. There could, stated Cass, be no doubt that "the Creator intended the earth should be reclaimed from a state of nature and cultivated; that the human race should spread over it, procuring from it the means of comfortable subsistence, and of increase, and improvement." On this basis he argued that "[a] tribe of wandering hunters, depending upon the chase for support, and deriving it from the forests, and rivers, and lakes, of an immense continent, have a very imperfect possession of the country over which they roam."<sup>453</sup> Although Cass allowed that perhaps providence had brought misfortunes to the Indians, the fact that such misfortunes were providential meant that no fault or liability lay with the "civilized" society who necessarily benefited. Moreover, because providence had dictated that the forest would not be "doomed to perpetual unproductiveness," no Indian land rights took precedence over the claims of those wanting to make the land productive. Consequently, no charges of immorality could lie against those claiming Indian land for these purposes.

Nor, in Cass's reckoning, should the Indians' misfortunes at the hands of providence be too much lamented. Cass presented his article in opposition not only to the evangelical antiremovalists who wanted a policy of civilization rather than removal; he also rebuked romantics who, like Albert Pourtalès and Francis Bond Head, proclaimed "the inferiority of civilized to savage life."<sup>454</sup> According to Cass, the world had "had enough of romantic description," and the "distempered imaginations and unscuttled reason" of Rousseau and his disciples. Instead, it was "time for the soberness of truth and reality."<sup>455</sup> Although it had apparently caused the decline of the Indians, overall providential power was something to be

---

<sup>453</sup> Ibid., 77.

<sup>454</sup> Ibid., 73.

<sup>455</sup> Ibid.; Fierst, "Rationalizing Removal," 27.

celebrated, rather than lamented. "It would be a miserable affectation," he wrote near the start of the article, "to regret the progress of civilization and improvement, the triumph of industry and art, by which these regions have been reclaimed, and over which freedom, religion, and science are extending their sway."<sup>456</sup> According to Cass, to wish that such achievements had come at no cost to "the aboriginal population" was a vain one. Were "the Indians" the idealized people depicted by the romantics, their sacrifice to the inevitable, providential, "progress of civilization and improvement" might have been cause for lament. But by defining the Indians as in every way inferior to "civilized" people, Cass also dismissed romantic laments for their misfortunes.

Cass infused his article with an implicit vision of "civilized" U.S. society that correlated closely with the partisan ideology of the Jacksonian Democrats.<sup>457</sup> Although he never explicitly lists those included in "civilized" U.S. society, he nevertheless created the boundaries of inclusion by making it clear that Indians were not, and indeed could not, be part of this implied polity. He also indicated that this society, which had been providentially chosen to inherit American Indian land, was made up of the "race of pale men."<sup>458</sup> Moreover, only people of this apparently superior kind had the requisite abilities to claim the status of a politically sovereign people. On this basis Cass therefore dismissed, for instance, Cherokee claims to sovereignty. As people who, due to their inherent "moral" failings, could not be part of this superior group, the Cherokees therefore had no right to make claims to political sovereignty. "Let them know," Cass wrote of the Cherokees, "that the establishment of an independent government is a hopeless project; which cannot be permitted, and which, if it could be permitted, would lead to their inevitable ruin."<sup>459</sup> In denigrating these claims to sovereignty, Cass made the same rhetorical

---

<sup>456</sup> Cass, "Removal of the Indians," 64.

<sup>457</sup> See, for example, Howe, *What Hath God Wrought*; Sellers, *The Market Revolution*; Watson, *Liberty and Power*.

<sup>458</sup> Cass, "Removal of the Indians," 107.

<sup>459</sup> *Ibid.*, 120.

move as when he evoked his generalized, and inherently inferior “Indian character”; he set American Indians outside the realm of political personhood, and he placed non-Indians, and more specifically the “race of pale men,” within it. Such a construction of racial difference resonated with Jacksonian ideology, which posited egalitarian political inclusion for “white” men while simultaneously excluding other groups such as “Indians.”<sup>460</sup>

But for northern evangelical Americans committed to a different vision of U.S. society, Cass’s “moral” justifications for removal were immoral and deeply sinister. Indeed, antiremovalist responses to the article – published under anonymous authorship – were swift, vehement, and deprecating. The fieriest rebuke came from the pen of a young theology student named George Cheever in the January edition of the short-lived, Boston-based literary journal the *American Monthly Magazine*.<sup>461</sup> Extended and published in pamphlet form the following month, Cheever’s article condemned the arguments of the *North American Review* essay – which he correctly attributed to Cass – in strong, vitriolic language. Among other offences, Cheever accused Cass “of justifying our Government in an act of the most unparalleled perfidy and bare injustice.” Cheever also clearly found the system of morality Cass constructed in his article abhorrent. He thus condemned Cass as “arguing down the lofty obligations of national morality to a place below the never-to-be-satisfied demands of national selfishness.”<sup>462</sup> Dismissing the entirety of the article’s claims, Cheever referred to “the insinuating sophistry” of Cass’s paragraphs.<sup>463</sup>

---

<sup>460</sup> Howe, *What Hath God Wrought*; Sellers, *The Market Revolution*; Watson, *Liberty and Power*.

<sup>461</sup> George B. Cheever would later become famous as an outspoken opponent of Unitarianism, and as one of the most radical abolitionist in the U.S.: Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*: 20.

<sup>462</sup> George Barrell Cheever, *The Removal of the Indians. An article from the American monthly magazine: an examination of an article in the North American review: and an exhibition of the advancement of the southern tribes, in civilization and Christianity* (Boston: Peirce and Williams, 1830). 2.

<sup>463</sup> *Ibid.*, 20. See also Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*: 12-24; Joseph Blunt, *A Statement of the Indian Relations; with a reply to the Article in the Sixty-Sixth Number of the North*

For Cass's critics, this sophistry existed on an empirical, as well as moral level. This opposition took particular exception to Cass's statements about the Cherokees and "other southern tribes." Of the Cherokees, Cass had written, for instance, that "[w]e doubt whether there is, upon the face of the globe, a more wretched race than the Cherokees, as well as the other southern tribes, present. Many of them exhibit spectacles as disgusting as they are degrading."<sup>464</sup> A common argumentative thread of the antiremovalist rebuttal highlighted Cass's lack of knowledge about the "Southern tribes," and the Cherokees in particular. James Blunt, the author of a February 1830 pamphlet directly responding to Cass's article, dismissed the entire essay as a "most unfair argument"; a dismissal Blunt based principally on Cass's deficiency of first-hand experience regarding the actual conditions of Cherokee life.<sup>465</sup> Similarly, Samuel Worcester – a professor at Amherst College and a friend of Evarts cited Cass's own admissions that his "general facts and deductions" concerning the Cherokees and the other Southern peoples were not "founded upon what he has seen and heard among" those tribes, but were "*principally found upon what he has seen and heard among the tribes in the Northwestern regions of the United States.*"<sup>466</sup> Writing in the March edition of the *Spirit of the Pilgrims* magazine, Worcester went on to assert that "the article in the last N. A. Review, upon the 'Removal of the Indians,' so far as it relates to the Cherokees particularly, is nothing less than a series of unblushing and unpardonable misrepresentations."<sup>467</sup> These antiremovalists believed that, contrary to Cass's statements, Cherokee society was, in fact, moving towards "civilization."

---

*American Review, on the Removal of the Indians* (New York: Clayton and Van Nurden, 1830); S. M Worcester, "The North American Review for Jan 1830, Article III," *Spirit of the Pilgrims* 3(1830).

<sup>464</sup> Cass, "Removal of the Indians," 71.

<sup>465</sup> Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*: 19. See Blunt, *A Statement of the Indian Relations*.

<sup>466</sup> Worcester, "North American Review for Jan 1830," 145.

<sup>467</sup> *Ibid.*, 146.

Such arguments formed part of the antiremovalists' staunch refutation of Cass's broader claim that the so-called "Indian character" was inherently resistant to "civilization." Identifying that the authority of Cass's assertions rested on his proclaimed knowledge of this generalized "Indian character," the antiremovalists aimed to challenge the presumptions underpinning this apparent authority. Worcester, for instance, questioned Cass's claim that an apparent "failure of effort to civilize the Indians" could be attributed "to something peculiar to their nature," and refuted his claim that all American Indians could be lumped together. He thus disapprovingly noted that "[t]he reviewer [Cass] takes all the Indians of the north and the south, gives them all the same general character, and would sweep them all away with the same besom of *removal*."<sup>468</sup> But while the antiremovalists questioned Cass's authority on a representational level, the most strongly worded arguments were reserved to contradict his moral logic.

The moral universe that Cass projected in his article, including his claims that the Indians could not be "civilized" and Christianized, deeply offended the antiremovalists' beliefs about the true and proper moral world order. For men such as Cheever, Cass's arguments presented a twofold affront to morality. First, "the false faith that the Indians never can be civilized" was deeply blasphemous because, according to Cheever, there were "none, however singularly ferocious, whom He cannot reclaim from their savage barbarity."<sup>469</sup> Cheever argued that "Almighty Providence" had in fact caused the so-called "improvement" of the Cherokees "in scorn of daring blasphemers, who assert that any of the human being he has made are irretrievably beyond the regenerating energy of the Gospel of his Son, and forever out of the pale of civil and social improvement."<sup>470</sup> Moreover, for evangelicals such as Cheever, the seriousness of Cass's blasphemy lay in his denial of the U.S. people's absolute moral obligation to spread the

---

<sup>468</sup> Ibid., 159.

<sup>469</sup> Cheever, *The Removal of the Indians*: 10-11.

<sup>470</sup> Ibid., 10.

light of the Gospel. “Providence” had placed the Indians in a singular relation to the people of the United States; a nation particularly blessed with great civil and religious privileges, living under a light poured “abundantly” upon them by “the universal spread of the Gospel.”<sup>471</sup> Being thus blessed, the U.S. people had an absolute moral duty both to extend the civil privileges of their “civilization,” and spread the light of the Gospel to the Indians. In denying this apparently fundamental and irrefutable truth, the antiremovalists believed the moral universe Cass created in his article was dangerously aberrant to God’s true moral order on earth.

For men such as Cheever, Cass’s article also represented even more blatant rhetorical distortions of this true moral order. In appealing to “Providence” to justify the Jacksonians’ Indian removal policy, Cass had evoked the supposedly immutable dictates of a divinely inspired world order. Yet in Cass’s rendering, providence was cleanly shaven of its Calvinistic retributive elements. In Cass’s providentially defined moral order, events had been predetermined in such a way that the U.S. nation could not be held morally accountable for the condition of the Indians. To antiremovalists such as Cheever and Evarts, whose understanding of providence retained some decidedly Calvinistic attributes, the suggestion that moral responsibility could be thus avoided was an abomination.

Under the “supreme authority of the Law of God,” the U.S. nation could not escape accountability for its treatment of the Indians. In the words of Cheever, if the nation followed Cass’s “depraved moral vision,” and thus “set aside the law of nations and of God,” dire consequences would follow. Although fearing damage to the United States’ international reputation, the main terror lay in the “vial of God’s wrath”: “the sentence of the Almighty – the judgment of the Ruler of the universe – will go out against us, and a curse must follow its

---

<sup>471</sup> Ibid., 7.

train.”<sup>472</sup> Just as individuals needed to heed the dictates of providence in order to live in accordance with God’s moral order, the U.S. nation, as a collective, needed to do the same or God would visit “His” wrath upon the entire nation. “We know,” stated Cheever, “there is an eternal, indissoluble connection between national virtue and national prosperity, as there is a connection, equally indissoluble, and terribly certain, between national crime and national misery.”<sup>473</sup> If the U.S. people proceeded with removal plans, in defiance of the nation’s obligations to the Indians, God would – according to Cheever – inflict “vengeance upon a guilty people.”<sup>474</sup>

Cass’s views crystallized a decidedly Jacksonian view of Indian relations. Jeremiah Evarts’ assessment of the true inspiration behind Cass’s article seemingly contained considerable insight. Writing to Eleazar Lord after the publication of the article, Evarts wrote that “[t]his man [Cass] wishes to trim his sails, in such a manner as to catch the breeze of government favor and patronage.”<sup>475</sup> Yet Cass’s article did not merely represent a cynical attempt to gain favor among the Jacksonian Democrats. As already discussed, during his early career as a lawyer and politician Cass had moved away from his father’s Federalist beliefs and become a Jeffersonian. Such a move evinced not only astute political judgment, but was also Cass’s seemingly sincere choice to align himself with those whose interests he had represented in his daily life as an attorney in Ohio: the frontier farmer-citizens of Jefferson’s ideal.<sup>476</sup> With Jackson winning the 1828 election as advocate of the western agrarian, Cass’s support of the new Democratic Party

---

<sup>472</sup> Ibid., 1-4, 16.

<sup>473</sup> Ibid., 4.

<sup>474</sup> Ibid., 15-16. These views foreshadowed the later abolitionist movement, of which Cheever and many other male and female reformers involved in the antiremoval campaign were a part. For a popular and influential statement of the abolitionist position see Harriet Beecher Stowe’s 1851 *Uncle Tom’s Cabin*: Harriet Beecher Stowe, *Uncle Tom’s Cabin or, Life Among the Lowly* (New York: Penguin Books, 1986). 618-29. For an overview of antebellum reform movements, see Walters, *American Reformers*.

<sup>475</sup> Jeremiah Evarts to Eleazar Lord, 8 January 1830, Evarts Family Papers, Yale University. Cited in Evarts and Prucha, *Cherokee Removal: the "William Penn" Essays and Other Writings*: 19.

<sup>476</sup> Fierst, "Rationalizing Removal," 4-5; Klunder, *Lewis Cass and the Politics of Moderation*: 6.



represented an ideological consistency, and a continuance of his ongoing political allegiance with the western homesteaders of the states and territories of Indiana, Kentucky, Michigan, Ohio, and Pennsylvania. The anti-Indian rhetoric that Cass used in his article would have been familiar among the farmers whose interests the Jacksonians represented.<sup>477</sup> Indeed, when Jackson purged Eaton from his cabinet in 1831, he sought to replace him with a staunch supporter. After his first two choices rejected the nomination, he offered the position to Cass, who formally became U.S. Secretary of War on 1 August 1831.<sup>478</sup> Reporting the appointment that September, the *Cherokee Phoenix* noted that McKenney's prophesy in his 1826 *Tour to the Lakes* – that Cass's "talents will yet be availed of by the nation, and in some department in the General Government" – had been fulfilled.<sup>479</sup>

Yet McKenney's apparent talents as a political fortuneteller did not extend to other endeavors. By 1831 the politically guileless McKenney had been dismissed by President Jackson. Though Cass had presented their views as in agreement, McKenney – with his staunch commitment to removal as a benevolent cause – found himself on the wrong side of the Jackson administration. By the time the removal bill had passed, the lack of provisions made for Indians' wellbeing and salvation across the Mississippi made McKenney begin to question the true nature of the administration's plans for the Indians.<sup>480</sup> His doubts apparently manifest further when the administration cancelled the money set aside for the ABCFM's missionary and schooling programs among the southern peoples, and dictated that Cherokee treaty annuities be distributed among tribal members, bypassing the tribal treasurer. McKenney, who already did not agree with suspension of missionary activities, also began to see his department's attempt to circumvent

---

<sup>477</sup> Fierst, "Rationalizing Removal," 5.

<sup>478</sup> Klunder, *Lewis Cass and the Politics of Moderation*: 56.

<sup>479</sup> "Prophesy Fulfilled," *Cherokee Phoenix, and Indians' Advocate*, 3 September 1831, their emphasis; Citing McKenney, *Sketches of a Tour to the Lakes*: 110.

<sup>480</sup> Viola, *Thomas L. McKenney*: 222.

Cherokee tribal authorities as an unjust effort to undermine their ability to fight removal through means such as the *Cherokee Phoenix*.<sup>481</sup> As the net of coercion tightened around the Cherokees, McKenney came to see that removal was likely not to be effected along the “voluntary” dictates of benevolent paternal authority. Only then did he begin to view challenges to Cherokee sovereignty as insidious.

While Cass was able to “catch the breeze” of the emerging U.S. political climate, McKenney found himself out of place in the nascent partisanship of the second party system. In his ideological sensibilities he was more neatly aligned with the reform-minded antiremovalists who, in opposition to the Jacksonian Democrats, over the next two years formed the Whig party. McKenney received a note dismissing him from office while in Philadelphia in August 1830. According to the account he gives in his *Memoirs*, when he returned to Washington and asked the acting secretary of war the grounds for his dismissal, he was told, “Why, sir . . . everybody knows your qualifications for the place, but General Jackson has been long satisfied that you are not in harmony with him in his view in regard to the Indians.”<sup>482</sup> Writing to his friend John McLean, McKenney claimed that the breach between him and the Jackson administration had been mutual: “It was my misfortune, perhaps, to demur to some of the strange orders that were sent out – the sole tendency of which was to harass, & oppress the Indians. I was frank enough to give my opinion. I was sincere. I felt deeply for the Indians, & the honor of the country. I knew, if this policy & those proceedings, were right, *all the past*, under the enlightened Administrations which have preceded this, were wrong. I could not believe this. My own judgment, however, was enough. Whatever it may be worth. I felt a reliance on it, in this matter. I *knew* all was wrong –

---

<sup>481</sup> Ibid., 234.; Eaton to McKenney, 7 June 1830, NA, RG 75, OIALS, vol 6, 459; Randolph to McKenney, 17 June 1830, OIALR, Miscellaneous, National Archives; McKenney, *Memoirs, Official and Personal*: 260-61.

<sup>482</sup> McKenney, *Memoirs, Official and Personal*: 262.

deeply so.”<sup>483</sup> Indian removal, in its Jacksonian guise, did not fulfill McKenney’s vision of proper, paternal relations between the federal government and Indian peoples.

Cass, on the other hand, apparently had no such scruples. In his 1830 *North American Review* article Cass – an unapologetic expansionist – painted “the Indians” as a “moral problem” only in that they were, in his renderings, an inherently morally inferior group unable to adapt to the inevitable spread of “civilized” society. Given that providence had dictated the geo-political expansions of a “civilized” U.S. nation, such misfortunes could not be blamed on members of the U.S. nation. The vehement response of the antiremovalists to Cass’s arguments, highlights, in particular, the important shift that Cass had made with his anti-Indian logic. Unlike in his previous essays, in which he expressed hope for the “civilization” of the Indians, in his Indian removal article, Cass closed the door on such a possibility. No longer were Indians capable of becoming equal members of the U.S. nation through civilization; rather, through their own supposed inferiority, they retained neither any real claims to their land, nor any rights beyond the dictates of the U.S. nation.

Yet as someone well able “to catch the breeze” of prevailing political winds, such words represented a pragmatic political stance rather than a deep-seated belief in a programmatic and unchangeable moral world order. In January 1834 – a little over two years after he became secretary of war, and with the conflict between Georgia and the Cherokee Nation and its ABCFM missionary allies continuing – Cass welcomed the ABCFM’s then secretary David Green into his office in Washington, stating that “the government was ready to do everything in their power to aid [the] Board in benefitting the Indians.”<sup>484</sup> Making a division between the southern peoples and the peoples of the northwest, Cass stated (in Green’s words) that he had no

---

<sup>483</sup> McKenney to McLean, Jan 29, 1831, McLean Papers. Cited in Viola, *Thomas L. McKenney*: 235.

<sup>484</sup> David Green to Rev. B. B. Wisnerm 14 January 1834, Houghton Library, ABCFM Papers, ABC 11, vol. 4.

objection to the ABCFM “nominating all the labors provisions” in upcoming treaties “with the Menomonies, Pottawatomies, Sac & Foxes, & c.,” and that “he would give letter of introduction to agents, chiefs &c.” In the course of the conversation, Cass mentioned the “Southwestern Indians” partly, it seemed to Green, “for the purpose of saying the government had no grudge against us on that score.”<sup>485</sup> Programs to civilize and Christianize American Indians had, it would seem, again become worthwhile. Unlike McKenney, who framed removal in fixed moral terms, Cass founded his Indian policy on no such doctrinally absolutist foundations. Although in his 1830 article he constructed a moral universe in which removal represented the just and necessary solution to the existence of inherently and irredeemably “barbarous” people on lands providentially-destined to belong solely to the United States, by 1834 he sought to appease the ABCFM and coopt them into programs to civilize and Christianize the peoples of the northwest. If required as part of his aspirations for U.S. sovereignty over the Great Lakes region, efforts to “civilize” American Indians were no longer necessarily antithetical to his departments overarching policy to remove all eastern peoples – including those of the northwest – west of the Mississippi River.

### **Charles La Trobe and the Tory Elements of U.S. Indian Removal**

From the perspective of U.S. federal politics, the demise of Thomas McKenney’s Washington career seems to suggest the entrenchment of removal as an issue defined by a two-sided, partisan battle. In this sense, as others drew the partisan lines of the second party system in the late 1820s, McKenney got caught in a political no-man’s land because he failed to align himself fully with either the Whigs or the Democrats. Yet in another sense, McKenney’s

---

<sup>485</sup> Ibid.

advocacy for removal as a benevolent, Christian policy highlights that at least in terms of political discourse, removal was actually a malleable political concept. Indeed, as Charles La Trobe's travel narrative, *The Rambler in North America* for instance shows, the discursive dimensions of removal were not confined to the landscape of U.S. partisan politics. As the narrative of an outsider to U.S. political culture, La Trobe's text offers alternative ways of framing the political undercurrents of Indian removal. Rather than being merely a Jacksonian phenomenon, it could be molded to fit different political ideologies. Even a self-proclaimed English Tory like La Trobe, who understood the world as divinely ordered under God's providence, and who projected that the only possible future for any society lay in Christianization and so-called "civilization," could assimilate to his own beliefs the segregationist and supremacist underpinnings of the U.S. government's Indian Removal Act. Although his political beliefs fundamentally contradicted Jacksonian-Democratic ideology, La Trobe nevertheless managed to fit the dictates of the U.S. Removal Act with his own views about a properly ordered society.

In two major trips to Indian Country – the first in 1832 and the next in 1833 – La Trobe witnessed, and subsequently reflected on, the political landscape of U.S. Indian removal. As already discussed, on these tours La Trobe acted as moral guardian to the young Swiss aristocrat Albert de Pourtalès, whose romantic fancies and sexual interests made Indian Country a particular destination of choice. Their first trip to Indian Country – when La Trobe struggled to reign in Pourtalès – brought them into direct contact with the effects of the U.S. government's Indian removal policy. Narrating their journey toward the western territory on this occasion, La Trobe observed in *The Rambler* that the "general government's" Indian removal policy had begun to take effect and "many tribes found themselves dispersed upon the frontier, from about

the 91st to the 95th degree of longitude, in the Missouri and Arkansas Territory.”<sup>486</sup> They then joined a Jackson government-commissioned survey party to tour the trans-Mississippian Indian Territory designated for the emigrant eastern peoples.

Despite the Jacksonians’ confident projections of American Indian prosperity across the Mississippi, when the Removal Act came into force in May 1830, U.S. officials possessed remarkably limited knowledge of the designated trans-Mississippi Indian Territory. In his 1830 *North American Review* article, Cass glossed over this lack of collective knowledge by drawing on the observations of the Baptist missionary Isaac McCoy. Following McKenney’s 1827 negotiations in the South, McCoy had led an expedition to explore the western territory with Chickasaw and Choctaw delegations, hoping they would decide to emigrate.<sup>487</sup> McCoy, who like McKenney was an early advocate of removal, reported on the territory in highly favorable terms. Cass therefore cited McCoy’s “personal observations” in his 1830 article to confirm “the country west of Missouri and Arkansas, as suitable for the colonization and permanent residence of the Indians.”<sup>488</sup> Yet, as already noted, a more extensive formal survey of the area was not completed until Cass, as Secretary of War in 1832, appointed three commissioners to survey the land and resolve the territorial disputes that had flared up among, and between, the western peoples and the immigrant groups.<sup>489</sup> Among the three appointed commissioners was Henry Ellsworth, whose survey expedition La Trobe, Pourtalès, and Washington Irving joined in 1832.

Ellsworth had not been among the administration’s first choices as commissioner. In an attempt to deflect continued criticism of their Indian removal policy, Cass – most likely in

---

<sup>486</sup> Latrobe, *Rambler in North America*, 1: 129.

<sup>487</sup> Satz, *American Indian Policy*: 211-14.

<sup>488</sup> Cass, "Removal of the Indians," 115.

<sup>489</sup> Miriani, "Lewis Cass," 27; Satz, *American Indian Policy*: 133. For Cass instructions to the Commissioners see Lewis Cass to William Carroll, Montford Stokes, and Robert Vaux, 14 July 1832: “Report of the Secretary of War,” ASP020 Mil.aff. No. 532, 22<sup>nd</sup> Cong., 2<sup>nd</sup> Sess. (1832).

consultation with Jackson – offered one of the positions to Roberts Vaux, a Quaker attorney and philanthropist from Philadelphia, known for his humanitarian views. When Vaux turned down the commission, Ellsworth was appointed in his stead. Cass’s subsequent efforts to appoint a well-known humanitarian also failed, including his offer to William Jay, a lawyer from upstate New York who was reportedly also renowned for his “high character for philanthropy and benevolence.”<sup>490</sup> The Jacksonian party organ, *The Globe*, nevertheless declared the administration’s attempts to appoint such men as evidence enough of their humanitarian intentions towards the Indians: “the President could give no stronger proof of his determination to act in a spirit of justice and humanity towards this unfortunate race, than by committing the performance of the requisite trusts, to such men as William Jay and Robert Vaux.” Jay’s gracious refusal letter was read not as a condemnation of the administration’s removal policy, but as “his testimonial to the liberal nature of the instructions, issued to the Commissioners.”<sup>491</sup> In the end, the commission consisted of its chairman, Montford Stokes, the former Democratic governor of North Carolina; John Schermerhorn, a Dutch Reform minister and an ardent Jacksonian; and Ellsworth, a well-known Connecticut lawyer and businessman.<sup>492</sup>

Though not a humanitarian or anti-Jacksonian in the vein of Vaux or Jay, as a New Englander, Ellsworth was the compromise candidate who came closest to the original criteria. Moreover, Cass may have believed that having a majority of commissioners from the northeast would provide the next-best chance of neutralizing antiremovalist criticism.<sup>493</sup> While

---

<sup>490</sup> *The Globe*, 22 October 1832; Lewis Cass to William Carroll, Montford Stokes, and Robert Vaux, 14 July 1832: “Report of the Secretary of War,” ASP020 Mil.aff. No. 532, 22<sup>nd</sup> Cong., 2<sup>nd</sup> Sess. (1832).; *Daily National Intelligencer*, 16 July 1832; *United States’ Telegraph*, 6 August 1832; Satz, *American Indian Policy*: 135.

<sup>491</sup> *The Globe*, 22 October 1832.

<sup>492</sup> Satz, *American Indian Policy*: 135-36.

<sup>493</sup> Klunder, *Lewis Cass and the Politics of Moderation*: 72; Satz, *American Indian Policy*: 135.

Ellsworth's stance on removal seems originally to have been ambivalent, he had connections with people among the antiremovalist ranks.

But whatever his previous ambivalence, during his tour with Irving and La Trobe in 1832, Ellsworth embraced the Jackson government's policy. Despite his antiremovalist connections, he proclaimed a commitment to the implementation of the Removal Act, writing to his wife that his initial journey into Indian Country had convinced him of the "mistaken policy" of their "eastern friends." He thus concluded that, based on his preliminary observations, the western territory through which he and his party toured contained "good land enough, for the present Indians in the United States." Seemingly referring to people who had already emigrated as proof that removal was truly (as Jacksonian rhetoric so often asserted) in the interests of Indians peoples, he stated that "none can behold the improvements and comforts of the Creeks Cheerokes & Choctaws, without lamenting the *mistaken policy* of many of our *eastern friends* who oppose the emigration of the aborigines to this country."<sup>494</sup> Now that he was out west, away from the debates over Indian removal, Ellsworth believed that he could view the situation without the distorting representations made for "party effect." Being "very far, removed from all scenes of political strife," his "feelings" had "become every day more & more interest[e]d in behalf of the Indians."<sup>495</sup> With epistemological presumptions similar to Thomas McKenney's, Ellsworth presented his support for removal as an objective, apolitical judgment, drawn from observable empirical proofs.

La Trobe articulated his support for removal in similar terms. Indeed, in spite of Pourtalès's erratic behavior, there appears to have been considerable mutual respect and harmony of opinion between La Trobe and Ellsworth. In La Trobe's published narrative of the

---

<sup>494</sup> Ellsworth, *Washington Irving on the Prairie*: 60-61.

<sup>495</sup> *Ibid.*



tour, he included an extended treatise on Indian removal, concluding, similarly to Ellsworth, that the “general government” had adopted a necessary and humane policy. Although La Trobe never mentions his struggles to keep Pourtalès in check, he presented his agreement with the government’s removal policy as something that had taken place only after some struggles. Although convinced that the government and people of the United States were “very sincere in their desire to see justice done to the Indians,” he had not been sure of the justice of “expatriating the wrecks of these tribes from their small heritage of the land of their forefathers.” Despite the treaties, and some remuneration for the lost lands, it was, according to La Trobe, “still expatriation.” La Trobe does not specifically mention the evidence and arguments that had convinced him of the justice of the policy, but instead falls back on the abstract generalizations that characterize all his discussions of Native Americans in *The Rambler*: “This plea I have, however unwillingly, been led at length to admit. The white man and the Indian cannot be near neighbours. They never will and never can amalgamate.”<sup>496</sup> La Trobe thus proclaimed his adherence to removal with a strong, segregationist statement, which he offered as a conclusion drawn from observable facts, but which actually seemed to parrot the abstracted and contextually unmoored rhetoric of Jacksonians such as Lewis Cass.

On the one hand it seems unsurprising that La Trobe articulated views in harmony with a well-respected travel companion, using similar tropes to the Jacksonian rhetoric that surrounded him on his travels.<sup>497</sup> Yet on the other, the fact that La Trobe aligned his views with a political movement that he seems otherwise to have abhorred appears somewhat remarkable. Unlike the Jacksonian Democrats, La Trobe was not a proponent of egalitarian democracy in any guise.

Writing to Pourtalès’s mother in November 1833, he proclaimed that he had been “born a Tory

---

<sup>496</sup> Latrobe, *Rambler in North America*, 1: 133.

<sup>497</sup> That La Trobe read the U.S. newspapers is evident in the second volume of *The Rambler* when he wrote about the part played by “polemical newspaper” in the “constant irritation . . . of political questions.”: *ibid.*, 2: 103.

with a most religious horror of radicals & democrats, & every years [sic] observations [make] me more firm of my dislike of them.”<sup>498</sup> Part of his mission as Albert de Pourtalès’s mentor involved ending the young aristocrat’s flirtation with democratic philosophies. In this task, La Trobe found early assistance in the “fancy” Pourtalès took “against the character of the ordinary American.”<sup>499</sup> By the following year La Trobe could triumphantly report to Pourtalès’s mother that her son was “quite cured of his democratic fancies, & promises to become a legitimiste & aristocrat of the first water.”<sup>500</sup> La Trobe’s commitment to this cure went further than any mandate that the Count and Countess Pourtalès may have given him. Teaching the young Count to face his aristocratic obligations conformed to La Trobe’s belief that a properly ordered society, under God, was structured around distinctions of rank mediated by personal loyalties and duties. This political ideology put La Trobe decidedly out of step not only with the beliefs of Jacksonian Democrats, but with the political culture of the United States more broadly.

While La Trobe expressed solidarity with the U.S. government’s Indian removal policy, he seems to have disapproved of every other product of U.S. political culture. As narrated in *The Rambler*, in 1832 and 1833 La Trobe confronted a politically active society “whereby the whole mass are more or less agitated from year’s end to year’s end.”<sup>501</sup> In La Trobe’s rendering, such a culture offended against the immutably proper way “civilized” societies should (and indeed must) be ordered. He particularly disapproved of U.S. partisan politics’ “degrading style of warfare,” and the accompanying character attacks and “alternate bespattering and bepraising”

---

<sup>498</sup> La Trobe to Madame la Comtesse Frederic de Pourtalès, 30 November 1833, La Trobe Neuchâtel Archive, LTMC, SLV, MS 13354.

<sup>499</sup> La Trobe to Madame la Comtesse Frederic de Pourtalès, 10 August 1832, La Trobe Neuchâtel Archive, LTMC, SLV, MS 13354.

<sup>500</sup> La Trobe to Madame la Comtesse Frederic de Pourtalès, 30 November 1833, La Trobe Neuchâtel Archive, LTMC, SLV, MS 13354.

<sup>501</sup> Latrobe, *Rambler in North America*, 2: 103.

touted in the “polemical newspapers.”<sup>502</sup> But not only did he disapprove of the “American political atmosphere,” he also condemned the ideological claims on which the U.S. political culture were founded; he disapproved of the Americans’ claims to be “politically equal” and “emancipated from the thralldom of mind and body which they consider consequent on upholding the divine right of kings,” and their disowning of “[a]ll claim to place, patronage, or respect for the bearer of a great name.”<sup>503</sup> Rather than being an achievement to celebrate, this republican and democratic political culture represented decay and decline. “There must,” concluded La Trobe, “be something in the political atmosphere of America, which is more than ordinarily congenial to that decline of just and necessary subordination which God has both permitted by the natural impulses of the human mind, and ordered in His word.” He thus lamented the “decay of loyal feelings in all relation of life . . . observable in many parts of the United States” and manifest in the “looseness of the tie . . . between the master and servant,— the child and the parent,— the scholar and the master,— the governor and the governed.”<sup>504</sup> The republican and democratic political culture he found in America was therefore not something to be celebrated.

Unlike the Jacksonian Democrats, La Trobe did not even nominally believe in egalitarianism. When Cass, in his Indian removal article, for instance, wrote about “civilization” or “civilized” society, he generally implicitly referred to a “white” American society, which he defined against a derogatorily depicted, generalized, “Indian” society. At times in *The Rambler*, La Trobe used the term “civilization” in a similar sense, to signify a modern U.S. society, contrasted against American Indians in a so-called “savage state.”<sup>505</sup> In other reflections on American society though, La Trobe mobilized the adjective “civilized” to denote differences of

---

<sup>502</sup> Ibid.

<sup>503</sup> Ibid., 104.

<sup>504</sup> Ibid.

<sup>505</sup> For example, *ibid.*, 1: 71.

rank within white society. He wrote, for instance, that people in the United States did not understand him when he spoke “of the possibility of the existence of civilization without cultivation.”<sup>506</sup> While “civilization” referred here to U.S. society in the broad sense, he subsequently referred to the cultivated sections of the U.S. population as belonging to “civilized society” in a more exclusive sense. This use of the phrase “civilized society” signified what La Trobe viewed as the most respectable and highest-ranking social circles in the United States. Though these circles – with the requisite mix of education, manners and behavior that apparently distinguished “good society in Europe” – were few in number, in the “principle cities” of the U.S. the traveler could “find circles more or less exclusive, with the majority of individuals composing which he may be proud to acknowledge community of sentiment or feeling.”<sup>507</sup> Outside these circles, U.S. society was, according to La Trobe, a “singular *melange*” where “you find the rude and the polished in contact,” and “the rough simplicity of semi-barbarism” juxtaposed with “the inroad of luxury. . . existing without refinement.”<sup>508</sup> Unlike Cass, La Trobe did not necessarily conflate “civilized society” with a non-Indian whiteness.

Despite the Jacksonian-style rhetoric through which he pronounced his approval of the U.S. Indian Removal Act, La Trobe nevertheless founded his support on the very un-Jacksonian presumption that there were distinctions of rank within white society, and that whiteness did not necessarily signify “civilization.” After declaring that the “white man and the Indian” could never be neighbors or “amalgamate,” La Trobe suggested that the “mutual aggression among the dissolute and ignorant of both class” was to blame for this incompatibility.<sup>509</sup> In contrast to Cass who blamed “the Indians,” La Trobe also blamed the “dissolute and ignorant” members of white

---

<sup>506</sup> Ibid., 2: 104.

<sup>507</sup> Ibid., 105-06.

<sup>508</sup> Ibid., 106.

<sup>509</sup> Ibid., 1: 133.

society. In particular he blamed the men employed as agents to execute the “benevolent designs” of the government’s Indian policy. According to La Trobe, these were not, in the majority, “just, honest, and good men – men of character and probity;” the Indians were thus surrounded “by bad men, as the hungry wolves of the desert surround a troop of horses.”<sup>510</sup> The responsibility for the incompatibility of Indian and white society – and the subsequent need for the Indians to remove westward – therefore lay partly with the white men of bad character, who shirked their responsibility to act benevolently towards the Indians.

The Indians were themselves also to blame for not embracing so-called civilization. In contrast to Cass, who in his 1830 article argued for removal on the grounds that American Indians were inherently unable to become “civilized,” La Trobe instead blamed “the Indian” for “his” apparent unwillingness to adopt “civilization.” “If,” he wrote, “the Indian turns his back upon the alternative of civilization, he must recede.”<sup>511</sup> In La Trobe’s view, the apparent failure of the Indians to adopt “civilization” was a choice, rather than an inherent failing. Indeed, La Trobe believed that while differences of merit between and amongst men were to some extent natural born, they were not necessarily born along the lines of Indian and “white.” Although American Indians could probably not, in La Trobe’s schema, join the ranks of those distinguished with truly “honourable ancestry,” unlike Cass he did not believe in the inherent inferiority of all Indians to all white men.<sup>512</sup> In apparently rejecting civilization, they had therefore partly caused their own demise and the subsequent need to emigrate west of the Mississippi River.

La Trobe’s justifications slip between presenting removal as the necessary response to inevitable and unavoidable forces, and suggesting that human exertions could have counteracted

---

<sup>510</sup> *Ibid.*, 134.

<sup>511</sup> *Ibid.*, 133.

<sup>512</sup> “honourable ancestry”: *ibid.*, 2: 107.

these forces. He thus explained the apparently “common observation” that predicted American Indians’ “utter extinction before the lapse of many years,” by stating that there were “causes operating . . . which are not fully understood,” though he believed it was a process which had begun before the coming of the “white man,” who nevertheless intensified the process.<sup>513</sup> Yet he also suggests that the seemingly “inevitable” and “unavoidable” evils born of the collision between Indians and whites – which he uses to justify Indian “expatriation” – might have been staved off had the Indians not turned their backs “upon the alternative of civilization,” and had the government not employed benevolent Indian agents, rather than men of bad character. Although somewhat obscured by echoes of Jacksonian rhetoric, in these statements La Trobe suggests that had circumstances and human characters been better, the civilizing mission to the American Indians could have been achieved.

When La Trobe travelled to Upper Canada in 1833, away from the omnipresent democratic rhetoric of U.S. partisan politics and its “polemical newspapers,” his narrative evinces a more pronounced commitment to the civilizing mission among American Indians. In September 1833, before crossing the border at Detroit and venturing west to Chicago for the Potawatomi treaty, La Trobe and Albert Pourtalès visited the Moravian Mission to the Delaware village of Fairfield on the River Thames. Unlike most of the American Indian (or First Nations) communities that La Trobe and Pourtalès visited during their North American tour, this stopover appears primarily to have fulfilled the desires of La Trobe rather than those of the Swiss Count. As La Trobe made clear in *The Rambler*, this visit was of particular personal interest to him. “From my childhood,” he stated, “I had been accustomed to hear of missionary labour, missionary trials, and missionary joy and sorrow, and to see and know those who had spent their lives freely in the service of God among the heathen.” Stopping at Fairfield gave him the much-

---

<sup>513</sup> Ibid., 1: 130.

anticipated chance to witness the “labour” and “trials” with his “own eyes” and his “own ears.”<sup>514</sup> His ensuing descriptions of the visit reveal his staunch faith in the absolute righteousness and imperative necessity of missionary endeavors to civilize and Christianize American Indians.

In La Trobe’s account, the Moravian mission to the Delaware represented an unequivocally virtuous endeavor. He described the visit as having had a revelatory effect on him. Although he had, from youth, “been taught to value the devotion . . . which lead the Missionary to forsake his home and country,” visiting Fairfield had caused him to see this calling in an even more positive light. “I own,” he claimed, “that till the opportunity was afforded me to see for myself what the heathen soil was wherein they had to labour, – I never formed a conception of what missionary devotion, perseverance, toil, and suffering really were.”<sup>515</sup> What he saw had strengthened his belief in the missionary project.

In La Trobe’s eyes, the continuance of this missionary activity, in the face of the extreme hardships of “the heathen soil,” was itself proof of the righteousness of the missionaries’ work. To explain these hardships he included a historical narrative of “the labours of the Brethren’s Church” among the Delaware in North America. Writing of Moravian missionary efforts to the end of the eighteenth century, he noted the baptism records of “between thirteen and fourteen hundred Indians.” Although “a small number truly after the labours of three quarters of a century,” they were nevertheless “sufficient to show that God was with them; that the labour, devotion, and constancy of the Missionaries, and the faith of the Church from which they were sent forth, were not in vain.”<sup>516</sup> Quantifiable results were not the true measure of missionary

---

<sup>514</sup> Ibid., 2: 115.

<sup>515</sup> Ibid., 129.

<sup>516</sup> Ibid., 135-36.

success. However small the returns might seem, missionary labor – according to La Trobe – was never in vain.

His observations and conclusions about the mission at Fairfield presumed the absolute righteousness of this labor. He designated the Moravian missionaries as the heroes of the narrative; they had responded to God’s call to perform the imperative duty of Christianizing and “civilizing” the “heathens.” In this rendering, the “heathen” Indian flock acted functioned mostly as narrative foils against which he highlighted the valiant labors of the Moravian missionaries. Among the trials the missionaries faced were the Indians’ “strange hankering after certain of their Indian superstitions, which seemed to have taken almost irradicable possession of their strong minds,” or their continued “desire to follow some ancient Indian custom.” Yet La Trobe even “with all these drawbacks,” La Trobe believed the brethren found “encouragement sufficient to persevere in their labours,” and could trust that they had truly converted “many a poor Delaware” to depart “out of this world at peace with God, and in certain hope of a blissful immortality.”<sup>517</sup> Although he presented what he saw at Fairfield as a revelation about the true value of the missionary endeavor, it was a revelation that merely confirmed his existence beliefs about the glorious commitment of the missionaries who battled on despite the Indians’ obstinate resistance to the missionaries’ valiant efforts to put them on the path to physical and spiritual salvation. It was as if what La Trobe saw confirmed all his existent views even more powerfully than he had expected.<sup>518</sup>

---

<sup>517</sup> Ibid., 117.

<sup>518</sup> The nameless and stereotyped depiction of the Delaware “flock,” contrasted to the picture of the Indian leader Tecumseh that La Trobe painted during his narrative about the history of the Delaware. The “high-minded Indian warrior” Tecumseh, La Trobe concluded, stood out above his “herd.” Rather than equating Tecumseh with other American Indians, La Trobe drew similarities between his valiant “energy and perseverance” and the efforts of the early Moravian missionaries in America: “They too, like Tecumseh, had one governing principle, one wish, one hope, to which all their powers and energies of body and mind were directed.” Ibid., 128-30.



He characterized the threats that continued to frustrate greater returns for the missionaries' valiant efforts in terms very similar to those he used to justify Indian removal in the U.S. Not only did the resistant aspects of the "Indian character" work to thwart the Moravians' endeavors, bad elements among the whites had also seriously hampered these labors. He declared that "[o]f the two great hindrances to missionary labours which exist even at this day, – the natural repugnance of the savage to a change of life, and the evil influence and opposition to be experience from the whites, – the latter has been at all times the most to be feared and to be lamented." La Trobe therefore added to the other trials endured by the missionaries, the persecution they and their "flock" faced at the hands of other whites: "The suffering endured by the Missionaries and the Indians under their care, from this source, from the very commencement, are hardly to be pictured."<sup>519</sup> The righteous missionaries had therefore been hindered in their efforts "to give the Indian true light and knowledge" by a bad element among "white" society, just as "bad men" had thwarted the benevolent designs of the U.S. government, necessitating Indian expatriation.

In narrating his subsequent trip to U.S. Indian Country, La Trobe gives a more cynical take on the U.S. government's Indian policy than in his discussions of the previous year's tour with Ellsworth's party. After visiting Fairfield, La Trobe and Pourtalès traveled through Detroit to Chicago in time for the U.S.-Potawatomi treaty council of September 1833. In contrast to his descriptions of the government's removal policy during his tour of the western prairies with Ellsworth and Irving, his framing of removal in the context of the Chicago treaty negotiations give a more negative depiction of the Jackson government's plans. Having gained access to the negotiations, La Trobe astutely observed that the U.S. government-appointed commissioners attempted not only to have the Potawatomes cede their lands in Michigan and Illinois, but also

---

<sup>519</sup> Ibid., 130.

to have them emigrate west of the Mississippi. He presents government actions in this context as those of a bully rather than a benevolent protector. For instance, describing one stage of the proceedings he states, “the Commissioner made them [the attending Potawatomes] a forcible Jacksonian discourse, wherein a good deal which was a-kin to threat, was mingled with exhortations not to play with their Great Father, but to come to an early determination.”<sup>520</sup> While such a scene did not unsettle La Trobe’s conviction “of the necessity of [Indian] removal,” he nevertheless seems to have more consciously distanced himself from the motivations of the “forcible” Jacksonians. He suggested himself as having a contrasting sensibility, because apparently unlike the Jacksonian commissioner, his “heart bled for them [the Potawatomes] in their desolation and decline.”<sup>521</sup> And yet, with all the bleeding of his heart, La Trobe continued to support the Indian policy of a government with whom he shared very little ideological compatibility.

Although La Trobe’s initial statements of support for Indian removal in *The Rambler* echoed Jacksonian discursive tropes, such as those propounded by Cass in his 1830 *North American Review* article, he founded his support on a decidedly different set of political beliefs. Despite refuting democratic and republican ideologies, La Trobe found solidarity with the U.S. government’s Indian removal policy because he could still assimilate his epistemological and cosmological outlook with the apparently undeniable need for the eastern American Indian peoples “to remove” west of the Mississippi. As a committed Christian, and self-proclaimed Tory, La Trobe believed that there was only one true and proper path that all human should and must follow: to live in a hierarchically ordered “civilized” society, adhering to (a Christian) God’s law. Like antiremovalists such as Jeremiah Evarts, he fervently believed that so-called

---

<sup>520</sup> Ibid., 158.

<sup>521</sup> Ibid.

civilized Christian people had an imperative duty to bring American Indians within this proper societal order. Also in contrast to the views Cass expounded in his 1830 article, La Trobe was – as shown by his discussion of the Moravian mission at Fairfield – absolutely committed to the civilizing mission. Though he admitted that perhaps American Indians had, in general, a “natural repugnance” to change, they were not beyond redemption; such a belief would have invalidated the missionaries’ glorious vocational calling. It was the Indians themselves, who had apparently chosen to turn their backs on “the alternative of civilization,” that had partly precipitated the U.S. government’s removal policy. Moreover, bad elements among both the whites and the Indians – including the very un-Jacksonian implication that whiteness was not necessarily interchangeable with “civilization” – were apparently also to blame for the need to separate American Indians from white society.

La Trobe’s *The Rambler* highlights that even when discussed in the context of U.S.-Indian relations, the political dimensions of Indian removal were not solely prescribed by the concerns of U.S. partisan politics. Removal was not a quintessentially Jacksonian phenomenon; it was, in fact, malleable to a variety of ostensibly contradictory ideologies. Indeed, only a few years after La Trobe visited Upper Canada, Francis Bond Head would attempt to implement his program – based on romantic ideals seemingly incompatible with Jacksonian ideology – to remove the colony’s First Peoples to Manitoulin Island.

### **Francis Bond Head and the Romanticism of Indian Removal**

Francis Bond Head first called at the Delaware village at New Fairfield in September 1836, three years after Charles La Trobe’s visit. Where La Trobe had seen missionary heroism, Head saw only decay and doom. Writing to Lord Glenelg (the secretary of state for war and the

colonies) in November 1836, Head painted an extremely negative picture of life in the village; an image he used to justify his arguments for the necessity of removing all Upper Canada's First People to Manitoulin Island. According to Head, the Delawares at New Fairfield represented a "very common" picture of the destitution caused by missionary efforts to civilize and Christianize "the Indians."<sup>522</sup> Head used such a description to justify to the colonial office in London, his efforts to enter into removal treaties with Upper Canada's First Peoples. He thus used the proclaimed negative effects of the civilizing mission as a foil against which he justified his Indian policy. The apparent failure of practical efforts to "civilize" people proved the tenets of his romantic-primitivist beliefs: "civilization" was a malevolent force, which would necessarily destroy the Indians. To avoid this fate, they needed to emigrate to the safety of Manitoulin Island. Head's justifications for his removal policy remained remarkably similar. In his initial explanations for the policy, and in response to questions from the colonial office amidst the controversy generated by the missionary opposition, he consistently fell back on the same romantic tropes. After his tenure as lieutenant governor, he used the same tropes to justify his removal policy, though his distance from the political reality of government in Upper Canada allowed him to present an even more generalized vision – shorn of any polluting specifics – of the necessary and proper relationship between the pristinely natural "red men of the forest" and their "white brethren."

While La Trobe presented himself as an open-minded cosmopolitan observer of North American societies, Head maintained an open disdain for the republican society to the south.<sup>523</sup>

---

<sup>522</sup> Head to Glenelg, 20 November 1836, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 126.

<sup>523</sup> As well as his contributions to the *Quarterly Review*, Francis Bond Head had published works such as Francis Bond Head, *Rough Notes Taken During Some Rapid Journeys across the Pampas and Among the Andes* (Boston: Wells and Lilly, 1827); Francis Bond Head, *Reports relating to the failure of the Rio Plata Mining Association formed under an authority signed by His Excellency Don Bernardino Rivadavia* (London: J. Murray, 1827); Francis

He arrived in Upper Canada to a fermenting political dispute between local Tories and “radicals” seeking broader democratic rights. More openly hostile to U.S. “egalitarianism” than La Trobe, Head viewed the demands and aspirations of these “radicals” as part of a continental democratic scourge that had already infected the United States. Writing to his publisher John Murray amid the economic crisis of 1837, he proclaimed that “[f]rom the bottom of my soul I detest democracy.” Head believed that his fiscal policies would “shew the civilized world that [the] ‘*all-men-are-born-equal*’ system cannot in the moment of adversity sustain itself with the old English aristocratic principle of conduct which has honor for its guide, and hereditary distinction as its reward.”<sup>524</sup>

Head resigned his post the next year because he felt his conscience could not bear complicity in any attempts to conciliate the “low-bred antagonists” of the 1837 rebellion. Back in London, Head met with the Whig Prime Minister Lord Melbourne in the hope of finding another government appointment. At the end of the meeting Melbourne declared to Head, “[y]ou are such a damned odd fellow,” and did not recommend Head for another position.<sup>525</sup> In his response to the political strife, as with the policy he formulated in 1836 to remove all of Upper Canada’s First People to Manitoulin Island, Francis Bond Head had been conspicuously out of step with the Whig administration in London.

Head’s Indian removal policy gained notoriety because it contrasted sharply with the prevailing colonial office stance towards the empire’s “Aborigines.” His short tenure in Upper Canada coincided with the 1836 sittings of the Aborigines Select Committee in London. The

---

Bond Head, *The Life of Bruce, the African Traveller* (London: J. Murray, 1830); Francis Bond Head, *English Charity* (London: J. Murray, 1835).

<sup>524</sup> Francis Bond Head to John Murray, 24 May 1837, John Murray Archive (JMA), National Library of Scotland (NLS), MS 42280.

<sup>525</sup> Lloyd Charles Sanders, ed. *Lord Melbourne's Papers* (London and New York: Longmans, Green, and co., 1889), 423. Cited in Sydney Jackman, *Galloping Head* (London: Phoenix House, 1958). 118.

formation of the Committee resulted largely from the efforts of House of Commons member Thomas Fowell Buxton, who had succeeded Wilberforce in the leadership of the abolition campaign. After the passing of the Slavery Abolition Act in 1833, these reform-minded evangelicals turned their benevolent agenda to the plight of the empire's "Aborigines."<sup>526</sup> In its 1837 report, the Committee recommended a policy to protect indigenous people against settler violence, and to implement programs to civilize and Christianize them; an ethos which already largely permeated a colonial office peopled with Clapham Sect evangelicals. Yet for a time, Head managed to obtain tentative approval for a program that seemed fundamentally to contradict these policy aims. In advocating for the removal of all the First Peoples in Upper Canada to Manitoulin Island, Head subverted the prevailing notion that civilizing "the Aborigines" would ameliorate their condition. Through the fixed lens of his romantic-primitivist sensibility, Head viewed "civilization" as a malevolent force that would inevitably wash away the noble, primitive Indians unless they were removed from its path.

This romantic impulse infused both the official explanations of his Indian policy, and his subsequent literary accounts of his gubernatorial acquaintance with his "red children." Both before and after his post in Upper Canada, Francis Bond Head had a prolific publishing career with John Murray publishing house in London, which also published most of Washington Irving's works, including his *Tour on the Prairies* in 1835, as well as those of other authors such as Jane Austen, Sir Walter Scott, and Lord Byron.<sup>527</sup> Head also regularly contributed to the firm's political and literary journal, the *Quarterly Review*; the journal that Cass had taken occasion to vehemently denounce in his *North American Review* articles in the late 1820s. Although Head's first substantial work about Upper Canada focused on the political strife

---

<sup>526</sup> See Laidlaw, "'Aunt Anna's Report'."

<sup>527</sup> See Samuel Smiles, *A Publisher and his Friends: Memoir and Correspondence of the Late John Murray, with an account of the origin and progress of the house, 1768-1843* (London: J. Murray, 1891).

leading to the 1837 rebellion, he subsequently published his observations and judgments about American Indians in his 1840 *Quarterly Review* essay “The Red Men,” and in an extensive account of his 1836 trip to Manitoulin island in *The Emigrant* (1847).<sup>528</sup> Stylistically, these retrospective accounts did not differ greatly from his original official correspondence, which he inflected with a similar literary flair. Responding to Glenelg’s first directive on Indian policy in November 1836, Head commenced a memorandum in his official “dispatch” by proclaiming that “[t]he Fate of the Red Inhabitants of America, the real Proprietors of its Soil, is, without any Exception, the most sinful Story recorded in the History of the Human Race.”<sup>529</sup> This sensibility consistently infused in all his writings about First Peoples.

By the time Head responded to Lord Glenelg’s Indian policy directive in November 1836, he had already begun to implement his removal plans. Though the policy “to remove” the colony’s First Peoples had been conceived by officials under the previous administration, in Head’s hands it took on a decidedly new romantic-primitivist flavor. When in 1835 Thomas Anderson – by then superintendent of Indian Affairs at Coldwater – wrote to Head’s predecessor Sir John Colborne, he proposed Manitoulin Island as a separate Indian settlement, necessary “for the Civilization of the Indians.”<sup>530</sup> Head subsequently advocated for an isolated Indian settlement for very different reasons: it would enable “the Red Man” to escape the apparently malevolent forces of civilization. In Head’s rendering, removal became an oppositional reaction to the “civilization” policy advocated by both the colonial office in London and the previous local administration in Upper Canada.

---

<sup>528</sup> Francis Bond Head, *A Narrative* (London: J. Murray, 1839); Head, “The Red Man.”; Head, *Emigrant*. See also Francis Bond Head, “The Red Man,” in *Descriptive Essays Contributed to the Quarterly Review* (London: John Murray, 1857).

<sup>529</sup> Sir Francis Bond Head to Lord Glenelg, 20 November 1836, in House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 125.

<sup>530</sup> T.G. Anderson to John Colborne, 24 September 1835, *ibid.*, 118-22, quote at 21-22. This is the same Thomas Anderson from chapter two – who reported the Ho-Chunk attacks in 1827, and to whom Four Legs spoke at Drummond Island; and Assiginack’s friend in chapter three.

In his contemporary reports to Glenelg, Head justified his renunciation of the civilization policy by referring to his empirical observations of “the actual Situation of that Portion of the Indian Population which is undergoing the Operation of being civilized.”<sup>531</sup> Missionary activity among the colony’s indigenous peoples featured prominently in these initial justifications. While Glenelg, in his Indian policy directive of June 1836, had confirmed to Head the British government’s prerogative of supporting missionary endeavors among Upper Canada’s indigenous people, Head in his response justified his break with this policy by claiming that missionary attempts to “civilize” and Christianize “the Indians” had failed. According to Head, the missionary programs had resulted in deaths by consumption that had decimated “its Followers.” He then swiftly concluded that “an Attempt to make Farmers of the Red Men has been, generally speaking, a complete Failure,” and that “congregating them for the Purpose of Civilization has implanted many more vices than it has eradicated.”<sup>532</sup> According to Head, policies aimed at “civilizing” the Indians had been fundamentally misconceived.

Head implied that this misconception lay with previous policy makers’ failure to recognize the (apparently) clearly evident truth that “Indian” and “civilized” society could not mix. As with his descriptions of Peter Jones, Head described the product of contact between “civilized” and “Indian” society as necessarily resulting in the decay of Indianness; the loss of “the Indian’s” characteristic pristine nobility. The apparently inherent and immutable characteristics of Indian nature explained the present state of “much of the Indian Property in Upper Canada”; “however useful rich Land may be to *us*,” wrote Head, “its only Value to an Indian consists in the Game it contains: he is in fact Lord of the Manor, but it is against his

---

<sup>531</sup> Head to Glenelg, 20 November 1836, in *ibid.*, 124.

<sup>532</sup> Head to Glenelg, 20 November 1836, in *ibid.*, 125.



Nature to cultivate the Soil.”<sup>533</sup> Head thus presented missionary attempts to transform Indians into Christian farmers, as futile and destructive efforts to alienate Indians from their true nature as hunters and “Lords of the forest.” There was no point, according to Head, for Indians to continue living surrounded by white settlers in areas from which the game had been frightened away. Unable by circumstance to hunt for Game, and unsuited by nature “to cultivate the Soil,” the Indians had apparently become destitute on lands which white settlers could otherwise put to good use.

To illustrate this alleged phenomenon, Head drew on observations from his recent visit to the Moravian mission at Fairfield. There he found, he wrote to Glenelg, “Sixteen or Eighteen Families of Moravian Indian living on a vast Tract of rich Land, yet from Absence of Game almost destitute of every Thing.” This “Picture,” he stated, “is a very common one,” which he believed would “sufficiently show that however desirous one may be to protect the Indians . . . the greatest Kindness we can do them is to induce them . . . to retreat before what they may justly term the accursed Progress of Civilization.”<sup>534</sup> Using the Moravian mission at Fairfield as the example of a broader, apparently inevitable phenomenon, Head presented missionary efforts to Christianize and “civilize” the colony’s “Indians” as both futile and destructive. For these reasons, he wrote, he was “decidedly of the opinion that His Majesty’s Government should continue to advise the few remaining Indians who are lingering in Upper Canada to retire upon the Manitoulin and other Islands in Lake Huron.”<sup>535</sup> The apparently disastrous results of missionary endeavors, such as those of the Moravians at Fairfield, therefore formed a crucial discursive foil against which Head justified his break with the prevailing direction of British “Aboriginal” policy.

---

<sup>533</sup> Head to Glenelg, 20 November 1836, *ibid.*, 126.

<sup>534</sup> Head to Glenelg, 20 November 1836, *ibid.*

<sup>535</sup> Head to Glenelg, 20 November 1836, *ibid.*

At first, colonial office officials in London seem not to have fully grasped the fundamental incompatibility of their policy prerogatives and Head's removal plans. Glenelg wrote to Head stating that while he felt it "impossible to question the Accuracy" of his view "of the Consequences resulting to the Indians from their Intercourse with White Men," he would "reluctantly yield" to the conviction that promoting the Indians' welfare meant abandoning "the Hope of imparting to the Indians the Blessings of Christianity."<sup>536</sup> Tactfully avoiding the stigmatized word "civilization," Glenelg nevertheless gently reminded Head that Christianization must remain an imperative goal of British Indian policy. He gave tentative assent to Head's removal policy, but only on the basis that he believed it might, in fact, enhance the chance of missionary success. Glenelg thus anticipated that "[o]ne Great Advantage . . . of interposing a considerable Space between the Country occupied by the White Men and the Indian Settlements, is the Facility which such an Arrangement might offer to the Inculcation . . . of the Doctrines and Precepts of Christianity."<sup>537</sup> But despite such (albeit gentle) edicts, Head continued to promote a policy founded on his belief that all facets of the civilizing mission, including endeavors aimed at converting Indians to Christianity, represented a malevolent threat to the wellbeing of the Indians. Even when Glenelg's office began to receive pressure from the treasury department in London to elicit from Head an explanation regarding why he had reneged on the previous local administration's civilization program, Head remained unapologetic.<sup>538</sup> He had broken with previous policy based on "the real State of the Indians in this Province," whose "Situation" he had judge with his "own Eyes."<sup>539</sup>

---

<sup>536</sup> Glenelg to Head, 20 January 1837, *ibid.*, 73.

<sup>537</sup> Glenelg to Head, 20 January 1837, *ibid.*

<sup>538</sup> Alexander Spearman to James Stephen, 9 February 1837, *ibid.*, 76.

<sup>539</sup> Head to Glenelg, 18 July 1837, *ibid.*, 139.

As already discussed, what Head saw with his “own Eyes,” differed consistently from the “Situation” as depicted by missionaries working among First Peoples in Upper Canada. These missionaries responded to Head’s policy with an outcry of opposition. Yet despite the consistent rate of missionary petitions received against Head’s Indian policy initiatives, the colonial office initially remained supportive of Head’s efforts.<sup>540</sup> In subsequent months, however, Head’s claims about “the real State of the Indians” met with increasing skepticism within the colonial office. Towards the end of the summer of 1837, Glenelg and the influential under-secretary of the colonial office, James Stephen, took steps to direct a third party to visit the “Indian tribes” in Upper Canada in order either to confirm or correct Head’s opinion.<sup>541</sup> They also began to pay more heed to Head’s opponents, such as Robert Adler, the secretary of the Wesleyan Missionary Society in London, who had consistently petitioned the colonial office against the threat Head’s policy posed to Wesleyan missions in Upper Canada. In August 1837, Stephens wrote to Adler on behalf of Glenelg requesting that he write a concise summary of his views on the “Indian Settlements in U. Canada,” and informing him that an officer had been employed to investigate “the real state of the Indians & their Settlements.”<sup>542</sup>

Although the Wesleyans initiated the campaign, the ensuing controversy focused on the Moravian mission to the Delawares, as well as the Wesleyan missions to the Ojibwes. In June 1837, the president and ministers of the Wesleyan (Methodist) church in Canada addressed a memorial to Head complaining about his dealings with the Indians of Upper Canada. Enclosing the memorial in his dispatch to Glenelg, Head refuted the charges, proclaiming that all the previous years’ surrenders of land – by the Saugeen Ojibwes at Manitoulin Island, the Wynandots (Hurons) at Amherstburg, and the Delawares at Fairfield – had been voluntarily

---

<sup>540</sup> For example, Glenelg to Augustus D’Este, 4 April 1837, *ibid.*, 78.

<sup>541</sup> James Stephen, Minute, 9 September 1837 on Head to Glenelg, 18 July 1837, PRO CO 42/438.

<sup>542</sup> James Stephen to Reverend R. Adler, 28 August 1837, PRO CO 42/441.

entered into, and properly executed.<sup>543</sup> In response to the memorialists' complaint that lands previously granted to Christian Indians had been give to settlers without compensating the Indians for their improvements, Head specifically referred to his dealings with the Delawares, asserting that "of their [the Delawares] own Suggestion, and at their own Request, I ordered their Improvements to be regularly valued, and that although in my Opinion they were over valued, I immediately, without the slightest Deduction whatever, paid the whole Amount."<sup>544</sup> Indeed, Head could confidently reference his dealings with the Delawares to counter the specific claims that his administration had not paid compensation for surrendered improvements.<sup>545</sup> But what would really be at stake for the Moravians, like the Wesleyans, was not so much the substance of the transactions that Head's administration had entered into with the respective First Peoples, it was the effect that these dealings had on their actual ability to continue to exist, and thus undertake their civilizing missions.

In the summer of 1837, the Moravians joined the chorus of people petitioning the colonial office against Head's Indian policy in Upper Canada. Their petitions revealed, more explicitly than the Wesleyans', the nature of the threat that Head's policy posed to their missionary activities. In their submissions to the colonial office, the Moravians were more open about the fact that by being sidelined in the negotiations between the government and their "flocks," their perceived authority over the Delawares, on which they based their ability to pursue their civilizing mission, had been seriously compromised. In September 1837, Charles La Trobe's older brother Peter, who had succeeded their father as Secretary to the Society for the

---

<sup>543</sup> Head to Glenelg, 15 August 1837, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 150.

<sup>544</sup> Head to Glenelg, 15 August 1837, *ibid.*, 151.

<sup>545</sup> William McCrae to John Joseph, 8 October 1836, NAC, RG 10, vol. 63; Moravian Indian memorial, 17 April 1837; Signed Statement of the Chiefs of the Moravian Tribe of Indians on the River Thames, 8 August 1837, NAC RG 10, vol. 65.

Furtherance of the Gospel in Britain, wrote to Glenelg to notify him of the destructive impact of Head's actions to his Brethren's mission at Fairfield. Peter Latrobe had been informed of Head's dealings by Andrew Benade of the Brethren's missionary society in Pennsylvania – the Trustees of the mission property in Canada – who requested him to seek relief for Head's settlement with “their Indian converts.”<sup>546</sup> Though like the Wesleyans, the Moravians complained of the “irregular and arbitrary” nature Head's transactions, they used these details of the negotiations to illustrate how Head had gained the Delawares' majority consent only by illegally circumvented missionary approval.

The Moravians thus had a legal argument on which to base their outrage that the government had dealt with “their converts” without their permission. The land on which the mission at Fairfield stood, the Moravians informed Glenelg, had been granted to the Moravians in 1793 to hold in trust “for the sole use of their Indian Converts.”<sup>547</sup> They claimed that during the negotiations for the surrender, Head and the local Superintendent of Indian Affairs, Joseph Clench, sidelined the missionaries despite their protestations that “the Indian Converts” had “no right to dispose of the Mission Land without the Consent of the Trustees.”<sup>548</sup> Yet instead of reversing the land surrender, the Pennsylvanian Moravians asked Peter Latrobe “to instruct the Provincial Government to avoid in future treating with our Indians about the Lands they occupy, without having made a previous Communication to the Missionaries, and obtained their Concurrence, as well as that of the Trustees.”<sup>549</sup> The Moravians sought not the restitution of the Trust's property, to which they would presumably have been legally entitled, but rather the local administration's acknowledgement of their claims to authority over the Delawares. They

---

<sup>546</sup> Andrew Benade to Peter Latrobe, 5 July 1837, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 105-07.

<sup>547</sup> Peter Latrobe to Glenelg, 29 September 1837, *ibid.*

<sup>548</sup> Andrew Benade to Peter Latrobe, 5 July 1837, *ibid.*, 106.

<sup>549</sup> Benade to Peter Latrobe, 5 July 1837, *ibid.*, 106-07.

therefore used the legal wrong as a hook on which to hang their argument against Head having circumvented their authority over “their Indian Converts.”

But in Head’s view, the missionaries had no legitimate claim to authority over the Indians; only his government, as representative of the “Great Father in England” held the requisite authority for a relationship with Upper Canadas’ Native peoples. He was, moreover, deeply suspicious of the missionaries, suggesting that they had avaricious rather than spiritual motives, and that they were actually surreptitiously attempting to dupe the Indians of their land. As part of his response to the Wesleyan’s memorial, he thus wrote to Gleneg that though he disliked the attempts of “Squatters . . . to obtain furtive Possession of the Indian Lands,” he thought it nevertheless “natural . . . for White men openly to commit the Sin of cultivating rich Land wherever it is found sleeping by itself in a State of Nature.” However, he suggested that the missionaries actually committed the same “Sin,” but in their case it was not excusable: “when the same Offence is attempted under the Cloak of Religion, when with uplifted Eyes it is urged that ‘it would be of great Advantage to the moral and religious Improvement of the Indians, and at the same Time be peculiarly acceptable to the real Friends of that interesting People, both in this Province and in England,’ I entertain Feelings which I will not allow myself to express.”<sup>550</sup> In Head’s view then, missionary activity represented not only a misconception of the problem of Indian-settler relations, missionaries also used their religious activities as a screen for the hypocritical pursuit of their own self interest.

In Head’s schema of the proper order of Indian-white relations, there existed no room for interactions between missionaries and American Indians. Yet as lieutenant governor of Upper Canada, he had to deal with the reality of missions to the Indians, and with missionaries upsetting what he believed to be the true and necessary image of what Indians, and their

---

<sup>550</sup> Head to Glenelg, 15 August 1837, *ibid.*, 151.

lifestyles, should look like. In justifying his removal policy, he thus needed to deal with the opposition of those who challenged his depiction of the proper order of Indian-settler relations. But when Head resigned as lieutenant governor, and moved back to England, he no longer had to deal with the messy details of the reality of American Indian lives in Upper Canada. Instead, he would fall back on his romantic imagery, without the pollution of a reality that included men such as Peter Jones, and white missionaries apparently contributing to the doom and decay of Native peoples. He could proclaim the existence of an unbreachable divide between “civilized” and “savage” man, without having to deal with the specifics of anyone or anything, that seemed to fall somewhere between these two categories.

In his first literary treatment of the topic, Head presented a generalized, retrospective justification for his removal policy. In his 1840 analysis of “The Red Man” for the *Quarterly Review*, Head proclaimed policies aimed at “civilizing” American Indians as highly dangerous to the Indian wellbeing, for they intensified exposure to the very thing that unavoidably caused their decline: civilization. For Head, Indian society was inherently unchangeable, so any contact with “civilized” mankind inevitably led to the corruption, degradation, and inevitable extinction of the Indians. He used the geological metaphor of the relationship between metal and “mundic” – the word that Cornish miners used to describe iron or arsenical pyrites – to posit what he regarded as the general rule governing the interaction between the so-called uncivilized and civilized worlds. He stated that while the “glittering substance” mundic, which covered the surface of the “richest lodes,” resembled metal, “on being smelted [it] flies away in poisonous fumes of arsenic, so is the portion of the uncivilized world which border upon civilization always found to be contaminated, or, in other words, to have lost its own good qualities, without having

received in return anything but the vices of the neighbouring race.”<sup>551</sup> For Head, his observations of the conditions of the Indians in contact with “civilization” evinced the inevitable result of contact between the Indians with civilization. Yet unlike in his policy justifications to the colonial office, Head did not feel the need to ostensibly base this theory on specific empirical observations of Indian communities.

In his 1847 book *The Emigrant*, Head presented in even starker terms the tenets of his romantic philosophy. In this work, he briefly expounded his justifications for adopting a removal policy as part of a context-setting precursor to a chapter-long romantic narrative of his 1836 trip to Manitoulin Island. Despite “the friendly feeling [that] exists between the red men of the forest and their white [British] brethren,” and the fact that British “governors have never found any difficulty in maintaining the title of ‘*Father*,’” Head wrote that he learnt, on arriving in Upper Canada, of a plan to induce a portion of “the Indians . . . to dispose of their lands to the crown, and to remove to the British Manitoulin Islands in Lake Huron.” Though he had apparently initially felt “much averse” to the project, after taking “a great deal of pains to ascertain what was the real condition of the Indians in Canada, and whether their proposed removal would be advantageous to *them*, as well as to the province,” he ultimately judged that he should recommend the plan to the Indians.<sup>552</sup> As with his initial justifications to Glenelg, Head stated that he based his decision on personal observations. Yet unmoored even of any of the nominal specifics of his earlier explanations, his discussion in *The Emigrant* appears even more as pure romantic pastiche. In broad brush strokes, devoid of any historical specificity, he thus described how “man who subsists solely on game” had succumbed to the evils brought by “the white

---

<sup>551</sup> Head, “Red Man,” 312.

<sup>552</sup> Head, *Emigrant*: 77-78.



settler,” which “combined” to produce, “as may be imagined, the most unfortunate results.”<sup>553</sup>

On this basis, Head justified his plan to “prevail on” the Indians “to remove to the British islands in Lake Huron,” where they could hunt and fish away from the malevolent forces of civilization.<sup>554</sup>

Head did provide a few more specifics about his repudiation of the previous administration’s civilization policy. Relying on the same generalized presumptions about the inescapable incompatibility of “savage” and “civilized” society, he explained that in spite of the well intended “parental attention” of men such as Sir Peregrine Maitland and Sir John Colborne, any attempt to tether the Indians “to the laborious occupations of their white brethren” were inescapably doomed to failure.<sup>555</sup> With characteristic flourish he explained that

one might as well attempt to decoy a flight of wild fowl to the ponds of Hampstead Heath – one might as well endeavor to persuade the eagle to descend from the lofty region in which he has existed to live with the fowls in our court-yards, as to prevail upon the red men of North America to become what we called civilized; in short, it is against their nature, and they can not do it.<sup>556</sup>

Using these flowery metaphoric abstractions as his baseline, Head then described how he had found “in one or two parts of Upper Canada . . . a few Indians,” apparently living in a “civilized” state, but “in a condition highly demoralized, and almost starving on a large block of rich, valuable land.”<sup>557</sup> With these vague specifics, Head thus justified his repudiation of the previous administration’s civilization policy on the same basis that he had used in his initial justification to Glenelg: not only was it against “the Indian’s” nature to become “civilized,” a policy that prescribed such a future was also highly dangerous to the Indians’ wellbeing. He did, however,

---

<sup>553</sup> Ibid., 78.

<sup>554</sup> Ibid., 79.

<sup>555</sup> Ibid., 78-79.

<sup>556</sup> Ibid., 79.

<sup>557</sup> Ibid.

include one caveat; the civilization project had apparently, “to a certain degree succeeded” in cases “where the Indians, circumscribed by temptations . . . had become a race of half-castes.”<sup>558</sup> Yet in Head’s mind, these people, who presumably included men such as Peter Jones, did not actually count as “Indians.” Civilization necessarily eroded true “Indianness.”

In *The Emigrant*, Head therefore reaffirmed the ideas on which he had founded his removal policy. He presented in even starker terms, the tenets of his romantic philosophy about the unbreachable divide between the apparently noble natural existence of the American Indians, and the corrupted societies of the “civilized” world. “[T]he truth is,” he argued, “that between what *we* term the civilized portion of mankind, and what *we* call ‘the savage,’ there is a moral gulf which neither party can cross, or, in other words, on the subject of happiness they have no ideas with us in common.”<sup>559</sup> Rather than referring to specific First Nations people or communities, Head presented a panoramic vision of “Indian” society, incommensurably distinct in its morally superior primitive nobility from the artificially corrupted “civilized.” Even Assiginack, whose “Indianness” had so impressed Head at the 1836 Manitoulin Island council, did not rate a specific mention.<sup>560</sup> Instead, Head wrote more generally of the “calm, high-bred dignity” of “the manner in which the red aborigines of America . . . conduct their councils.”<sup>561</sup>

Ten years after his summer of 1836 trip, Head thus continued to write unapologetically of his policy to segregate, and therefore apparently save from degradation and ultimate extinction, the “red children of the forest.” Just as Head discursively fixed true “Indianness” as inflexible to temporal or environmental alternation, the presumptions that underscored his discourse remained unchanged. In his 1847 work *The Emigrant*, he remembered with wistful

---

<sup>558</sup> Ibid.

<sup>559</sup> Ibid., 90.

<sup>560</sup> For my discussion of Assiginack, see chapter three.

<sup>561</sup> Head, *Emigrant*: 93.

fondness his journey in a “bark canoe” to Manitoulin Island in 1836. Adhering to his immutable romantic schema, he narrated this trip as a commune with nature, which had allowed him to interact with the Indians in their natural state. He concluded his chapter-length account by stating that he too had drawn moral strength from the natural environment, and had thus returned to his daily work in Toronto “considerably stronger” than when he had left it to make his visit “to that simple, high-bred, and virtuous race of men, the red aborigines of the forest.”<sup>562</sup>

In his initial reports to the colonial office, Head had relied heavily on his romantic philosophy to justify what he saw as the inescapable need to save and preserve “the Indians” from the corroding influence of “civilization.” Yet at the same time, he had needed to deal with the practical reality of Christian missionaries challenging his Indian policy. In response, Head strove to reassert his vision of true and proper order that he believed should exist between “Indians” and their “white brethren.” Ten years removed from these pressures, he was able to reassert this romantic vision in a purer literary form, without needing to react to the voices of dissent, or the reality of First Peoples such as the Delawares who perhaps did not necessarily fit his essentialist ideals of what it meant to be a “red aborigine of the forest.”

### **Conclusion**

In his controversial 1830 *North American Review* article, Lewis Cass railed – amongst other targets – against “Rousseau and the disciples of his school” for their “romantic description” of the superiority of “savage” to “civilized” life. Cass based his unequivocal support for the Jackson administration’s removal policy on the inverse dichotomy: the absolute superiority of “civilized” society to the inherently degraded “condition of the Indians.” In Cass’s hands, Indian

---

<sup>562</sup> Ibid., 97.

removal appears as a quintessentially Jacksonian phenomenon; the necessary result of the inevitable spread of an expansionist “civilized” society of “pale men.” With no class or status distinctions within this “civilized” society, his discourse projected an “egalitarianism” based on the apparently natural and superior claims of “the pale race of men” to Indian lands. Little wonder that he managed, as Jeremiah Evarts predicted, “to catch the breeze” of Democratic politics, and land a position in Washington.

Evarts himself died in May 1831 of an illness likely caused by his exhausting efforts to oppose Indian removal. In his 1846 *Memoirs*, McKenney remembered Evarts as “[o]ne of the best men I ever knew – a man of education, of intelligence, and humanity, and a zealous friend of the Indian race.”<sup>563</sup> Perhaps recollecting the awkwardness of their final meeting before the passing of the Removal Act in 1830, McKenney expressed regret that Evarts and other “friends of the Indians” had not joined him on (what he framed as) the moderate ground of supporting removal as the only way to save the Indians from their otherwise-inevitable doom.<sup>564</sup> Yet Evarts and his fellow antiremovalists had been more politically savvy in their prediction that the Jacksonians would sanction violent coercion to implement their Indian removal plan.

McKenney, however, never saw himself as complicit in these events; instead, he blamed the Jacksonians’ for distorting an otherwise benevolent policy, and the northern evangelicals for not supporting his attempts to implement “voluntary” removal. Finding himself out of step with the newly formed partisan divides of U.S. politics on the issue of removal, McKenney would not make the same mistake again. In the ensuing years he threw his whole-hearted support behind the Whigs, hoping that a Whig administration would return him to the (newly named) Bureau of Indian Affairs. When the Whigs gained the White House in 1840, McKenney campaigned hard

---

<sup>563</sup> McKenney, *Memoirs, Official and Personal*: 162.

<sup>564</sup> *Ibid.*

to be reinstated. The ABCFM, however, politely refused to endorse his candidacy, as did both William Henry Harrison and John Tyler.<sup>565</sup>

Though in the arena of U.S. partisan politics, Indian removal represented both a defining policy of the Jacksonian Democrats and an issue around which their opponents organized into the Whig party, understood more broadly, removal was not a quintessentially Jacksonian phenomenon. As Charles La Trobe and Francis Bond Head's justifications for removal show, as both a discursive idea and coercive practice, "removal" was malleable to a variety of ostensibly contradictory ideologies. Though La Trobe's advocacy for the U.S. government's removal policy in the pages of *The Rambler in North America* sounded like echoes of Cass and Jackson's rhetoric, on closer reading, he based his support on a fundamentally different set of political and religious beliefs. And six years after Cass railed against the followers of Rousseau, Head based his removal policy in Upper Canada on his romantic vision of saving the "noble red men." Moreover, though Cass – ever the pragmatist – spent five years as secretary of war overseeing and reporting on the implementation of the government's removal policy, he nevertheless also welcomed David Green, Ewart's successor as ABCFM secretary, into his office in Washington in 1834, to discuss the Board's involvement in "civilization" efforts in the Great Lakes region. When the winds of political expedience seemed to require missionary labors "in benefitting the Indians," Cass himself held no ongoing commitment to the idea that "the Indians" were inherently immune to becoming "civilized."

In contrast to Cass, La Trobe believed sincerely in the civilizing mission as an imperative duty, rather than a pragmatic tactic. When the colonial office, adhering to the advice of both the Aborigines Select Committee and George Arthur, decided to instigate an Aboriginal Protectorate in the recently colonized Port Phillip district of New South Wales, they chose La Trobe to act as

---

<sup>565</sup> Viola, *Thomas L. McKenney*: 266-67,82-83.

Superintendent of the district and to oversee the protectorate's implementation. Constantly at odds with the department's "chief protector," George Augustus Robinson – who had received the job due to Arthur's glowing recommendations – throughout the 1840s La Trobe continually lamented the chief protector's failure to implement what he saw as the protectorate's *raison d'être*: to save the local indigenous people through civilization, Christianization, and their complete separation from the settler-colonial population.

## Chapter Five

### Humanitarian Dispossession

#### Introduction

In the 1830s, many British subjects, including those who worked in the colonial office, believed that Britain had a duty to help “the natives” who came within their nation’s admittedly dangerous imperial reach. As Zoë Laidlaw states, Thomas Fowell Buxton and other members of the Clapham Sect, for instance, “expressed a religious conviction . . . that the British owed reparation to dispossessed indigenous peoples throughout the empire,” and that “such reparation should take the form of ‘civilisation’ and conversion to Christianity, and could thus be combined with missionary endeavor and very restricted colonial settlement.”<sup>566</sup> Although George Arthur did not adhere so strongly to the idea of restricting colonial settlement, his views on the need “to conciliate” the indigenous people in areas colonized by Britain otherwise aligned closely with Fowell Buxton’s. This set of beliefs informed Fowell Buxton’s initiation of the Aborigines Select Committee and also the views represented in the committee’s final report.<sup>567</sup> Clearly influenced by Arthur’s correspondence, the Committee’s 1837 final report characterized the late conflict in Van Diemen’s Land as having resulted from “deadly antipathy . . . excited between the Aborigines and the Bushrangers,” which “provoked a series of outrages which would have terminated in the utter extermination of the whole race, if the local Government had not

---

<sup>566</sup> Laidlaw, "Aunt Anna's Report," 3-4. Citing Buxton to Thomas Pringle, 14 January 1834, Thomas Fowell Buxton Papers, *Micr. Brit. Emp.* 17, vol. 12, 151, Rhodes House Library, Oxford.

<sup>567</sup> The report was written by Fowell Buxton’s cousin Anna Gurney: *ibid.*

interposed to remove the last remnant of them from the island; an act of real mercy, though of apparent severity.”<sup>568</sup> Evangelical Christians such as Arthur therefore sought, in the words of historian Bain Attwood, to preempt a recurrence of “these problems, and so justify British colonisation, by promoting an agenda that would transform sinful settlers and non-Christian indigenes into moral beings, assimilate both into a civilised community, and make the British nation live up to its civilising and Christianising responsibilities.”<sup>569</sup>

The views of these people, who would in the 1840s acquire the label “humanitarians,” gained such traction that when a group of Van Demonian colonists crossed the Bass Strait in 1835 to claim sheep runs on the Australian mainland, they framed their petitions for government sanction of their land title claims in “the language of humanitarianism.”<sup>570</sup> In other words, they sought to gain official approval of their venture by maintaining that, in addition to seeking sheep pastures, they sought to do justice by “the Aborigines,” and bring them “civilization” and Christianity. While Arthur dismissed these men’s claims as insincere, he never doubted his own commitment to such a policy. Arthur “spoke the language of humanitarianism,” and he remained, in the aftermath of the Black War, committed to the so-called “reclamation” of Australia’s indigenous people. Charles La Trobe – who was appointed to oversee the new district across the Bass Strait – spoke a similar language. Like Arthur and the guiding members of the Aborigines Select Committee who ultimately recommended an Aboriginal Protectorate in this new “Port Phillip” district of New South Wales, La Trobe believed in the apparent need to protect “the Aborigines” from the aggressions of the “lower class of settlers,” save their souls through conversion to Christianity, and educate them to lead settled and industrious lives as (so-called)

---

<sup>568</sup> Aborigines Select Committee, *1837 (Final) Report*: 84. This section of the report draws from ideas expressed in Arthur to Buxton, 18 September 1834, Aborigines Select Committee, *1836 Report*: 679-80.

<sup>569</sup> Bain Attwood, *Possession: Batman's Treaty and the Matter of History* (Melbourne: The Miegunyah Press, 2009). 29.

<sup>570</sup> *Ibid.*, 62.



civilized British subjects. Seemingly selected for colonial office duties due to his Moravian family's "humanitarian" connections, La Trobe had, since returning from North America, visited the West Indies and written reports on the educations of former slaves which met the satisfactory benchmarks of prevailing humanitarian views.<sup>571</sup>

During their respective tenures in Van Diemen's Land and Port Phillip, both Arthur and La Trobe viewed themselves as above the fray of indigenous-colonist violence, which they generally blamed on "lower-class" stockmen and convicts. Many scholars have since judged them in a similar light. For instance, in a recent biographical description of La Trobe, the author sets the Superintendent apart from the indigenous-colonist violence in the Port Phillip district: "Unable either to restrain settlers or the overseers of their property from the acts of 'savage retaliation or cruelty' or to protect them against what they called the 'outrages' (mostly thefts of stock or other acts of plunder) of the native population, La Trobe was precipitated into a situation outside his control."<sup>572</sup> Yet La Trobe's policies in Port Phillip, like Arthur's in Van Diemen's Land, were a fundamental part of the multifarious forms of violence experienced by Australian indigenous peoples as the British colonists dispossessed them of their homelands. Like Arthur's program for "conciliation," which he formulated to preempt a future "Black War" on the Australian mainland, La Trobe implemented a programmatic indigenous policy in which indigenous people's only possible legitimate future lay in "civilization" and Christianization. Moreover, in contrast to Arthur who only implemented a removal policy after a violent conflict, La Trobe attempted – from his first months in Port Phillip – to remove and restrict Kulin people

---

<sup>571</sup> C. J. Latrobe, *Report on Negro Education, Jamaica* (London: House of Commons, 1838); C. J. Latrobe, *Report on Negro Education, Winward and Leeward Islands* (London: House of Commons, 1838); C. J. Latrobe, *Report on Negro Education, British Guiana and Trinidad* (London: House of Commons, 1839).

<sup>572</sup> J. Davis McCaughey, "Charles Joseph La Trobe," in *Victoria's Colonial Governors: 1839-1900*, ed. J. Davis McCaughey, Naomi Perkins, and Angus Trumble (Melbourne: Melbourne University Press and the Miegunyah Press, 1993), 24.

from parts of their homeland. He viewed such a policy as necessary both for the creation of a “well ordered” colonial society and for the wellbeing of the indigenous people themselves. But such spatial restrictions cut at the heart of Kulin people’s ability to maintain some of their vital political, legal, and social institutions.

Indeed, when considered as an integral component of colonial governance, Arthur and La Trobe’s humanitarian beliefs can be seen as a fundamental element of a coercive (albeit chaotic) system that worked to abrogate indigenous peoples’ personhood, their cultural institutions, and their abilities to determine their own futures. I will tell this story through the activities and writings of Arthur, in Van Diemen’s Land and London in the 1830s, and then those of La Trobe, from his arrival in Port Phillip in 1839. Connected through official British policies and an array of people – most notably those involved in the Port Phillip Aboriginal Protectorate – I will show how the “language of humanitarianism” spoken by Arthur and La Trobe cloaked what were, ultimately, profoundly dehumanizing and subordinating policies.

### **The Language of Humanitarianism**

During his final years in Van Diemen’s Land, George Arthur remained well informed about the speculative claims of Van Diemen’s Land colonists to the lands across the Bass Strait. In 1835 a group of colonists formed the “Port Phillip Association” and, after purporting to enter into a land purchase agreement with the area’s indigenous landowners, claimed title to an extensive tract of territory. During the next year, Arthur wrote several letters to Richard Bourke (the governor of New South Wales) passing on accounts of “the rage for Port Phillip” among Van Demonian colonists.<sup>573</sup> Though Arthur had close personal and professional connections to

---

<sup>573</sup> Arthur to Bourke, 6 October 1836, State Library of Victoria, La Trobe Collection (SLV LTC), MS 5199.

the members of the Port Phillip Association, he nevertheless referred with skepticism to their proclaimed benevolent intentions towards “the natives”; he characterized their treaty as the “golden bait” thrown out in order to receive government sanction of their acquisitive claim to “many Millions of Acres of the finest Land.”<sup>574</sup> Others seeking “equal claims to consideration upon Government for their enterprise” in Port Phillip, Arthur noted, claimed that “their object has also been the civilisation of the Native!!” He similarly dismissed these pretensions: “This, of course, is all stuff, and it is better for all parties to be sincere, and plainly state that the occupation of a good run for sheep has been the primary consideration – if not the only one.”<sup>575</sup> As Arthur seems well aware, the colonists understood the humanitarian discourse circulating between and amongst the British colonies and metropole, and they knew that their land claims would, in the prevalent political climate, have more chance of succeeding if they emphasized their concern for indigenous people.<sup>576</sup> Arthur condemned the pecuniary motivations as too apparent, dismissing the colonists’ claims to benevolence as disingenuous. Yet while he judged these pastoralists as insincere in their stated humanitarian intentions, he never judged himself as wanting in this regard. He did not recognize the inescapable connection between his sincerely held humanitarian beliefs and indigenous dispossession.

In making a treaty with the Kulin nation, the Port Phillip Association were perhaps influenced by Arthur’s opinions on indigenous-colonist relations, formed in the aftermath of the Black Wars.<sup>577</sup> In these retrospective moral reconciliations, Arthur particularly identified the initial failure of the British colonists to treat with the Van Demonian indigenous peoples as a major reason for the ensuing bloodshed. In 1832 he wrote to the colonial office in London to

---

<sup>574</sup> Arthur to Bourke (Private) 20 May 1836, SLV LTC, MS 5199.

<sup>575</sup> Arthur to Bourke, 6 October 1836, SLV LTC, MS 5199.

<sup>576</sup> Attwood, *Possession*: 29-30.

<sup>577</sup> *Ibid.*, 30.

offer advise how new colonies on the Australian mainland could weather what he characterized as the unavoidable exposure “to all the evils which have befallen Van Diemen’s Land from the opposition of the Aborigines.” He recommended that “the utmost care should be taken” to provide “the Aborigines” with presents “for whatever land is taken possession of by the British settlers.” Having come at least nominally to recognize indigenous land ownership and indigenous people’s understanding of diplomatic negotiations, he argued that because “each tribe claims some portion of territory, which they consider peculiarly their own, they should be in some formal manner satisfied for bartering it away; a negotiation which they perfectly comprehend.”<sup>578</sup> In trying to come to terms with the tragic disaster over which he presided in Van Diemen’s Land, Arthur proclaimed an important lesson: that the indigenous people felt a strong sense of claim over their land and could “perfectly comprehend” a land-transfer negotiation.

Arthur advised that the foundations for ongoing peaceful relations could be laid with little expense by negotiations involving the British exchanging “mere trifles” for indigenous land. He believed that warfare could have been avoided in Van Diemen’s Land, if the colonists had initially– “in some formal manner” – made such offering to the island’s indigenous people. Only “the most trifling” presents would therefore be needed to “satisfy” the Australian “Aborigines” and thus facilitate the peaceful British possession of territories on the mainland.<sup>579</sup> As more colonists sought land on the Australian continental mainland, Arthur continued to press the colonial office to avoid repeating the mistakes made in Van Diemen’s Land. It had been a “great oversight,” he stated, not to make an initial treaty with “the natives, and such compensation

---

<sup>578</sup> Arthur to Goderich, 7 January 1832, House of Commons Parliamentary Papers, *1834 House of Commons Papers*: 163. Arthur expressed the same ideas in a letter to the permanent under-secretary Hay: Arthur to Hay, 24 September 1832, PRO CO 280/55. Cited in Attwood, *Possession*: 31.

<sup>579</sup> Arthur to Goderich, 7 January 1832, House of Commons Parliamentary Papers, *1834 House of Commons Papers*: 163.; Arthur to Hay, 24 September 1832, PRO CO 280/55. Cited in Attwood, *Possession*: 31.

given to the chiefs as they would have deemed a fair equivalent for what they surrendered; a mere trifle would have satisfied them, and that feeling of injustice which I am persuaded they have entertained, would have had no existence.”<sup>580</sup> For Arthur, this exchange of goods – merely nominal from the point of view of the British – would be the initial act of appeasement on which to found a broader program of “conciliation.”

After this initial act of appeasement, Arthur’s plans for how to “conciliate” indigenous people remained much the same as those he advanced during his first years in Van Diemen’s Land. He believed that the British government had a duty to use the law to protect indigenous people from “bushrangers, and convict shepherds” so the British could fulfill their broader humanitarian obligation to “civilize” and convert them to Christianity.<sup>581</sup> He recalled the war in Van Diemen’s Land to highlight the consequences of not following the initial steps of his program: “had [the Natives] received some compensation for the territory they surrendered, no matter how trifling, and had adequate laws been, for *the very first*, introduced and *enforced*, for their protection, His Majesty’s Government would have acquired a valuable possession, without the injurious consequences which have followed our occupation, and which must ever remain a stain upon the Colonisation of Van Diemen’s Land.”<sup>582</sup> This formulation on how to avoid bloodshed would lay the groundwork for the ultimate goal of civilizing and Christianizing the indigenous people. As he informed Thomas Fowell Buxton in 1834, he was “anxious to apply” the experience he had gained in Van Diemen’s Land “to the civilization of the aborigines in the country on the opposite coast of New Holland.”<sup>583</sup> The initial “trifles” and the protection of the law would prevent a repeat of the bloodshed in Van Diemen’s Land and facilitate a more

---

<sup>580</sup> Arthur to Spring Rice, 27 January 1835, Aborigines Select Committee, *1837 (Final) Report*: 121.; Attwood, *Possession*: 31-32.

<sup>581</sup> Arthur to Spring Rice, 27 January 1835, Aborigines Select Committee, *1837 (Final) Report*: 121.

<sup>582</sup> Arthur to Hay, 24 September 1832, PRO CO 280/55. Cited in Attwood, *Possession*: 31.

<sup>583</sup> Arthur to Fowell Buxton, 18 September 1834, Aborigines Select Committee, *1836 Report*: 679.

successful realization of Britain's duty also to save "the Aborigines" by imparting to them the blessings of civilization and Christianity.

While Arthur generally framed his recommendations for staving off the (supposedly) otherwise inevitable violence between colonists and indigenous people in terms of protecting "the Aborigines," he also still clung to the idea that hidden dangers would continue to lurk in the "savage" character, even when indigenous people appeared conciliated. Writing to Bourke in 1832, he deployed the trope of the "treacherous Savage," similar to that which he drew on when Eumarrah left the black line operation. Informing Bourke of the island's relative state of "Tranquility" and his imminent expectation of achieving "lasting reconciliation" with the indigenous people, Arthur nevertheless insisted that "of course, it is quite impossible to place any dependence upon consistency in the conduct of Savages!"<sup>584</sup> Though his government seemed finally to have appeased the remaining Van Diemen's Land indigenous people, and were sharing with them the blessings of "civilization" and Christianity, one could never fully be sure whether the "savage" character had been fully conciliated, or that the recipients of such benevolent British attentions would not turn of their benefactors. Four years later, fearing the potential breakdown of peaceful relations between the Port Phillip Association squatters and the indigenous people in the Port Phillip district, he anticipated "the ordinary course of proceedings with Savages." "Sooner or later," he told Bourke, "there is too much reason to apprehend the opposite interests of these Parties will lead to misunderstanding – so long as the Company will given them food & clothing, just so long will they allow them peaceful." But when the "Savages . . . are not satisfied with what is given they will take and petty thefts will be first remonstrated against – then will follow resistance then retaliation – and lastly, blood-shed!"<sup>585</sup> While in his

---

<sup>584</sup> Arthur to Bourke, 5 January 1832, SLV LTC, MS 5199.

<sup>585</sup> Arthur to Bourke, 24 January 1836, SLV LTC, MS 5199.

explicit blueprint for conciliation Arthur did not stress these observations about “the conduct of Savages,” they nevertheless informed his presumptions about the obstacles the British faced in achieving true conciliation.

Although he suspected that something lurked in the “savage” character that predetermined their relapse into “savage” conduct, Arthur at the same time remained committed to the ideal that “the Aborigines” were not inherently inferior. But his plan for “conciliation,” framed in the language of humanitarianism, nevertheless represented a prescribed system of coercive control. No doubt he genuinely believed that through learning so-called “civilized” ways, and converting to Christianity, “the natives” could escape what he saw as their “poor” and “wretched” state. As he wrote to Fowell Buxton, notwithstanding circulating representations of “the aboriginal inhabitants of Van Diemen’s Land . . . as necessarily occupying the lowest place in the human family,” Arthur believed that they shared a common humanity with the British: “the more we inquire,” he stated, “the less difficulty have we in reconciling the present condition of these poor creatures with the fact, that all the nations who dwell upon the face of the whole earth are sprung from the same source, and are capable of the same attainments.”<sup>586</sup> Yet despite this invocation of a universal humanity, such appeals represented a specific definition on the way people should and must live to be truly considered human. Moreover, these beliefs both presumed and justified the righteousness of unilateral and dictatorial British power over indigenous peoples. His terms for “conciliation” did not involve recognition of indigenous people as political actors beyond the initial exchange of “trifles” for land title. In Arthur’s schema, indigenous people had only two choices: either to accept the “trifles” and then adopt “civilization” and Christianity, or refuse them. He believed that they would accept the trifles as a matter of course, and, if they received true kindness at the hands of the British, they would also

---

<sup>586</sup> Arthur to Fowell Buxton, 18 September 1834, Aborigines Select Committee, *1836 Report*: 680.

accept the other terms this conciliation program. If they did not accept these imposed terms, they must have regressed to their “savage” ways.

But the indigenous peoples who initially adopted conciliatory policies towards trespassing foreigners had, of course, their own understandings of how relations between themselves and the intruders should and must proceed. For the Kulin people who entered into the “Batman treaty” with the Port Phillip Association in 1835, the decision to meet and offer terms to the foreigners appears to have been made over a period of a week, in which they kept watch over Batman’s party.<sup>587</sup> When the two groups met, Batman enacted an agreement in the form of the English feudal ritual of feoffment, while the Kulin enacted their ritual of *tanderrum*. As historian Bain Attwood writes, “[a]ccording to Batman, he had purchased the permanent right to the land; according to the Kulin *ngurungaeta*, they had granted the Association’s agent an impermanent right to use the land.”<sup>588</sup> The Kulin expected that the foreigners would maintain friendly relations by continuing to give them presents in order to main the right to live on Kulin land.<sup>589</sup> Such reciprocity played no part in Arthur’s benevolence. He imagined the indigenous peoples’ futures along lines in which “the aboriginal natives” would be subject to British authority and prevailing British ideas about how people should and must live.

While Arthur saw the Port Phillip Association’s motives as inescapably mercenary, doubting that the colonists’ appeals reflected sincere intentions about “the civilisation of the Native,” he never problematized the link between his own humanitarian pronouncements and his career ambitions. For his own livelihood, Arthur traded as a man of good character who could administer a colony competently and efficiently. Moreover, by proclaiming his benevolent views towards the “native” people within British imperial reach, Arthur also portrayed himself as

---

<sup>587</sup> Richard Broome, *Aboriginal Victorians: A History Since 1800* (Crows Nest: Allen & Unwin, 2005). 10.

<sup>588</sup> Attwood, *Possession*: 56. See also Broome, *Aboriginal Victorians*: 10-11.

<sup>589</sup> Attwood, *Possession*: 57.



conforming to influential humanitarian ideals of justice and humanity. Though his program for conciliating “the Aborigines” on mainland Australia was seemingly based on sincere good intentions, by writing treatises on the subject to his superiors, he nevertheless also put himself forward as an exemplar of the colonial service.<sup>590</sup> Arthur’s career with the British colonial office highlights the pattern: while humanitarian ideals could be easily proclaimed, in the messy realities of colonial governance they existed within a web of other considerations and priorities. And yet, for the devoutly religious Arthur, a colonial governor’s conscience always had to answer for how he responded to the worldly matters over which he presided, even if – as he believed with respect to the Black Wars – events had been outside his control.

Maintaining the colonial population’s confidence in his authority constituted one of Arthur’s most pressing ongoing concerns in Van Diemen’s Land. Ostensibly at least, his delegated Crown authority gave him almost autocratic local power; but to establish the rule of law, and govern effectively, he needed the colonial population’s general assent.<sup>591</sup> During his time in Van Diemen’s Land, however, Arthur found his authority challenged not only by indigenous people, but also by many who self-identified as subjects of the British Crown. Though his perceived success in ending the indigenous-settler conflict – especially his tireless efforts in the field during the “black line” operation – temporarily bolstered his popularity, loud voices of dissatisfaction and personality conflicts peppered his reign.<sup>592</sup> In the early 1830s, local discontent grew around the “constitution” set out for Van Diemen’s Land in the New South Wales Act of 1828. On May 23, 1831, colonists met in Hobart and petitioned the King for trial

---

<sup>590</sup> Ibid., 30.

<sup>591</sup> C. A. Bayly, *Imperial Meridian: the British Empire and the World, 1780-1830* (London ; New York: Longman, 1989).

<sup>592</sup> See Shaw, *Sir George Arthur*: 135-76.

by jury and a representative assembly.<sup>593</sup> But criticism over the allocation of land – so recently wrestled from the island’s indigenous peoples – caused the greatest challenge to Arthur’s rule. Arthur bore the brunt of colonists’ discontent over the British government’s new land regulations, which replaced Crown grants with sales at a minimum price of 5 shillings per acre.<sup>594</sup> As he wrote to Goderich in September 1832, this new policy “excited a good deal of unpleasant feeling.”<sup>595</sup> In the confusion of the system’s implementation, Arthur received an onslaught of public criticism, including accusations of impropriety. Arthur’s style of colonial governance was not generally conducive to avoiding criticism or appeasing those who felt that he did not properly support their interests.

Arthur’s humanitarianism existed alongside such often-competing interests and priorities, all of which he had to deal with in the unremitting day-to-day business of administering a colony. Even before he arrived in Van Diemen’s Land, Arthur had honed his personal approach to colonial administration. As historian Alan Shaw notes, when Arthur left his previous post in Honduras, “[a]lready manifest were many characteristics that were to appear constantly throughout his career – an almost incredible industry, strong imperial sentiments, a passion for ‘approbation’ of his work from his superiors, a desire for the financial reward which he was convinced he needed for the sake of his family, a strong dislike of opposition, particularly if it seemed tinged with any radical political ideas . . . and an undoubted humanitarianism based on a deeply felt devotion to his Calvinist brand of Christianity.”<sup>596</sup> This combination of characteristics meant that for Arthur, colonial governance was a heavy load to bear. In Van Diemen’s Land he spent long hours fulfilling his gubernatorial duties against loud opposition – including “radical”

---

<sup>593</sup> Ibid., 137.

<sup>594</sup> The regulations were received in Hobart in June 1831: *ibid.*, 137-38..

<sup>595</sup> Arthur to Goderich, 24 September 1832, PRO CO 280/35. Cited in *ibid.*, 141.

<sup>596</sup> *Ibid.*, 59-60.

voices – that threatened to stain his reputation and diminish his future employment prospects and thus his ability to provide for his large family. Moreover his religiously inspired humanitarian beliefs heightened the stakes of every issue with which he dealt. Not only did his livelihood, and thus his ability to provide for his family, rest on pleasing his superiors in the colonial service, he believed that he would not receive future providential rewards unless he fulfilled his humanitarian duties. His humanitarianism thus worked to amplify his inextricably linked metaphysical and worldly stakes as he navigated the political mires of colonial governance.

Such anxieties contributed to the pressure-cooker environment in which Arthur undertook his job. A particular pressure point for Arthur concerned others' perceptions of his character. For instance, in May 1835, just when he thought he had successfully weathered the storm of public criticism worked up by his detractors in Van Diemen's Land, he received his notice from the colonial office recalling him from his post.<sup>597</sup> Though the new secretary of state, Lord Glenelg, assured Arthur that his "measures had been projected with wisdom, executed with firmness and vindicated in your despatches with unusual ability," Arthur believed that the recall was a "slur on his reputation" and "an injury to the feelings of the respectable," particularly given that one of his fiercest detractors, William Bryan, had vowed to effect his removal from office.<sup>598</sup> With his reputation thus apparently sullied, his future in the colonial service became uncertain. On the voyage back to England, he wrote to his nephew, John Montagu (the colonial secretary of Van Diemen's Land) that with his family's future plans so uncertain, he "cast Himself unreservedly upon the providence of God." With nothing else to moor himself to, he held steadfast to his faith that if he completely "resigned" himself to God, he would receive the rewards that he could not

---

<sup>597</sup> Ibid., 173. Citing Arthur to Glenelg, 4 May, CO 280/66.

<sup>598</sup> Glenelg to Arthur, 10 January 1835, PRO CO 408/12; Arthur to Glenelg, 4 and 7 June 1835, PRO CO 280/66. Cited in *ibid.*

yet himself foresee.<sup>599</sup> At the same time, he also necessarily faced the possibility that the besmirching of his character might be a sign that God had judge him wanting, and that his family's future was therefore in serious jeopardy.

These struggles to reconcile his anxieties about the future, along with the demands of colonial governance, seem to have taken a toll on Arthur's physical and mental health. In particular, his sense of self worth – based largely on his perceptions of how others viewed his character – eventually broke under the strain of his detractors' attacks. After landing in Plymouth in March 1837– as when he returned from Honduras thirteen years earlier – Arthur became severely ill, the result, he stated at the time, “of anxiety of mind.”<sup>600</sup> Later that year, he reflected that, “when I landed it pleased God, for the wisest purpose no doubt, to bring sickness upon me to a very severe degree, so that I very nearly lost my life and my Memory was shaken to a most distressing degree and for several months it was most painful to me to be called upon to speak upon any past events.”<sup>601</sup> The past events that particularly weighed on his mind related to his alleged misconduct during his time in Honduras; allegations that had been resurrected in the House of Commons while he was still in Van Diemen's Land. Little wonder that once recovered, Arthur made concerted efforts to vindicate his conduct in Belize and thus remove any public stain upon his character.<sup>602</sup>

Through such vindication he aimed to achieve not only personal and public satisfaction, but also to ensure he would receive another colonial posting. The allegations that he had cruelly

---

<sup>599</sup> Arthur to John Montagu, 27 Jan 1837, Mitchell Library (ML), Arthur Papers, A2165, vol. 5.

<sup>600</sup> Arthur to Gardiner, 19 March 1837, ML, Arthur Papers, A2165, vol. 5. Shaw, *Sir George Arthur*: 177.

<sup>601</sup> Arthur to Gregory, 9 November 1837, ML, Arthur Papers, A2165, vol. 5.

<sup>602</sup> Arthur wrote many letters in his attempts to vindicate himself from the revived allegations of a Lieutenant Colonel Bradley, who alleged that Arthur had cruelly punished a soldier named Ingram during his Superintendency in Belize. For example, Arthur to Gregory, 9 November 1837, ML, Arthur Papers, A2165, Vol. 5; Arthur to Major General Lord Fitzroy, 29 September 1836, Durham University Library Special Collections (DUL SC), 3<sup>rd</sup> Earl Grey Papers GRE/B76/3/4-7; Arthur to Major Noel, 28 March 1837, DUL SC, Earl Grey Papers, GRE/B76/3/8-12; Arthur to Major General Lord Fitzroy Somerset, 22 April 1837, DUL SC, Earl Grey Papers, GRE/B76/3/13-16; Arthur to Viscount Howick, 25 April 1837, DUL SC, Earl Grey Papers, GRE/B76/3/18.

treated a soldier by supervising 200 lashings while directing the beat of a drum to the time of his watch, would potentially dry-up all his sources of patronage. Moreover, the particular need for Arthur to successfully present himself, in 1837 London, as both a conscientious and morally upright colonial officer with humanitarian sensibilities was made all the more pressing by the Whig ascendancy in Parliament and the colonial office, and the hearings of Thomas Fowell Buxton's House of Commons Aborigines Select Committee.<sup>603</sup> Seemingly though, his superiors never lost confidence in him, and Arthur was himself ultimately satisfied with Viscount Howick's vindication of his "Military conduct & character" before Parliament in June 1837.<sup>604</sup> Lord Melbourne (the prime minister) considered sending Arthur to the Cape to ameliorate the settler-indigenous conflict overseen by Benjamin D'Urban; the bloodshed that had originally precipitated Fowell Buxton's Select Committee.<sup>605</sup> Though they instead decided to give that post to Sir George Napier, Arthur probably regained self-confidence, and a sense of the confidence of his superiors – Glenelg and James Stephens – when they offered him the lieutenant governorship of Upper Canada.<sup>606</sup>

Despite his worries, Arthur's reputation within the colonial office seems to have remained high. His views on how to "conciliate" indigenous people on the mainland of Australia gained particular traction. For instance, James Stephens recommended that Arthur's views on "conciliatory measures" to avoid another Van Diemen's Land-type conflict "be sent to each of the Australian colonies as far as it relates to the general principles on which we should act

---

<sup>603</sup> Regarding the Whig ascendancy, see Laidlaw, *Colonial Connections, 1815-45: Patronage, the Information Revolution and Colonial Government*: 52.

<sup>604</sup> Arthur to Howick, 2 June 1837, DUL SC, Earl Grey Papers, GRE/B76/3.

<sup>605</sup> Melbourne to Howick, 22 August 1837, DUL SC, Earl Grey Papers, GRE/B115/1/83.

<sup>606</sup> Shaw, *Sir George Arthur*: 179-80.

towards the Aborigines.”<sup>607</sup> While the British government refused to recognize the unauthorized treaty between the Port Phillip Association and the Kulin nation, the colonial office endorsed the idea – put forward both by the Aborigines Select Committee and Arthur – that an Aboriginal protectorate be established in New South Wales.<sup>608</sup> In stressing to treasury the need to fund such an undertaking, Stephens used Arthur’s encapsulation of the relevant issues: “It is the acts of aggression committed on the natives by the stock keepers and inferior agents of the colonists . . . that misunderstandings and conflicts with the natives are attributable. It, therefore, becomes a paramount duty to spare no precaution which may avert such disastrous consequences.” Stephens explained that, “[a]dopting to a great degree the plan suggested by Sir George Arthur, Lord Glenelg would propose the appointment of a Protector of Aborigines whose principal post should be at Port Phillip, and who would be invested with the power of a magistrate. His Lordship would also contemplate the appointment of two Assistant Protectors to be stationed in the territory to the eastward and north of Port Phillip.”<sup>609</sup> In another vindication, Arthur had considerable influence over the people appointed to these positions.

His recommendation, for example, of George Augustus Robinson as chief protector, was decisive in Robinson’s appointment.<sup>610</sup> Arthur had previously offered to send Robinson and his “Friendly Mission Aborigines” to assist with indigenous-colonist relations in the new colonies of Western Australia and South Australia.<sup>611</sup> Arthur championed Robinson as a man possessing talents particularly suited to the task of indigenous-colonist conciliation. In England in June

---

<sup>607</sup> James Stephen’s minute, 27 July 1837 on Arthur to Glenelg, 22 July 1837, PRO CO 280/84. Printed in Michael Cannon, ed. *Historical Records of Victoria Volume 2A: The Aborigines of Port Phillip 1835-1839* (Melbourne: Victorian Government Printing Office, 1982), 27.

<sup>608</sup> Regarding the denial of the Port Phillip Association’s claims, see Attwood, *Possession*: 58-71. Regarding the Aborigines Select Committee’s recommendation for a protector in New South Wales: Aborigines Select Committee, *1837 (Final) Report*: 83-84.

<sup>609</sup> Stephen to Speaman, 30 August 1837, PRO CO 202/36 in Cannon, *HRV 2A*, 28-29.

<sup>610</sup> Stephen to Arthur, 20 July 1837, ML, AP, A2188, vol. 28; Arthur to Glenelg, 22 July 1837 in *ibid.*, 24-27.

<sup>611</sup> Rae-Ellis, *Black Robinson*: 103-04.

1837, having received the reports in the Sydney papers of a clash between indigenous people and an exploring party “in the vicinity of Port Phillip,” Arthur felt “induced” to write to Sir George Grey to remind him of Robinson’s talents. “He has,” wrote Arthur, “apparently, a natural instinct . . . for drawing savages towards him and conciliating them; and I feel convinced if Lord Glenelg would approve of giving him a liberal allowance, and sending him armed with the *Magisterial* authority which he now bears . . . to the country which Major Mitchell has lately explored, that the most satisfactory consequences would result.”<sup>612</sup> In Arthur’s view, so-called “savages” in Port Phillip would have the same characteristics as those in Van Diemen’s Land. And, given that the danger of clashes between the indigenous people and lower-class stockmen and bushrangers would also apparently be the same, Arthur believed that Robinson could apply the same talents to preventing conflict that he had seemingly used to end it in Van Diemen’s Land.

The colonial office also sought Arthur’s help in recommending four assistant protectors to work under Robinson in Port Phillip. In response to Glenelg’s request whether he knew of “any persons . . . well qualified to fill those appointments,” Arthur requested “ten day or a fortnight more to prosecute” his inquiries.<sup>613</sup> During this time he diligently sought out eleven possible candidates, and interviewed each man. He provided each candidate with an enumerated list of the duties of the position, which included attaching himself “as closely and constantly as possible to the aboriginal tribes,” “endeavouring to conciliate their respect and confidence,” watching over their “rights and interests,” attempting to induce them “to locate themselves in a particular place,” and tending to their “religious improvement.” In making his final recommendations of four “highly eligible” candidates, Arthur seemingly used criteria similar to that used by missionary societies in selecting overseas missionaries. He selected four “married

---

<sup>612</sup> Arthur to George Grey, 21 June 1837, PRO CO13/9 in Cannon, *HRV 2A*, 23.

<sup>613</sup> Glenelg to Arthur, 2 November 1837, ML, AP, A2188, vol. 28; Arthur to Glenelg, 15 December 1837, PRO CO 280/84 in *ibid.*, 31.

men” whose wives might “prove highly useful” in assisting their husband with their duties, particularly education and religious instruction. Indeed three of the candidates Arthur recommended – William Thomas, Edward Parker, and James Dredge – were Wesleyans and schoolmasters. The other, Charles Sievwright, was a military officer who had decided “he should take an interest in the civilization of the Aborigines and in their religious instruction.”<sup>614</sup> Glenelg accepted these recommendations, and these four men and their families subsequently sailed to Port Phillip in 1838.<sup>615</sup>

Ultimately, neither the Port Phillip Association nor the Kulin people’s vision for indigenous-colonist relations in the Kulin Nation prevailed. Instead, it was the humanitarian agenda in the form of a protectorate that came to the fore. The British were to compensate the Kulin people for taking over their land by “civilizing” them and converting them to Christianity; thus saving their souls from eternal damnation while at the same time protecting their bodies from the cruelty of “lower-class” colonists. To speak the language of humanitarianism, as Arthur did, was to envisage this program as both righteous and necessary; it was therefore a program to which indigenous people should and must submit. Such thinking acknowledged indigenous peoples’ humanity only to the extent that indigenous people strived to meet the colonizer’s cultural criteria for what it meant to be fully human. In this schema, the only ostensible choice open to indigenous people was to accept this foreign vision for their future. Arthur, along with other British people who adhered to this humanitarian program, seemingly held these principles sincerely and earnestly. But for Arthur, such beliefs were also an inextricably part of what he traded for his material livelihood and his family’s position in society, both of which depended on his ability to project himself as a man of good character.

---

<sup>614</sup> Arthur to Glenelg, 15 December 1837, PRO CO 280/84 in *ibid.*

<sup>615</sup> James Stephen’s minute, 30 December 1837, on Arthur to Glenelg, 15 December 1837, PRO CO 280/84, in *ibid.*



## Humanitarian Removal

The Woiwurrung and Bunerong land that the Van Demonian colonists chose for the town of Melbourne was already an important center for the Kulin people; at the end of every summer, their confederacy would hold social events and important legal and political proceedings there.<sup>616</sup> In April 1839, George Augustus Robinson had been in Melbourne a little over a month when he intervened – according to his private journal – in proceedings between two different groups within the Kulin nation.<sup>617</sup> A party of Wathaurongs had come to town “with the intention of redressing [the] wrongs done . . . by some of the Waverongs [Woiwurrungs],” who had unlawfully killed one of their people. Despite Robinson’s disapproval of the ensuing punitive ceremony, his journal entry nevertheless reveals details about the solemn form of the ritual. He described, for instance, how the Wathaurongs “marched to the camping ground in military way in a compact body and seated themselves on the western extremity on the bare ground.” Apparently feeling it his duty, as chief protector, “to prevent the poor creatures from doing mischief,” Robinson tried to stop the ensuing “fight” by going “among the combatants [and] calling upon them to desist and threatening them with gaol.” When this failed and he attempted to intervene in the ceremonial combat, “the natives” demanded that Robinson “get out of the way and let them fight.” When he said he would not, “Big Jaggy Jaggy” (Billibellary), the leader of the Woiwurrungs’ Wurundjeri-willam clan, cursed Robinson, telling him to “buggah” his eyes.<sup>618</sup> Billibellary no doubt very much meant that Robinson should remove himself

---

<sup>616</sup> Broome, *Aboriginal Victorians*: 15.

<sup>617</sup> In his diary for the previous month, Robinson recorded a similar intervention: George Robinson, Journal, 24 March 1839 in Ian D. Clark, ed. *The Journals of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate* (Melbourne: Heritage Matters, 1998), 19-20. However, as Rae-Ellis notes, according to William Thomas’s account, it was actually Dredge who intervened: Rae-Ellis, *Black Robinson*: 202.

<sup>618</sup> George Robinson, Journal, 11 April 1839: Clark, *George Robinson Port Phillip Journals*, 26-27.

immediately from the ceremonial grounds. Robinson's utter dismissal of both Billibellary's instructions and the legitimacy of the Kulin juridical proceedings foreshadowed the patterns of coercion Billibellary and his people would face during La Trobe's superintendency.

La Trobe, who arrived in the Port Phillip district in September 1839, thought the Kulin people's presence in Melbourne a source of unacceptable "disorder." As part of his vision for the future of the district, and his oversight of the Aboriginal Protectorate's civilizing mission, he repeatedly ordered Robinson and the assistant protectors to "remove" and exclude all "Aboriginal Natives" from Melbourne. Believing the same policy needed to be followed in all towns in the district, La Trobe thought that the mixing of indigenous people and colonists produced effects inimical both to the establishment of a "well ordered" colonial society, and to the "civilization" and Christianization of the indigenous people. Unlike George Arthur, La Trobe did not think highly of George Robinson. Though he held similar "benevolent" views to Arthur on indigenous policy, he had not presided over a war of near-extirpation in which Robinson's "friendly missions" delivered the only skerrick of redemption. The Protectorate's failure to remove the Kulin people from Melbourne became a major issue of contention in the turbulent relationship between La Trobe and Robinson. Yet in blaming the protectors for this failure, La Trobe revealed, more fully, the dimensions of his views on indigenous people. He never managed to grasp Kulin personhood beyond viewing them as the objects for the British authorities to protect (from lower-class colonists), "civilize" and convert to Christianity. Though La Trobe saw himself as above the general fray of the district's settler-colonial society, his dictates nevertheless formed as integral a part of Kulin dispossession as the pastoralists' appropriation of large tracts of Kulin homelands. In attempting to expel and prohibit Kulin people from their important ceremonial grounds, La Trobe denied their legitimacy as a people,

with their own political and legal institutions, and their own understandings of that forms that relations between themselves and the colonists needed to take. In La Trobe's eyes, Kulin people could only have true personhood if they adhered to his "benevolent" dictates, stayed away from Melbourne, and became "civilized" Christians.

By 1839, the colonists had seriously reneged on the obligations that the Kulin people had expected since 1835. Billibellary, who had taken part in the 1835 "Batman's treaty" negotiations, was initially optimistic that La Trobe's arrival would reinvigorate a spirit of reciprocity. According to Robinson's account of a conversation he had with the Wurundjeri leader at the beginning of October 1839, Billibellary related that the "white fellow" had told him that "the new governor" would give his people "plenty." Arriving on the mutually comprehensible title of "picanniny governor" to describe La Trobe, Billibellary understood the Superintendent's respective rank among the colonists, and appears to have held out some hope that because of his official standing, La Trobe would compel the colonists to meet the obligations they had agreed to four years previously as consideration for their admission to, and use of, Kulin territory. La Trobe, however, would not meet such hopes.

La Trobe in fact showed no inclination to recognize any of the terms that the Kulin people set for relations between themselves and the colonists. In the months following his arrival in Melbourne, La Trobe seemingly developed few perceptive understandings of either Kulin politics or the diplomatic dimensions of local indigenous-colonist relations. Early on he perhaps projected onto Kulin people the ideas he developed in North America about doomed "native" people, making an apparently telling slip in a diary entry, recording a recent controversy involving one of the assistant protectors by stating, "Mr. Sievwright's charge against Mr.

Walker's men for violently ejecting certain ~~Indian~~ blacks, seemingly extremely ex-parte and ill-founded."<sup>619</sup> By the end of the following year however, he privately described the Kulin people in terms more derogatory than any he ever used to portray American Indians. "The natives for their part," he wrote in December 1840, "look like a race of beings that was never intended to be swaddled at all – you are almost surprised at discovering that he or she is not marsupial like the majority of the other wild animals upon the same uncouth continent."<sup>620</sup> Unsurprisingly, such private views manifested in a public failure to recognize indigenous people's views in his government's plans for their future.

In terms of diplomacy, La Trobe did not take any cues from the U.S.-Indian negotiations he had witness in North America. Despite at least Billibellary's expectations, La Trobe did not grasp the need to play the part of the generous and respectful senior British official in his dealings with the Kulin people. His failure to assume this role perhaps contributed to the palpable discontent among indigenous people staying in Melbourne following his arrival. Having told La Trobe that "the Aborigines . . . were anxiously looking to the presence of His Honor," Robinson organized to mark La Trobe's arrival with a feast for the indigenous people in Melbourne.<sup>621</sup> In the meantime, however, the people in "the native camp" had begun to grow noticeably impatient with the colonists, with Robinson describing them as "very much excited," and saying that "white man Port Phillip plenty sulky."<sup>622</sup> Though the feast went ahead on the 15 October, La Trobe came without his wife and, being pressed with other business, did not stay for the evening corroboree.<sup>623</sup>

---

<sup>619</sup> Charles Joseph La Trobe, Minute Book, 5 October 1839 in Ev Beissbarth, ed. *Charles Joseph La Trobe: Australian Notes 1839-1854* (Melbourne: State Library of Victoria and Boz Publishing, 2006).; Drury, *La Trobe*: 197.

<sup>620</sup> La Trobe to John Murray, 15 Dec 1840, NLS, JMC, MS 40672.

<sup>621</sup> George Robinson, Journal, 4 Oct 1839: Clark, *George Robinson Port Phillip Journals*, 88.

<sup>622</sup> George Robinson, Journal, 13 October 1839: *ibid.*, 92.

<sup>623</sup> George Robinson, Journal, 15 October 1839: *ibid.*, 93.

Performed at the end of these mixed indigenous-colonist gatherings, these corroborees communicated the indigenous peoples' gratitude for the feast provided by the colonists and their commitment to ongoing reciprocal relations. Whether or not the indigenous people felt offended by La Trobe's early departure, they no doubt noted his breach of protocol. When Governor Bourke had visited Melbourne in March 1837, he gave blankets and other gifts to the Kulin people, who in exchange had given the British official kangaroo meat and a corroboree.<sup>624</sup> Most likely, the congregated indigenous people expected the new, permanent "picanniny governor" to step into this role. But in leaving early, La Trobe seems not to have grasped to need play the part.

Kulin dissatisfaction evidently abounded because of the colonists' invasion of their homeland. As pastoralists expanded further into Kulin territories, incidents of indigenous-colonist conflict escalated, particularly those relating to (what the colonists labeled) sheep "theft," but what indigenous people most likely generally viewed as the rightful appropriation of resources owed to them.<sup>625</sup> Travelling to the northwest of Melbourne with assistant protector Edward Parker in January 1840, George Robinson had to defuse a situation in which a group of indigenous people wanted him "to try a shepherd and send him to jail for not letting them have jumbuck or sheep."<sup>626</sup> With other means of subsistence damaged or increasingly unreachable, these people expected Robinson to enforce their right to receive much needed payment for the use of their land and resources. Similarly, in September 1840, Benbow (a Bunurong leader) and Betbengai (a Woiwurrung leader) related to assistant protector William Thomas the sense of injustice they felt about the current situation. Thomas's diary record of their words reads, "Now many white people come, & turn Black fellows away. Why white man Pilmularly [steal] ground,

---

<sup>624</sup> Broome, *Aboriginal Victorians*: 18.

<sup>625</sup> See, for example, *ibid.*; M. F. Christie, *Aborigines in Colonial Victoria, 1835-86* (Sydney: Sydney University Press, 1979).

<sup>626</sup> George Robinson, Journal, 20 January 1840: Clark, *George Robinson Port Phillip Journals*, 133.

& no let good White fellows give poor Black fellows bread.”<sup>627</sup> Benbow and Betbengai’s complaints suggest increasing frustration with the colonists’ failure to discharge the material obligations entailed by their use of indigenous land and resources, as well as their anger at the practice of “white men” – presumably men such as La Trobe – who attempted to stop the “good White fellows” giving indigenous people the bread they both needed and were, in fact, owed. Moreover, these grievances evinced particular dissatisfaction not only with the colonists’ failure to pay for their use of indigenous land, but also highlight these leaders’ perception that the colonists had in fact stolen the land for their exclusive use; presumably implying that the colonists turned “Black fellows away” not only when they sought payment in resources, but when they attempted to enter the stolen ground. According to historian Marie Fels’s interpretation of this conversation, the indigenous leaders felt particularly wronged by the local government’s attempts to exclude them from Melbourne.<sup>628</sup>

Even if La Trobe dimly recognized indigenous people’s attempts to enforce their own moral understandings on indigenous-colonist relations, he had no room for these in his vision for the district’s future. He found much of the local indigenous and settler-colonial cultures inimical to his goal of establishing a well-ordered, “civilized” society. Despite his initial corroboree blunder, La Trobe and his wife attended a corroboree in November 1839 and, according to Robinson, were “much pleased with the entertainment.”<sup>629</sup> Nevertheless, neither “the entertainment,” nor the majority of the large crowd of colonists in attendance, met La Trobe’s benchmarks for “civilized” society.

---

<sup>627</sup> William Thomas, Journal, ML, MSS 214-1; Marie Fels, *Good Men and True: the Aboriginal Police of the Port Phillip District, 1837-1853* (Carlton, Vic: Melbourne University Press, 1988). 10. The definition of “Pilmularly” is that given by Marie Hansen Fels: Marie Hansen Fels, *I Succeeded Once’: The Aboriginal Protectorate on the Mornington Peninsula, 1839–1840* (Canberra: Australian National University Press, 2011). xxi.

<sup>628</sup> Fels, *Good Men and True*: 10.

<sup>629</sup> George Robinson, Journal, 18 November 1839; Clark, *George Robinson Port Phillip Journals*, 106.

In the same letter in which he likened Kulin people to marsupials, he informed the publisher John Murray that he felt little cultural solidarity with many of the settler-colonists, whom he characterized as unpalatably avaricious: “Some people certainly emigrate to these outlandish countries with all their wits about them; a great many leave theres [sic] at home & perhaps are just as well off here without them, for any use that they can make of the finer portion, in that scramble . . . for fortune which is going on here.”<sup>630</sup> As he wrote in *The Rambler in North America*, La Trobe believed that truly “civilized” society needed refined manners and high culture.<sup>631</sup> Thanking Murray for the reading materials he had sent to his family, he described his situation in Port Phillip as an “exile” from the truly civilized culture of Europe. “You, my dear Sir,” he thus wrote, “have I believe never been transported 16000 miles from civilization & cannot imagine what it is to be cast so far from the reach of the thousand daily means of improvement & enjoyment which they possess who breath the Air of Europe.”<sup>632</sup> La Trobe’s plans to oversee the development of a well-ordered, truly “civilized” society, excluded all the aspects of indigenous and settler-colonial culture that he found unpalatable.

Although La Trobe might have enjoyed the entertainment offered by the Woiwurrung and Daungwurrung people’s corroboree for one evening in November 1839, he foresaw no future for either indigenous people or their rituals in the township of Melbourne. He viewed the Kulin people as a source of “disorder” and “disgrace,” and thus wanted them excluded from town. At the end of October 1839, La Trobe began complaining to Robinson of the “discharge of firearms, day and night, in the black encampment,” – the toleration of which he described as “against all prudent and well ordered principles” – and asking the chief protector to use all his “authority to

---

<sup>630</sup> La Trobe to Murray, 15 December 1840, NLS, JMC, MS 40672. For a printed extract of this letter see L. J. Blake, ed. *Letters of Charles Joseph La Trobe* (Melbourne: Government of Victoria, 1975), 11-12.

<sup>631</sup> See chapter four.

<sup>632</sup> La Trobe to Murray, 15 December 1840, NLS, JMC, MS 40672.

keep the blacks as much as possible from the neighbourhood of the [immigrant colonists'] tents."<sup>633</sup> With the approval of Gipps in Sydney, La Trobe attempted to institute a policy to compel "the natives to remove from the immediate neighbourhood of Melbourne," and to stay away.<sup>634</sup> When in December 1839, a large number of Kulin people, including those from Melbourne, Western Port, the Goulburn and Geelong area, camped in Melbourne to transact important confederacy business, La Trobe wrote to Robinson that "[t]he continued location of such a numerous body of natives in the immediate vicinity of the town cannot be endured much longer."<sup>635</sup> In September the following year, he ordered that "no Aboriginal blacks of the District are to visit the township of Melbourne under any pretext whatever."<sup>636</sup> Though such edicts generally proved impossible to implement over the ensuing years, La Trobe continued to view indigenous people's presence as "the source of great disorder."<sup>637</sup>

La Trobe considered indigenous and colonist social interactions as an especially objectionable ingredient in this "disorder," which – according to the reports he received – sometimes culminated in disgraceful "scenes of debauchery."<sup>638</sup> He felt particularly affronted by colonists who attended corroborees on the Christian Sabbath. In April 1840, for instance, he

---

<sup>633</sup> La Trobe to Robinson, 28 October 1839, in Michael Cannon, ed. *Historical Records of Victoria Volume 2B: Aborigines and Protectors, 1838-1839* (Melbourne: Victorian Government Printing Office, 1983), 598. The encampment site near the immigrant colonists' tents appears to have been an important site, at least during funeral rituals. Robinson recorded in his diary in early November 1839, that "[t]he natives in consequence of the death of George moved back to their former camp near the emigrants tent.": George Robinson, Journal, 3 November 1839: Clark, *George Robinson Port Phillip Journals*, 101.

<sup>634</sup> Gipps's minute on La Trobe to Robinson, 28 October 1839 in Cannon, *HRV 2B*, 598.

<sup>635</sup> La Trobe to George Robinson, 18 December 1839, in *ibid.*, 610-11.; Broome, *Aboriginal Victorians*: 31.

<sup>636</sup> Robinson to Thomas, 12 September 1840, Public Records Office of Victoria (PROV), VPRS 10, Unit 2, File 40/39. Cited in Broome, *Aboriginal Victorians*: 31.

<sup>637</sup> La Trobe to George Robinson, 18 December 1839 in Cannon, *HRV 2B*, 610-11. La Trobe continued to insist on this "removal": La Trobe to Thomas, 18 April 1840, PROV, VPRS 16, Unit 1, File 40/181; La Trobe to Robinson, 17 July 1840, PROV, VPRS 16, Unit 1, File 40/541; La Trobe to Robinson, 4 September 1840, PROV, VPRS 16, Unit 1, File 40/668; La Trobe to Robinson, 12 September 1840, PROV, VPRS 16, Unit 1, File 40/712; La Trobe to Robinson, 10 October 1840, PROV, VPRS 16, Unit 1, File 40/759; La Trobe to Deas Thompson, 10 October 1840, PROV, VPRS 16, Unit 1, File 40/761; La Trobe to Deas Thompson, 5 June 1845, PROV, VPRS 16, Unit 5, File 45/672.

<sup>638</sup> The phrase "scenes of debauchery" was used by William Thomas in a report to Robinson, which Robinson then forwarded to La Trobe: William Thomas to George Robinson, 17 December 1839 in *ibid.*, 609-10.; La Trobe to George Robinson, 18 December 1839 in *ibid.*, 610-11.



wrote to assistant protector William Thomas requesting that he “seek to give the Blacks on the left side of the Yarra Yarra [River] an intimation of my desire that there should be no more corrobories on Sunday evenings.” In order temporarily to prevent “the disorders and scandal” caused by “large bodies of the townspeople on that evening at the Camp,” La Trobe ordered that the river punt “cease to ply at 6 o’clock in the evenings on Sundays.” His main imperative, however, was for Thomas to use his “influence with these poor people” to “effect their removal from the neighbourhood of the township.”<sup>639</sup> To reduce the “disorder and scandal” that apparently arose from indigenous-colonist social mingling, La Trobe asked the “protector” to removal and exclude indigenous people from Melbourne.

La Trobe framed colonist-indigenous interactions in Melbourne not only as a threat to the formation of “civilized” society in the town, but also as a danger to indigenous people themselves. He envisioned colonist-indigenous segregation as a necessary precondition for instituting what he saw as the British colonists’ moral duty to save indigenous people through imparting “civilization” and Christianity. In July 1840, for instance, he requested that assistant protector Charles Sievwright follow this policy in the town of Corio (40 miles southwest of Melbourne). In response to Sievwright’s view that preventing “the natives from frequenting the town” precluded them from receiving the benefits of charity and hiring out their labor, La Trobe argued that the “little of the temporary benefit” this offered was “perfectly outweighed by the evils resulting from the intercourse.” Extrapolating on this negative balance of outcomes, he stated that “[t]he native obtains little food and a little clothing either through pity or as a servant, and he carries away with him vice, disease, and the means of both injury to himself and his neighbours.” Interactions in the towns apparently produced “evils” and were therefore antithetical to the colonists’ moral duty to protect and save the indigenous people. “I am

---

<sup>639</sup> La Trobe to Thomas, 7 April 1840, PROV, VPRS 16, Unit 1, File 40/152.

convinced,” he thus concluded, “that it is our duty to keep them [the indigenous people] away from the towns.”<sup>640</sup> La Trobe therefore justified his policy of creating segregated, colonist-only spaces by prescribing it as part of the government’s moral obligations towards the district’s indigenous people.

But in the same way that La Trobe defined these moral obligations without any apparent recourse to Kulin people’s own moral understandings of indigenous-colonist relations, he also failed to comprehend the political imperatives that informed the Kulin people’s movements in and out of Melbourne. Confined predominantly to conceptualizing indigenous people as degraded, and their entire culture as illegitimate, La Trobe generally blamed Robinson and the assistant protectors for the failure of his policy to remove and exclude indigenous people from Melbourne. To some extent, the protectors – particularly Robinson and Williams – more accurately grasped the political landscape on which they sought to impose their civilizing mission.

La Trobe had arrived in Melbourne in October 1839 in the midst of a dispute between the Woiwurrung and Wathaurong (in which the Woiwurrung enlisted the help of some Bunurong clans), which at least partly explained the large influx and extended stay of so many people in Melbourne in the subsequent months.<sup>641</sup> As Williams would reflect to Robinson, the Woiwurrung and Bunurong people “anticipated a fight with the Barrabools [Wathaurong]. Messengers were sent to and fro, [and] they became an annoyance to the settlement.”<sup>642</sup> The various members of the confederacy came and stayed in Melbourne to continue the juridical proceedings that many colonists’ had witnessed earlier in the year, and which, in April, Robinson

---

<sup>640</sup> La Trobe to Robinson, 17 July 1840, PROV, VPRS 16, Unit 1, File 40/541.

<sup>641</sup> Gary Presland, *Aboriginal Melbourne: The Lost Land of the Kulin People* (Melbourne: McPhee Gribble, 1994). 47-48.

<sup>642</sup> William Thomas to George Robinson, 29 February 1840 in Cannon, *HRV 2B*, 620.

had interfered with and received Billbellary's verbal lashes.<sup>643</sup> Robinson recognized, and informed La Trobe in December, that the large group of "Goulburn blacks" (Daungwurrungs) had come to Melbourne because of their alliance with the Wathaurongs, who "according to their ancient customs," were "to go through the forms of a fight."<sup>644</sup> Although Robinson, like La Trobe, viewed such "fights" as savage and illegitimate, he nevertheless realized their importance as dispute resolution events, and knew they in some way explained the increased presence and activity of Kulin people in Melbourne.<sup>645</sup> La Trobe, in contrast, seems merely to have viewed the situation in terms of the protectors' failure to discharge his official directive to persuade the Kulin people to leave town and stay away.<sup>646</sup>

Robinson's inability to effectively oversee his assistant protectors and achieve the permanent removal of indigenous people from Melbourne became a major issue of friction in his stormy relationship with La Trobe. La Trobe had arrived in Melbourne with low expectations of Robinson's capacities, having spent time in July and August 1839 with Governor George Gipps in Sydney. By this time Gipps had realized that Robinson – who in Van Diemen's Land had been accustomed to following Arthur's specific orders – had no specific plans for setting up the Port Phillip Protectorate, and he had grown weary of the chief protector's inefficient administration and lengthy reports.<sup>647</sup> Over the ensuing months and years, La Trobe and Robinson built a dysfunctional working relationship upon awkward meetings and terse correspondence. Robinson never fulfilled the role of chief protector as La Trobe envisioned it. In a characteristically tense meeting in December 1839, La Trobe reportedly stated that "the natives must be got from

---

<sup>643</sup> George Robinson, Journal, 11 April 1839: Clark, *George Robinson Port Phillip Journals*, 26-27.; Robinson had noted the movements and preparations of Billbellary and his party in Melbourne during August and September: George Robinson, Journal, 29 August 1839, 29 September 1839: *ibid.*, 75,86.

<sup>644</sup> Robinson to La Trobe, 6 December 1839, in Cannon, *HRV 2B*, 609.

<sup>645</sup> Broome, *Aboriginal Victorians*: 28-29.

<sup>646</sup> George Robinson, Journal, 20 December 1840: Clark, *George Robinson Port Phillip Journals*, 114.

<sup>647</sup> Rae-Ellis, *Black Robinson*: 161,81.

Melbourne,” and regaled Robinson for having “no influence” among the indigenous people and for being unable to “get them to mind” him and leave town. He expected Robinson to exert over the indigenous people the authority ostensibly invested in his by his government appointment; he expected him to be their “master.”<sup>648</sup> For La Trobe, the fact that Robinson did not seem able to control the indigenous people’s movements, nor coordinate his assistant protectors to do the same, highlighted the chief protector’s unsuitability for his role. In the eyes of La Trobe, Robinson failed to impose the proper order of relations between the protectors and their indigenous charges, in which the indigenous people were to be made to heed the protectors’ dictates.

These disagreements took place within more general differences of opinion about the running of the protectorate, which began almost immediately after La Trobe’s arrival in Melbourne. According to Robinson’s account of their first official meeting, La Trobe immediately reprimanded him “[w]ith a variety of severe remarks the like I had not received from the Govt of [Van Diemen’s Land] during my long connection with them.” The dispute centered on Robinson’s attempts to claim the site of the first (by then defunct) Christian mission for indigenous people in Melbourne. La Trobe disapproved of Robinson’s apparently unseemly acquisitive interest in the property, and reprimanded him by saying that he “must have only one subject in view – the blacks and the blacks alone or [he] should never succeed,” to which Robinson replied that if he “was actuated by any other object [he] should not have come here or accepted the appointment.”<sup>649</sup>

Subsequently, Robinson continually complained to La Trobe about a variety of employment-related fiscal inconveniences, such as having to pay for travel expenses and an

---

<sup>648</sup> George Robinson, Journal, 20 December 1839, Clark, *George Robinson Port Phillip Journals*, 114.

<sup>649</sup> George Robinson, Journal, 10 October 1839, *ibid.*, 91.

office clerk out of his own salary. La Trobe generally replied that if Robinson found the terms of employment unsatisfactory, he should have refused the position, to which Robinson responded that he would have refused it, had he known the conditions.<sup>650</sup> Recording these conversations in his journal, Robinson described La Trobe as “haughty,” and his letters as, for instance, “damning and dictatorial.”<sup>651</sup> La Trobe privately summarized a discussion with Robinson about the protectorate as “all very unsatisfactory.”<sup>652</sup> Like Gipps, La Trobe also very quickly tired of Robinson’s wordy reports. La Trobe thus qualified one of his early letters to Gipps – in what became a steady and amicable personal correspondence – by stating that he did “not wish to inflict a correspondence à la Robinson upon” him. In the three weeks since his arrival in Port Phillip, Robinson had, La Trobe complained, already also “opened a terrible file fire upon” him.<sup>653</sup>

Class differences no doubt played a significant role in this personality conflict, as well as in how La Trobe appraised Robinson’s (un)suitability for the role of chief protector. Each man seemingly based their dislike for the other on their own class-based sensibilities. For instance, La Trobe partly judged Robinson – a tradesman by background – as unfit for the role of chief protector because he believed him motivated as much by his wish to provide materially for his family as out of concern for indigenous people. Robinson seemingly viewed La Trobe as a dictatorial snob, who was out of touch with the challenges he faced in trying to run the protectorate. When Robinson heard of his reputation among Gipps and La Trobe for his long-winded letters, he wrote in his journal that “Sir George Gipps may thank himself for all the

---

<sup>650</sup> For example, George Robinson, Journal, 18 October, 1839, 5 November 1839: *ibid.*, 95,102.

<sup>651</sup> George Robinson, Journal, 28 October 1839, 4 January 1840: *ibid.*, 98,121.

<sup>652</sup> La Trobe, Journal of First Fifty Days in Port Phillip, 18 November 1839, in Beissbarth, *Charles Joseph La Trobe Australian Notes*.

<sup>653</sup> La Trobe to Gipps, 19 October 1839, in A. G. L. Shaw, ed. *Gipps-La Trobe correspondence, 1839-1846* (Carlton, Vic.: Melbourne University Press at the Miegunyah Press, 1989), 6.

trouble given, for it is a trouble to me as well as himself . . . However though intended as a complaint I take it as a compliment. It is not every person that can write.”<sup>654</sup> Robinson, originally a bricklayer, felt unfairly treated by his ruling-class superiors, yet nevertheless proud of himself for having achieved the requisite level of literacy for a government role. La Trobe did not judge Robinson’s talents as substantial enough to overcome his lowly birth status.

La Trobe also perceived Robinson as dishonest, shifty, and inefficient – an opinion subsequently shared by Robinson’s biographer Vivienne Rae-Ellis – and held him personally accountable for the failure to remove and exclude Kulin people from Melbourne.<sup>655</sup> Implicit in this was the presumption that Kulin people’s reasons for being in Melbourne could not, conceivably, be relevant. For La Trobe, indigenous people’s actions could only be legitimate if they followed his dictates. In the day-to-day administration of the protectorate, rife with power struggles and personality conflicts, indigenous people’s subjectivities counted for nothing. And yet, beneath all these personality conflicts there lay a fundamental solidarity between the La Trobe and Robinson. As highlighted by Robinson’s intervention into the Kulin juridical proceedings in April 1839, Robinson no more believed in the legitimacy of Kulin politico-legal rituals than did La Trobe.

Moreover, with a belief that the only legitimate legal rituals originated from European traditions, such as those of the English common law, it was seemingly too much of a conceptual leap for La Trobe to understand the importance of Melbourne’s environs for indigenous juridical proceedings. When, in December 1839, he was unable to abide the presence of so many Kulin people in Melbourne, La Trobe reportedly told Robinson that “the natives must be got from

---

<sup>654</sup> George Robinson, Journal, 14 October 1839: Clark, *George Robinson Port Phillip Journals*, 93.

<sup>655</sup> See Rae-Ellis, *Black Robinson*.

Melbourne,” and that “force must be made use of.”<sup>656</sup> Although Robinson refused to use force, government agents nevertheless apparently threatened violence in order to persuade people to leave Melbourne. Robinson informed La Trobe that the “Goulburn blacks” were so displeased at being thus forced to leave town “that they would kill sheep,” to which the Superintendent reportedly replied, “if they do they must take the consequences.”<sup>657</sup> La Trobe could not, it seems, grasp the reasons for Kulin displeasure or the moral logic behind their threats to retaliate for the wrong of being forced away from their important ceremonial grounds. His solution to dealing with the repercussions of pressuring Kulin people to leave Melbourne would be to subject indigenous people to the “consequences” of the British legal system.<sup>658</sup> Indeed, his aspirations for dealing with the increasing number of conflicts between indigenous people and colonists on “the frontiers” mirrored those Arthur had attempted during his initial years in Van Diemen’s Land: to mobilize the British legal system and thus resolve the conflict through the impartial application of English-style “justice.” Little did he seem to realize that his own exclusionary edicts potentially helped fuel indigenous-colonist conflicts on Kulin lands outside Melbourne, now increasingly overrun with sheep and claimed by colonists for their exclusive use.<sup>659</sup>

---

<sup>656</sup> George Robinson, Journal, 20 December 1839, 114.

<sup>657</sup> George Robinson, Journal, 5 January 1840, 122. Most of the Kulin people camped in Melbourne during the Woiwurrung-Wathurang proceedings left on 3 January 1840: William Thomas to George Robinson, 29 February 1840: HRV, vol. 2B, 621.

<sup>658</sup> As will be clear from my discussion in the next section, La Trobe meant “consequences” in terms of subjection to the British legal system, rather than facing violent frontier-style “justice.”

<sup>659</sup> Henry Reynolds identifies sheep theft and killing as a common form of indigenous resistance to the pastoral invasion of their lands in Australia: Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia* (Victoria, Australia: Penguin Books, 1982).

## No Sheep, No Land, No Justice

Writing to the Governor's office in Sydney in 1846, La Trobe described all the cases that had come before the Supreme Court in Melbourne where attempts had "been made to bring Aboriginal Natives to justice for alleged acts of violence."<sup>660</sup> Among these cases, he listed that of "Bob and Jack," whose skin color and background marked them for inclusion in this list, though they, like the colonists of European origins, were foreign to the district. "Bob and Jack" – (Robert Timmy Jemmy Smallboy) Maulboyheener and (Jack Napoleon Peevay) Tunnerminnerwait, two survivors of the Black Wars and members of Robinson's "friendly mission" – came to Port Phillip from Flinders Island with the Robinson family in 1839. Along with three Van Diemen's Land women, they took to the bush around Westernport in September 1841 and, after killing two whalers, became the first two people executed by the British in the Port Phillip district.<sup>661</sup> In his notes on the case, La Trobe wrote that "[n]o reason could be adduced why they left Mr. Robinson's service and much less for their suddenly betaking themselves to the Bush."<sup>662</sup> Yet even at the time of their execution, many stories circulated around Melbourne regarding Maulboyheener and Tunnerminnerwait's grievances. Indeed, their story can be understood as one of the tragic aftershocks of the war in Van Diemen's Land. For La Trobe however, their story exemplified his efforts to effect what he had described to Robinson as "even handed justice": "If a black was guilty he would be punished as well as a white."<sup>663</sup> As Arthur had done early in his tenure in Van Diemen's Land, La Trobe clung to the idea that the common law could provide equitable arbitration for the escalating conflict between

---

<sup>660</sup> La Trobe to Deas Thomason, 4 July 1846, enclosed in Fitz Roy to Gladstone, 25 October 1846, CO 201/369 (AJCP reel PRO 374)

<sup>661</sup> For an fuller account of these events and these people's biographies, see Leonie Stevens, "The Phenomenal Coolness of Tunnerminnerwait," *Victorian Historical Journal* 8, no. 1 (2010).

<sup>662</sup> La Trobe to Deas Thomason, 4 July 1846, enclosed in Fitz Roy to Gladston, 25 October 1846, CO 201/369 (AJCP reel PRO 374)

<sup>663</sup> George Robinson, Journal, 10 October 1839: Clark, *George Robinson Port Phillip Journals*, 91.



colonists and indigenous people. He attempted to mobilize the British law to punish both colonist and indigenous violence, believing that this “justice” would, along with efforts to “civilize” and Christianize, provide protection to indigenous people.

Robinson had originally wanted to take all the indigenous people from Flinders Island with him to Port Phillip. Through Arthur’s influence, the colonial office in London heeded his advice that “no ill consequences would arise from their removal . . . but on the contrary they [the Van Diemen’s Land indigenous people] would be highly useful in conciliating the Aborigines of Port Phillip.”<sup>664</sup> However, opposition in Sydney ultimately prevented this plan. Franklin subsequently authorized him to take one “family.”<sup>665</sup> He chose the people he was closest to, most of whom had accompanied him on his “friendly missions.” Leaving Flinders Island in February 1839 amidst an influenza outbreak, only six members of the group were well enough to accompany him, among who were Trucanini and Tunnerminnerwait. The remaining group of ten people, which included Maulboyheene, accompanied Robinson’s wife the following month.<sup>666</sup> They became known among the Port Phillip colonists as “the Van Diemen’s Land blacks.”

Issues surrounding “the Van Diemen’s Land blacks” very quickly became a source of tension between Robinson and La Trobe. Robinson believed, for instance, that the government would provide for their material support, while La Trobe had been under the impression that this would be provided by the Van Diemen’s Land government.<sup>667</sup> By the time of La Trobe’s arrival, Robinson appears to have wanted to sever his connection with them. In November 1839 he

---

<sup>664</sup> Stephen to Spearman, 30 August 1837 in Cannon, *HRV 2A*, 28. See also Arthur to Glenelg, 22 July 1837, PRO CO 280/84 in *ibid.*, 27.

<sup>665</sup> Rae-Ellis, *Black Robinson*: 161.

<sup>666</sup> Vivienne Rae-Ellis, “Trucanini,” *Tasmanian Historical Research Association Papers & Proceedings* 23, no. 2 (1976): 33; Rae-Ellis, *Black Robinson*: 166.

<sup>667</sup> George Robinson, Journal, 10 October 1839: Clark, *George Robinson Port Phillip Journals*, 105.

reportedly requested to La Trobe that he “be relieved” of the “VDL blacks.”<sup>668</sup> Although fiscal considerations no doubt contributed to this desire, Robinson seems also to have lost the respect of the people on whom his conciliation efforts in Van Diemen’s Land had relied. Truganini – his former lover and the women who had once saved his life – continually left his household with her friends Charlotte, Matilda or Rebecca to live in Kulin camps, or with white shepherds. Robinson continually sent out search parties to find her, but on being brought back, she would merely “abscond” again.<sup>669</sup>

His relationship with Maulboyheener (Bob) and Tunnerminnerwait (Jack) also became highly fraught. This appears to have begun back at the exiles’ settlement of Wybalenna on Flinders Island. With disease rife, most people chose to leave the settlement and spend their final days in the bush. In October 1837, with an impending visit from Governor Franklin, Maulboyheener and Tunnerminnerwait returned to Wybalenna and asked Robinson for supplies to take back to the rest their party, who were too sick to return to the settlement. Robinson apparently reprimanded the men for staying away from the settlement at such an important time, and refused their request.<sup>670</sup> Little wonder that when two months later Maulboyheener and Tunnerminnerwait (amongst others, including Truganini) accompanied Robinson on an exploration of Flinders Islands, for the first time ever they did not share with him any of their game or help him erect his shelter.<sup>671</sup> In Port Phillip, seemingly without any other means of support, the men attempted to earn their own living as laborers. In his diary in November 1839, La Trobe mentioned learning “from two of the so called V.D. Blacks – women that their

---

<sup>668</sup> George Robinson, Journal, 18 November 1839: *ibid.* Robinson records making the same request to La Trobe on several other occasions: for example, George Robinson, Journal, 19 June 1840, 22 August 1840, 25 August 1840 *ibid.*, 346,63.

<sup>669</sup> Rae-Ellis, "Trucanini," 33-34.; George Robinson, Journal, 7 June 1840 and 2 July 1840: Clark, *George Robinson Port Phillip Journals*, 344, 51.

<sup>670</sup> Rae-Ellis, *Black Robinson*: 139.

<sup>671</sup> *Ibid.*, 132.

husbands had gone to S Australia as bullock-drivers.”<sup>672</sup> Tunnerminnerwait seemingly had a short reaffirmation of more cordial relations, travelling together through the district from March to August 1841.<sup>673</sup>

The previous year, however, Robinson had campaigned to relinquish his responsibility to the “Van Diemen’s Land blacks.” When in August 1840 La Trobe demanded a full report on “the VDL blacks,” Robinson told him that “they were of no use to me and I wished to get rid of them,” and requested that they be sent back to Flinders Island.<sup>674</sup> Robinson seems well aware that these people held considerable feelings of hostility regarding their treatment and situation. Although he could not belabor the point without uncovering his false claims about their “civilized” docility, Robinson mentioned to La Trobe “the fear” that “those natives” might render “hostile the Aborigines” of Port Phillip. La Trobe dismissed this possibility, relying on their good reputations, informing Robinson that he did “not see why such of their number as you had permission to introduce should be sent back merely because a false impression, easily removed, may have existed as to their character and influence.”<sup>675</sup> Yet in December 1840, when La Trobe asked Robinson deliver the people to him, and he would find them employment, Robinson sidestepped the request, lest he have to admit that the “VDL blacks” were not the docile “civilized” subordinates that he had represented them to be, and that he did not actually know many of their whereabouts.<sup>676</sup>

In September 1841, five of the “Van Diemen’s Land blacks” headed to the bush around Westernport (approximately 90 miles southeast of Melbourne). Over a period of six weeks, the

---

<sup>672</sup> La Trobe, *Journal of First Fifty Days in Port Phillip*, 14 November 1839, in Beissbarth, *Charles Joseph La Trobe Australian Notes*.

<sup>673</sup> Rae-Ellis, *Black Robinson*: 212.

<sup>674</sup> *Ibid.*

<sup>675</sup> La Trobe to Robinson, 27 August 1840, PROV, VPRS 16, Unit 1, File 40/661.

<sup>676</sup> Rae-Ellis, *Black Robinson*: 213.

group of five – Truganini, Maytepueminner (Matilda), Maulboyheener, Tunnerminnerwait, and Planobeena (Tunnerminnerwait’s wife, otherwise known as “Fanny”) – moved through the Westernport and Dandenong districts, committing nine robberies, wounding four white men, and killing two.<sup>677</sup> Once word reached Melbourne of these activities, they created a sensation in the press, which reported on the “horrid outrages” and “unmentionable atrocities” committed by the “the black marauders whose numerous depredation have rendered them the terror of the settlers.”<sup>678</sup> A large party led by Frederick Powlett, Commissioner for Crown Lands in Westernport, and including the assistant protector William Thomas, searched at length for the group, finally apprehending them on 20 November.<sup>679</sup> La Trobe had ordered Robinson to join the search party, though he ultimately did not make it beyond Narre Narre Warren before turning back to Melbourne, without having offered any assistance.<sup>680</sup>

The five captured people subsequently faced trial back in Melbourne for the murder of the two whalers, a William Cook and his companion, known only as “Yankee.” On the evidence presented in court, it appeared that the group had been involved in a dispute with a coal miner, William Watson, operating near Cape Paterson, and that they had mistaken the whalers for miners.<sup>681</sup> Persuaded by the women’s denial of involvement, and Robinson’s evidence that “the women . . . are in entire subject to the men – in absolute thralldom,” the jury acquitted Truganini,

---

<sup>677</sup> Ian MacFarlane, *1842: The Public Executions at Melbourne* (Melbourne: State of Victoria, 1984). 6-8; Rae-Ellis, *Black Robinson*: 34; Stevens, “Phenomenal Coolness of Tunnerminnerwait,” 1-2, 8-11.

<sup>678</sup> *Port Phillip Patriot*, 28 October 1841; *Port Phillip Herald*, 29 October 1841; *Port Phillip Patriot*, 25 November 1841. See also, for example, *Port Phillip Gazette*, 30 October 1841, 10 November 1841; *Port Phillip Herald*, 9 November 1841, 26 November 1841.

<sup>679</sup> Powlett to La Trobe, 1 November 1841, PROV, VPRS 19, Box 21, File 41/1687; William Thomas to La Trobe, 3 November 1841, PROV, VPRS 11, Box 8, Item 411; Thomas to Robinson, 11 November 1841, PROV, VPRS 11, Box 8, Item 412; Powlett to La Trobe, 16 November 1841, PROV, VPRS 19, Box 22, File 41/1835; Deposition of Powlett, 27 November 1841, PROV, VPRS 24, Box, Whaler’s Case; Powlett to La Trobe, 4 December 1841, PROV, VPRS 19, Box 22, File 41/1835; MacFarlane, *1842 Public Executions*: 79-81. See also Susanne Davies, “Aborigines, Murder and the Criminal Law in Early Port Phillip, 1841-1851,” *Historical Studies* 22, no. 88 (1987): 315; MacFarlane, *1842 Public Executions*: 9.

<sup>680</sup> La Trobe to Robinson, 31 October 1841, PROV, VPRS 16, Unit 2, File 41/1198; Rae-Ellis, *Black Robinson*: 214.

<sup>681</sup> Evidence of William Johnson, Supreme Court Report, Port Phillip, 20 December 1841. Enclosed in Gipps to Stanley, 11 March 1842, CO 201/318 (AJCP reel PRO 339).

Maytepueminner, and Planobeena. They found Maulboyheener and Tunnerminnerwate guilty, but accompanied their verdict with a recommendation for mercy, “on account of their general good character, and the peculiar circumstances under which they were placed.”<sup>682</sup> The Executive Council in Sydney, however, rejected the recommendation for mercy, declaring “That the Sentence of the Law be allowed to take its course.”<sup>683</sup>

The residues of the sensation that these events created in the district provide rare glimpses into the motivations and experiences of these exiles. In the lead-up to their executions, Maulboyheener and Tunnerminnerwate became even greater objects of fascination to the colonists. Although the *Port Phillip Gazette*, for instance, unsympathetically described Tunnerminnerwate using the trope of “the irreclaimable character of the Australian savage,” their report, along with those in the two other Melbourne newspapers, also offered substantive insights into the two men’s most burning grievances. Ongoing anguish and anger about the deaths of their loved ones in Van Diemen’s Land provided significant fuel for their acts. During the killing of Cook and Yankee, Maulboyheener reportedly refused to inflict the deadly blows until Tunnerminnerwate and Truganini urged him “to remember the massacre of their relatives at Port Arthur by the Van Diemen’s Land whites.”<sup>684</sup> The *Gazette* also noted that though the men had followed Robinson to Port Phillip, they had not done so “without dissatisfaction; they had or believed they had in conjunction with the rest of the natives at Flinder’s Island, some interest in a flock of sheep which had been bred for the sole use of the establishment, and expressed their disappointment in not having been allowed to take their share either in sheep or value.”<sup>685</sup>

---

<sup>682</sup> Supreme Court Report, Port Phillip, 20 December 1841. Enclosed in Gipps to Stanley, 11 March 1842, CO 201/318 (AJCP reel PRO 339).

<sup>683</sup> Minute No.1 of 1842 of the Proceedings of the Executive Council, 3 January 1842. Enclosed in Gipps to Stanley, 11 March 1842, CO 201/318 (AJCP reel PRO 339).

<sup>684</sup> *Port Phillip Patriot*, 24 January 1842. The same story was reported in the other newspapers: *Port Phillip Herald*, 21 January 1842; *Port Phillip Gazette*, 22 January 1842.

<sup>685</sup> *Port Phillip Gazette*, 22 January 1842.

Historian Vivienne Rae-Ellis suggests that Robinson in fact appropriated many of these sheep for himself. In March 1839 he wrote to his son George Robinson junior to send over the sheep belong to “the Aborigines” as they would soon be joining him; eighteen months later he listed 638 sheep, valued at £713 pounds among his personal assets.<sup>686</sup> Though Judge Willis wrote to La Trobe at the conclusion of the case that Tunnerminnerwate and Maulboyheener possessed sheep on Flinders Island, perhaps their grievances related not only to being denied the ability to bring their property to Port Phillip, but to its appropriation by Robinson.<sup>687</sup> Without this means of income, and facing discrimination when they tried to gain proper compensation for their labors, “Bob and Jack” experienced, to a sever degree, the multifarious and multi-layered dislocations of removal both from their homelands and from their ability to determine their own futures.

Though La Trobe referred to his family’s distance from Europe as an “exile,” Maulboyheener and Tunnerminnerwate’s executions reveal the characteristics of a true exile; one that had involved forced removal from their homelands. At their public hangings in Melbourne on 20 January 1842, Maulboyheener died a broken man, while his long-time friend Tunnerminnerwate died with hopes for the afterlife. Tunnerminnerwate reportedly remained relatively composed throughout the execution ritual, having expressed during his incarceration the belief that upon his death he would return to Van Diemen’s Land, where he would join his father and hunt kangaroo.<sup>688</sup> But Maulboyheener endured his violent death in the midst of a complete breakdown. Already unable to come to terms with his situation in the days leading up to his execution, when he emerged from the covered horse-drawn van that had transported him and Tunnerminnerwate to the site of their execution, he recoiled in further shock and anguish as

---

<sup>686</sup> Rae-Ellis, *Black Robinson*: 167. Citing George Robinson to George Robinson junior, 16 March 1839, ML, A7075, Vol. 54; George Robinson, Journal, 7 October 1840, ML, A7037, vol. 16.

<sup>687</sup> Willis to La Trobe, 27 Dec 1841 in Gipps to Stanley, 11 March 1842, CO 201/318 (AJCP reel PRO 339).

<sup>688</sup> *Port Phillip Herald*, 21 January 1842.

he suddenly found himself the object of the gaze of over 3,000 colonists who had come to witness his death. They also witnessed his breakdown: he reportedly “trembled violently,” and let out “the most heartrending groans” while “sweat burst from his face.” Physically unable to climb the ladder onto the gallows platform, he fell several times during his attempts.<sup>689</sup> The scaffold itself had been hastily and shoddily constructed so that when the hangman activated the drop, it only descended only half way, and Maulboyheener and Tunnerminnerwate “jambled, and twisted and writhed convulsively.”<sup>690</sup> When a bystander knocked away the obstruction, Tunnerminnerwate died instantly, while Maulboyheener, whose noose had been partially displaced, died in agony minutes later.<sup>691</sup>

Maulboyheener and Tunnerminnerwate were not the last indigenous people sentenced to a violent death in Port Phillip. While La Trobe organized to send the remaining “Van Diemen’s Land blacks,” including Truganini, Maytepueminner, and Planobeena, back to Flinders Island during July and August 1842, tensions between Kulin people and colonists continued to escalate.<sup>692</sup> In September 1842, the government hanged a man known as Roger (and alternatively as Figara or Alkeperete) for the murder of colonist Patrick Codd at Mount Rouse in the Western districts.<sup>693</sup> Though the death had occurred in May 1840, La Trobe revived the investigation in 1842 when he read a letter from Clement Codd identifying Roger as the perpetrator.<sup>694</sup> He privately expressed his reservations about the case to Gipps, stating that he had information that “Mr. Codd’s conduct towards the natives had been criminal in the highest degree; and the quiet

---

<sup>689</sup> *Port Phillip Gazette*, 22 January 1842.

<sup>690</sup> Garryowen, *The Chronicles of Early Melbourne*. Cited in MacFarlane, *1842 Public Executions*: 15.

<sup>691</sup> *Ibid.*

<sup>692</sup> La Trobe to Deas Thomson, 10 September 1842, PROV, VPRS 16, Unit 5, File 42/1231; George Robinson, *Journal*, 5 July 1842, 6 July 1842, 13 July 1842, 14 July 1842: Clark, *George Robinson Port Phillip Journals*.

<sup>693</sup> La Trobe to Deas Thomson, 30 August 1842, PROV, VPRS 16, Unit 5, File 42/1156; La Trobe to Deas Thomson, PROV, VPRS 16, Unit 5, File 42/1208; *Port Phillip Gazette*, 7 September 1842; *Port Phillip Patriot*, 8 September 1842; Gipps to Stanley, 24 September 1842, CO 201/323 (AJCP reel PRO 342).

<sup>694</sup> MacFarlane, *1842 Public Executions*: 46. Clement Codd to La Trobe, 15 March 1842, PROV, VPRS 19, Box 34, File 42/1545, printed in *ibid.*, 88.

murder of many of that race was avenged by his death.”<sup>695</sup> Nevertheless La Trobe remained committed to bringing violent instances between colonists and indigenous people within the purview of the legal system.

The revival of the investigation into Codd’s death coincided with La Trobe’s efforts to bring to justice the perpetrators of more recent fatalities in the Mount Rouse area, those of three indigenous women and a child. After receiving reports of the killings, La Trobe offered a £50 reward, or a conditional pardon in the case of a convict, for anyone who informed on the perpetrators. Gipps subsequently recommended that La Trobe increase the reward to £100 and a free pardon for convicts. But faced with a wall of colonist silence over the matter, and judging that “neither the Protectors, nor the Police Magistrates” were acting as he thought “they ought to do,” he sent a special commission, consisting of three men, “to sift the affair as thoroughly as possible.”<sup>696</sup> The trial for what became known as the “Muston’s creek massacre” or the “Osborne and Smith station murders” was held in Melbourne the following year.

La Trobe believed that the British law could, and would, dispense equal justice in arbitrating the violence between colonists and indigenous people. In pursuing the perpetrators of the Osborne and Smith station murders, he attempted to redress the balance of prosecutions, which had thus far predominantly targeted indigenous people. He seemingly saw himself as a neutral conduit of the legal process, and used the case to make it clear to the colonists that he would not automatically take their side. When a group of western districts colonists wrote to him in March 1842 requesting greater government protection against indigenous people’s attacks and raids, La

---

<sup>695</sup> Enclosure A2 to Minute NO. 19 of 1842: Private, La Trobe to Gipps, 26 July 1842, enclosed in Gipps to Stanley, No. 177, 24 September 1842, CO 201/323 (AJCP reel PRO 342).

<sup>696</sup> La Trobe to Gipps, Confidential, 1 June 1842, enclosed in Gipps to Stanley, Confidential Despatch, 11 June 1842, CO 201/321 (AJCP reel PRO 340); La Trobe to Forster Fyans, Frederick Powlett and Charles Griffiths, 10 June 1842, PROV, VPRS 16, Unit 2, File 42/756; La Trobe to Deas Thomson, 18 July 1842, PROV, VPRS 16, Unit 5, File 42/934.



Trobe wrote a scathing response. He stated that “[e]ven under circumstances far more favourable both to the settler who seeks protection, and the Government desiring to afford it – for instance, where a well-defined frontier or neutral ground could be interposed between the civilized and uncivilized – I need scarcely remind you, how little real security has been enjoyed.” Instead of offering the memorialists sympathy or further government protection, La Trobe admonished them; he had just received news of the Osbrey and Smith station murders, and noting that Osbrey and Smith were among the signatories, he reproached the letter writers for “the acts . . . perpetrate among” them, urging them “to come forward in the aid of the authorities,” and attempting to reach their consciences by proclaiming, “Will not the commission of such crimes call down the wrath of God, and do more to check the prosperity of your district, and ruin your prospects, than all the difficulties and losses under which you labour?”<sup>697</sup> La Trobe’s attempts to bring those responsible for the murders to justice, however, ultimately proved fruitless. The jury acquitted the three men brought to trial, based on the “discredit” brought upon the Crown case by their principal witnesses.<sup>698</sup>

Despite his considerable disappointment at the outcome of the case, La Trobe remained committed to the law as an instrument that could dispense equal justice. In a rare example of concurrence with Robinson, he agreed with the chief protector’s summation that “the destruction of the aboriginal natives has been accelerated from the known fact of their being incapacitated to

---

<sup>697</sup> La Trobe to the Gentlemen signing a representation with date, to His Honor the Superintendent, receive by the hands of Dr. Kilgour, 26 March 1842, enclosed in Gipps to Stanley, 16 May 1842, CO 201/320 (AJCP reel PRO 339)

<sup>698</sup> Judge Jeffcott to La Trobe, 18 August 1843, House of Commons Parliamentary Papers, *Aborigines (Australian Colonies)* (London: House of Commons, 1844). 270-72.; Report of the Trial of Richard Guinness Hill, Joseph Betts and John Beswicke, before William Jeffcott, Esq, Supreme Court Criminal Session Melbourne, 31 July and 1 August 1843, in *ibid.*, 263-72. See also Davies, "Aborigines, Murder and the Criminal Law in Early Port Phillip," 322-25.

give evidence in our courts of law.”<sup>699</sup> La Trobe believed that, if Aboriginal testimony were admitted, the law would more effectively arbitrate and ameliorate the colonist-indigenous violence. Reporting to Sydney in 1846, he noted the “difficulty of bringing Europeans to justice for crimes committed against the Aborigines,” stating that “until the British Legislature is pleased to pass a Law admitting Aboriginal evidence . . . in the majority of instances, the criminal may elude the consequences of crime.”<sup>700</sup> Yet both La Trobe and Robert FitzRoy – George Gipps’ successor as Governor of New South Wales – seemed unaware, or had forgotten, that Gipps had successfully petitioned the government in London to pass an Act allowing Aboriginal evidence in court. The New South Wales Legislative Council had, however, refused to adopt the Act, and continued to refuse even in the face of pressure from Britain.<sup>701</sup> In continuing to emphasize the need to admit Aboriginal evidence, La Trobe highlighted his belief that, if reformed, the British legal system could dispense universal justice.

He did not combine this commitment to the legal process with support for the Port Phillip Aboriginal Protectorate. La Trobe remained pessimistic about the protectorate’s capacity to ameliorate the indigenous-colonist conflict and to achieve (what he believed to be) the unquestionably righteous goals of “civilizing” and Christianizing indigenous people. He consistently blamed its apparent failures on Robinson and the assistant protectors. Indeed, the disharmony among Robinson and the assistant protectors – seemingly at least partly based on the fact that most of the assistant protectors considered themselves of higher-class status to Robinson – hampered the men’s relationships, and hence their ability to form a cohesive government

---

<sup>699</sup> Robinson to La Trobe, 30 December 1843, in House of Commons Parliamentary Papers, *1844 Papers on Aborigines (Australian Colonies)*: 280.

<sup>700</sup> La Trobe to Deas Thomson, 4 July 1846, enclosed in FitzRoy to Gladstone, 25 October 1846, CO 201/369 (AJCP reel PRO 374).

<sup>701</sup> Rae-Ellis, *Black Robinson*: 208-09.

department.<sup>702</sup> In 1843, La Trobe had become convinced of the protectorate's complete failure. However, feeling hopeful after a visit to assistant protector Edward Parker's Loddon station, he recommended the maintenance of a reduced department.<sup>703</sup> By this time, in any case, both Sievwright and his replacement, William Le Souef had been fired, and James Dredge had resigned.<sup>704</sup> Gipps and the Legislative Council in Sydney, influenced by La Trobe's support of Parker's apparent success, decided to continue the protectorate, though significantly reducing its funds from £8000 in 1843 to £2239 in 1844, and setting a subsequent annual limit of around £2000.<sup>705</sup> La Trobe latched onto the success he thought he had witnessed at the Loddon station because he supported the protectorate's general aims of reducing the rate of indigenous deaths through disease, poverty, and colonist violence, and of ending indigenous people's "wandering habits," and inducing them to settle and become "civilized" Christians.

Though he agreed with these aims, La Trobe remained critical of the both the methods and the people chosen to carry them out. Continuing with his penchant for missionary activity initiated by religious societies, La Trobe favored the idea of "Christian Ministers" acting in a purely missionary capacity over men employed as part of a government department. Indeed, his consistent pessimism about the prospects of the protectorate, for a time, contrasted strongly with his hopefulness about the Wesleyan's mission in the district. In 1844, for instance, he wrote to Sydney requesting further funds for the Wesleyan mission at "Buntingdale" on the Barwon River (southwest of Melbourne), which he thought it just for the government to provide, especially

---

<sup>702</sup> See *ibid.*, 176-92.

<sup>703</sup> La Trobe to Deas Thomson, 16 March 1843, PROV, VPRS 16, Unit 5, File 43/398; La Trobe to Deas Thomson, 31 March 1843, PROV, VPRS 16, Unit 5, File 43/474.

<sup>704</sup> Sievwright was fired for "immoral" activity and Le Souef for embezzling government funds and resources: Alan Lester and Fae Dussart, "Maculinity, 'Race', and Family in the Colonies: Protecting Aborigines in the Early Nineteenth Century," *Gender, Place, and Culture - A Journal of Feminist Geography* 16, no. 1 (2009); Rae-Ellis, *Black Robinson*: 190-92, 218. Dredge resigned in 1840 after developing a nervous condition from the stress of the job, Dredge wrote a pamphlet in which he critiqued the protectorate: James Dredge, *Brief Notes of the Aborigines of New South Wales* (Geelong, 1845).

<sup>705</sup> Rae-Ellis, *Black Robinson*: 223. Citing Gipps to La Trobe, 15 May 1843, SLV, LTC, H7169.

given the considerable expense still incurred by the protectorate, “the real utility of which,” he wrote, “may still be considered very questionable.” In making clear his preference for missionaries over the protectorate department, La Trobe wrote that “expertise has shown that almost, it may be said, in every instance in which it has pleased God to operate so great a change as that aimed at, among any considerable body of a savage people, it has clearly appeared to be consequent upon the steady teaching and judicious example of Christian Ministers resident among them.”<sup>706</sup> Yet in 1846, after visiting the mission, La Trobe regretfully conclude – as he had done regarding Parker’s establishment on the Loddon – that the mission at Buntingdale was “a total failure.”<sup>707</sup>

When finally confronted with both the protectorate and the Wesleyan mission’s failure to “civilize” and Christianize “a single Aboriginal Native,” La Trobe began to question the presumptions behind the civilizing mission itself.<sup>708</sup> In 1848, responding to an inquiry regarding whether to abolish the office of chief protector, La Trobe reiterated the unsuitability of Robinson and the assistant protectors to their assigned task, and the fact that they never “drew together” or developed “mutual confidence.” In recommending that Robinson’s position be abolished, La Trobe argued it had been a mistake to withdraw Robinson from the “peculiar circumstances” in Van Diemen’s Land, in which his apparent talents as a conciliator of “the Aborigines” had been developed, and to impose “upon him the task of bringing his past experiences to bear upon a field of a very different character.” The management of a government department, stated La Trobe, “was quite beyond his powers.” And yet, perhaps because he also had to face the failure

---

<sup>706</sup> La Trobe to Deas Thomson, 7 December 1844, PROV, VPRS, Unit 5, File 44/1866.

<sup>707</sup> La Trobe to Deas Thomson, 13 July 1846, PROV, VPRS 16, Unit 6, File 46/744. Regarding the Loddon station see Rae-Ellis, *Black Robinson*: 222-23. Regarding the closure of Buntingdale in 1848: La Trobe to Deas Thomson, 7 December 1847, PROV, VPRS 16, Unit 6, File 47/1340; La Trobe to Deas Thomason 11 October 1848, PROV, VPRS 16, Unit 6, File 48/1109.

<sup>708</sup> La Trobe to Deas Thomson, 26 August 1847, PROV, VPRS 16, Unit 6, File 47/934.

of the Wesleyan missionaries, La Trobe no longer saw the protectorate's organizational structure, and the personalities involved in it, as the fundamental cause of its failure. In an apparently astute observation, which seemed to challenge the presumptions underpinning the entire British policy of protection, La Trobe stated: "It appears to me, however, one main error, if I may be allowed to use the term, in all schemes devised at a distance for the protection and reclamation of the Aborigines, is to be remarked – namely, that taking for granted, what a real acquaintance with the Colony, and the form assumed by its Aboriginal races, shews to be unfounded, and this is, that the Aboriginal Natives will submit, in a greater or less degree to your guidance."<sup>709</sup> La Trobe therefore recognized that there was more to the "failure" of the protectorate than incompetence and misguided government planning of a government department; problems with the scheme ran deeper and had something to do with the will of "the Aborigines" themselves.

Despite La Trobe's admission that British protectionism had been based on faulty assumptions, he nevertheless remained committed to the ideals behind the policy; he continued to believe that the British had an imperative duty to civilize and Christianize indigenous people. La Trobe's admission that the "Aboriginal Natives" had not, and were unlikely in the future, to submit "to a new system," was not an acknowledgement that indigenous people had asserted their own moral and political system. Instead, he blamed the "natural appetites and propensities" of "the savage," of which not even the "experience of the real kind intentions of the Government and better class of Europeans towards them" could "strip." Perhaps revealing the true extent of his subjugating tendencies towards indigenous people, La Trobe argued that although "cajolery" and "example" had not worked, "actual coercive measures" had "never been tried," and he was "sure that if anything would retard the decline of the Aboriginal race . . . and give promise of moral and physical improvement, and development, it would be the employment of such

---

<sup>709</sup> La Trobe to Deas Thomson, 18 November 1848, PROV, VPRS 16, Unit 6, File 48/1148.

coercion.” Recognizing, however, that such measures were “not consistent with the spirit of the age,” La Trobe recommended that a system of reserves be set up and controlled through his own office.<sup>710</sup> Though, according to La Trobe, British protectionism had been conceived without true knowledge of so-called “savage” tendencies, he nevertheless remained committed to the policy’s aims.

After thirteen years presiding over what he judged as the “failure” of the Protectorate, as well as the failure of the Wesleyans at Buntingdale, La Trobe nevertheless did not abandon his belief in the imperative need to continue efforts to missionize the local peoples. Apparently there remained one further hope: his own brethren, the Moravians, whose *raison d’être* was to missionize the heathen, had not yet made any attempts to redeem the “natives” of his district. In 1851, through his brother Peter (who was still secretary of the Moravian Mission Board) he encouraged the Moravians to establish a mission at Lake Boga, 200 miles north of Melbourne.<sup>711</sup>

La Trobe also seems to have endeavored, when possible in his day-to-day life, to implement this civilizing mission. In his daughter Agnes’ scrapbook is a sketch of a grave entitled “Tuggundun’s Tomb, Banks of the Yarra,” in which La Trobe commented on his relationship with the deceased. “This was a Youth,” he wrote, “I was very much attached to. I scarcely ever went from Narre Warren but he accompanied me, often of a moonlight night had he charmed me with singing the old Hundred to an Aborigl Hymn.” La Trobe attempted to impart to his young friend what he saw as the blessings of Christianity and so-called “civilization”: “I had hopes that he would have been some evidence of my endeavors – he could read & write, knew the 10 Commandments Lords Prayer & creed & apparently understood their import, after being for at least 3 Yrs partially civilized, he must leave for 6 months return’d in a

---

<sup>710</sup> La Trobe to Deas Thomson, 18 November 1848, PROV, VPRS 16, Unit 6, File 48/1148.

<sup>711</sup> Drury, *La Trobe*: 99.; Registered Inward Correspondence relating to the Moravian Mission Lake Boga Aboriginal Reserve, PROV, VPRS 4411.

consumptive state & died by my tent between Mr. Kerrs & Lyon Campbells by Banks of the Yarra.”<sup>712</sup> For La Trobe, the tragedy of Tuggundun’s premature passing lay not just with the death itself, but also with the destruction of the potential for the personal reward he had hoped to gain from his friend: evidence that his own “endeavors” to achieve Tuggundun’s “civilization” and Christianization had not been in vain.

### **Conclusion**

Charles La Trobe spoke a policy language remarkably similar to that of George Arthur. Despite the authoritarian style of his policies towards the Kulin people, La Trobe was – like Arthur – (what would come to be known as) a humanitarian: he had a commitment to extending a particular vision of human dignity to indigenous people. In attempting to exclude Kulin people from Melbourne, he sought not only to make the town a more “civilized” space, but also to transform into reality his genuine belief that the only way for indigenous people to escape what he saw as their degraded state was to remove them from the corrupting influence of lower-class whites and instruct them in how to live a settled, industrious, and Christian life. Utterly confined within the scope of his equation of what a dignified human life should and must look like, La Trobe seemingly remained completely blind to indigenous people’s actual humanity, and their attempts to impose their own moral understandings on relations with their invaders. La Trobe saw himself as aloof from the violent conflicts taking place outside Melbourne, in which indigenous people and colonists vied to impose their own – often violent – sense of justice, while the colonists invaded and sought to impose exclusive ownership over lands that the Kulin people had never actually alienated. Though clearly not the root cause of the conflict, La Trobe’s efforts

---

<sup>712</sup> Angas La Trobe Scrapbook, La Trobe Family Papers, Neuchatel, Neuch 16-7, copies in SLV, MS 13354, Box 2, Folder 12; McCaughey, "Charles Joseph La Trobe," 24-25.

to remove and exclude the Kulin people from their important ceremonial grounds highlight that he was nevertheless complicit in the processes through which the British colonists, collectively, dispossessed the Kulin people of their land. A fundamental part of the dispossession lay in denying the legitimacy of Kulin institutions and self-defined personhood. In this denial, La Trobe was seemingly consistent and unstinting.

Like the prescription that Arthur gave for the “conciliation” of “the Aborigines” on the Australian mainland, La Trobe attempted to impose English “justice” to ameliorate indigenous-colonist violence, and thus to protect indigenous people from those colonists who did not share his views of extending “benevolence.” But with the death by hanging of “Bob and Jack,” the violence that had threatened to leave a “stain” upon Arthur’s administration in Van Diemen’s Land reverberated more directly through Port Phillip. Maulboyheener and Tunnerminnerwate died – as Musquito had done nearly twenty years earlier in Hobart – in exile and at the hands of the same foreign regime that had dispossessed them of their homelands. Under the banners of extending to indigenous people the “protection” of the common law, and programs to “civilize” and convert them to Christianity, humanitarians such as La Trobe and Arthur were as much part of the story of indigenous dispossession – be it their complete removal from their homelands in Van Diemen’s Land, or through attempts to removal and exclude them from important ceremonial grounds in Port Phillip – as the so-called “lower-class” people they blamed for the inhumane bloodshed on the “frontiers.”



## Chapter Six

### Removal and Emigration in the Great Lakes

#### Introduction

Although ostensibly a policy of the United States, Indian removal had broader regional and international reverberations. George Arthur's stay in England in 1837 (before he left for Upper Canada) overlapped with the presence in London of two Ojibwe leaders: Peter Jones (Kahkewāquonāby) and his fellow Methodist cleric Shawundais (John Sunday), leader of the Bay of Quinte Ojibwes (Mississauguas). Both men travelled to London to petition the government for title deeds to their people's lands, framing their claims in ways that located the British regime in Upper Canada in both its regional and imperial context. Following an interview with Glenelg, Jones (yet again) sent the colonial office a written enumeration of his people's appeal. He conveyed the urgency of the matter by referring to his people's fears that "the White Man" would take over their land and expatriate them, as citizens had done in the United States; "this Apprehension," he stated "is constantly cherished by observing the Policy pursued by the United States Government towards the Indians in that Country, in forcing them to leave their Territories and the Bones of their Fathers."<sup>713</sup>

Shawundais wrote of similar fears, attributing them to his people seeing their "Red Brothers so often removed." In his written petition to Glenelg in August 1837, Shawundais also showed his full awareness of the intra-imperial politics that had informed Thomas Fowell

---

<sup>713</sup> Peter Jones to Glenelg, 6 March 1838, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 83.

Buxton's initial push for the Aborigines Select Committee hearings, before which Shawundais himself gave evidence in March 1837.<sup>714</sup> Asking Glenelg to grant title deeds to their land, he analogized his people's situation with that of the Xhosa in the South African Cape: "The uncivilized Caffer was despoiled of his native Land by men of Your own Nation: it was told to you & you held the balance between the Dusky man and his white oppressor; You restored the Caffer to his own."<sup>715</sup> Viewed from the vantage point of these British imperial networks, U.S. Indian removal can be seen as part of a broader regional and trans-imperial story.

Jones' and Shawundais' appeals also resonated directly with British political imperatives. Both men framed their petitions around the prevailing British policy to both "civilize" and Christianize of "native" peoples. They claimed that until they received secure title deeds, their people would not be able to continue their path to "civilization." Shawundais, for instance, asked specifically for a title deed to secure to his people the lands where they had settled, cleared, and "built Log Houses." Using this language of industry and "improvement," he thus requested "a Title deed to secure to us & our Children the quiet possession of that Land which has been cleared by their Father's labor." He argued that the climate of fear caused by anxieties regarding U.S. removal made granting these deeds even more imperative, as such apprehensions hindered his people's commitment to "improvement": "We have seen our Red Brothers so often removed, that, until we get A Title deed we shall not walk with Confidence along the Path of improvement."<sup>716</sup> Jones similarly claimed that that people's fears of facing a similar fate to

---

<sup>714</sup> See Aborigines Select Committee, *1837 (Final) Report*: 28-31.

<sup>715</sup> Shahwaundais to Glenelg, 4 August 1837, PRO CO 42/441.

<sup>716</sup> Shahwaundais to Glenelg, 4 August 1837, PRO CO 42/441.

American Indians in the United States acted “as a powerful Drawback upon the Industry and Improvement of our Indian Tribes in Upper Canada.”<sup>717</sup>

George Arthur would be much more open to hearing these arguments than his predecessor Francis Bond Head. In particular, Arthur had much more sympathy with the missionary drive of the Wesleyans, who had come into strong conflict with Head over his Indian policy. On December 13, Richard Adler and Jabez Bunting – two of Jones’ London-based Wesleyan associates – called at Arthur’s lodgings in Kensington.<sup>718</sup> Writing later that day to convey his disappointment that he “had not the pleasure of finding” Arthur at home, Bunting stated that though he had wanted briefly to discuss the merits of the prospective appointments “in the Office of Assistant Protector for South Australia,” his main object was to schedule a time when “the Rev. Peter Jones (alias Kakkequonaby) the converted Chippeway Chief, might have the honour of waiting upon” him.<sup>719</sup> Though it is unclear whether Arthur found time to meet with Jones in London, the close association of these men highlights the harmony of many of their fundamental beliefs about the righteousness of missionary activities among both the First Nations and the empire’s “Aborigines” more broadly.

Yet despite this congruence of belief, some of Arthur’s views also seemingly conflicted on a fundamental level with the Wesleyans’, particularly with those of Ojibwe leaders Jones and Shahwaundais. Arthur saw the British civilization policy as a way to impart to the First Nations people – in the same way as he had hoped to do for “the Aborigines” in Van Diemen’s Land – what he saw as the blessings of life as “civilized,” Christian British subjects. For Jones and

---

<sup>717</sup> Peter Jones to Glenelg, 6 March 1838, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 83.

<sup>718</sup> Robert Adler was secretary of the Wesleyan Missionary Society. Jabez Bunting was the first president of the Wesleyan theological college at Hoxton, and the man after whom the Buntingdale mission in the Port Phillip district of New South Wales was named.

<sup>719</sup> Jabez Bunting to George Arthur, 13 December 1837, ML, Arthur Papers, A2188, vol. 28.

Shawundais, the choice to adopt Christianity and a so-called “civilized” settled agricultural lifestyle represented – among other factors – a means through which their people could secure their own future amidst the growing governmental and demographic pressures that threatened their ability to exist as self-determining political entities. Their own understanding of their relationship with the British crown differed from that which Arthur assumed. Arthur predominantly thought of the First Peoples as British subjects and as recipients of British governmental benevolence, both of which entailed an element of subjection to the will of the crown. In contrast, First Nations people generally saw themselves as in alliance with, rather than in subjection to, the British Crown. So while Arthur, Jones, and Shawundais all spoke the language of humanitarianism, their political imperatives for mobilizing this language were at cross-purposes. Arthur’s tenure in Upper Canada (from 1838 to 1841), coincided with a time of increasing tension between these two categories – subjection and alliance – which meant that the First Nations people had increasingly found themselves in a liminal political and social position.

The ambivalence surrounding the First Nations’ exact political relationship with the crown came to the fore during their defense of the established government in the 1837 rebellion and subsequent “Patriot War” in 1838. In the crisis following the initial rebellion of 1837, with the ongoing threat posed to the British administration by Canadian rebels and Hunters’ Lodge members from the northern United States, the First Peoples overwhelmingly chose to continue supporting their “Great Mother.” While this support was pivotal to the strategy and execution of the government’s military defense of the province, as Rhonda Telford has noted “[m]ost secondary sources on the Upper Canadian rebellion consistently fail to give much weight to the role of the Native peoples.”<sup>720</sup> Moreover, Telford challenges Colin Read and Jack Stagg who,

---

<sup>720</sup> Rhonda Telford, “The Central Ontario Anishinabe and the Rebellion, 1830-40,” *Papers of the Algonquian Conference* 32(2001): 553.

though acknowledging First Nations involvement, suggest “there never was any doubt that Native people would ‘defend a government which they felt had always looked after them,’ or that they would unthinkingly stand ‘by their traditional alliance with the crown.’”<sup>721</sup> First Nations people had various reasons for deciding to support the crown during the unrest, none of which assumed either contentment with their relations with the government or blind obedience or subjection to a benevolent sovereign. The complexity of this story also gets obscured in broader accounts of British Indian policy in the Canadas. J.R. Miller, for instance, writes that “[o]nce a lasting peace was established in North America [after the War of 1812], it was merely a matter of time until Britain recognized that its erstwhile Indian allies were now an expensive encumbrance and an obstacle to agricultural expansion. Not only were they irrelevant militarily but they were a social responsibility.”<sup>722</sup> First Nations involvement in the defense of the government in 1837 and 1838 disrupts the idea that they had become militarily irrelevant. The dynamics of Native participation in the loyalist forces also highlights the ambiguous and complicated situation in which the First Peoples found themselves in relation to the British crown; suddenly they were called forth as military allies amidst government efforts to end the expense of the alliance by discontinuing presents and attempting to make First Nations people into self-sufficient farmers.

In the late 1830s, American Indians living on the U.S. side of the Great Lakes border region had to consider both British and U.S. Indian policies when making decisions about their immediate survival and future security. From the U.S. government they received pressure – forceful in some cases – to remove west of the Mississippi. From the British they received a rescission of their previous alliance by a policy to discontinue presents to “visiting Indians” from the United States. When Arthur reported to London in 1840 on the influx of Native immigrants

---

<sup>721</sup> Ibid., 559. Citing Colin Read and Ronald Stagg, eds., *The Rebellion of 1837 in Upper Canada: a Collection of Documents* (Toronto: Champlain Society & Carleton University Press, 1985), lvi, lxv.

<sup>722</sup> Miller, *Skyscrapers Hide the Heavens*: 553.

from the U.S. to Upper Canada, he initially emphasized the British government's policy to end giving presents to "visiting Indians" as the major impetus for the emigrations. By moving to British-claimed territory, American Indians would continue to be eligible for presents.<sup>723</sup> Writing later in 1840, however, Arthur seemed more aware of the role that the U.S. removal policy had in prompting these waves of immigration.<sup>724</sup> Correspondence crossed his desk suggesting the negative effects these migrations were having on British-U.S. relations at the border. A terse letter from the U.S. commanding officer at Fort Gratiot (Port Huron) to the British Indian superintendent at Port Sarnia, for instance, requested that the British turn back Pottawatomies who attempted to cross into Upper Canada. According to this U.S. officer, "the Pottowatomie Tribe [were] under Treaty obligations with the United States to take up their residence in our far Western Country."<sup>725</sup>

Yet as treaties on both sides of the U.S.-British delineated border attest, with respect to issues of political sovereignty Native people viewed the border – in the words of Phil Bellfy – "as an issue between the Americans and the British." Many prominent Anishinaabeg leaders signed treaties with both nations.<sup>726</sup> During the 1830s and 1840s, however, this U.S.-British defined border became a very real, practical consideration for many Anishinaabeg people in the Great Lakes region. The pressures faced by Anishinaabeg on the U.S. side of the border, in particular the Pottawatomies, induced several thousand to take up residence on the British side.

Had Lewis Cass remained in the United States, he would most likely have had much to say about how these movements represented the malevolent influence of the British over "the

---

<sup>723</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7, vol. 2.

<sup>724</sup> Arthur to Sydenham, 24 October 1840, NAC, RG7 G7, vol. 2.

<sup>725</sup> Gardiner to William Jones, 22 October 1840, NAC, RG7 G7, vol. 2.

<sup>726</sup> Phil Bellfy, "Migration and the *Unmaking* of America," *Journal of American Ethnic History* 20, no. 3 (2001): 16. See also Phil Bellfy, "Cross-Border Treaty Signers: The Anishnaabeg of the Lake Huron Borderlands," in *Lines Drawn upon the Water: First Nations and the Great Lakes Borders and Borderlands*, ed. Karl S. Hele (Waterloo, Ontario: Wilfrid Laurier University Press, 2008).

Indians,” and the threat they posed to the security of the United States. A pamphlet he wrote in Paris in 1842 suggests his feelings towards the British had not grown any fonder.<sup>727</sup> Although posted to Paris in 1836 as minister to France, the effects of the policy Cass had implemented during his time as Secretary of War continued to be felt during the late 1830s and early 1840s. In his report for 1834, for instance, he wrote that the Pottawatomies “in the vicinity of Chicago, have conditionally acceded to the alteration proposed in the boundaries of the tract assigned for them west of the Mississippi by the treaty concluded in 1833.” They would thus, he wrote, “be removed to a district whose climate is suitable to their habits, and whose other advantages cannot fail to offer them strong inducements for moral and physical improvements.”<sup>728</sup> After Cass’s departure, U.S. agents continued to pressure the Pottawatomies to remove west of the Mississippi. Yet despite some horrendous occurrences of forced removals from the Great Lakes region – such as that of Menominee’s Pottawatomie village – most groups north of Ohio, Indiana and Illinois managed to avoid direct coercive force.<sup>729</sup> Unlike the peoples of the lower Midwest and southeast, the many Indian peoples further north and west of Potawatomi country – which lay on and around the Detroit-Chicago road project – long denied the United States effective control over their lands.<sup>730</sup> The efforts of conscientious U.S. agents were also thwarted by the fact that the peoples of the Great Lakes could also cross into Upper Canada to escape pressure to remove west.

While Cass lived in France, his former protégé and colleague Henry Schoolcraft ran the Michigan Superintendency. Committed to the removal of American Indian peoples from

---

<sup>727</sup> Lewis Cass, *An Examination of the Question, Now in Discussion, Between the American and British Governments, Concerning the Right of Search* (Paris: H. Fournier et co., 1842).

<sup>728</sup> Cass to Jackson, 27 November 1834 in “Report of the Secretary of War”: ASP020 Mil.aff. No. 585, 23<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. (1834)

<sup>729</sup> McClurken, "Ottawa Adaptive Strategies to Indian Removal," 30. Citing Grant Foreman, *The Last Trek of the Indians* (Chicago: University of Chicago press, 1946).

<sup>730</sup> Report From the Engineer Department, 23 November 1833: ASP020 Mil.aff. No. 585, 23<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. (1834), 190.

Michigan, after the Treaty of Washington in 1836, Schoolcraft sought, for instance, to persuade the Ottawas in Michigan to remove to Kansas. Facing Ottawa resistance, Schoolcraft realized that if such removal appeared imminent, most Ottawas would leave U.S.-claimed territory and move to Manitoulin Island in Upper Canada.<sup>731</sup> Schoolcraft therefore threatened that if they moved permanently to the British side, they would forfeit their share of treaty annuities and goods.<sup>732</sup> With such threats coinciding with the British policy to discontinue delivering presents to “visiting Indians,” American Indians faced pressures from both sides of the border. When George Arthur questioned British Indian Department agents what “visiting Indians” thought of the new British policy, Thomas Anderson – now superintendent of the settlements on Manitoulin Island – replied “They think it a very great hardship! They have payments due them by the American Government which they are threatened to be deprived of if they come to reside in Canada, and if they do not come they lose their Presents from the British Government.”<sup>733</sup>

Although ostensibly an escape from the coercive atmosphere created by the removal policy in the United States, Anishinaabeg who chose to move permanently to Upper Canada also faced pressures on their arrival in Upper Canada. Though some managed to take up residence on established reserves in the south of the province, for others the only available choice of abode was that of Manitoulin Island. As a reserve set up (in contrast to Francis Bond Head’s vision) as a place for Native people who wanted to adopt a “civilized” and Christian lifestyle, the immigrants had no choice but to ostensibly adhere to British Indian policy imperatives. So although some people chose to move to British territory in order to secure their future in the

---

<sup>731</sup> McClurken, "Ottawa Adaptive Strategies to Indian Removal," 40. Citing James Schoolcraft to Henry Schoolcraft, 1 May 1839, Schoolcraft Papers, reel 30; James Schoolcraft to H. Schoolcraft, 18 May 1839, NA, M1 46:375; Schoolcraft to T. Hartley Crawford, 4 April 1840, NA, M1 38:375; Schoolcraft to Crawford, 15 July 1840, NA, M1, 38:296.

<sup>732</sup> Ibid., 41.

<sup>733</sup> Answers of T.G. Anderson to the Queries proposed by Mr. Secretary Harrison by command of the Lieut. Governor, Manitowaning, 20 August 1839. NAC, RG 10, vol. 71.



Great Lakes region, like the First Nations people already resident in Upper Canada, they would have to negotiate the complicated politics of their increasingly ambiguous relationship with the British government. As with the First Nations' defense of the government in 1837-38, Native people had their own reasons for seeking to continue their alliance with the British; reasons that generally had little to do with the way British leaders such as Arthur portrayed the government's relationship with the First Peoples. While British Indian policy increasingly presumed First Nations people as subjects rather than allies of the crown, such presumptions failed to correlate with the way First Nations leaders, such as Jones and Shawundais, attempted to use their relationship with the British to implement their own vision for their peoples' future.

### **Supporting the Great Mother**

Reflecting in 1839 on the fraught political situation that greeted his January 1838 arrival in Upper Canada, George Arthur wrote in a private letter to Glenelg that “[t]he excitement which my immediate Predecessor created rendered it quite frightful to enter upon the administration of this Province; & often have I wished myself back to V. D. Land, where, comparatively I had no difficulties.”<sup>734</sup> Although loyalist forces quickly quelled the initial rebellion in December 1837, from the moment of his arrival Arthur had to deal with the ongoing threat posed by the rebels and the members of the Hunters' Lodges across the border in the northern United States. By the end of 1838, the loyalist forces had thwarted rebel attacks, and Arthur had dealt with the “traitors” through a combination of amnesty, execution, and transportation to Van Diemen's

---

<sup>734</sup> Arthur to Glenelg, 14 May 1839, in Charles R. Sanderson, ed. *The Arthur Papers: Being the Canadian Papers Mainly Confidential, Private, and Demi-Official of Sir George Arthur, K.C.H in the Manuscript Collection of the Toronto Public Libraries*, vol. 2: Jan 1839 - Mar 1840 (Toronto: Toronto Public Libraries and University of Toronto Press, 1957), 148.; Shaw, *Sir George Arthur*: 192.

Land.<sup>735</sup> Unlike the rebels, who sought a redress of their political grievances through an attempt to overthrow the British government, the First Peoples of Upper Canada chose to pursue their political imperatives through a continuing alliance with the British. Their participation in the loyalist forces proved crucial to the defense of the government. It also highlighted the liminal position that they had come to occupy in the province. As a group of First Nations leaders would ask Arthur in 1840, did they stand in relation to the British government “as subjects or Allies?”<sup>736</sup>

First Nations people overwhelmingly supported the British government during the Upper Canada rebellion of 1837 and the ensuing “Patriot War” of 1838. After receiving news on December 7 in Coldwater of the outbreak of the rebellion in Toronto, the Ojibwe leader John Aisance led 21 warriors to Holland Landing (40 miles north of Toronto). Runners were also sent out to hunting grounds, and over the following week, 70 more Anishinaabe warriors came down from the Coldwater and the Narrows (Orillia) area, including at least 40 Pottawatomies and another group of Ojibwes under the Narrows Chief Nainikishkung.<sup>737</sup> Although the initial rebellion was quickly crushed by Colonel Fizzgibbon’s loyalist forces at the Battle at Montgomery’s Tavern in Toronto on December 7, the threat of further unrest continued with the retreat and dispersal of the rebels. In the ensuing tensions, the border towns on both sides of the U.S-Upper Canada frontier became particular focal points, with Upper Canadian rebels joining forces with Hunters’ Lodges in northern U.S. towns, such as Detroit, Cleveland, Rochester, and Buffalo. When news reached Port Sarnia of the rebellion and the “assemblage of Rebels” across the border at Mount Clemens, for instance, William Jones, Indian superintendent, asked the men

---

<sup>735</sup> See Shaw, *Sir George Arthur*: 181-201.

<sup>736</sup> Chiefs of Represented Indian Settlements to Arthur, 24 January 1840, NAC, RG 10, vol. 72.

<sup>737</sup> Telford, "The Central Ontario Anishinabe and the Rebellion," 560-61.

to defer their hunting expedition and stay in residence to fight in case of a rebel attack.<sup>738</sup> As with the Anishinaabe groups further north, these First Nations men complied with the request to take up arms to defend the crown against the republicans' attack on the established political order.

Amidst the political ferment in the months following the initial rebellion, Indian Department agents worked to shore up First Nations support in the event of further attacks. Samuel Jarvis, the chief superintendent of the department, sent out instructions to local superintendents to keep First Nations people in a state of readiness to take up arms. Thomas Anderson at Coldwater, for instance, sent Jean-Baptiste Assiginack to Manitoulin Island with wampum to convey "Paroles to the Western Indians," informing them to "[b]e ready to smoke the pipe of war, if our Great English Mother calls you, and, should the bad voices of the Big Knives, make your English Mother angry, We, (the English and the Indians) will strike them to the ground."<sup>739</sup> In labeling the republican rebels as "Big Knives," Anderson characterized them as a force representing the United States. Continuing along this vein, he instructed that should their "Great Mother raise the War Cry" the First Nations should "unbury the Hatchet," thus alluding to the official peace that had existed between all sides since the War of 1812. He also warned – likely referencing both the rebels and their circulating "seditious" republican political ideas – that First Nations people not heed the rebel cause: "[t]ho' bad birds may whisper in your ears," he stated, "mind them not, but look to the rising sun and you will be happy."<sup>740</sup>

Little wonder that, with such instructions, rumors circulated that war with the Americans loomed, and that the British intended to pressure First Nations warriors into service. The

---

<sup>738</sup> William Jones to Samuel Jarvis, 31 January 1838; Residents of the Indian Reserve of River St. Clair to William Jones, 30 January 1838, NAC, RG 10, vol. 68.

<sup>739</sup> Anderson to Jarvis, 12 March 1838, NAC, RG 10, vol. 68.

<sup>740</sup> Anderson to Jarvis, 12 March 1838, NAC, RG 10, vol. 68.

uncertainty of the political situation seemingly induced some people who would otherwise have travelled to Manitoulin Island for presents in the summer of 1838 to remain on their lands. Overlaying this were their concerns and that during the delivery of presents, the British officers would pressure warriors into fighting against the Americans. In his main speech at the present-giving ceremony at Manitowaning (on Manitoulin Island) that August, Jarvis informed the congregated First Nations people that he had been told that some people had stayed away because “wicked men” had induced “some of the Indians to believe that it was the intention of their Great Mother to impress into Her Service all Indians Warrior, who should visit Maniouwanning this year – place Muskets in their hands and compel them to fight against the Long Knives.”<sup>741</sup> In response to these rumors, and most likely also in response to First Nations leaders’ inquiries regarding the government’s exact position in relation to the rebels, Jarvis sought to clarify the government’s policy. He confirmed that the “Great Mother” had not “unburied the Hatchet against the Long Knives,” but that instead, “during the last winter . . . experienced much Trouble with some of Her white Children who influenced by the evil passions not only rebelled against Her Authority, but actually united themselves with many of the worst and most depraved of the Long Knives, and wage War against Her.”<sup>742</sup>

In a diplomatic practice that would be repeated during the ensuing months of unrest, Jarvis praised the First Nations’ continued loyalty to the Crown. Referring to the response of First Nations people to the initial rebellion in December (1837), he told the congregated crowd that “Your Great Mother . . . will never forget the Brave and Spirited conduct of the Indian Warriors, residing within the Settlements of Her White Children.” According to Jarvis, while the Queen’s “rebellious White Children” had endeavored “to persuade, Her Red Children to

---

<sup>741</sup> Speech of Jarvis at Manatouwanning, 12 August 1838, NAC, RG 10, vol. 69.

<sup>742</sup> Speech of Jarvis at Manatouwanning, 12 August 1838, NAC, RG 10, vol. 69.

renounce their Allegiance to Her . . . every Tribe from the Mohawks of the Bay of Quinte to the Chippewas of the River St Clair . . . rejected the invitation with contempt and disdain and instantly gave information of the Proposals, which had been made to them, to their Great Father the Lieutenant Governor at Toronto.”<sup>743</sup>

Indeed, in incidents subsequent to the initial rebellion, First Nations support had already been vital. For instance, in June 1838, William Jones sent a party of men to Sombra and Moore to aid the militia, whose commanders found the presence of First Nations people to be the best deterrent against attack.<sup>744</sup> The largest mobilization of First Nations people then came in November 1838, after Arthur received information that the Hunters’ Lodges across the border in the U.S. had 160,000 members, with 40,000 pledged to invade.<sup>745</sup> He commanded that all First Nations people in the Province be concentrated in seven locations. The declared purpose, according to the official memorandum, was to defeat the “treasonable schemes” of “disaffected persons” who had allegedly “tampered with the Indian inhabitants of this Province under expectation that they would succeed in alienating the affections of those brave people from their Sovereign.”<sup>746</sup> But as suggested by the strategic locations of these concentrations, as well as the fact that Arthur placed them under military command, the First Nations soldiers – particularly those stationed near the U.S. border – actually played a vital role on the province’s defensive frontlines. In the Battle of Windsor on 4 December, for instance, First Nations warriors joined

---

<sup>743</sup> Speech of Jarvis at Manatouwanning, 12 August 1838, NAC, RG 10, vol. 69.

<sup>744</sup> William Jones to Jarvis, 29 June 1838; William Jones to Jarvis, 6 July 1838; Sutherland to William Jones, 6 July 1838, NAC, RG 10, vol. 68.

<sup>745</sup> Shaw, *Sir George Arthur*: 194.

<sup>746</sup> Memorandum, Government House, 10 November 1838, NAC, RG10, Vol. 69. At some locations, this required the sending out of runners to inform the dispersed First Nations people. For instance, in order to assemble many of the Anishinaabe at Holland’s Landing, Gerard Alley had to send an express of Arthur’s Command to the “Indian Chiefs & Warriors” as far as 70 miles north of Penetanguishene: Gerard Alley to Jarvis, 29 November 1838, NAC, RG 10, vol. 69.

the local militia to repel attackers from across the border.<sup>747</sup> In the aftermath, Arthur sent out a “Militia General Order” praising the actions of the Windsor militia for defeating “the attacking Banditti,” and mentioning “the display of their usual sagacity and gallantry on the part of the Indian Warriors.”<sup>748</sup>

Yet such effusive statements of praise obscured the less than valorous actions of the loyalist forces. In the case of the Battle of Windsor, for instance, Arthur’s uncritical praise of the militia glossed over the already-circulating reports of illegal summary executions of prisoners, ordered by the commander, Colonel John Prince (but which the First Nations soldiers had refused to sanction).<sup>749</sup> On hearing the news of the executions Arthur had been appalled, describing Prince’s actions as illegal and unjustifiable, and lamenting that he “had again and again urged upon every one to forbear & to leave the punishment of delinquents to the Laws.”<sup>750</sup> Although he did not include such sentiments in his militia order, he nevertheless alluded to the situation when he asked that the “Officers of the Indian Department . . . communicate to the Indian Warriors, His Excellency’s gracious thanks” not only for their “sagacity and gallantry,” but also “especially for the humanity to the captured enemy.”<sup>751</sup> Such specific praise for the treatment of prisoners suggests Arthur’s awareness that the First Nations soldiers had not taken part in the executions, and his wish to convey to them that knowledge.

---

<sup>747</sup> Arthur to Colborne, 7 December 1838, Charles R. Sanderson, ed. *The Arthur Papers: Being the Canadian Papers Mainly Confidential, Private, and Demi-Official of Sir George Arthur, K.C.H in the Manuscript Collection of the Toronto Public Libraries*, vol. 1: 1822-1838 (Toronto: Toronto Public Libraries and University of Toronto Press, 1957), 423-24.

<sup>748</sup> George Arthur, Militia General Order, Adjutant General’s Office, Toronto, 10 December 1839, NAC, RG 10, vol. 69.

<sup>749</sup> See, for example, Brian Palmer, “Popular Radicalism and the Theatrics of Rebellion: The Hybrid Discourse of Dissent in Upper Canada in the 1830s,” in *Transatlantic Subjects: Ideas, Institutions, and Social Experience in Post-Revolutionary British North America*, ed. Nancy Christie (Montreal and Kingston: McGill-Queen’s University Press, 2008), 406-7.

<sup>750</sup> Arthur to Colonel Richard Airey, 10 December 1838, Sanderson, *Arthur Papers (Toronto) Vol. 1*, 431. Arthur expresses similar sentiments in Arthur to Colonel Charles Chichester, 10 December 1838, and Arthur to Colborne, 11 December 1838, *ibid.*, 432, 37-38. See also Shaw, *Sir George Arthur*: 196.

<sup>751</sup> George Arthur, Militia General Order, Adjutant General’s Office, Toronto, 10 December 1839, NAC, RG 10, vol. 69.

This acknowledgement also suggests the liminal position in which the “Indian Warriors” found themselves after responding to the government’s call up. Arthur’s praise for their gallantry and humanity implicitly referenced and refuted circulating stereotypes about “savage” Indian warfare. Yet such stereotypes were nevertheless part of the social dynamics among the loyalist forces. As they had done in the past – most recently in the War of 1812 – British commanders found First Nations soldiers to be useful allies not only for their military skills, but also for the effect they were seen to have in intimidating the U.S. enemy and deterring their attacks. Moreover, the Prince executions during the Battle of Windsor reveal something of the ambivalent position that the First Nations soldiers occupied in the eyes of other loyalists. A report of the incident told how a group of First Nations soldiers pursued and captured seven of the enemy soldiers in the woods. When they first brought the prisoners “out of the woods, the cry was ‘Bayonet them’ but Martin one of the Indian braves replied ‘no we are Christians – we will not murder them – we will deliver them to our Officers to be treated as they think proper.’” Unlike five other prisoners, whose execution Colonel Prince had already ordered, Prince yielded to the entreaties of some local non-Natives not “to let a white man murder what an Indian has spared.”<sup>752</sup> Such references to derogatory stereotypes of Indian “savagery” – inverted here to suggest that “a white man” should not stoop to a level of savagery that even “an Indian” would not in these circumstances – brings to light the ambivalent image that other loyalists had of the First Nations soldiers.

In choosing a more positive (albeit still seemingly stereotyped) image of “Indian Warriors” as loyal, valorous, and noble, Arthur followed the wartime strategy, implemented also by the Indian Department, to shore-up support for the crown by lavishing gratitude upon First

---

<sup>752</sup> R. Alan Douglas, ed. *John Prince: A Collection of Documents* (Toronto: The Champlain Society, 1980), 30-31.; Palmer, "Popular Radicalism and the Theatrics of Rebellion," 406-7.

Nations people. Statements such as those of Jarvis at the August 1838 present giving on Manitoulin Island, and Arthur in his militia order after the Battle of Windsor, drew on existing diplomatic conventions; yet they also represented strategic wartime diplomatic practices, aimed to aid in the overriding concern of maintaining the established government, and mobilizing as much of the population as possible to defend it. Demonstrations of gratitude to First Nations people – especially those expressed in terms of obedient loyalty of the “Great Mother’s” “Red Children” – also worked to obscure the array of complicated political circumstances that explain First-Nations involvement in defending the crown during the 1837 and 1838 uprisings.

Each group that supported the crown had its own complicated reasons for fighting, none of which included either blind obedience to the British, or thorough satisfaction with their current relations with the government. In the wake of Francis Bond Head’s 1836 Indian-treaty splurge, many groups were, like the Saugeen Ojibwes, deeply unsatisfied with the treaties that the administration purported they had entered into. For instance, John Aisance and his fellow Ojibwes from Coldwater were seriously at odds with the local British administration after Head’s version of their November 1836 treaty negotiations claimed that they had surrendered all their lands (from Coldwater on Lake Huron to the Narrows on Lake Simcoe). Moreover, though Aisance and a group of warriors from Coldwater turned out during the initial rebellion on 7 December 1837 – they did so amidst an intense and ongoing dispute between themselves and the government over ownership and control of their mills at Coldwater.<sup>753</sup> They also mobilized to Holland Landing the next year until Arthur’s November 1838 orders, despite the ongoing nature of the mill dispute. Noting that their “dissatisfaction” over the issue threatened to jeopardize

---

<sup>753</sup> Telford, "The Central Ontario Anishinabe and the Rebellion," 554-59.; Anthony J. Hall, "John Aisance," Dictionary of Canadian Biography Online: [http://www.biographi.ca/EN/009004-119.01-e.php?id\\_nbr=3209](http://www.biographi.ca/EN/009004-119.01-e.php?id_nbr=3209)



Anishinaabeg military support, Gerard Alley, the commander of the forces at Holland Landing, strongly recommended to Jarvis not to pursue the matter of the mill ownership.<sup>754</sup>

Moreover, the political relations between the government and First Nations also existed amidst the wider political crises threatening to engulf the Canadas. Commenting on the atmosphere of York in the early 1830s, for example, one of the future rebels stated that the inhabitants were “all politicians” who spent their time “talking politics and walking the streets.”<sup>755</sup> Though First Nations people had their own concerns, separate from the issues central to the Tory-Reform conflict among the non-Native population, they nevertheless also lived amidst this political ferment. And though, unlike many who supported the reform agenda, First Nations people chose overwhelmingly to back the established government in order to have their political grievances addressed, they nevertheless framed their conditions for this support in terms akin to reform notions of equality. For instance, when Nainikishkung and other Narrows Ojibwes – who had responded to the call up during the initial rebellion – learnt that the non-Native militia had received pay for the same duties, they requested that their officer, Gerard Alley, petition the Governor on their behalf to receive payment for the time they remained mobilized.<sup>756</sup> The local superintendent, Thomas Anderson, passed on the request to Jarvis despite his incredulity that the idea for pay had First Nations origins; but noting the volunteers’ entitlement to such pay, he nevertheless subsequently made out the pay-lists.<sup>757</sup> Though Anderson blamed the First Nations’ new expectation for remuneration on non-Natives who sought to have more money circulating in their local economies at a time of economic recession, the more widespread nature of the

---

<sup>754</sup> Jarvis to Alley, 5 December 1838; Jarvis to Alley, 12 December 1838, NAC, RG 10, vol. 502; Jarvis to Alley, 8 December 1838, NAC, RG 10, vol. 69. Cited in *ibid.*, 564-66.

<sup>755</sup> W.H. Higgins, *The Life and Time of Joseph Gould: Reminiscences of Sixty Years of Active Political and Municipal Life* (Toronto: C. Blackett Robinson, 1887). Cited in Palmer, "Popular Radicalism and the Theatrics of Rebellion," 404-5.

<sup>756</sup> Chief Naungashkenk and 17 Others to Gerald Alley, 26 June 1838; Gerard Alley to the Narrows Chiefs & Warriors, 26 June 1838; Gerard Alley to Anderson, 26 June 1838, NAC RG 10, vol. 68.

<sup>757</sup> Anderson to Jarvis, Private, 26 June 1838, NAC, RG 10, vol. 68.

petitioning during the mobilizations of 1837 and 1838 suggests a broader political trend, in which First Nations people recognized the strength of their bargaining position, and requested equal treatment as a condition of providing military support to the crown. In another instance, Peter Jones wrote to Jarvis from Credit River in December 1838 stating that he was “requested by the Warriors of this village to inform you that it is their wish to be paid in the same way as the Militia are when called to take up arms for the defence of the Province.”<sup>758</sup>

In addition to framing their requests in terms of equality with the white militia, many First Nations petitioned for compensation in the language of practicality. Being mobilized to defend the Province meant foregoing hunting expeditions, and also, in some cases, vacating their houses for the militia. For example, in January 1838, the people living on the St. Clair reserve petitioned for compensation because, by staying to defend the frontier, they had “not been able to hunt enough” to support their women and children, who were camped in the woods because they had “had to give up” their “comfortable houses for the use of the Militia.”<sup>759</sup> Other groups more specifically petitioned for remuneration in the form of currency, rather than payment in supplies, to reflect the economic realities of their lives. As Peter Jones related on behalf of the soldiers congregated at Credit River, “[t]he Warriors state that many of them have small debts to pay, which they will not be able to discharge unless they receive money for the time they may be required to hold themselves in readiness at this Village, as their principal resources are dependent on their hunting excursions.”<sup>760</sup> When Arthur finally disbanded the First Nations forces in January 1839, many Anishinaabe warriors were annoyed at being released during the middle of winter, without further rations, and without time to undertake a proper hunting

---

<sup>758</sup> Peter Jones to Jarvis, 6 December 1838, NAC, RG 10, vol. 69.

<sup>759</sup> To our Father William Jones now on our reserve, Indian Reserve of River St. Clair, 30 January 1838, NAC, RG 10, vol. 68.

<sup>760</sup> Peter Jones to Jarvis, 6 December 1838, NAC, RG 10, vol. 69.

season.<sup>761</sup> Their requests for compensation for time away from their hunting-centered livelihoods therefore rested on considerations of practicality as well as of principle, and suggest that the First Nations soldiers did not intend to shoulder any more of the burden for defending the crown than other members of the loyalist forces.

The emphasis on the continuing importance of the hunting-based economy in the soldiers' petitions also reveals a reason why, despite dissatisfaction with the government, First Nations warriors chose to join loyalist forces in the first place: mobilizing to defend the crown held the promise of receiving guns and ammunition. As part of implementing their "civilization" policy, the British had been substituting presents of agricultural tools in the place of hunting equipment. As a result, at the outbreak of the rebellion, the First Nations in Upper Canada had very few guns in their possession.<sup>762</sup> So not only did the conflict give the young Anishinaabe men the chance to properly reach "warrior" status, they also most likely anticipated being able to retain the distributed guns and some ammunition for hunting purposes.<sup>763</sup> Although Indian Department officers initially attempted to recover the distributed guns, by the fall of 1840 Jarvis had accepted that hand-backs were unlikely and thus recommended that warriors be allowed to keep the weapons.<sup>764</sup>

But perhaps even more importantly, First Nations' loyalty to the crown in Upper Canada represented part of their strategy to defend their own sovereignty amidst the ever-growing pressures of an expanding non-Native population and a government not overly sympathetic to their land and resource rights. Unlike the rebels who sought to assert their rights by attempting to overthrow the established government, the First Nations chose to reaffirm their alliance with the

---

<sup>761</sup> Jarvis to Sawyer, 4 January 1839; Jarvis to William Jones and Joseph Clench, 4 February 1839, NAC, RG 10, vol. 503; Telford, "The Central Ontario Anishinabe and the Rebellion," 567.

<sup>762</sup> *Ibid.*, 553.

<sup>763</sup> *Ibid.*, 554.

<sup>764</sup> *Ibid.*, 568.

crown in order to strengthen the bargaining position from which they could press the government to adhere to its fictive kinship obligations. Like other strategies, such as the adoption of Christianity and “civilization,” this “loyalty” never fit the literal definition conveyed in the diplomatic language of British agents. Rather than representing submissive obedience to their protective “Great Mother,” First Nations fought for their own political reasons.

They also fought to defend themselves against a shared republican enemy. Although as evident at the Manitoulin present-giving meeting in August 1838, some First Nations people were reticent to unbury the hatchet for a full-blown war against the United States, the American taint of the republican Patriots was nevertheless ultimately no doubt a motivating factor for why people chose to join the loyalist forces. In fighting for the established British government, they chose to defend their alliance with the crown against the alternative of having to deal with a land-hungry republican entity potentially part of, or aligned with, the United States.<sup>765</sup> Such concerns were even more pressing for those people who had recently emigrated to Upper Canada from the United States to escape the pressures of the Jacksonians’ removal policy. For instance, the Pottawatomies who quickly mobilized during the initial rebellion had migrated to Upper Canada in the wake of the Chicago treaty of 1833, rather than face expatriation west of the Mississippi river.<sup>766</sup> First Nations people therefore chose to affirm their alliance with the British, against the Patriots, who they saw as a greater threat.

But this militarily backed loyalty also shed light on the ambiguities that had come to characterize relations between First Nations and the British crown. In the lead up to the rebellion, British Indian policy had aimed to “civilize” and Christianize First Nations people towards self-

---

<sup>765</sup> Arthur noted, for example, that the incursions into southern Upper Canada seemed to have been “a matter of speculation” and “a cheap way to get land,” because the vast majority of prisoners were landless, unemployed seasonal laborers, hoping for a promised 160 acres: Shaw, *Sir George Arthur*: 194.

<sup>766</sup> See Clifton, *The Prairie People*: 301-2.

sufficiency, thus enabling the British government to dispense with the expense of the Indian Department. As already discussed, such a move also represented a shift from treating First Nations people as valued military allies, to treating them as subjects of the crown.<sup>767</sup> Yet in being called upon again to defend the crown, the British government had to acknowledge the ongoing value of First Nations people as military allies. Native people themselves recognized and pointed out this ambiguity. In a council held at Credit River in January 1840, the Anishinaabe leaders from a collective of mostly Christian “Indian settlements” petitioned Arthur for the clarification and resolution of a number of pressing (and outstanding) issues. Opening the petition by impressing upon Arthur the exertions they were making in their “agricultural improvements,” they immediately followed with a humbly worded request for title deeds to their lands; a request that Peter Jones and Shawundais’s advocacy in London had not achieved. But in their next statement they sought clarification on an even more fundamental issue, which went to the heart of the ambiguity of their legal and political relationship with the British government: “Father, It is our wish to be informed with regard to the relations in which your Red Children stand to the British Government whether as subjects of Allies?”<sup>768</sup> The apparent contradictions between the government’s recent need for their military support and its attempts to make them into self-sufficient civil subjects had not gone unnoticed.

Even amidst the threat of rebellion, British Indian department agents had continued the policy of promoting “civilization” and Christianity. In his speech at Manitoulin in August 1838, after he flattered “the Brave and Spirited conduct of the Indian Warriors, residing within the Settlements of Her White Children,” Jarvis proceeded to extol the virtues of “embracing the Christian faith” and “a civilized mode of life.” As part of his attempts to induce the attendant

---

<sup>767</sup> See Chapter 2.

<sup>768</sup> River Credit, 24 January 1840, NAC, RG 10, vol. 72.

Native people to follow this path, he encouraged them to consider moving to Manitoulin Island, stating that their “Great Mother the Queen . . . has chosen this beautiful Bay for the Site of an Establishment which is henceforth to be honoured by Her Patronage. And she invites Her Red Children to resort hither and participate in the benefits which it is Her intention to bestow upon them.”<sup>769</sup> On the face of it, there was no inevitable contradiction between the British policies of, on the one hand, considering First Nations people as recipients of the civilizing mission and, on the other, treating them as military allies. For leaders such as Jones and Shawundais, who met at Credit River in January 1840, adopting marking of this so-called “civilized mode of life” definitely did not mean renouncing their claims to holding a different political status from the Queen’s non-Native subjects. But in terms of British aims, the civilization policy was part of attempts to escape the material obligations posed by the alliance. The British policy makers instead eventually wanted to make the First Nations into self-sufficient civil subjects, without their separate political status or claims to annual presents. For many of the American Indians who moved to Upper Canada from the U.S. during the late 1830s and 1840s, their only option would be to reside on Manitoulin Island under the auspices of this policy.

### **Removals and Emigrations**

Writing to London in May 1840 about “the consequences” of discontinuing “the issue of Presents to the Visiting Indians,” George Arthur included a report from a Detroit paper that had “been copied into one of the Upper Canadian papers.” The report consisted of a “letter professing to have been written by Mr. Schoolcraft, the American Agent for Indian Affairs at Michilimackinac,” alleging, in Arthur’s words, that “a correspondence has been carried on

---

<sup>769</sup> Jarvis to Arthur, 25 August 1838, NAC, RG10, vol. 69.

between authorities of the British Indian Department, and the Indian Tribes in the interior of the Western States, for the purpose of encouraging them to come within the British Dominions with a view to a future state of hostility.” Bringing this report to the attention of the colonial office in case “the subject may be noticed by the American Government,” Arthur assured Lord Russell (the secretary of state for war and the colonies) that “no such correspondence had been carried on by the Department.” In the interests of regional peace and security, Arthur sought to stress that the British offered no such active encouragement for the immigrations, and that people’s decision to settle permanently in Upper Canada “must be considered altogether a voluntary one.” He also informed Russell that the immigrants had been “strongly recommended to consent to be located on the Manitoulin Island.”<sup>770</sup>

The portrayal that Arthur (and other U.S. and British agents) gave of U.S., British, and Native relations in the Great Lakes region rarely reflected the political reality experienced by Native peoples themselves. For the Anishinaabeg people of the Upper Great Lakes, decisions regarding movement around the region were not truly “voluntary.” Anishinaabeg peoples’ political reality included negotiating the intersecting pressures of both British and American “removal” policies. These stories of “removal” included a nexus of competing factors. In their attempts to retain the ability to determine their own destinies, people had to negotiate pressures associated with U.S. agents’ attempts to implement their government’s statutory removal policy as well as the British policy to discontinue delivering presents to “visiting Indians,” and their civilization policy with its associated British recommendations to remove to Manitoulin Island.

In the late 1830s and early 1840s, thousands of American Indians – predominantly Anishinaabeg – crossed the U.S.-British defined border to settle in Upper Canada. Unlike in the southern states, the U.S. government never managed to implement a comprehensive and

---

<sup>770</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7, vol. 2.

concerted plan to coerce the people of the Upper Great Lakes to the west of the Mississippi. For many Ottawas and Ojibwes, the demographic pressures of a westward migrating population did not directly affect their lands or resources. For the Potawatomis, however, whose prime agricultural lands were predominantly further south, the pressures were much greater. In the aftermath of the treaty of Chicago (1833), government agents put pressure on the Pottwatomies to accede to the stipulations of the treaty and remove westward. While some moved west under their own accord, and others in deadly marches under armed guard, a great number moved to other Anishinaabeg communities, including those on the British-claimed side of the region. Anthropologist James Clifton estimates that “by the late summer of 1837 some 1,465 Potawatomi are known to have been on their way toward or already settling at various locations in Upper Canada.”<sup>771</sup> Though effective U.S. administrative, military or demographic pressures did not, in reality, extend further north into the state of Michigan or Wisconsin territory, the tactics of U.S. agents nevertheless threaten the exertion of such pressure, and seemingly contributed to some other Anishinaabeg groups choosing to leave U.S.-claimed territory.<sup>772</sup> In 1838, for instance, Jean-Baptiste Assiginack informed Samuel Jarvis (chief superintendent of the Indian department in Upper Canada) that a large number of people living in Michigan had decided to move to Upper Canada as soon as some of their pecuniary claims against the American Government had been settled.<sup>773</sup> The following May (1839), Thomas Anderson (now superintendent of the Indian settlements on Manitoulin Island) reported that “a large number of Ottawa” had arrived on the island from Lake Michigan to settle at the predominantly Roman

---

<sup>771</sup> Clifton, *The Prairie People*: 302.

<sup>772</sup> See Ronald N. Satz, "Indian Policy in the Jacksonian Era: The Old Northwest as a Test Case," *Michigan History* 60, no. 1 (1976).

<sup>773</sup> Jarvis to Macaulay, 7 June 1839, NAC, RG10, vol. 503.



Catholic village of “Wequamecong” [Wikwemikong].<sup>774</sup> That same spring, 157 “Saginong Indians” arrived at Port Sarnia, and were followed by others over the ensuing few years.<sup>775</sup>

Governmental policy on the British-claimed side of the border also contributed to the environment of political instability with which the American Indian peoples in region had to contend. The pressures of the U.S. Indian removal policy coincided with the British decision to end delivering presents to “visiting Indians” from the U.S. side of the border. Arthur inherited this policy from Francis Bond Head, who had instituted it as a money saving measure, which he believed, if applied with fair warning to the affected American Indians, would not breach Britain’s equitable obligations. He hoped the policy would placate the Treasury in London by saving £4,000 a year, and that it would also appease the U.S. officials’ well-known displeasure at the ongoing travels of U.S.-based American Indians to receive British presents.<sup>776</sup> In 1836, he thus informed Glenelg that he would formally announce “at the next Delivery of Presents” that “their Great Father was still willing to continue Presents to such of his Red Children as lived in his own Land, but that, in Justice to the Americans, who are now our Allies, he could not arm against them those Indians who should continue to reside in the Territory of the United States.” After three years “Presents would only be given to those of our Red Children who actually shall inhabit the Canadas.”<sup>777</sup> Though the death of the King the next year (1837) prevented Head from repeating the performance of his much-loved role of father during the present delivery at Manitoulin Island, Samuel Jarvis made the announcement on his behalf.<sup>778</sup> In his speech, Jarvis included the promise that the government would “be most happy” to continue giving “presents to

---

<sup>774</sup> Anderson to Jarvis, 29 May 1839, NAC, RG10, vol. 70. Given that Anderson states that these Ottawas were “principally Roman Catholics,” they most likely moved from L’Arbre Croche. See also Neumeyer, “Michigan Indians Battle Against Removal,” 280-81.

<sup>775</sup> Jarvis to Macaulay, 7 June 1839, NAC, RG10, vol. 503.

<sup>776</sup> Head to Glenelg, 20 November 1836, House of Commons Parliamentary Papers, *Correspondence Regarding the Indians in British North America*: 127.

<sup>777</sup> Head to Glenelg, 20 November 1836, *ibid.*, 128.

<sup>778</sup> Head to Glenelg, 22 August 1837, *ibid.*, 154.

the Indians of the United States,” provided that they move somewhere within the “British Empire.” Jarvis did not single out Upper Canada as the destination of choice, but instead listed it among the other possibilities of “Lower Canada, New Brunswick, Nova Scotia, or any other British Colony,” even including the option of emigration “across the Great Salt Lake to the Country of their Great Father the King.”<sup>779</sup> The British therefore gave their U.S.-resident American Indian allies an ultimatum; to continue their alliance with the British government they must move within British-claimed territory.

Arthur initially emphasized this forthcoming discontinuance of presents to “visiting Indians” in his rationalizations for the large number of emigrants arriving from the United States side of the border. When he wrote to Lord Russell in May 1840, he noted that “considerable bodies of Indians” had “come into the Western part of the Province from the United States.”<sup>780</sup> Subsuming this information under the stated topic of his dispatch – “the subject of the consequences which may be expected to arise from the discontinuance of the issue of Presents to the Visiting Indians” – Arthur represented the central reason for the emigrations as American Indian desires to remain eligible for British presents. “It appears,” he continued, “that different views as to the propriety of coming to reside within the Province, are entertained amongst the Indians themselves; many, however, display an anxiety to adopt the course of putting themselves into a situation to receive Presents by coming to reside within the Province.”<sup>781</sup> While he thus suggested that other (unnamed) factors may have played a part in the movements, he nevertheless signified British presents as the dominant reason.

---

<sup>779</sup> Address of the Chief Superintendent of Indian Affairs to the Indians assembled in General Council at the Great Manitoulin Island, 4 August 1837, *ibid.*, 155-56.

<sup>780</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7 vol. 2.

<sup>781</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7 vol. 2.

In partly framing the discussion in terms of the views “entertained amongst the Indians themselves,” Arthur therefore also chose to emphasize that American Indian determinations (albeit made in response to British policy) lay behind the migrations. Arthur appears to have been well briefed on some of the complexities of the situation, and to have been interested in U.S.-based American Indians’ reactions to the prospective discontinuance of presents. As part of queries he made in July 1839 “with respect to the condition of the Indians,” Arthur requested an inquiry into “the feeling of the Visiting Indians as to the Stoppage of the usual distribution of Annual Presents to them, unless they become residents in the British Dominions.”<sup>782</sup> Thomas Anderson, by then the superintendent of the Manitoulin Island settlements, responded by stating that “[t]hey think it a very great hardship! They have payments due them by the American Government which they are threatened to be deprived of if they come to reside in Canada, and if they do not come they lose their Presents from the British Government under those circumstances many prefer losing their Land payments for the Known certainty of receiving Presents.”<sup>783</sup> Arthur thus apparently grasped, at least to some extent, that American Indian peoples’ decision to move to Upper Canada represented choices made within a political context of decreasing options for them on both sides of the frontier.

But Arthur’s representations of the situation never fully evoked the coercive political atmosphere within which American Indian groups made these choices. He emphasized American Indians as independent actors in order to rebuff American criticism of British actions rather than to present the situation from Native standpoints. In his May 1840 dispatch to Russell, he thus characterized American Indian migration as a voluntary “Act” – “the result of their own anxiety to become entitled to the Presents from the British Government, and wholly uninfluenced by any

---

<sup>782</sup> Harrison (Colonial Secretary) to Jarvis, 18 July 1839, NAC, RG 10, vol. 71.

<sup>783</sup> Answers of T.G. Anderson to the Queries proposed by Mr. Secretary Harrison by command of the Lieut. Governor, Manitowaning, 20 August 1839, NAC, RG 10, vol. 71.

persuasion of the Executive Government.” He acknowledged that persuasion to move had “no doubt” come from “persons amongst [the Indians] themselves,” and that “the Superintendents have very probably, in some instances, held out the prospects of advantage to such Indians as may adopt the plan of permanent settlement.” Yet he discursively placed the only important decisions to be made in this situation squarely on the shoulders of the American Indians themselves. They could choose between two apparently fixed options; between the “prospects of advantage” offered by the British and the “counter-inducements on the part of the United States Agents for Indian Affairs, [which] have been strongly urged upon the Indians rather to go to the West.”<sup>784</sup> Such representations whitewashed the atmosphere of coercion created by both British and American agents, and instead posited American Indians as political actors making free choices. In this way, he framed the situation so as to refute American rumors – such as that allegedly perpetuated by Henry Schoolcraft – that British Indian policy held malevolent, anti-American designs.

Arthur nevertheless began to recognize, at least to some extent, the important role that the U.S. government’s Indian removal policy had in precipitating the large numbers of American Indian emigrations to Upper Canada. After a number of incidents in the summer and autumn of 1840 relating to emigrating Anishinaabeg, it became harder to ignore that the emigrants’ most pressing concerns lay not in receiving British presents, but in escaping U.S. agents’ coercive attempts to enforce the Indian Removal Act. Writing to Lord Sydenham (the new Governor General of Canada) in October 1840, for example, Arthur discussed the “considerable Emigration of Indians . . . from the United States” with greater emphasis on the impact of U.S. government policy. He thus referred to an enclosed report of Jarvis that the emigration amounted “to about two thousand . . . principally of Chippewas and Pottawattamies, and that other Bands

---

<sup>784</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7 vol. 2.

are on their way to join these Indians, but that they are prevented by the United States Authorities, who are endeavoring to make them remove West of the Mississippi.”<sup>785</sup> Incidents involving Pottawatomies crossing at Fort Gratiot (Port Huron) to the British side at Sarnia had, for instance, produced a string of terse correspondence between American and British officials. In letters that Arthur forwarded to his superiors, the U.S. commander at Fort Gratiot informed the British that the “fugitive” Pottawatomies “were under Treaty obligations to go to the Westward of their former (recent) locality, and that in proceeding in the opposite direction they have not only violated their engagements with, but disappointed the just expectations of the United States Government.”<sup>786</sup>

In response to this situation, Arthur tried to mark out a middle path that would conciliate the U.S. government agents and also keep “the faith of the [British] Government” with “the Indians.”<sup>787</sup> Writing to Lord Sydenham (the new Governor of Canada) in October 1840, he expressed his ongoing concern that “the American Authorities had been led to believe that these Indians had received encouragement to settle in the Province from Authorities in Canada.”<sup>788</sup> In order to make it clear that such beliefs did not reflect the actual policy of the Upper Canadian Executive, Arthur informed Sydenham that he had “caused a Minute of Instructions” to be circulated in the Indian Department, announcing the government’s policy that no encouragement be given to induce emigration from the U.S.A.<sup>789</sup> The minute stated that Arthur had, “after serious consideration, come to the conclusion, that it is by no means consistent with the good of the country that a large Body of Indian population should take up residence in it, and that no

---

<sup>785</sup> Arthur to Sydenham, 24 October 1840, NAC, RG7 G7, vol. 2.

<sup>786</sup> Thomas Gardner to Keating, Fort Gratiot, 16 September 1840; Gardner to William Jones, 22 October 1840, NAC, RG7 G7, vol. 2.

<sup>787</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7, vol. 2.

<sup>788</sup> Arthur to Sydenham, 24 October 1840, NAC, RG 7 G7, vol. 2.

<sup>789</sup> Arthur to Sydenham, 24 October 1840, NAC, RG 7 G7, vol. 2.

encouragement, therefore, should be held out to them to do so.”<sup>790</sup> Although this wording seems to frame Arthur’s anti-encouragement directive as a discriminatory and segregationist immigration policy, the more pressing political imperatives of the minute become clearer in the concluding paragraph. Reading like a caveat aimed both at appeasing American Indians and at rebutting American criticism by articulating British Indian policy as benevolently motivated, the minute qualified the previous statements by announcing that “[t]he British Government, however, being pledged to the Indian Race to afford protection to all Indians within the British Dominions, when any such are found, it will be the duty of the Indian Department to take care to give full effect to that pledge.” The “object” of the minute was thus “merely to prevent any means whatever being used to induce or encourage Indians to come into the Country.”<sup>791</sup>

And yet the segregationist dynamics evident in this minute nevertheless reflected the reality of British Indian immigration policy. The “protection” that the British government foresaw providing for the immigrating American Indians was their settlement on the already-instituted Indian reserve of Manitoulin Island. As Arthur informed Lord Russell in 1840, the American Indians who had come to “make a permanent settlement” in Upper Canada “were strongly recommended to consent to be located on the Manitoulin Island.”<sup>792</sup> British Indian department agents, for instance, strongly suggested to the 157 Saginaw Ojibwes who crossed to Port Sarnia in May 1839, that they “extend their journey to the Great Manitowawning [Manitoulin] Island and make that place their future residence.”<sup>793</sup> The information that 840 more Ojibwes from the U.S. side were likely to follow their brethren induced Jarvis to express to Arthur’s secretary that the time had arrived when it was necessary for the government to adopt

---

<sup>790</sup> Minute of Instructions to the Indian Department, 2 October 1840, RG7 G7, vol. 2.

<sup>791</sup> Minute of Instructions to the Indian Department, 2 October 1840, RG7 G7, vol. 2.

<sup>792</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7, vol. 2.

<sup>793</sup> Jarvis to Macaulay, 7 June 1839, NAC, RG 10, vol. 503.

an established policy of assisting immigrating “Indian families on their first arrival in the Province.” He proposed immediate “assistance in the shape of provision or otherwise” to relieve their “destitute circumstances” and “to enable them to reach the Manatowawing [Manitoulin] Island with the least possible delay.”<sup>794</sup>

But this declared policy did not always translate into the actual relocation of the immigrants north to Manitoulin Island. Though the Saginaw Ojibwe, for instance, reportedly initially “expressed a willingness” to settle on Manitoulin Island, John Keating – one of the Indian department superintendents – accompanied them north in July 1839 only after overcoming “a considerable degree of hesitation” on their parts to move there. Keating attributed this to “the Americans & I daresay some others” who he believed had “been tampering with the Indians and produced in some a disinclination to go by informing them that they could get no leather for mocassins & that the inhabitants of the Island were in a state of starvation.”<sup>795</sup> Though the Indian department agents assumed the trip would be the group’s final migration to Manitoulin, these Saginaw Ojibwes did not stay on at the island after the delivery of presents but returned to Michigan. They appeared among another larger group of immigrant Ojibwes and Pottawatomies who again made the trip with Keating the next summer.<sup>796</sup> Such trips occurred within a general atmosphere of Anishinaabe reluctance to concentrate on Manitoulin.<sup>797</sup>

Some groups managed to make other arrangements for themselves, and thus avoid resettlement on Manitoulin. In 1839, a band of Pottawatomies held a council with the First Nations leaders on Walpole Island, who proceeded to give them a tract of land on the Chenail

---

<sup>794</sup> Jarvis to Macaulay, 7 June 1839, NAC, RG 10, vol. 503.

<sup>795</sup> Keating to Jarvis, 29 June 1839, NAC, RG 10, vol. 70.

<sup>796</sup> Anderson to Jarvis, 6 January 1840, NAC, RG 10, vol. 72; Keating to Jarvis, 30 June 1840, NAC, RG 10, vol. 73.

<sup>797</sup> Jarvis to [no recipient recorded], 9 May 1840, NAC, RG 10, vol. 73.

Ecarte reserve, and subsequently offer the same to another group of Pottawatomies.<sup>798</sup> Others also managed to remain nearer to Sarnia to reside with friends and kin in the London district.<sup>799</sup> While the Indian department agents applauded the “laudable desire” of First Nations people “to assist their naked and destitute Brethren” when it involved their moving to an already designated Indian reserve, for groups that did not have such an invitation, the only option – as far as the government was concerned – was to move to Manitoulin.

The government’s imperative that the incoming American Indians move to Manitoulin therefore meant that the immigrants were, at least ostensibly, to become the recipients of British endeavors to “civilize” and Christianize them. Though Francis Bond Head had envisioned Manitoulin as a reserve of pristine wilderness, where “the red children of the forest” could lead an existence unblemished by the malevolent forces of “civilization,” Thomas Anderson’s original formulation of a the reserve as a place to undertake the government’s civilizing mission subsisted and then prevailed with Head’s departure. In June 1839, for instance, Jarvis outlined his plans that each immigrant family be placed under Anderson’s supervision at Manitowaning, be given “a Lot or Piece of Land of sufficient extent to ensure the future support of that family,” and be assisted “in the construction of their houses” and in clearing the land for cultivation.<sup>800</sup> Though the Indian department touted the Island as a reserve for any First Nations people who chose to live a “civilized,” agricultural lifestyle, they gave the incoming Anishinaabeg no other options for village sites. In May 1840, on hearing the reluctance of the immigrants to proceed to Manitoulin, Jarvis wrote that the immigrants “must not expect to be assisted by Government” unless they proceeded there. Though he characterized that the “Establishment” on the Island as having “been formed at very great expense and upon an extensive scale for the relief and

---

<sup>798</sup> William Jones to Jarvis, 13 November 1839, NAC, RG 10, vol. 71.

<sup>799</sup> Jarvis to Harrison, 25 September 1840, RG7 G7, vol. 2.

<sup>800</sup> Jarvis to Macaulay, 7 June 1839, NAC, RG 10, vol. 503.



Accommodation of such Indians as may not have fixed residences and who are desirous of being civilized and assimilating their habits to those of white men,” it was clear that, without other means of support or options, the immigrants would have little choice but to proceed to the island, however “desirous of being civilized.” Jarvis thus wished that the responsible Indian superintendents “would distinctly give [the Indians] to understand that at this station alone will they be assisted by the Government on the cultivation of the soil.”<sup>801</sup> Without other options but “the cultivation of the soil,” the immigrants had no other prospective destinations.

Though the Anishinaabeg who left the U.S.-claimed side of the Great Lakes region mostly did so to escape the pressures associated with the U.S. removal policy, many also faced further coercive restrictions when they arrived on the British side. Indeed, the policies of both the U.S. and British governments seem to have fed into the fears and insecurities about removal that were palpable in stories circulating in the region. In Upper Canada, both First Nations people and Indian department officials remained informed about what was (or was believed to be) going on in the United States. Thomas Anderson, for instance, heard that a group of 400 Pottawatomies who spent the winter of 1838 in Upper Canada, reportedly “returned to Chicago and St. Josephs in Lake Michigan and were immediately sent across the Mississippi”; Anderson had “not heard of their return from banishment.”<sup>802</sup>

It was not just stories of forced removals on the U.S. side that fed the atmosphere of anxiety and uncertainty; there was clearly also an ongoing distrust of British government intentions. For instance, though Keating blamed the Saginaw Ojibwes’ hesitations to go to Manitoulin in the summer of 1839 on the mischief of Americans, anxious conjectures about

---

<sup>801</sup> Jarvis to [no recipient recorded], 9 May 1840, NAC, RG 10, vol. 73.

<sup>802</sup> Anderson to Jarvis, 6 Jan 1840, NAC, RG10, vol. 72. Anderson most likely refers here to new of the forced-removal of Menominee’s band. See Satz, "Indian Policy in the Jacksonian Era: The Old Northwest as a Test Case," 81.

being sent to the island seem to have been circulating in Upper Canada since Francis Bond Head's loudly announced removal policy and deceptive strategies to gain land surrenders. The Saugeen Ojibwes, who had been especially aggrieved by Head's negotiating tactics, expressed in a petition to Arthur their fears and anxieties: "we have been very weak-hearted since we heard that our removal to distant and barren wilds was contemplated where we are fully satisfied we must suffer all the privations of a wandering life, and soon leave our poor children, without the inheritance, which we at the hands of our father possess, in penury and want."<sup>803</sup> Within an atmosphere where policies touted as "voluntary" threatened to entail compulsion, government agents' intentions on both sides of the frontier appear to have contributed to Native peoples' fears and anxieties about the future.

But in contrast to Head's original announcements about Manitoulin as the future home of all the Province's First Peoples, the government ultimately designated it for people who, like the immigrants from the U.S. side, had no alternate home in Upper Canada. Responding to petitions such as that of the Saugeen Ojibwes', Jarvis attempted to allay fears by defending Head's original removal policy, stating that circulating reports that Manitoulin Island was an environment of "barren rocks," unable to support human settlement, were based on the mistaking of the islands of the north eastern coast of Lake Huron for "the Great Manitoulin Island."<sup>804</sup> He also refuted the implicit suggestions that force had been contemplated to effect the policy, stating that "Sir Francis never used nor did he ever intend to use compulsion with the Indians to effect the Subject" of removal. Reframing Head's original formulation to suit to imperatives of the civilization policy, Jarvis represented that the previous lieutenant governor had "merely invited [the Indians] to adopt the Island as a permanent residence and as an inducement promised the

---

<sup>803</sup> Petition of the Saugeen Ojibwes, enclosed in W.M. Harvard to Arthur, 10 July 1838, NAC, RG 10, vol. 68.

<sup>804</sup> Jarvis to Jarrison, 10 June 1839, NAC, RG 10, vol. 503.

assistance of Government, in building Houses, clearing Land and providing them with moral and religious instruction.” He also noted that though Head had “recommended the various resident tribes remove to the Island . . . not one of them ever did, but on the contrary they are all at this present time residing in their respective villages and to all appearances happy and contented.” The island had instead become a residence for people, not from “the Surveyed and settled parts of the Province,” but for families “who formerly had no fixed place of residence.” This would now also include the “large number of Indians from the United States,” who had recently “arrived in the Province,” and who were “ever on their way to Manitoulin with the intention of remaining there under the protection of the British Government.”<sup>805</sup> For the British, Manitoulin Island had become a place through which the Province could absorb the incoming Anishinaabeg.

The Anishinaabeg who moved into Upper Canada from the U.S. side entered another – albeit differently constituted – coercive political landscape. Though Indian department officials wrote of such movements as an escape from U.S. coercion to an “Asylum” under “the protection of the British Government,” the British government attempted to proscribe the bounds of this “protection” to fit within their policy of “civilizing” and Christianizing the Province’s First Peoples.<sup>806</sup> Though Christianity and “civilization” in themselves were not necessarily abhorrent to First Nations people – a number of whom were already Christian and partook in many aspects of so-called “civilized” life – the policy imperative was nevertheless based on the British government’s desire to end the expense of presents. In doing so, officials would abrogate the still-existing British-Indian alliance, renewed annually through the diplomatic rituals undertaken during delivery of presents. For many of the immigrants, who no had sought to avoid removal to a strange country west of the Mississippi by taking refuge in their own region under the

---

<sup>805</sup> Jarvis to Jarrison, 10 June 1839, NAC, RG 10, vol. 503.

<sup>806</sup> Jarvis to Harrison, 25 September 1840, NAC, RG7 G7, vol. 2.

protection their “Great Mother,” a primary expectation was that the alliance would continue, as promised, once they moved within the British Dominions.

And yet, within this regional political ferment, British agents found themselves both unwilling and unable to immediately discontinue giving presents. While Arthur, for instance, seemed to prioritize maintaining peaceful relations with the United States, he nevertheless had to weigh this imperative against that of maintaining the British government’s faith with the American Indians and First Peoples. As he wrote to Lord Russell regarding the sensitive issues surrounding the discontinuance of presents to “visiting Indians,” “it is of the utmost importance that the faith of the Government should be Kept.”<sup>807</sup> The same concerns that local British agents had in the late 1820s regarding the abrogation of presents continued in the early 1840s. Despite the continuing hopes of the Treasury department in London that colonial administrators in Canada effect the discontinuance of presents, William Hepburn – a member of the Bagot Commission – expressed in 1843 the “conviction that good Faith, Justice an Humanity alike forbid the discontinuance of the Presents until the Indians shall be raised to a capacity of maintaining themselves on an equality with the rest of the Population of the Province.”<sup>808</sup> Although expressed predominantly in terms of British good will towards the First Peoples, such a statement also alludes to the likelihood that no British official wanted to face the shame and dishonor of not fulfilling their promises their Native associates. In spite of all demographic pressures of an expanding settler-colonist population, and the actual goals of the British

---

<sup>807</sup> Arthur to Russell, 4 May 1840, NAC, RG7 G7, vol. 2.

<sup>808</sup> William Hepburn to sir Charles Bagot, 26 January 1843, NAC, RG 10, vol. 6. The Bagot Commission articulated many of the elements of Indian policy in Canada, up to and beyond Confederation. Though they confirmed First Nations’ right of occupancy and claim to compensation for land surrender, they proposed to end Indian land use practices and reduce the government’s financial (and other equitable) obligations to Native peoples: Miller, *Skyscrapers Hide the Heavens*: 132-34. See also John Leslie, “The Bagot Commission: Developing a Corporate Memory for the Indian Department,” *Historical Papers* 17, no. 1 (1982).

civilization policy, Native peoples themselves nevertheless managed to pressure the British to continue fulfilling the obligations imposed by their alliance.

U.S. Indian policy provided a useful element in this dynamic. In pledging allegiance to their “Great Mother” and expressing displeasure with the Americans, Native peoples flattered the British in a way that made it hard to renege on their obligations. Though Arthur himself did not openly criticize U.S. Indian policy, lower-level officers in the Indian department did. For instance, when Keating wrote to Jarvis from Port Sarnia in June 1839 to blame “the Americans” for the Saginaw Ojibwes’ reluctance to proceed to Manitoulin Island, he attributed American interference to the idea that “they evidently see with fear and jealousy the Indians to whom they have behaved so ill flocking to the land where they well know they will meet with kindness and protection.”<sup>809</sup> For agents such as Keating, belief in their own benevolence, contrasted to the Americas, was seemingly a source of pride and honor. So despite the nexus of U.S. and British pressures with which the Anishinaabeg had to contend, and the restrictions that both governments’ policies placed upon their movements and choice of residence, the U.S.-British border dynamics helped them pressure the British to continue fulfilling – at least in the immediate future – the obligations of their fictive-kin alliance.

### **Conclusion**

To a large extent, British policy towards the First Nations reflected the shifting sands of political and economic expedience. During the rebellion British officials courted and flattered the First Nations as allies, but afterwards, with the threat of rebellion ended, attempts to treat them as purely civil subjects again predominated. Arthur’s views on Indian policy exemplified this

---

<sup>809</sup> Keating to Jarvis, 29 June 1839, NAC, RG 10, vol. 70.

approach. Despite his praise of First Nations soldiers' "sagacity and gallantry" during the Patriot War, he subsequently reverted to more overtly paternalistic language, and revealed his ultimate goal to implement plans similar to those he had attempted for the indigenous peoples in Van Diemen's Land. He believed that the "Indians . . . should be kindly persuaded to give up their wandering course of Life in pursuit of game, and led to follow Agriculture for their support." And with the threat of rebellion in the past, he seems to have quickly forgotten (or perhaps he never fully realized) the crucial military role that the First Nations had played in defending his government. After commissioning a report on the state of the Indian Department, he concluded that – because the responsibilities of the Indian Department had become different from "those which originally engrossed its attention," and had apparently come to involve "the important and interesting duty" of "watching over the rural and social advance of the remnant of savage pagan tribes" – that the department should be separated from the (military) Commissariat and become "one of the leading Civil branches of the Colonial Service."<sup>810</sup> Arthur however had no chance to implement these recommendations before he left Canada in March 1841, his position as lieutenant governor of Upper Canada having been made redundant with the adoption of Lord Durham's recommendations – made in response to the rebellions – to unify the Canadas and implement responsible government.<sup>811</sup>

Yet First Nations people would continue to carve out a place for themselves, both in spite of, and with an awareness of, the paternalistic and supremacist presumptions held by British agents such as Arthur. Like many Ottawas who remained in Michigan, Peter Jones and Shawundais's people, for instance, chose to adopt a so-called "civilized" appearance and lifestyle

---

<sup>810</sup> Shaw, *Sir George Arthur*: 226-27. Citing Arthur to Russell, 24 October and 3 November 1840, RG7 G7, vol. 2.

<sup>811</sup> *Ibid.*, 227-30.

and the Christian religion.<sup>812</sup> Yet their vision for their own, and their people's future did not fit that expounded by Arthur. Though they adopted many trappings of a "civilized mode of life," they continued to fight to determine their own political futures as separate peoples, rather than amalgamate into the broader British population as individuals. Most importantly, they wanted to do this on their homelands.

For some of the peoples of the Great Lakes whose main land holdings lay on the U.S. side of the frontier, particularly among the Pottawatomies, U.S. government policy left decreasing opportunities to remain in their current homelands. During the removal era, the U.S. government effected (and in many cases coerced) wholesale extinguishments of Indian title so that by 1842, U.S. agents had managed to negotiate for the surrender of virtually all the remaining large tracts of Indian land in the Old Northwest.<sup>813</sup> For those who decided, within the scope of limited options, to move to Upper Canada, their so-called "asylum" in British-claimed territory did not mean freedom from coercion. Indeed, British pressure for the Native immigrants to move to Manitoulin meant that many became the projected recipients of Upper Canada's own removal policy. Although regional political dynamics allowed Native peoples at least temporarily to enforce upon the British their own understandings of an equitable fictive-kinship alliance through the exchange of presents, they also found themselves in an ambivalent relationship with the British government. Through effecting the continuation of presents to peoples residing on the British side of the border, they managed to maintain the advantages of an alliance. But they fought to achieve this against the push back of British agents who sought to abrogate this expensive practice by treating First Nations people as individual subjects rather than valued wartime allies.

---

<sup>812</sup> Regarding the Ottawas who stayed in Michigan, see McClurken, "Ottawa Adaptive Strategies to Indian Removal."

<sup>813</sup> Satz, "Indian Policy in the Jacksonian Era: The Old Northwest as a Test Case," 82.

## Conclusion

### Paternalist Reckonings and Innocent Masculinities

The five Anglophone men, all of whom presided over, or advocated for, the “removal” of indigenous peoples, exercised a paternalistic form of authority: they sought to control indigenous people and to justify this by claiming that they acted for indigenous people’s own good. In doing so, these men either failed to recognize or blatantly disregarded indigenous people’s subjectivities and agency. While in relation to their own societies, the men’s power was ostensibly based on the delegated authority of the U.S. government or British crown, they presumed the right to exercise this delegated authority over indigenous peoples based on their self-proclaimed superiority – and that of their nation – to indigenous peoples. The paternalist language these men used to describe their “moral” duty towards indigenous people was therefore not simply a cover for malevolent subjugating practices; this language was both constitutive and representative of the power they sought to assert. By defining indigenous people as a “moral” problem or duty, they represented themselves as having a moral obligation either to save them, or to solve the problem signified by their existence on lands earmarked for American or British colonization. In seeking to save indigenous people through “civilizing” and converting them to Christianity, or moving them away from civilization’s apparently destructive inevitable spread, these men defined their conduct towards indigenous people as benevolently inspired. Even Lewis Cass, who, in his controversial 1830 *North American Review* article used profoundly derogatory



racialized language to describe “the Indians,” still articulated the discursive foundations of Indian removal as the discharging of the U.S. nation’s “moral” duty to American Indian peoples.

In making these pronouncements, Cass openly declared his support for the Jackson administration’s removal policy. Though politically committed to the Democratic vision of a republic of (white, male) self-sufficient landholders, his fluctuating statements about Indian policy show that his pronouncements were motivated more by the shifting sands of partisan politics than deeply held convictions. In an 1827 article he rejected the policy touted by President Monroe to remove “the Indians” west of the Mississippi – though he referred to the plan “as an evidence of the feelings of the American government, and of their earnest desire to discharge with fidelity a great moral debt.” But when a strong (albeit still nascent) partisan divide emerged over the issue of removal during and after the 1828 elections, Cass ultimately chose his side.<sup>814</sup> The consistency in Cass’s Indian policy lay not in religious or philosophical absolutes, but in a practical commitment to facilitating the territorial expansion of the U.S. nation.

In his 1826 *North American Review* article, Cass had implied that the surrender of American Indian men responsible for the “murder” of “U.S. citizens” was part of the apparently inevitable submission of “the Indians” to U.S. sovereign jurisdiction. Such claims reflected the political reality that Cass sought to achieve, rather than the on-the-ground realities of the Upper Great Lake’s political landscape. However, while he was ultimately not always successful at asserting even a façade of U.S. control, his approach – represented, for instance, by his pursuit of the Lake Pepin killers and his staging of a ceremonial emasculation at Butte des Morts in 1827 – sheds light on how one man could be instrumental in advancing the cause of U.S. expansionism. During the 1820s, even peoples such as the Ojibwes of Lake Superior, who lived far afield from the frontiers of U.S. settler invasions, had to deal with an expansionist nation in the form of its

---

<sup>814</sup> Cass, “Indian Policy and Practice,” 408-09.

committed agents, such as Cass. Cass, in particular, sought to impose a dictatorial and supremacist paternal authority over American Indian peoples in preparation for the apparently inevitable extension of U.S. sovereignty over Indian land. American Indian peoples therefore had to defend themselves against the aggressive diplomacy of Cass, who fought hard to make the apparently inevitable, a prospective reality. It is no small wonder that Cass loomed large in the 1820s Great Lakes region, not just as a physical presence, but also in the intelligence that circulated across the U.S.-British defined border.

However, Cass's support for Indian removal in the context of this project – where his story sits alongside that of four other white men who seemingly based their policies towards indigenous people more on religious or philosophical absolutes than political pragmatism – comes to hold more of an outlying than exemplary position. Cass, the consummate Jacksonian, appears more as a fringe-dweller of a paternalist order based on evangelical Christian (or in Head's case Romantic) notions of paternalist obligations. Cass nevertheless acknowledged (at least implicitly) the overriding “moral” concerns of friends such as McKenney and opponents such as Jeremiah Evarts, and thus sought to represent the government's removal policy as one of simultaneous benefit to the U.S. nation and the Indian peoples themselves. Though Cass's rhetoric – like that of Andrew Jackson himself – appears to have been disingenuous, it also signified a political landscape in which the U.S. government not only had to treat with American Indian peoples as sovereign nations in order to make the removalist vision a reality, but also had to neutralize their evangelical opponents, who opposed removal on the basis of both legal commitments and broader paternalist moral duties. Though his own support for removal was perhaps not based on such strongly held religious or philosophical convictions, and was less

sincerely “benevolently” inspired, Cass nevertheless used the language of a paternalism born of evangelical Christianity to portray his own authoritarianism as benevolent.

In contrast, George Arthur, Francis Bond Head, Charles La Trobe, and Thomas McKenney based their justifications for removal on sincerely held beliefs about their government’s moral duties towards indigenous peoples. Yet however benevolently inspired, these men’s assertions of authority were no less authoritarian than those of Cass. For instance, in Van Diemen’s Land and the Port Phillip district respectively, Arthur’s and La Trobe’s humanitarian visions translated into coercive programs to subject indigenous peoples to the foreign rituals of the British common law, and to proscribe a “civilized” Christian future that denied indigenous people their own cultural institutions and political personhood. As discussed in chapter three, Arthur’s authorization to remove the survivors of the “black wars” off the Van Demonian mainland went expressly against the wishes of the indigenous people themselves. La Trobe’s attempts “to remove” and exclude Kulin people from Melbourne (discussed in chapter five) struck at the heart of Kulin cultural institutions and thus contributed to the escalating conflict in the district between indigenous people and colonists. Similarly, McKenney’s views on Indian policy in the United States, though expressive of a heart-felt wish to save his Indian “children,” also assumed a very marked authoritarian edge. Although he premised his support for removal on the fact that he believed it would be “voluntary,” such voluntariness needs to be understood within the scope of his paternalist views on U.S.-Indian relations. Like Head in Upper Canada, McKenney presented himself as the omniscient father, whose children held an imperative duty to follow his benign dictates.

For both Head and McKenney, the theater of Great Lakes Indian diplomacy provided a stage on which to perform these paternalist beliefs and desires. Head could play his coveted role

of father to his “red children of the forest,” and McKenney could similarly bestow his earnest benevolence upon his “Indian children” (while perhaps also admiring the men’s mature masculine forms). Yet for the Native peoples of the region, the diplomatic protocols represented a particular understanding of what relations between themselves and the Americans or British should entail. The kinship designation of “father” denoted the expectation that American and British agents would reciprocate Native generosity (for entry onto indigenous lands and into indigenous economic and social relations) with their own acts of generosity and mercy. For the First Nations-British alliance in North America, these expectations of reciprocity would continue to hold currency – albeit to an increasingly limited extent – into the 1840s, despite British attempts, beginning in the 1820s and continuing into Arthur’s administration, to discharge their “moral” duty to the First Peoples through a different paternalist conception of morality: that of “civilization” and Christianity.<sup>815</sup>

Even Cass during the 1820s, with his machinations to assert U.S. sovereignty and attempts to undermine what he perceived as British influence, still had to work within the protocols of Great Lakes diplomacy. Working within these protocols, Cass sought to assert a paternal authority that often breeched the bounds ascribed to a fictive “father.” He instead heralded an absolutist and supremacist model of masculine power, in which U.S. sovereignty was to reign supreme over abrogated indigenous sovereignties. But as discussed in chapter one, his failure to subject the Ojibwe suspects of the Lake Pepin deaths to U.S. legal jurisdiction, for instance, highlighted that even illusions of absolute sovereignty could not be achieved without

---

<sup>815</sup> Indeed, as J.R. Miller shows, this diplomatic language continued to hold currency throughout the nineteenth century, even while colonial then national administrators implemented coercive and destructive policies, which undermined the relationship that had given the oratory its substance: J. R. Miller, "Victoria's "Red Children": The "Great White Queen Mother" and Native-Newcomer Relations in Canada," *Native Studies Review* 17, no. 1 (2008).

the consent of the region's peoples who would not submit willingly to his version of supremacist, masculine authority.

Although much less consciously and calculatedly, McKenney, Head, and Arthur all similarly subverted these protocols, imbuing them with a new version of authoritarian paternalism. McKenney unconsciously highlighted this process in his 1846 *Memoirs*. In these musings on the state of U.S.-Indian relations, McKenney infused the old diplomatic language of metaphorical kinship with the decidedly more contemporaneous language of Christian paternal benevolence. McKenney thus wrote, with regret, about what he saw as “the apathy that pervades the councils of this great nation” upon the subject of Indian relations. “And where,” he asked “shall be found a solution of the almost universal indifference with which a great portion of our race, *Christian*, as we profess to be, listen to the wails that reach them from the wilderness homes of these abused and cast-off people? The cry from the forests, from the beginning, and that which is heard to this hour, and which has never been hushed for over two hundred years, is, ‘PROTECT US – PROTECT US – PITY AND SAVE US!’ But where are the practical responses that show that this cry has even been properly regarded?”<sup>816</sup> Directly quoting the metaphoric language of Great Lakes diplomacy, in which Native speakers would couch their requests by asking for their “father” to “pity” them, the literally minded McKenney imbued the language with his own understandings of the necessary paternal relations between the U.S. government and its American Indian “children.” In this rendering, a metaphoric assertion of older diplomatic codes became pleas for acts of evangelical Christian “benevolence.”

While indigenous people continued to imbue this language with their own meanings, these protocols nevertheless provided fertile ground for men such as McKenney and Head to perform their own visions of fatherly benevolence. As with Cass's attempts in the 1820s, their

---

<sup>816</sup> McKenney, *Memoirs, Official and Personal*: 93.

versions of paternal authority could never be fully imposed without the consent of their “children.” Yet, by infusing the language with their own understanding of paternal moral duties, these men created an increasingly unbreachable divide between their expectations and those of Native peoples. For all these men, paternal duties entailed a unilateral assertion of their own vision for indigenous people’s futures. They therefore represented a turning away from an indigenous-defined system of paternal relations based on reciprocity and mutual mercy and forgiveness.

Although indigenous-colonist relations in Van Diemen’s Land and Port Phillip did not have the same long diplomatic history, in both locations Arthur’s and La Trobe’s respective humanitarian visions shut out possibilities for integrating indigenous-defined expectations of reciprocity in return for the colonists’ expropriation of indigenous land and other resources. Arthur, for instance, failed to recognize the need to negotiate with the delegation of Oyster Bay people who arrived in Hobart in the wake of Musquito’s arrest. Fifteen years later across the Bass Strait, La Trobe would, despite the initial hopes of the Wurundjeri leader, Billibellary, be completely blind to Kulin expectations of reciprocity, established with the “Batman treaty.” Like McKenney and Head, both Arthur and La Trobe translated indigenous people’s words and actions in line with their own visions for ideal relations. For Head, this was a vision for their pristine future on Manitoulin Island, away from the polluting and destructive influences of “civilization.” For the other three men, this vision was for indigenous people to follow their “benevolent” dictates, and become “civilized” Christians.

While all these men justified removal as the righteous and benevolent fulfillment of their society’s “moral” duty to indigenous peoples, their justifications in fact perpetuated schemas of morality that erased indigenous people’s individual subjectivities and collective personhoods.

There was therefore always necessarily a marked discord between what these men wrote about indigenous people and the realities of indigenous people's lives. Stripped of their humanity, indigenous people appear principally as the objects of these men's visions. In their writings these men therefore revealed the coercive implications of their "benevolent" designs. They also unwittingly provided insights into how important their own masculinities were in their projections of indigenous people's futures. As discussed in chapter three, although these men justified removal as part of their moral duty to save indigenous people, their writings reveal that perceptions of "moral" dangers – other than those they made explicit – may have contributed to their advocating for the stark segregationism of removalist policies. They reveal, furthermore, how important their abilities to play a particular masculine role were to their projections of indigenous peoples' futures. For Arthur, this was the role of the sincere humanitarian conciliator; for La Trobe, the morally virtuous "civilized" mentor; for McKenney, the sexually pure father figure; and for Head, the heroic savior of his "red children of the forest." Even for Lewis Cass, a committed egalitarian republican, when it came to dealing with Native American peoples, he took a decidedly hierarchical approach to power, playing the role of an authoritarian patriarch.

Though all deeply implicated in efforts to subjugate indigenous peoples, these men nevertheless consistently positioned themselves as innocent of any wrongdoing.<sup>817</sup> They saw themselves as separate from both the natural and manmade forces that supposedly worked to harm indigenous people. They were thus not complicit in the allegedly inevitable spread of "civilization" that threatened to annihilate indigenous people. And their good intentions apparently meant that they were above the fray of any immoral conduct on the part of their

---

<sup>817</sup> In her 1987 work, *The Legacy of Conquest*, Patricia Limerick, for example, states that one of the persistent values that "white Americans" have attached to westward expansion – "in defiance of contrary evidence" – is "the idea of innocence.": Patricia Nelson Limerick, *The Legacy of Conquest: the Unbroken Past of the American West*, 2nd ed. (New York: W. W. Norton & Company, 2006). 36.

fellow Americans or Britons. Arthur and La Trobe, for instance, blamed escalating indigenous-colonist conflicts on the “lower-class” stockmen and the indigenous people themselves. While Cass, with his commitments to egalitarian republicanism, never placed himself above the “frontiersmen” with whom he identified politically (instead consistently blaming American Indians and the British for any violence), McKenney identified himself as a benevolent Christian American, distinctly separate from perpetrators of frontier violence.

Yet despite these men’s ostensibly divergent political ideologies, and the different cultural contexts in which they exercised their authority, they nevertheless imposed on their dealings with indigenous peoples a fundamentally similar paternalist conception of morality. Moreover, they mobilized this paternal relational order to portray as just, necessary, and natural the expatriation of indigenous peoples and the expropriation of their homelands.



## Bibliography

### Primary Sources

#### Archives

*Durham University Library, Durham, U.K.*

3<sup>rd</sup> Earl Grey Papers

GRE/B76/3, Correspondence with Sir George Arthur

GRE/B115/1, Correspondence with William Lamb Melbourne

*Harvard University, Houghton Library, Cambridge*

Papers of the American Board of Commissioners for Foreign Missions

ABC 11, Letters from Officers of the Board

ABC 13, Letters from Government Officials

*National Archives, Washington, D.C.*

RG 75, Records of the Bureau of Indian Affairs

M1, Michigan Superintendency Letters Sent

M21, Office of Indian Affairs Letters Received

M234, Office of Indian Affairs Letters Sent

*National Archives, Public Records Office, Kew, U.K.*

CO 42/212, Colonial Office, Despatches from Lower Canada, 1827

CO 42/438, Colonial Office, Despatches from Upper Canada, 1836

CO 42/441, Colonial Office, Correspondence from Upper Canada, 1837

CO 42/454, Colonial Office, Canada, Original Correspondence, Secretary of State – Upper Canada, Individuals, 1838

*National Archives of Canada, Ottawa*

Francis Bond Head Family Papers. (Originals at Bodleian Library, Oxford, U.K.)

Q Series      Transcripts from London

CO 42/439, Colonial Office, Despatches from Upper Canada

CO 43/45, Colonial Office, Original Correspondence to Canada, Despatches and Miscellaneous

RG7, G7      Upper Canada Sundries

RG 10 Vol. 2, Governor General's Office, Despatches from Lieutenant Governors to Governor, Lieut. Governor Upper Canada to Governor, 1840  
Records of the Department of Indian Affairs and Northern Development  
Vol. 14, Superintendent General's Office, Correspondence, 1820-1821  
Vols. 44-46, Deputy Superintendent General's Office Correspondence, 1831-1841  
Vols. 63-65; 68-73, Chief Superintendent's Office, Upper Canada, Correspondence, 1831-1841  
Vols. 502-503, Chief Superintendent's Office, Letterbooks, 1829-1844  
Vol. 569, Western Superintendency, Letterbooks, 1830-1836

*National Library of Scotland, Edinburgh, U.K.*

John Murray Archive, MS 40672, MS 42279

*Public Records Office of Victoria, Melbourne, Australia*

VPRS 16, Office of the Superintendent, Outward Registered Correspondence, 1839-1851  
VPRS 4411, Copies of Registered Correspondence Relating to the Moravian Mission, Lake Boga Aboriginal Reserve

*Tasmanian Archive and Heritage Office, Hobart, Australia*

Colonial Secretary's Correspondence, Correspondence and Other Papers Relating to the Depredations of the Aborigines  
CSO 1/316 7578 (Vol.1); 1/321 7578 (Vol.6); 1/324 7578 (Vol.9); 1/326 7578 (Vol.11); 1/327 7578 (Vol.12); 1/330 7578 (Vol.15); 1/331 7578 (Vol.16)  
Minutes of Proceedings in Criminal Cases, Various Centres, including Norfolk Island, SC32/1  
Registers of Prisoners Tried in Criminal Cases, SC41/2  
Tasmanian Archival Estrays: Governor's Office – Judges Reports, 1823-39, MM71/1/7

*State Library of New South Wales, Mitchell Library, Sydney, Australia*

A2165, A2188, Papers of Sir George Arthur

*State Library of Victoria, La Trobe Library, Melbourne*

Australian Joint Copying Project  
CO 201, New South Wales, original correspondence (AJCP reel PRO 339, 340, 342, 374)  
Letters, Sir George Arthur, MS 5199  
La Trobe Neuchâchel Archive, MS 13354 (Copies of original papers relating to the La Trobe family, Archives de l'Etat, Neuchâchel, Switzerland)

## Congressional Documents

- “An Act to Provide for the Punishment of Crimes and Offences Committed within the Indian Boundaries.” 3 March 1817. U.S. *House Journal*. 14<sup>th</sup> Cong., 14<sup>th</sup> sess.; ch. 92, 3 Stat. 383 (1817).
- “A Revised System of Laws and Regulations on the Subject of our Indian Affairs.” 1829. *Senate Doc. No. 72*, 20<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (Serial 181)
- “Correspondence on the Subject of the Emigration of the Indians between the 30<sup>th</sup> November 1831 and 27<sup>th</sup> December 1833.” 1834. *Senate Doc. No. 512*, 23<sup>rd</sup> Cong., 1<sup>st</sup> Sess. (Serial 245)
- “Report of the Secretary of War.” 1832. Mil.aff. No. 532, 22<sup>nd</sup> Cong., 2<sup>nd</sup> Sess. (Serial ASP020)
- “Report of the Secretary of War.” 1834. Mil.aff. No. 585, 23<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. (Serial ASP020)

## Newspapers

### *United States*

*Cherokee Phoenix*, 1828, 1829, 1831  
*Chicago Democrat*, 1836  
*Christian Advocate and Journal*, 1829  
*Daily National Intelligencer*, 1820, 1821, 1824, 1826, 1827, 1832, 1835  
*Daily National Journal*, 1824, 1825, 1826  
*Detroit Gazette*, 1825, 1826  
*The Globe*, 1832  
*Illinois Gazette*, 1821  
*Maryland Gazette and Political Intelligencer*, 1822  
*The National Advocate for the Country*, 1822, 1824  
*New-York Spectator*, 1826, 1827  
*Raleigh Register*, 1821.  
*United States' Telegraph*, 1832

### *New South Wales*

*Port Phillip Gazette*, 1841, 1842  
*Port Phillip Herald*, 1841, 1842  
*Port Phillip Patriot*, 1841, 1842

### *Van Diemen's Land*

*Colonial Times*, 1826, 1829  
*Hobart Town Gazette*, 1824, 1825, 1826  
*Hobart-Town Courier*, 1827, 1828, 1830, 1832

## Published

- Aborigines Select Committee. *Final Report from the Select Committee on Aborigines (British Settlements)*. London: House of Commons, 1837.
- . *Report from the Select Committee on Aborigines (British Settlements): Together with Minutes of Evidence*. London: House of Commons, 1836.
- Blake, L. J., ed. *Letters of Charles Joseph La Trobe*. Melbourne: Government of Victoria, 1975.
- Blunt, Joseph. *A Statement of the Indian Relations; with a Reply to the Article in the Sixty-Sixth Number of the North American Review, on the Removal of the Indians*. New York: Clayton and Van Nurden, 1830.
- Buchanan, James. *Sketches of the History, Manners, and Customs of the North American Indians*. London: Printed for Black, Young, and Young, 1824.
- Cannon, Michael, ed. *Historical Records of Victoria Volume 2a: The Aborigines of Port Phillip 1835-1839*. Melbourne: Victorian Government Printing Office, 1982.
- , ed. *Historical Records of Victoria Volume 2b: Aborigines and Protectors, 1838-1839*. Melbourne: Victorian Government Printing Office, 1983.
- Cass, Lewis. *An Examination of the Question, Now in Discussion, between the American and British Governments, Concerning the Right of Search*. Paris: H. Fournier et co., 1842.
- . "Indians of North America." *North American Review* 22, no. 1 (1826): 53-119.
- . "Policy and Practice of the United States and Great Britain in Their Treatment of Indians." *North American Review* 24, no. 2 (1827): 365-442.
- . "Removal of the Indians." *North American Review* 30, no. 1 (1830): 62-121.
- Cheever, George Barrell. *The Removal of the Indians. An Article from the American Monthly Magazine: An Examination of an Article in the North American Review: And an Exhibition of the Advancement of the Southern Tribes, in Civilization and Christianity*. Boston: Peirce and Williams, 1830.
- Childs, Ebenezer. "Recollections of Wisconsin since 1820." *Wisconsin Historical Collections* 4 (1859).
- Clark, Ian D., ed. *The Journals of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate*. Melbourne: Heritage Matters, 1998.
- Commonwealth of Australia, *Historical Records of Australia*. Series 1: Governors' Despatches to and from England. Sydney: The Library Committee of the Commonwealth Parliament, 1914-.
- . *Historical Records of Australia*. Series 3: Despatches and Papers Relating to the Settlement of the States. Sydney: The Library Committee of the Commonwealth Parliament, 1921-.
- Douglas, R. Alan, ed. *John Prince: A Collection of Documents*. Toronto: The Champlain Society, 1980.
- Dredge, James. *Brief Notes of the Aborigines of New South Wales*. Geelong, 1845.
- Ellsworth, Henry Leavitt. *Washington Irving on the Prairie; or, a Narrative of a Tour of the Southwest in the Year 1832*. New York: American Book Company, 1937.
- Evarts, Jeremiah, and Francis Paul Prucha. *Cherokee Removal: The "William Penn" Essays and Other Writings*. Knoxville: University of Tennessee Press, 1981.
- Head, Francis Bond. *The Emigrant*. N.Y.: Harper & Brothers, 1847.
- . *English Charity*. London: J. Murray, 1835.
- . *The Life of Bruce, the African Traveller*. London: J. Murray, 1830.

- . *A Narrative*. London: J. Murray, 1839.
- . "The Red Man." *Quarterly Review* 66 (1840): 384-422.
- . "The Red Man." In *Descriptive Essays Contributed to the Quarterly Review*. 307-67. London: John Murray, 1857.
- . *Reports Relating to the Failure of the Rio Plata Mining Association Formed under an Authority Signed by His Excellency Don Bernardino Rivadavia*. London: J. Murray, 1827.
- . *Rough Notes Taken During Some Rapid Journeys across the Pampas and among the Andes*. Boston: Wells and Lilly, 1827.
- House of Commons Parliamentary Papers. *Aborigines (Australian Colonies)*. London: House of Commons, 1844.
- . *Copies of All Correspondence between Lieutenant-Governor Arthur and His Majesty's Secretary of State for the Colonies, on the Subject of the Military Operations Lately Carried on against the Aboriginal Inhabitants of Van Diemen's Land*. London: House of Commons, 1831.
- . *Copies or Extracts of Correspondence since 1st April 1835, between the Secretary of State for the Colonies and the Governors of the British North American Provinces Respecting the Indians in Those Provinces*. London: House of Commons, 1839.
- . *Papers Relative to the Aboriginal Tribes in British Possessions*. London: House of Commons, 1834.
- Hunter, John Dunn. *Memoirs of a Captivity among the Indians of North America, from Childhood to the Age of Nineteen: With Anecdotes Descriptive of Their Manners and Customs*. London: Printed for Longman, Hurst, Rees, Orme, Brown, and Green, 1824.
- Irving, Washington. *A Tour on the Prairies*. Oklahoma City: Harlow Pub. Corp., 1955.
- Latrobe, C. J. *Report on Negro Education, Jamaica*. London: House of Commons, 1838.
- . *Report on Negro Education, Winward and Leeward Islands*. London: House of Commons, 1838.
- . *Report on Negro Education, British Guiana and Trinidad*. London: House of Commons, 1839.
- Latrobe, Charles Joseph. *The Rambler in North America*. 2 vols. Vol. 2, New York: Harper & Bros., 1835.
- . *The Rambler in North America*. 2 vols. Vol. 1, New York: Harper & Bros., 1835.
- McKenney, Thomas Loraine. *Documents and Proceedings Relating to the Formation and Progress of a Board in the City of New York: For the Emigration, Preservation, and Improvement, of the Aborigines of America. July 22, 1829*. New York: Vanderpool & Cole, printers, 1829.
- . "Indian Sketches and Legends: Part One." *The Knickerbocker, or New York Monthly Magazine* 6, no. 4 (1835): 329-34.
- . *Memoirs, Official and Personal*. Lincoln: University of Nebraska Press, 1973.
- . *Sketches of a Tour to the Lakes: Of the Character and Customs of the Chippeway Indians, and of Incidents Connected with the Treaty of Fond Du Lac*. Baltimore: F. Lucas, Jun'r., 1827.
- Plomley, N. J. B., ed. *Friendly Mission: The Tasmanian Journals and Papers of George Augustus Robinson, 1829-1834*, vol. xiii, 1074 p. Hobart: Tasmanian Historical Research Association, 1966.
- Proctor, George. "The North American Indians." *Quarterly Review* 31, no. 1 (1824): 76-111.

- Prucha, Francis Paul, ed. *Documents of United States Indian Policy*. Lincoln: University of Nebraska Press, 2000.
- Prucha, Francis Paul, and Donald F. Carmony, eds. "A Memorandum of Lewis Cass: Concerning a System for the Regulation of Indian Affairs." *Wisconsin Magazine of History* (Autumn 1968): 35-50.
- Sanders, Lloyd Charles, ed. *Lord Melbourne's Papers*, vol. xvi, [2], 534 p. London and New York: Longmans, Green, and co., 1889.
- Sanderson, Charles R., ed. *The Arthur Papers: Being the Canadian Papers Mainly Confidential, Private, and Demi-Official of Sir George Arthur, K.C.H in the Manuscript Collection of the Toronto Public Libraries*. Vol. 1: 1822-1838. Toronto: Toronto Public Libraries and University of Toronto Press, 1957.
- , ed. *The Arthur Papers: Being the Canadian Papers Mainly Confidential, Private, and Demi-Official of Sir George Arthur, K.C.H in the Manuscript Collection of the Toronto Public Libraries*. Vol. 2: Jan 1839 - Mar 1840. Toronto: Toronto Public Libraries and University of Toronto Press, 1957.
- Schoolcraft, Henry Rowe. *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes on the American Frontiers: With Brief Notices of Passing Events, Facts, and Opinions, A.D. 1812 to A.D. 1842*. Philadelphia: Lippincott, Grambo and co., successors to Grigg, Elliot and co., 1851.
- Shaw, A. G. L., ed. *Gipps-La Trobe Correspondence, 1839-1846*. Carlton, Vic.: Melbourne University Press at the Miegunyah Press, 1989.
- Sheldon, D. C., ed. *The Parramore Letters: Letters from William Thomas Parramore, Sometimes Private Secretary to Lieutenant Governor Arthur of Van Diemen's Land, to Thirza Cropper, His Fiancée in Europe and England, the Majority from 1823-1825*. Sydney: D. and C. Sheldon, 1993.
- Stowe, Harriet Beecher. *Uncle Tom's Cabin or, Life among the Lowly*. New York: Penguin Books, 1986.
- Witherell, B. F. H. "Reminiscences of the North-West." *Wisconsin Historical Collections* 3 (1857): 299-337.
- Worcester, S. M. "The North American Review for Jan 1830, Article III." *Spirit of the Pilgrims* 3 (1830): 141-61.

## Secondary Sources

- Attwood, Bain. *Possession: Batman's Treaty and the Matter of History*. Melbourne: The Miegunyah Press, 2009.
- Ballantyne, Tony. *Orientalism and Race: Aryanism in the British Empire*. Houndmills, Basingstoke, Hampshire ; New York: Palgrave, 2002.
- Barnes, John. "Hunting the Buffalo with Washington Irving: La Trobe as Traveller and Writer." *La Trobe Journal*, no. 71 (2003): 43-66.
- Bartlett, William W. "Jean Brunet, Chippewa Valley Pioneer." *The Wisconsin Magazine of History* 5, no. 1 (1921): 33-42.
- Bayly, C. A. *Imperial Meridian: The British Empire and the World, 1780-1830*. London ; New York: Longman, 1989.

- Beider, Robert E. "Sault Ste. Marie and the War of 1812: A World Turned Upside Down in the Old Northwest." *Indian Magazine of History* 95, no. 1 (1999): 1-13.
- Beissbarth, Ev, ed. *Charles Joseph La Trobe: Australian Notes 1839-1854*. Melbourne: State Library of Victoria and Boz Publishing, 2006.
- Belich, James. *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939*. Oxford; New York: Oxford University Press, 2009.
- Bellfy, Phil. "Cross-Border Treaty Signers: The Anishnaabeg of the Lake Huron Borderlands." In *Lines Drawn Upon the Water: First Nations and the Great Lakes Borders and Borderlands*, edited by Karl S. Hele. 21-41. Waterloo, Ontario: Wilfrid Laurier University Press, 2008.
- . "Migration and the Unmaking of America." *Journal of American Ethnic History* 20, no. 3 (2001): 9-22.
- Binnema, Theodore, and Kevin Hutchings. "The Emigrant and the Noble Savage: Sir Francis Bond Head's Romantic Approach to Aboriginal Policy in Upper Canada, 1836-1838." *Journal of Canadian Studies* 39, no. 1 (2005): 115-38.
- Boyce, James. *Van Diemen's Land*. Melbourne: Black Inc., 2010.
- Broome, Richard. *Aboriginal Victorians: A History since 1800*. Crows Nest: Allen & Unwin, 2005.
- Burton, Antoinette. *Empire in Question: Reading, Writing, and Teaching British Imperialism*. Durham and London: Duke University Press, 2011.
- Christie, M. F. *Aborigines in Colonial Victoria, 1835-86*. Sydney: Sydney University Press, 1979.
- Clifton, James A. *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665-1965*. Lawrence: Regents Press of Kansas, 1977.
- Comaroff, John. "Reflections on the Colonial State, in South Africa and Elsewhere." *Social Identities* 4 (1998): 321-61.
- Conn, Steven. *History's Shadow: Native Americans and Historical Consciousness in the Nineteenth Century*. Chicago: University of Chicago Press, 2004.
- Cooper, Frederick. *Colonialism in Question: Theory, Knowledge, History*. Berkeley: University of California Press, 2005.
- Davies, Susanne. "Aborigines, Murder and the Criminal Law in Early Port Phillip, 1841-1851." *Historical Studies* 22, no. 88 (1987): 313-35.
- Dening, Greg. *Islands and Beaches: Discourse on a Silent Land: Marquesas, 1774-1880*. Carlton, Vic.: Melbourne University Press, 1980.
- Dennis, Matthew. *Seneca Possessed: Indians, Witchcraft, and Power in the Early American Republic*. Philadelphia: University of Pennsylvania Press, 2010.
- Dowd, Gregory Evans. *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815*. Baltimore: Johns Hopkins University Press, 1992.
- Drinnon, Richard. *Facing West: The Metaphysics of Indian-Hating and Empire Building*. Minneapolis: University of Minnesota Press, 1980.
- Drury, Diane Reilly. *La Trobe: The Making of a Governor*. Carlton, Vic: Melbourne University Press, 2006.
- DuVal, Kathleen. *The Native Ground: Indians and Colonists in the Heart of the Continent*. Philadelphia: University of Pennsylvania Press, 2006.
- Fels, Marie. *Good Men and True: The Aboriginal Police of the Port Phillip District, 1837-1853*. Carlton, Vic: Melbourne University Press, 1988.

- Fels, Marie Hansen. *'I Succeeded Once': The Aboriginal Protectorate on the Mornington Peninsula, 1839–1840*. Canberra: Australian National University Press, 2011.
- Fierst, John. "Rationalizing Removal: Anti-Indianism in Lewis Cass's *North American Review* Essays." *The Michigan Historical Review* 36, no. 2 (2010): 1-35.
- Ford, Lisa. *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836*. Cambridge, Mass.: Harvard University Press, 2010.
- Foreman, Grant. *Indian Removal: The Emigration of the Five Civilized Tribes of Indians*. Norman: University of Oklahoma Press, 1953.
- . *The Last Trek of the Indians*. Chicago: University of Chicago press, 1946.
- Green, Michael D. *The Politics of Indian Removal: Creek Government and Society in Crisis*. Lincoln: University of Nebraska Press, 1982.
- Hall, Catherine. *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867*. Oxford: Polity, 2002.
- Hämäläinen, Pekka. *The Comanche Empire*. New Haven & London: Yale University Press, 2008.
- Hempton, David. *Methodism: Empire of the Spirit*. New Haven: Yale University Press, 2005.
- Hershberger, Mary. "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s." *Journal of American History* 86, no. 1 (1999): 15-40.
- Hilton, Boyd. *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795-1865*. Oxford: Clarendon Press; Oxford University Press, 1988.
- Howe, Daniel Walker. *The Political Culture of the American Whigs*. Chicago: University of Chicago Press, 1979.
- . *What Hath God Wrought: The Transformation of America, 1815-1848*. Oxford; New York: Oxford University Press, 2007.
- Jackman, Sydney. *Galloping Head*. London: Phoenix House, 1958.
- Johnson, Paul E. *A Shopkeeper's Millennium: Society and Revivals in Rochester, New York, 1815-1837*. American Century Series. New York: Hill and Wang, 1978.
- Klunder, Willard Carl. *Lewis Cass and the Politics of Moderation*. Kent, Ohio: Kent State University Press, 1996.
- Laidlaw, Zoë. "'Aunt Anna's Report': The Buxton Women and the Aborigines Select Committee, 1835-37." *The Journal of Imperial and Commonwealth History* 32, no. 2 (2004): 1-28.
- . *Colonial Connections, 1815-45: Patronage, the Information Revolution and Colonial Government*. Manchester, U.K. ; New York: Manchester University Press ; Distributed exclusively in the USA by Palgrave, 2005.
- Leslie, John. "The Bagot Commission: Developing a Corporate Memory for the Indian Department." *Historical Papers* 17, no. 1 (1982): 31-52.
- Lester, Alan. "Humanitarians and White Settlers in the Nineteenth Century." In *Missions and Empire*, edited by Norman Etherington. 64-85. Oxford: Oxford University Press, 2005.
- Lester, Alan, and Fae Dussart. "Maculinity, 'Race', and Family in the Colonies: Protecting Aborigines in the Early Nineteenth Century." *Gender, Place, and Culture - A Journal of Feminist Geography* 16, no. 1 (2009): 63-75.
- Limerick, Patricia Nelson. *The Legacy of Conquest: The Unbroken Past of the American West*. 2nd ed. New York: W. W. Norton & Company, 2006.
- MacFarlane, Ian. *1842: The Public Executions at Melbourne*. Melbourne: State of Victoria, 1984.



- McCaughey, J. Davis. "Charles Joseph La Trobe." In *Victoria's Colonial Governors: 1839-1900*, edited by J. Davis McCaughey, Naomi Perkins and Angus Trumble. 13-39. Melbourne: Melbourne University Press and the Miegunyah Press, 1993.
- McClurken, James. "Ottawa Adaptive Strategies to Indian Removal." *Michigan Historical Review* 12 (1986): 29-55.
- McClurken, James M. *Our People, Our Journey: The Little River Band of Ottawa Indians*. East Lansing: Michigan State University Press, 2009.
- Melville, Henry. *The History of Van Diemen's Land from the Year 1824 to 1835, Inclusive, During the Administration of Lieutenant-Governor George Arthur*. Vol. 1, Sydney: D. S. Ford, 1959.
- Merry, Sally Engle. "Law and Colonialism." *Law & Society Review* 25, no. 4 (1991): 889-922.
- Miles, Tiya. *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom*. Berkeley: University of California Press, 2005.
- Miller, J. R. *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*. Toronto ; Buffalo: University of Toronto Press, 2000.
- . "Victoria's "Red Children": The "Great White Queen Mother" and Native-Newcomer Relations in Canada." *Native Studies Review* 17, no. 1 (2008): 1-23.
- Miriani, Ronald Gregory. "Lewis Cass and Indian Administration in the Old Northwest, 1815-1836." University of Michigan, 1974.
- Murphy, Lucy Eldersveld. *A Gathering of Rivers: Indians, Métis, and Mining in the Western Great Lakes, 1737-1832*. Lincoln: University of Nebraska Press, 2000.
- Neumeyer, Elizabeth. "Michigan Indians Battle against Removal." *Michigan History* 55, no. 4 (1971): 275-88.
- Palmer, Brian. "Popular Radicalism and the Theatrics of Rebellion: The Hybrid Discourse of Dissent in Upper Canada in the 1830s." In *Transatlantic Subjects: Ideas, Institutions, and Social Experience in Post-Revolutionary British North America*, edited by Nancy Christie. Montreal and Kingston: McGill-Queen's University Press, 2008.
- Plomley, N.J.B. *The Aboriginal / Settler Clash in Van Diemen's Land, 1803-1831*. Hobart: Queen Victoria Museum & Art Gallery, 1992.
- Portnoy, Alisse Theodore. "'Female Petitioners Can Lawfully Be Heard': Negotiating Female Decorum, United States Politics, and Political Agency, 1829-1831." *Journal of the Early Republic* 23, no. 4 (2003 2003): 573-610.
- Presland, Gary. *Aboriginal Melbourne: The Lost Land of the Kulin People*. Melbourne: McPhee Gribble, 1994.
- Prucha, Francis Paul. "Introduction." In *Cherokee Removal: The "William Penn" Essays and Other Writings*, edited by Francis Paul Prucha. 3-40. Knoxville: University of Tennessee Press, 1981.
- . *Lewis Cass and American Indian Policy*. Detroit: Published for the Detroit Historical Society by Wayne State University Press, 1967.
- . "Thomas L. Mckenney and the New York Indian Board." *Mississippi Valley Historical Review* 48 (1962): 635-55.
- Rae-Ellis, Vivienne. *Black Robinson: Protector of Aborigines*. Carlton, Vic: Melbourne University Press, 1996.
- . "Trucanini." *Tasmanian Historical Research Association Papers & Proceedings* 23, no. 2 (1976): 26-43.

- Read, Colin, and Ronald Stagg, eds. *The Rebellion of 1837 in Upper Canada: A Collection of Documents*. Toronto: Champlain Society & Carleton University Press, 1985.
- Reynolds, Henry. *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia*. Victoria, Australia: Penguin Books, 1982.
- Roe, Michael. "Eumarrah (1798-1832)." In *Australian Dictionary of Biography*, edited by National Center of Biography Australian National University, 2006.  
<http://adb.anu.edu.au/biography/eumarrah-12905>.
- Rogin, Michael Paul. *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian*. New York: Knopf : distributed by Random House, 1975.
- Ryan, Lyndall. *The Aboriginal Tasmanians*. St. Lucia: University of Queensland Press, 1981.
- Ryan, Mary P. *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865*. Cambridge, Eng. ; New York: Cambridge University Press, 1981.
- Satz, Ronald N. *American Indian Policy in the Jacksonian Era*. Norman: University of Oklahoma Press, 2002.
- . "Indian Policy in the Jacksonian Era: The Old Northwest as a Test Case." *Michigan History* 60, no. 1 (1976): 71-93.
- Sellers, Charles Grier. *The Market Revolution: Jacksonian America, 1815-1846*. New York: Oxford University Press, 1991.
- Shaw, A. G. L. "A Colonial Ruler in Two Hemispheres: Sir George Arthur in Van Diemen's Land and Canada." *Tasmanian Historical Research Association Papers and Proceedings* 17, no. 3 (1970): 80-102.
- . *Sir George Arthur, Bart, 1758-1854; Superintendent of British Honduras, Lieutenant-Governor of Van Diemen's Land of Upper Canada, Governor of the Bombay Presidency*. Carlton, Australia: Melbourne University Press, 1980.
- Smiles, Samuel. *A Publisher and His Friends: Memoir and Correspondence of the Late John Murray, with an Account of the Origin and Progress of the House, 1768-1843*. London: J. Murray, 1891.
- Smith, David Lee. *Ho-Chunk Tribal History: The History of the Ho-Chunk People from the Mound Building Era to the Present Day*. Nebraska: David Lee Smith, 1996.
- Smith, Donald B. *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) & the Mississauga Indians*. American Indian Lives. Lincoln: University of Nebraska Press, 1987.
- Stevens, Leonie. "The Phenomenal Coolness of Tunnerminnerwait." *Victorian Historical Journal* 8, no. 1 (2010): 18-40.
- Stoler, Ann Laura. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*. Durham: Duke University Press, 1995.
- Telford, Rhonda. "The Central Ontario Anishinabe and the Rebellion, 1830-40." *Papers of the Algonquian Conference* 32 (2001): 552-70.
- Thwaites, Reuben Gold. "The Wisconsin Winnebagoes: An Interview with Moses Paquette." *Wisconsin Historical Collections* 12 (1892): 399-433.
- Trask, Kerry A. *Black Hawk: The Battle for the Heart of America*. New York: Henry Holt, 2006.
- Tuttle, Charles R. *General History of the State of Michigan: With Biographical Sketches, Portrait Engravings, and Numerous Illustrations*. Detroit: R. D. S. Tyler & co., 1873.
- Veracini, Lorenzo. *Settler Colonialism: A Theoretical Overview*. Basingstoke, Hampshire, UK ; New York: Palgrave Macmillan, 2010.

- Viola, Herman J. *Thomas L. Mckenney: Architect of America's Early Indian Policy, 1816-1830*. Chicago: Sage Books, 1974.
- Waldman, Carl. "Nawkaw." In American Indian History Online, *Biographical Dictionary of American Indian History to 1900* (2000).  
<http://www.fofweb.com.proxy.lib.umich.edu/activelink2.asp?ItemID=WE43&iPin=ind0723&SingleRecord=True>.
- Wallace, Anthony F. C. *Jefferson and the Indians: The Tragic Fate of the First Americans*. Cambridge, Mass.: Belknap Press of Harvard University Press, 1999.
- . *The Long Bitter Trail: Andrew Jackson and the Indians*. New York: Hill and Wang, 1993.
- Walters, Mark D. "The Extension of Colonial Criminal Jurisdiction over the Aboriginal People of Upper Canada: Reconsidering the *Shawanakiskie* Case (1822-26)." *The University of Toronto Law Journal* 46, no. 2 (1996): 273-310.
- Walters, Ronald G. *American Reformers, 1815-1860*. New York: Hill and Wang, 1997.
- Watson, Harry L. *Liberty and Power: The Politics of Jacksonian America*. New York: Hill and Wang, 2006.
- Weaver, John C. *The Great Land Rush and the Making of the Modern World, 1650-1900*. Montreal ; Ithaca: McGill-Queen's University Press, 2003.
- White, Richard. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*. Cambridge & New York: Cambridge University Press, 1992.
- Witgen, Michael J. *An Infinity of Nations: How the Native New World Shaped Early North America*. Philadelphia: University of Pennsylvania Press, 2012.
- Wolfe, Patrick. "Land, Labor, and Difference: Elementary Structures of Race." *American Historical Review* 106, no. 3 (2001): 866-905.
- . "Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era." *Social Analysis*, no. 36 (1994): 97-107.
- . "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (2006): 387-409.
- . *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. London and New York: Cassell, 1999.