

## The Deserving and Non-deserving Races: Colonial Intersections of Social Welfare History in Ontario

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### Abstract

The history of social welfare in Ontario has a familiar narrative arc. The rise of religious and charitable organizations that gave way to and coexisted with more institutional- and state-sponsored programs is disrupted, however, when multiple stories are considered. An intersectional approach within a post-colonial framework attends to the competing and conflicting discourses and policies that brought into being a white settler society. More importantly, it shows how racial and colonial ideologies are constitutive of our earliest social welfare measures and the rise of political modernity. Through a re-examination of the pre-Confederation period of Ontario (1791–1967), accounts of the deserving and non-deserving poor are understood alongside land treaties, the reserve system, racial slavery, emancipation, and the Fugitive Slave Act. Inserting these histories side by side opens up the common tropes of social welfare history and sheds light on the violent colonial project in which it was situated.

*Keywords:* social welfare history, poverty, race, colonialism, Ontario, polity and social policy, social work theory

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Histories that aim to displace a hyperreal Europe from the center toward which all historical imagination currently gravitates will have to seek out relentlessly this connection between violence and idealism that lies at the heart of the process by which the narratives of citizenship and modernity come to find a natural home in “history.” (Chakrabarty, 2000, p. 45)

Post-colonialism as a failed historicity ... re-examines the centrality of colonialism to a past that henceforth cannot be understood as a totality, or as a shared history. (Ahmed, 2000, p. 11)

In *Provincializing Europe* (2000), Chakrabarty argued that western dominance in the discipline of history has been critical to the trajectory of political modernity and the entrenchment of concepts such as “citizenship, the state, civil society, public sphere, human rights, equality before the law, the individual, distinctions between public and private” (p. 4). Social welfare history in Ontario uses similar tenets, such as the deserving and non-deserving poor, charity, and the transition from private to public forms of assistance. Here, I am interested in how critical histories can reopen

these terms and attend to the violence(s) that supported the rise of these concepts in the region now comprising Ontario.<sup>1</sup> How did these social welfare concepts come into being? What silences and losses are required for various forms of charity and public support to be viewed as *the* social welfare history? How were particular bodies and communities made to matter and in what ways, as this region was transformed?

Our history of social welfare in Ontario often draws upon Britain's distinction between the deserving and non-deserving poor, which emerged in the early 1800s. In Ontario, specified forms of outdoor (coal, bread, milk) and institutional (i.e., Houses of Industry) relief were offered to those considered deserving—the aged and infirm, widows, “deserted” mothers, apprenticed children; when possible, public work schemes were provided to new arrivals and those considered able-bodied. In various ways, forms of surveillance were meted out upon relief recipients depending on the views and administrative capacities of each organization. Various kinds of moral ratings accompanied the acceptance or rejection of relief requests, including the amount of alcohol consumed and the sexual behaviour of potential recipients. Yet, how are these categories opened up and complicated when we place black and Native histories at the centre of our social welfare history? How are the non-deserving races integral to our understanding of the deserving and non-deserving poor?

By the 1800s, the poor laws and outdoor relief in particular emerged as a policy that encouraged dependency, degeneracy, and overpopulation. The colonies were part of these deliberations as possible locations for off-loading the poor, thereby decreasing poor relief costs at “home.” Many scholars have explored the class, gender, and diversity dimensions of early forms of social welfare policies and programs (Graham, Swift, & Delaney, 2011; Guest, 1997). In *Social Policy and Practice in Canada: A History*, Finkel (2006) spent some time tracing the colonial and racial dimensions of social welfare policies. In this paper, I extend this interest to shed light on the early racial and civilizing project of promoting the *habits of industry*. I want to show how race is always a component of poverty and class division in order to historicize the contemporary concern with the racialization of poverty. While the ideological fervour that condemned the pauper in Britain took hold here, this must be viewed alongside the troubling political presence of black settlers, fugitive slaves, and Native populations. Understanding the imperial and colonial policies that targeted these already politicized populations reorders the ways in which social welfare and separate histories are constituted.

The selected policies examined here do not reflect the heterogeneity and complexity of these populations (and many others) or their lived experiences—a different project altogether. The main focus of this account is to centre and contrast

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<sup>1</sup> The Constitution Act of 1791 divided the former Province of Quebec into Upper and Lower Canada, creating Upper Canada, the precursor of the province of Ontario. In 1840 Upper and Lower Canada were joined to form the Province of Canada, comprising Canada West (Upper Canada, Ontario) and Canada East (Lower Canada, Quebec).

secondary accounts of black and Native *histories*, to reveal some intersections and disruptions to our understandings of social welfare and its modernizing project: one that continues to promote a racialized citizenship (Thobani, 2007).

How is racial thinking<sup>2</sup> constitutive of poverty policies—always in the background and/or foreground of the deserving and non-deserving poor, charity, and the transition from private to public forms of assistance? Keeping poor white settlers in check was central to settlement and the solidification of white bourgeois and elite power, while some black settlers and Native peoples were earmarked for other forms of (un)settlement. As white elites and settlers garnered more local power and as support to the poor became increasingly institutionalized, conditions for black and Native populations deteriorated.

Imperial historians and critical race scholars have theorized colonial conquest and the formation of white settler societies in ways that disrupt the colonial past and disciplines that view histories in isolation from one another (Furniss, 1999; Mackey, 2002; Perry, 2001). Many scholars have shown how social policies and social welfare measures construct and exclude Aboriginal peoples and non-preferred races in white settler nations (Baldwin, Cameron, & Kobashi, 2011; Coleman, 2008; Lozanski, 2007; McLaren, 1978; Sharma, 2006; Stasiulis & Bakan, 2005; Stasiulis & Yuval-Davis, 1995; Thobani, 2007; Valverde, 1991). I draw on this scholarship to concentrate on the pre-Confederation period (1792–1867) of Upper Canada (subsequently Canada West) in relation to social welfare as well as black and Native history. The main features of the social welfare literature during this period include: (a) the lack of a poor law; (b) pauper emigration<sup>3</sup> and the growth of religious and voluntary agencies; and (c) the rise of institutional and state responses to poverty as “responsible government” was achieved. I revisit this account, yet locate these events in relation to treaty-making, slavery, a formal reserve policy, relief to fugitive slaves, black collectivities, extradition policies, and the Fugitive Slave Act.<sup>4</sup> A detailed accounting of every policy or history is well beyond the scope of this paper; however, this broad comparative and intersectional framework opens up a history of social welfare that tends to soften colonial conquest. How did views about the (in)capacities of different deserving and non-deserving races underlie the violence and deprivation required for white settler societies to take root?

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<sup>2</sup> Racial thinking has taken many forms in many sites. In the first half of the 1800s, British and French scientists debated the notion of monogenesis (humans descended from one source) versus polygenesis (humans descended from many sources); the latter was used to support the idea of racial slavery. Racialists and evolutionary theorists developed systems of human hierarchies, with western European populations residing at the top. These views coexisted with changing racial depictions of Native populations, such as the noble savage, the disappearing Indian, and the uncivilized Indian. The racial sciences emerged with new vigour post-emancipation.

<sup>3</sup> *Pauper emigrant* is used in primary and secondary sources about this time period to emphasize the imperial application of the term. I use the term *immigrant* in other cases when not referring to this particular subject.

<sup>4</sup> This work draws from my Ph.D. dissertation (O’Connell, 2005).

The first piece of legislation highlighted by social welfare historians of Upper Canada is the Constitution Act of 1791. Scholars remark on the effort made to ban a poor law in Ontario (unlike New Brunswick and Nova Scotia); the absence of such a law set in motion a mix of private charities and weak public support for those in need. John Graves Simcoe, the first Lieutenant-Governor (1791–1796) wanted to make Upper Canada “a perfect image and transcript of the British government and constitution,” (letter from Simcoe to the Duke of Portland, in Kennedy, 1930, p. 215) yet the first legislature ensured a poor law would not be introduced (Petryshyn, 1985, p. 51). The Constitution Act of 1791 introduced the main body of English civil law and individual property relations,<sup>5</sup> which provided a framework for the immigration and settlement of British residents. Dividing the old colony of Quebec into Lower and Upper Canada, the Act offered representative but not responsible government, run by an executive elite known as the Family Compact. Composed primarily of white propertied men, the Family Compact ran the judiciary, most of the colony’s trade, and the Anglican church (Gray, 1999).

Various interpretations of why such an effort was made to reject the introduction of poor law fill the literature. Perhaps a poor law would impede the rise of a productive labour force so necessary to the development of a bourgeois colonial elite and an agrarian commercial-capitalist economy (Baehre, 1981b; Irving, 1989). Self-reliance and independence would be crushed by its introduction, as witnessed in Britain. Others have contended that administrative inadequacies, the lack of a tax base, and levels of corruption in the colony made the implementation of a poor law impossible (Smandych, 1995; Splane, 1965). Smandych (1995) added that a “well-ordered” society would reduce the costs for the elite of supporting the poor, and noted that perhaps Ontario followed Quebec’s precedent, which included a rejection of a poor law and bankruptcy laws. These arguments, however, do not extend to the pre-existing Nations, the politics of slavery, and the treaties required for and affected by British immigration.

The rejection of a poor law ensured that impoverished white settlers would have to fight for their survival and the material rewards that may or may not be possible, acts that would increasingly put them into conflict with Native nations. Favourable depictions of Upper Canada as a “poor man’s country” at the time invited the poor into the colonial mission of conquest, as pioneers struggling on the frontier. Berger (1966) has described how masculine notions of self-reliance, strength, and hardiness became attributes of a dominant northern race—a vision that concealed the brutality faced by destitute settlers. The frontier narrative of settling an empty land and establishing a colonial society was embraced at the time and continues to circulate with contemporary purchase (Furniss, 1999; Mackey, 2002; O’Connell, 2010). Many scholars have remarked on how idealized pioneer tropes continue to fill history books, literature, art history, and social policy (Coleman, 2008).

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<sup>5</sup> One seventh of all land surveyed in each township was reserved for the support of the clergy, and another seventh was marked as Crown reserves held for sale until prices were deemed favourable (Anderson, 1985).

The signing of treaties and the often illegal manner in which they were obtained facilitated the immigration of the British poor and middle class while initiating the cultural and economic devastation of many Native communities. Private property and the promotion of individualism ran counter to the more matrilineal and communal social welfare practices and laws of many Native nations (Finkel, 2006). As key traders and warriors, Native nations contended with competing French and British empires. Yet with the signing of the Treaty of Paris (1763), they no longer held the balance of power between the two warring empires. British attempts to secure Native allegiance against rising dissent in the Thirteen Colonies lead to the Royal Proclamation of 1763, which as Dickason (1992) observed, included the “provision that all lands that had not been ceded to or purchased by Britain that formed part of British North America were to be considered ‘reserved lands’ for the indigenes” (p. 188). Within Indian Territory the imperial government barred settlers from buying or occupying land without obtaining permission from the government (Table 1). These clauses riled the Thirteen Colonies and opposed their plans for western settlement; to counter this threat the British sought the allegiance of French Canadians in the proclamation of the Quebec Act (1774). Nonetheless, the ensuing War of Independence (1776–1783) created serious divisions between Iroquois Nations and thwarted their attempts at an enduring pan-Indian alliance. A flood of United Empire Loyalists and Native groups loyal to the Crown headed north to Canada, once occupied by French fur traders, trappers, settlers, and Native peoples. Migrations intensified after the British lost the war; Iroquois Loyalists were rewarded with land grants along the Grand River and in Tyendinaga.

Table 1.

*No Poor Law, New Treaties, and the Extension of Slavery (1791–1812)*

<b>Social Welfare History</b>	<b>Native History</b>	<b>Black History</b>
<ul style="list-style-type: none"> <li>• No poor law</li> <li>• British-style constitution</li> <li>• British immigration</li> </ul>	<ul style="list-style-type: none"> <li>• Signing of treaties</li> <li>• British domination in Great Lakes</li> <li>• Adhering to Royal Proclamation?</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-slavery bill overruled</li> <li>• Black Loyalists head north</li> </ul>

British domination in the Great Lakes region took a devastating toll as land bases disappeared and diseases took hold (Lawrence, 2002). At the start of the nineteenth century, 18,000 indigenous persons lived in Upper and Lower Canada; this dropped to 12,000 twenty years later. The Iroquois Six Nations attempted to combat these attacks by disregarding the boundaries set out by the Constitution, in hopes of exploiting the lingering rivalry between the republic and empire (Taylor, 2002). Upper Canada’s vulnerability to American attack forced Britain to appear to be adhering to the principles of the Royal Proclamation of 1763 (Ray, 1996, p. 150). At the same time, Upper Canadian leadership plotted to divide Indian nations in hopes of driving down land prices (Johnson, 1990). The Crown “obtained” Native

land by negotiating treaties with various Ojibwa groups in exchange for small amounts of money and goods such as “rifles, ammunition, tobacco” (Dehli, 1990, p. 113).

The Constitution Act’s sanction of British immigration also brought with it an endorsement of slavery. As Winks (1971) notes, quoting an act of 1790, “Britain permitted free importation into North America, the Bahamas, and Bermuda of all ‘Negroes, household furniture, utensils of husbandry or cloathing.’ ... Free Negroes were not encouraged” (p. 26).

While Simcoe initiated an anti-slavery bill in response, by 1793 it was overruled by the Upper Canadian parliament, of which many members were slave owners (Cooper, 2000). As Cooper told us, slaves in Upper Canada would cross the border back to the United States to obtain freedom in Michigan. Cooper’s work disrupted the common narrative of fugitives fleeing northward to freedom and shed light on the singular focus on British (white) settlers in the social welfare literature (Table 1). Native and black histories encourage us to examine how impoverishment and survival were bound up in challenging the imposed borders and laws prescribed by the Constitution. The politics of slavery and transborder migrations were critical features of how Upper Canada’s material and cultural formation would transpire and affect different populations (Bristow, 1994; Cooper, 2000; Walker, 1982). Survival for Native and black settlers sometimes required multiple migrations, the rejection of imposed borders, and strategies to build Native alliances and fight against racial slavery. The ambitions of empire and the republic were projected onto a geography already occupied and defined by Native nations, who subsequently challenged the Crown and initiated strategies of border defiance (Taylor, 2002).

### **Pauper Emigration, Voluntary and Religious Organizations**

Social welfare historians mark the War of 1812 as a critical shift in the consolidation of power in the colony. The British government looked to increase the colony’s security through the establishment of military settlements and increased British emigration. Although emigration was viewed with suspicion in England, rising poor relief levels and the desire for widespread reform in Britain weakened this position (Gates, 1968; McDonald, 1999). Emigration to Upper Canada would ideally reduce poor rates in Britain and provide an important route to recover lost status or attain status that was not available back home. Pauper emigration was promoted by settlers who wrote about their experiences in Upper Canada and by the Royal Commission on the Poor Laws (O’Connell, 2005; O’Connell, 2009). The trick was to encourage the right kind of emigrant; not one too destitute as to overburden the colony or too ambitious, thereby “saddling Britain with its profligate dependants” (Checkland & Checkland, 1834/1974, p. 488).

British settlement and pauper emigration schemes to Upper Canada were officially encouraged by Robert Wilmot-Horton, member of Parliament and undersecretary for the colonies between 1822 and 1828. Projects were promoted and organized by private speculators, corporate shareholders, aristocratic landlords, philanthropic agencies, and professional societies. Others were supported by parishes

and a few government-assisted emigration programs (Table 2). While those going independently always outnumbered assisted emigrants, their numbers made a significant contribution in the post-Napoleonic period (Cameron, 1976, 1993). Poor and middle-class emigrants were settled by the Canada Company (a creation of British investors who purchased two thirds of the clergy reserves), which opened in 1826 due to the efforts of Wilmot-Horton. The British Colonial Service beginning in the 1820s also promoted emigration through its chief agent A. C. Buchanan (1828–1837), who was closely affiliated with the Canada Company. The colonies continued to be portrayed as the answer for many of Britain’s excess workers (Splane, 1965).

Table 2.

*Pauper Emigration, Annuities, Experiments, and Fugitives (1812–1830)*

<b>Social Welfare History</b>	<b>Native History</b>	<b>Black History</b>
<ul style="list-style-type: none"> <li>• War of 1812</li> <li>• Military settlements</li> <li>• Increased British immigration</li> <li>• Pauper emigration schemes</li> <li>• Courts of Quarter Session</li> <li>• Voluntary and religious welfare organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Tecumseh’s success</li> <li>• Introduction of annuities in treaties</li> <li>• Utilitarian experiments to civilize</li> <li>• Growth and speed of treaties / loss of land</li> </ul>	<ul style="list-style-type: none"> <li>• Freedom for military duty</li> <li>• Battles between republic and Crown</li> <li>• Abolitionist activities</li> <li>• Activated racial codes in U.S.</li> <li>• Substantial settlement</li> <li>• Wilberforce (1830)</li> <li>• Churches and agencies to help fugitives</li> </ul>

As historians of social welfare contend, few relief measures greeted the poor as they arrived in Upper Canada. Emigration agents at ports and throughout the colony assisted destitute and ill immigrants. Each relief measure and all grants to institutions required legislation and were in response to immigrants who were sick or considered a threat to the colony. In the pre-union period (prior to 1840) Justices of the Peace (operating like a Family Compact, but locally) in the Court of Quarter Sessions controlled all requests for outdoor relief, voting on expenditures to meet the needs of people in their districts (Murray, 1988; Splane, 1965). The prevalence of gaols as the most common response to pauperism remained in line with the popular view that poverty was in fact a crime. Under legislation passed in 1810, gaols were used as Houses of Correction in Upper Canada (Baehre, 1981b, p. 73).

Due to the absence of a poor law and political reluctance toward assisting the poor, religious groups and voluntary agencies took the lead in forming social welfare programs in Upper Canada (subsequently Canada West). Eventually these groups extracted public support from the government at the municipal and provincial levels, setting the direction of social welfare for the next century (Splane, 1965; Valverde, 1999). The first major voluntary welfare agencies to appear in Upper Canada were the Society for the Relief of Strangers in Distress (1817), York Hospital, the Female Society for the Relief of Poor Women in Childbirth (1825), and the Female Benevolent Society of Kingston (1821; see Baehre, 1981b; Speisman, 1973; Splane,

1965). While the focus was initially on immigrants, eventually local paupers were helped out—but only those sick and destitute—initiating restrictions on who could access support. As the 1830s drew near, private religious agencies began more often to enforce moral distinctions between a deserving and less deserving poor. While this version of early relief measures tells part of the story, it is inextricably linked to battles over land, military security and alliances, and the promotion of civilized conduct.

### **Land Theft and Utilitarian Experiments**

The outcome of 1812, military settlement, and minimal supports to the poor were dependent on the transformation of Native nations and the ongoing threat of slavery. British immigration and pauper settlement schemes were financed by a fundamental change in the character of colonial land-theft policies and the emergence of utilitarian experiments for “civilizing” the Native.

Tecumseh (Shawnee) and the 30 tribal nations that fought to win the War of 1812 played a key role in securing the territory of Upper Canada. Success and security for colonists, however, rendered Native peoples less useful as military functionaries against the French and the United States. The drastic shift from viewing Native nations as military and trade partner to viewing them as inferior uncivilized subject was supported by racial theories and the colonial desire to civilize and Christianize (Laidlaw, 2007). As McWhorter (2005) has told us, earlier notions of the noble savage gave way to views about inferior underdeveloped peoples. Nonetheless, the British encouraged Ojibway migration from the United States to secure potential services against the Americans and to destabilize local Ojibway communities (Lawrence, 2002).

At this time, the Colonial Office argued that colonies themselves would have to pay for the acquisition of Native land. Lt.-Gov. Peregrine Maitland (1818–1828), supporter of the Family Compact, devised a solution by turning to Native people for credit. By paying annuities in perpetuity for land rather than a traditional lump sum, the government would then resell the land to development companies and settlers on credit. The annual interest payments of the buyers would fund and maintain the scheme. Maitland also turned his hand to social engineering, agreeing to build the Mississauga farming village on the Credit River (Dickason, 1992, p. 232). Annuities became an integral part of all later treaties with the Crown and helped accelerate the rate of land surrenders after 1818 (Ray, 1996, pp. 152–153).

Racial ideologies about the uncivilized underwrote and financed the emigration of poor white settlers, who themselves remained on the racial, social, and economic margins of white elite power. Growing distinctions between the deserving and non-deserving poor occurred alongside the extraction of large tracts of land and new projects to civilize the Native into humanity and adopt the values of white settlers. The Family Compact and a host of “entrepreneurs” would reap the benefits of this unstable and shifting hierarchy. As Knowles (1992) wrote, Colonel Thomas Talbot (aide to Governor Simcoe) obtained a grant of 5,000 acres of land (deeding 25% to himself) and spent the next 30 years opening and populating the western part of



Upper Canada, on Iroquoian land (p. 26; McDonald, 1999, p. 120). Another 7,000,000 acres were “acquired” from Aboriginal groups and added to the area of Upper Canada between 1818 and 1828 (Gates, 1968, p. 158). The Canada Company acquired over 2,000,000 acres of land from the Chippewa Indians (Huron Tract), making annual payments to the provincial government between 1827 and 1843 (Knowles, 1992, p. 35). The deal provided a return on investments for British shareholders and the sale of clergy reserves strengthened the financial security of the Anglican church (Anderson, 1985, p. 89).

### **Slavery and Racial Codes**

The end of the War of 1812 also meant Loyalists came north with slaves, while many Loyalist “free men” landed in Nova Scotia and Ontario. As black settlers fought on behalf of the British Crown and protected border towns throughout Upper Canada, the politics of racial slavery was omnipresent. Before and after the war, fugitive slaves were granted freedom and land if they worked as reliable militiamen, yet they did not receive the same benefits as white subjects (Winks, 1971, pp. 29, 35). While poor emigrants might stabilize economic and social tensions in Britain, the use of fugitives as militiamen ignited political battles between the republic and the Crown. After the war, migrations continued north as abolitionist activities in Upper Canada took hold and dormant racial codes were reignited in the northern states (Hill, 1963; Shadd, 1994). As early as 1828, two hundred fugitives petitioned Lt.-Gov. Peregrine Maitland (1818–1828) for land in Upper Canada in order to reduce the danger of being kidnapped and carried back to the South. Compared to poor immigrants, the desire to congregate and settle occurred under vastly different political conditions (O’Connell, 2005). By the late 1820s, a substantial black population was central to the economic development of border towns, rural, urban, and northern communities across the province.<sup>6</sup> The famous rural black collective named Wilberforce was established on the future site of Lucan, Ontario, by 1830; it was an 800-acre self-sufficient colony jointly purchased by Cincinnati fugitives and Quakers.

Like many Europeans, the black community founded their own churches, collectives, and benevolent societies. Baptist churches were established as early as 1818, followed by the Coloured Wesleyan Methodist church and the British Methodist Episcopal church; names that marked their opposition to American slave interests. Early on, the centrality of slavery and racial prejudice were central factors in naming places of worship and social welfare organizations (Hill, 1963, 1985). Charitable organizations for black settlers and fugitives struggled with the Victorian credo for self-improvement and encouraging the habits of industry, but within a hostile racial politics (Table 2). White- and black-run charitable agencies included

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<sup>6</sup> Black communities were established in Welland, St. Catherines, Colchester, Windsor, Amherstburg, London, Chatham, Dresden, Toronto, Oro, and Queen’s Bush. A black elite was established in Toronto, a black community arose in Hamilton by 1832, and between Waterloo and Guelph; black farmers had settled also in Penetanguishene, Collingwood, Owen Sound, and Barrie (Winks, 1971, pp. 145–146).

the Anti-Slavery Society of Canada, the Ladies Coloured Fugitive Association, the Ladies Association for the Relief of Destitute Coloured Fugitives, and the Queen Victoria Benevolent Society (Hill, 1985). Many of these organizations cooperated with and often challenged white charity and spoke about the need for racial advancement and strategies to counter white settler racism.

While battles over the poor laws and the condemnation of the pauper in Britain trickled into social welfare policies, debates continued over racial slavery and evolutionary theories that questioned the basic freedom, humanity, and capacities of black and Native populations. Military alliances with black and Native populations were pursued and dismissed when necessary, followed by the quest for land and policies to spread civilization. These histories complicate our conceptual framing of the deserving and non-deserving poor and our thinking about whose history is imagined and legitimized in our social welfare past and present. While these policy shifts demonstrated imperial politics at work, racially motivated views about deserving populations were embraced by settlers themselves. When Lt.-Gov. Colborne supported the Wilberforce collective, white settlers organized petitions against it. By 1830 a select committee of the Upper Canadian Assembly recommended but failed to put restrictions on black immigration (Walker, 1982). As white settlers gained new powers in the colony, racial thinking and the politics of conquest intensified.

The political dynamics of social welfare in Upper Canada would take many turns until Confederation. The reform of the poor laws in England—designed to discipline the labouring poor—contrasted with the Emancipation Act's declaration that labour must be free. Both policies, however, encouraged the pauper and slave to prepare themselves for economic freedom (O'Connell, 2009). An increase in immigration of poor white settlers to Upper Canada was matched by black and fugitive settlers responding to the Emancipation Act, the fight against extradition, and the horrors of the Fugitive Slave Act. As social welfare measures became more institutionalized and responsible government took hold, the economic and cultural conditions for black and Native communities deteriorated (Table 3). A formal reserve policy, forced relocations, massive land loss, and irresponsible government were policies Native communities attempted to resist.

### **The New Poor Law, Institutional Supports, and Responsible Government**

Poor law reform (1834) in England led to the introduction of new restrictions and institutional state responses to social welfare measures in Upper Canada. Through elimination of outdoor relief and expansion of the workhouse system in Britain, the labouring poor were forced into accepting any job in the emerging national capitalist labour market. According to Baehre (1981a) this policy shift was extended to Upper Canada by restricting land to the poor in hopes of building a capitalist labour market and capital investment in the province. In Radforth's (1992) estimation, an economic argument of this sort is premature; however, a colonial bourgeoisie did form through voluntary associations and through philanthropic and social reform. Edginton (1981) expanded the scope of the argument by stating that factory production in industrialized Britain organized the "political apparatus of

colonial domination” (p. 36). In this view, capitalist social relations have been present in Upper Canada since 1791, as part of empire.

Table 3.

*Institutionalized Support, Reserves, Self-Government, and (Ir)responsible Government (1830s–1867)*

<b>Social Welfare History</b>	<b>Native History</b>	<b>Black History</b>
<ul style="list-style-type: none"> <li>• Poor law reform (1834)</li> <li>• Land restrictions to the poor</li> <li>• Cholera outbreaks, public works</li> <li>• House of Industry, Emigrant Asylum</li> <li>• Rebellion of 1837</li> <li>• Durham Report</li> <li>• Municipal reform and responsible government</li> <li>• More Houses of Industry, Refuge and Correction built</li> </ul>	<ul style="list-style-type: none"> <li>• Missionary zeal</li> <li>• Formal reserve policy</li> <li>• Transfer to civil arm</li> <li>• Natives to pay way into civilization</li> <li>• Assimilation or isolation</li> <li>• Manitoulin and Grand River scheme</li> <li>• Robinson–Superior and Robinson–Huron Treaties</li> <li>• From imperial to colonial jurisdiction (1860)</li> </ul>	<ul style="list-style-type: none"> <li>• Emancipation Act (1833)</li> <li>• “Rebellion” against extraditions</li> <li>• Fugitive Slave Act (1850)</li> <li>• Separation or scatteration</li> <li>• Self-government</li> <li>• Rise in racial sciences</li> <li>• American Civil War (1861–1865)</li> </ul>

During the 1830s, the rise in British emigration rates coincided with two cholera epidemics. In spite of the new restrictive land policy, Lt.-Gov. Colborne (1828–1836) was forced to introduce public works projects and to offer small plots of land, while billeting families, the sick, and the elderly with local householders (Splane, 1965). Concerns about the signs of a pauper ghetto on the banks of Lake Ontario emerged in York in 1834, which culminated in a legislated slum clearance and the building of Toronto’s House of Industry (1837), a British-style workhouse. Once again the bulk of necessary funds would come through (multidenominational) private subscriptions. The opening of the Emigrant Asylum and the House of Industry marked a significant move from individual voluntary relief to institutional support. Each demanded discipline and labour, with regulations and rules that were watched over by a board of directors (Baehre, 1981b, p. 67). Disciplinary techniques to observe, monitor, shape, and control the behaviour of individuals were enacted by these institutions (Foucault, 1979). One’s participation in these charitable activities became a marker of white civility, gender division, and patronage appointments (Elson, 2007). Private ethnic/religious societies aided members of their own ethnic groups; new agencies were established to respond to cholera epidemics (Baehre, 1981b). The apprenticeship of children and the sorting out of the deserving from the “pretended” poor was increasingly rigorous; the Emigrant Asylum refused admission to the idle and disorderly. Many able-bodied indigent emigrants in 1831–1834 were shipped out of York if they could not find employment. The deserving poor—those most desperate—(too ill or unable to work or maintain themselves) were left behind.

At a higher level, the Upper Canadian government initiated the House of Industry Act on March 4, 1837. While the institution was built, the Act was never implemented, as the Rebellion broke out. By the time the legislation was tabled, Colborne had relinquished his post to the new Lieutenant-Governor, former poor law commissioner of Kent, Sir Francis Bond Head. Bond Head was a classic Malthusian who advocated for harsh and brutal workhouses (Baehre, 1981b). His confrontational political style exacerbated tensions in the colony, in part inciting the abortive Rebellion of 1837. Lord Durham was commissioned to report on the reasons for the rebellions in Lower and Upper Canada. In the Durham Report, he argued for a reunification of Upper and Lower Canada in hopes of drowning the Francophone population in an English majority.<sup>7</sup> The extreme levels of poverty in the countryside—“where not hundreds but literally tens of thousands of destitute settlers had been sent” (Baehre, 1981a, p. 362)—attracted the attention of the Colonial Office, investors, politicians, and Lord Durham. Following the Act of Union, Lord Sydenham and Robert Baldwin introduced responsible government and a municipal system that would increase local powers to deal with social welfare problems. New municipal powers allowed for the construction of more institutions and the provision of outdoor relief. In Canada West, social welfare measures came hand in hand with new forms of power to punish, control, and “improve” the poor. This role was critical to managing the increase in population from 432,000 by 1840, to 952,000 in 1850, and 1,545,000 by Confederation (Splane, 1965, p. 5). While responsible government is the celebrated marker of more enhanced social welfare measures and colonial self-government, this achievement needs to be situated alongside the racial dynamics and economic marginalization of black and Native populations.

### **Self-Government, Black Collectivities, and Communal Welfare**

The New Poor Law, institutional support to the poor, and responsible government coincided with the Emancipation Act, extradition laws, and the Fugitive Slave Act. This period is marked by a significant rise and then fall of black migration to Canada West and struggles over emigration schemes, charity, and social welfare. For various reasons the community of Wilberforce stopped being a collective by 1836; failure to fulfill a contract with the Canada Company meant the Company was less willing to sell land to blacks. Those who were landless were forced to work on road-building projects as employees of the Canada Company or found work clearing the land of large estates, such as the one belonging to Colonel Talbot (Walker, 1982, p. 82). The historical literature reveals a gradual evacuation or disappearance of earlier black settlements, such as the Queen's Bush, Oro, and more established places like Amherstburg (Bristow, 1994; Brown-Kubish, 1996). The fading of these communities and Wilberforce coincided with unequal access to land grants, jobs, schools, and churches for black settlers (Brown-Kubish, 1996; Knight, 1997).

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<sup>7</sup> The Durham Report's three main reforms included: responsible government in the British North American colonies, the amalgamation of Upper and Lower Canada into a united Province of Canada, and the assimilation of French Canadians.

The rise in racial tensions was exacerbated by political debates over the extradition of fugitive slaves. The United States was angered by Britain's ongoing efforts to entice fugitives from slavery and by their refusal to extradite slaves back to the United States. The eventual treaties officially allowed for extradition, yet various stipulations and interpretations of British justice and natural law often protected fugitive slaves and extended the diplomatic tensions between the Crown and the republic (Miller, 2012). Black leaders petitioned against each request to recapture fugitives, as kidnappers roamed the colony. While the leadership of Upper Canada (and subsequently of Canada West) was opposed to slavery, colonial abolitionist rhetoric was often weighed against raising the "floodgates" to fugitive slaves and the political ire of the republic (Miller, 2012; Walker, 1982; Winks, 1971). Indeed, Lt.-Gov. Bond Head was notorious for finding ways to help American slave owners regain their "property" in spite of the passing of the Emancipation Act (1833).<sup>8</sup> After the Act, tensions were exacerbated as thousands more fugitive slaves and black settlers entered Upper Canada (from 6,000 to 9,000 in the 1830s). In spite of Bond Head's interventions, black settlers gambled on the Crown; 1,000 black settlers volunteered to quash Mackenzie's rebellion against the Family Compact. During the Rebellion the issue of slavery again surfaced. In order to discredit Mackenzie and his followers (who were abolitionists), the Family Compact depicted them as American-like sympathizers ready to hand over the colony to the United States and to slavery (Gallant, 2001).

Another "rebellion" in the same year as Mackenzie's efforts saw black settlers (women in particular) physically intervening to stop the extradition of Solomon Moseby in 1837.<sup>9</sup> Lord Durham's report was again significant for what it left out. In 1838, Peter Gallego (a young black man and graduate of Upper Canada College and University of Toronto) requested that Lord Durham call on Queen Victoria to ensure that fugitive slaves would receive special treatment in any forthcoming treaty. The petition was ignored and disappeared from sight (Martin, 1974, p. 83). Black leaders and settlers continued to be active in famous extradition cases and in forming "community-wide vigilance committees that published notices warning all newcomers that slave owners had their agents in Toronto" (Shadd, 1994, p. 58; see also Miller, 2012).

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<sup>8</sup> In Ontario, slavery gradually died out through manumission, slave escapes, and the trial process, with slaves suing their owners for their liberty. The public was generally opposed to slavery; only two people claimed their freedom once the Emancipation Act was passed (Cooper, 2000, p. 332).

<sup>9</sup> The famous case of Solomon Mosely, who was arrested for stealing his master's horse in aid of his own escape, was met by 400 protesters outside the prison the day of his transfer. Two men were killed, and Mosely escaped. The incident was witnessed by Anna Jameson, who wrote about the number of black women who fought off the guards to assist in his escape (Shadd, 1994, p. 61). In another case Nelson Hackett (who stole a few items to ensure his escape) was rowed back across the Detroit River by Upper Canadian officials in February 1842. Dismay over this case led to some improvement in extradition cases (Winks, 1971).

The political achievement of responsible government was accomplished while black leaders were grappling with the entanglements of self-government and extradition laws amidst a hostile racial politics. The emergence of a civil society and debates over the deserving and non-deserving poor brought into being a political modernity with only certain bodies and freedoms in mind. Inadequate public and institutional forms of social welfare occurred alongside the formation of under-resourced black utopian and vocational communities, such as Elgin (a.k.a. Buxton, 1849), Dawn (1841), Wilberforce (1830), and the Refugee Home Society (1846; O'Connell, 2005). Various emigration schemes promoted by white philanthropists and black leaders were struck to assist black settlers to migrate to and then out of Upper Canada from 1830 to 1860 (Winks, 1971, p. 154). These communities were political flashpoints for the well-documented debates among black leadership about Black Nationalism, anti-black sentiment, and achieving racial uplift in the midst of white hostility. The exchanges between Martin Delany and Henry Bibb, who advocated for a separatist black identity (segregation), and Mary Ann Shadd and Samuel Ringgold Ward, who offered well-honed theories on integration or scatteration, fill the historical literature (Law, 1998; Rhodes, 2000). These are not stories of the past, but indeed are part of a political genealogy that complicates foundational views and concepts about social welfare.

From Shadd's perspective the separatism of collectivities and emigration schemes promoted the idea that ex-slaves had to be segregated and trained in the habits of industry. Emigration schemes and separate institutions merely extended racial thinking; many Christians and white philanthropists should be viewed as bitter enemies of blacks (Rhodes, 2000). Indeed, the post-emancipation period was marred by an uncompromising defence of the racial sciences in Britain and across the empire (Cooper & Stoler, 1997; Drescher, 1992). Fundraising for black collectivities and emigration plans were easily tarnished as so-called "begging" systems. In addition, associations with pauperism (the non-deserving poor) might provide a rationale for the continuation of slavery. Efforts to combat these views led to a black communal welfare network called True Bands, established by mid-century; members paid monthly fees that were collected and distributed to ill and poor black settlers. Beginning in Malden, by 1856 there were 14 chapters across the province with 200 to 500 members in each one (Slaney, 2003).

The complications of extradition and charity took on new urgency after the United States passed the Fugitive Slave Act of 1850 (Walker, 1982; Winks, 1971). The Fugitive Slave Act bound and encouraged the entire country to assist in the recapture and return of fugitives who had fled at any time, even years before.<sup>10</sup> The bill led to an extreme homogenization of African-Americans, whether fugitive or free, who were placed under threat of enslavement (Olbey, 2000, p. 155). Land speculators in the United States stirred up fear about roaming slave-catchers so fugitives and free blacks would abandon their lands for close to nothing (Gallant, 2001). In one month following the passage of the Act, 3,000 blacks crossed into

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<sup>10</sup> Fugitives (and free blacks) were arrested without due process; no black, slave or free, could testify in cases; financial incentives were offered those who turned someone in.

Canada (Olbey, 2000, p. 155). While the famous Underground Railroad assisted many, most fugitives arrived independently. Expecting improved conditions in Upper Canada, black settlers instead found considerable discrimination in schools, churches, public transportation, the labour market, and all aspects of social life (Silverman, 1998; Walker, 1982). The Ladies Association of the Anti-Slavery Society and some established black families claimed there were too many blacks coming at an alarming rate. Black leaders shot back, pointing out the lack of objections to poorer European immigrants who, unlike blacks, had yet to make their contribution to the welfare of the province (Hill, 1963).

By the end of the 1850s, racial hostility propelled many to flee white Canadian dominance “despite the guarantees of legal equality and the absence of slavery” (Rhodes, 2000, p. 182). With the exception of Elgin, the well-known black utopian colonies like Wilberforce, Dawn, and the Refugee Home Society slowly disintegrated. Due to racial prejudice, an economic depression, the war effort, and a desire to see family and regain lost property in the United States, some black settlers headed south after 1860 (Wayne, 1998). This broader history shows us how notions of the deserving and non-deserving poor, institutional and private support to the poor, and promises of citizenship had racial undertones; our views of responsible government are complicated by the social welfare debates of black settlers.

### **Indian Administration, Reserve Policy, Missionary Zeal, Irresponsible Government**

The New Poor Law or extradition laws are not often linked to Native history. Yet the politics of workhouses, charities, and black collectivities were related to the aggressive insertion and expansion of colonial policies and missionary activities in all aspects of Native life. Coincident with the Rebellion, the Durham Report, and the introduction of responsible government, Native nations would witness fundamental and violent affronts to their survival. These included wholesale changes in Indian administration, the beginning of a formal reserve policy and residential schools, the deepening of missionary zeal, and a massive loss of land and resources throughout Upper Canada (Table 3). In 1830 the Indian department in Upper Canada was transferred to the civil or public arm; the Lieutenant-Governor was also the superintendent general of Indian affairs. Indian agents were increasingly required to deal with hostile missionaries, to settle land disputes, and to use gift distributions as a way to enforce settlement (O’Connell, 2005). Christian missionaries supplanted military agents of colonialism and as Hall (1988) has argued, they found their message falling on fertile ground. A disappearing land base, economic and social dislocation, and the steady westward advance of settlers was making it painfully clear to the Anishinawbek (Ojibwa) they were rapidly running out of land (Ray, 1996, p. 153). Nonetheless, Native leaders like Shingwaukonse (Little Pine, 1773–1854) and his sons continued to negotiate for economic and political independence by affiliating with rival churches and confronting colonial and imperial powers, land surveyors, mining companies, and the police (Chute, 1998).

By 1830, the provision for reserves became a common feature supported by missionaries and social reformers who argued Native people must become self-

supporting farmers. Houses of Industry, Emigrant Asylums, black collectives, and emigration schemes were formed alongside the expansion of the reserve system—the type of enforced exclusion dominant in colonizing processes (Shewell, 2004). Utopian experiments were designed to create communities that would reflect Victorian ideals, model villages for the inculcation of white values and rehabilitation of deficient populations. Many of the experiments drew their inspiration from long-established villages in Canada East. Lt.-Gov. Colborne promoted the mission of redemption and reform; however, Native people would have to pay their way into civilization. Education and religious instruction would be financed by the sale or lease of Native land (O'Connell, 2005). Colborne's view that reserves must be established near immigrant farmers was quickly replaced by Lt.-Gov. Bond Head's resurrection of the noble savage; Native peoples must be rescued from their imminent demise by locating reserves in remote locations (Ray, 1996, p. 153).

In Upper Canada, the formation of reserves resulted in great failures and few successes. When Native peoples initiated reserve agreements, efforts were made to excise them from being an economic competitor in Canada West. In Lt.-Gov. Bond Head's primitivist view model villages were a waste of time: "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" (Dickason, 1992, p. 237). Manitoulin Island would be the place. Chief Joseph Sawyer and Peter Jones were strongly against the removal of local Anishinaabeg to Manitoulin. Bond Head ignored the Royal Proclamation and illegally arranged two major land cessions with the Ojibwa leaders and the Saugeen Ojibwas of Bruce Peninsula. Once again the aborted Rebellion sealed Bond Head's fate, still a large number of Native people turned out to defend the British Crown to make their pleas more difficult to ignore. The forced removal was blocked; however, the land surrender was upheld (Dickason, 1992). Lord Durham viewed the rebellion as a sign that cheap land for white settlers must take priority over Native demands (Lawrence, 2002). By the 1840s, the Ojibwa had signed away most of the arable section of present-day southern Ontario, except for remote tracts in the Bruce Peninsula. Government officials would continue to express helplessness in the face of land-hungry white settlers and squatters (Ray, 1996, p. 155).

The Six Nations along the Grand River were confronting a different threat. A scheme to open the Grand River for navigation would flood their lands and ruin the fisheries. Lt.-Govs. Colborne and Bond Head assisted the Grand River Navigation Company with \$160,000 from band funds and 369 acres of land without the consent of the Iroquois (Dickason, 1992, p. 239). With commercial interests shifting toward railways, the company went bankrupt, and the Iroquois were left holding the worthless stock. In the same year as the Fugitive Slave Act, the Robinson–Huron and Robinson–Superior Treaties were passed by the Canadian legislature. Loggers were invading reserved lands in the Temiskaming and Abitibi regions, assisted by the Crown Lands Department, which had been authorizing mining activities without consideration of Native interests or the surrender of any territory. In spite of widespread resistance to the treaties, the petitions, Native assemblies, and appeals to the Crown were rejected; by now virtually all of Canada West was cleared of Native



title (Dickason, 1992, p. 254; Ray, 1996, p. 156; Surtees, 1986). Far from celebrating responsible government, Native groups would increasingly appeal to Britain for “protection” from the local colonial officials and local settlers (who by Confederation had taken over Indian administration). In both cases, the colonial secretary maintained that any imperial action would amount “to an unwarranted intervention in the responsible government of the local colonial legislature” (Hall, 1988, p. 164). With so much property and resources at stake in the Robinson Treaties, new incursions into defining and measuring Indian identity and ancestry (and how to be led out of official Indianhood) were now considered necessary. Once referred to in treaties with the Crown as Native nations, Ojibway parties had now become “subjects” of the Queen and “tribe” members (Hall, 1988). As public institutions to assist and discipline the poor expanded, local leadership attempted to redefine and engineer the private and public sphere of Native nations.

### **Conclusion**

The lack of a poor law set in place social welfare measures and a sustained narrative about a struggling northern race that would eke out an existence against the odds. White elites created limited and moralistic policies for local paupers and poor emigrants, a direction that would solidify their own power base and make a white dominion appear as their own. Never a smooth or complete endeavour, it left poor settlers tenuously situated in this emerging hierarchy and eager to benefit from “new” lands. Disciplining poor white settlers was crucial to this project, a practice that overlapped with gender, religious, ethnic, and cultural divisions. Imperial powers and white elites mapped out new territories and battled with Native nations and rival empires in and out of wartime and over border conflicts. Native and black populations made strategic use of cross-border alliances for their own survival, while at the same time showing strategic allegiances to the Crown in attempts to secure their citizenship, freedom, and rights. Black churches and charities struggled over extradition laws and slavery, and the political risk of forming their own social welfare measures or accepting white philanthropy while attempting to combat racial hatred.

By the 1830s, the containment of the poor and debates about fugitive slaves and Native populations were expressed in the formation of Houses of Industry, black collectivities, emigration schemes, and the reserve system. Attempts at enclosures and exclusion were a dominant feature of colonial rule, yet articulated in the language of improvement and humanitarianism. As responsible government took hold, the material and cultural marginalization of Native and black communities deepened. Nonetheless, these populations attempted to articulate notions of self-government within an unstable yet increasingly institutionalized social and political hierarchy. If a mix of private and public measures organizes our history of social welfare, this existed in a cultural, political, and economic structure that allowed only certain subjects to claim individual and collective rights, to accept charity, and to possess a “private” world and participate in an emerging “public.” Notions of the deserving and non-deserving poor are inadequate for understanding the economic and racial struggles in the colony. Again, these are not stories of the past. Many of

the struggles for various forms of self-government and political relevance resonate in contemporary Indigenous and black communities who point to increased and enduring exclusions and the racialization of poverty. The intersection of these histories disrupts our everyday social welfare terms and illustrates how *history* participates in formulating a political modernity that softens or sidesteps colonial (and neocolonial) violence(s) in the past and present.

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