

Treaty History Waterloo North Mennonite Church – Oct 31, 2021 Adult Ed. presentation

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As of the end of 2017, it has a total of 27,276 members, 12,848 of whom live on the reserve. 950,000 acres in original Tract. Now around 5% or 46,000 acres remain.

Population in 1784 – 1,843

Treaty of Ghent 1814 – Ended the war of 1812

London Convention 1818 – set Canada's southern boundary at the 49th parallel with the new American States.

We don't disregard these treaties, why do we feel we can disregard Indigenous Treaties?

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Darren Thomas – Third Age Learning, October 15, 2019 summarized the differences like this: Concept of land ownership is different in a profound sense. It's not that they did not understand the European view of land ownership. This disagreed with it.

Imbedded in the language. Land "ownership" is or was invested in the clan mothers. Identity and land are intimately connected. The language is the same as used for connection to family. One does not own family, but rather has a relationship with family. This is the same with land. European land is invested with ownership and rights. In the Haudenosaunee languages, land is invested with relationship and responsibility. It is like family.

In English, we say "it belongs to me". In Onkwehonwe'neha they would say, "I have a relationship with it."

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"These two rows will symbolize two paths or two vessels, travelling down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the non-[I]ndigenous people and their laws, their customs and their ways. We shall each travel the river together, side by side, but in our own boat. Neither will try to steer the other's vessel." — Attributed to historian and Mohawk Elder Ray (Tehanetorens) Fadden

- Originally made between the Haudenosaunee and the Dutch in 1613
- Extended to the English and all European newcomers there-after
- Forms the basis for all subsequent relations and treaties
- A living document
- White rows represent – peace, friendship and respect (forever)

The Two Row is a foundational philosophical principle, a universal relationship of non-domination, balance, and harmony between different forces. The Two Row principles of peace, respect, and friendship can exist within any relationship between autonomous beings working in concert. These include nation-to-nation relationships, dynamics between lovers and partners, and the relationship between human beings and our environment.

Silver Covenant Chain – alliances between the Haudenosaunee and the English. Silver rather than iron as iron would rust. But the silver would require periodic polishing to remain fresh. The alliances would be regularly renewed by means of meetings, and symbolic gifts.

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1600s were very turbulent, diseases, wars , relocations

Dish with One Spoon treaty with Anishinabek Nations. Wording hearkens back to the Great Law of Peace.

We promise to have only one dish among us; in it will be beaver tail and no knife will be there... which means that we will all have equal share of the game roaming about in the hunting grounds and fields, and then everything will become peaceful among all of the people; and there will be no knife near our dish, which means that if a knife were there, someone might presently get cut, causing bloodshed, and this is troublesome, should it happen thus, and for this reason there should be no knife near our dish.

Peace of Montreal 1701 – New France and 1300 representatives of 39 Indigenous Nations, Including Haudenosaunee all Ontario Anishnaabe Nations, and nations of the upper lakes.

Lasted for nearly for 60 years until the fall of New France to the British.

1701 Nanfan Treaty with John Nanfan at Albany. Recognized Five Nations territory or Hunting Grounds to extend to Southern Ontario, Michigan and Ohio. (by “conquest”)

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Clowes Map and the Nanfan Treaty

Recognized and referred to in meetings though the 1700s.

Map was drawn by an Indigenous cartographer. Did not use the European convention of North being at the top of the map. If we rotate this map, it makes more sense to our eyes.

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Clearly knew the geography and what they were claiming sovereignty over. Lake Michigan/Huron are really one lake.

Treated with and shared this land with some of the other resident nations, such as the Mississauga and Chippewa

Land acquired by “conquest” over several nations. Land became theirs from the Neutral, Wendat, Erie etc.

Through the 1700s, many other nations joined the Haudenosaunee, some with, some without territorial adhesions.

Tuscarora was the last Nation to join as a unified named Nation.

Others:

Lenape, Connoy, Nanticoke, Delaware,

Many others took shelter under the Great Law as refugees from the east coast and American Colonies.

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1759 – Britain defeated New France at the Plains of Abraham and took control of the French colonies in New France.

This defeat and take over by the British, threw into question the relationships of Indigenous Peoples to European Nations. Indigenous nations desired clarification of relationships if the French were no longer in the picture.

In response the British crown issues the Royal Proclamation of 1763. Key to all later relations.

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At first reading it appears to guarantee Indigenous title while simultaneously claiming sovereignty over all of Indigenous Territory in North America. This includes all lands West of the British 13 colonies and the Alleghenies.

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Sir William Johnson (Superintendent of Indian Affairs) presented the 1764 Covenant Chain and 24 Nations Wampum stating on July 31st, 1764: (Brit. Indian Dept. inst. 1755)

“Brothers of the Western Nations, Sachems, Chiefs and Warriors; You have now been here for several days, during which time we have frequently met to renew and Strengthen our Engagements and you have made so many Promises of your Friendship and Attachment to the English that there now remains for us only to exchange the great Belt of the Covenant Chain that we may not forget our mutual Engagements. I now therefore present you the great Belt by which I bind all your Western Nations together with the English, and I desire that you will take fast hold of the same, and never let it slip, to which end I desire that after you have shewn this Belt to all Nations you will fix one end of it with the Chipeweighs at St. Marys [Michilimackinac] whilst the other end remains at my house, and moreover I desire that you will never listen to any news which comes to any other Quarter. If you do it, it may shake the Belt.”

When Johnson had finished speaking, a Two Row Wampum belt was used by Indigenous Peoples to reflect their understanding of the Treaty of Niagara and the words of the Royal Proclamation.

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Treaty of Niagara was 1764

American Revolution – 1765 to 1783 –American colonies wanted free access to Indigenous lands west to the Mississippi.

- Four of Six Nations fight for Britain in the American Revolution (1765-1783) – Seneca, Cayuga, Onondaga and Mohawks
- Some Oneidas and Tuscaroras serve as scouts for the Americans but primarily remain neutral.
- Sullivan Campaign 1779

Washington to Sullivan 1779

The Expedition you are appointed to command is to be directed against the hostile tribes of the Six Nations of Indians, with their associates and adherents. The immediate objects are the total destruction and devastation of their settlements, and the capture of as many prisoners of every age and sex as possible. It will be essential to ruin their crops now in the ground and prevent their planting more. ...that the country may not be merely overrun, but destroyed. But you will not by any means listen to any overture of peace before the total ruinment of their settlements is effected. Our future security will be in their inability to injure us and in the terror with which the severity of the chastisement they receive will inspire them

- Other incursions and attacks and battles south of the lakes. Notably resistance by the Shawnee, Miami, Cherokee under Blackfish and Blue Jacket in the Ohio Valley. This war continued after the revolution culminating in the defeat at Fallen Timbers, 1794

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- Many of Six Nations become refugees and endure brutal winter and starvation outside Fort Niagara.
- Treaty of Paris 1783 ends American Revolution and cedes Indigenous lands south of the lakes to the Mississippi River. Haudenosaunee are outraged and request compensation for losses of land, within their traditional hunting grounds.
- Brant as a military ally leader, who fought with Butler's Rangers, and as spokesman lobbies heavily for settlement on Grand River, as it is Haudenosaunee traditional hunting territory.

"...Haldimand expressed support for the settlement of Six Nations Indians on the Grand River. He observed that Joseph Brant had reported "that Col. Butter [sic – Butler] (John Butler) is persuaded he can purchase the Right of the Lands from the Mississagues for a very trifling consideration." 86

1,843 Haudenosaunee (Six Nations) plus some Delaware (Lenape), Nanticokes, Creeks and Cherokee move to the Haldimand Tract under Joseph Brant

Some Mohawk also follow War Chief John Deseronto and settle at Tyendenaga on the Bay of Quinte.

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1. Brant was not a "chief" of the Haudenosaunee. He was a war leader or captain and respected as a leader by his people but also by the British. He spoke and wrote English well and the Confederacy Council recognized his good standing with the British.
2. He helped negotiate the Haldimand Treaty and the move to the Grand River. He states many times that his and the Confederacy council's intent was that their standing on the Grand River was to be the same as in their homeland in New York. As in this was now their "ancestral land", and had been so recognized under the Nanfan Treaty.
3. Haudenosaunee were impoverished, an abundance of widows and children from the losses in the Revolutionary war.
3. Nov 2, 1796 - Brant is given a Power of Attorney to negotiate land "leases" or sales to secure an annuity for the support of the Haudenosaunee People. "mouthpiece" for confederacy.
4. Brant dispute with Governor Simcoe

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- Source 275,000 acres – Source never received. Augustus Jones survey and Jones Patent, eliminates the Source from the survey.
- Simcoe did not want to allow leases, Brant wanted to sell the land to invest the proceeds. POT authorized Brant to surrender "in Trust", 310,000 acres. (Blocks 1-4) He sold 352,000 acres, (also sold blocks 5 and 6) to secure an annuity, or 999 year payments for Six Nation perpetual care and maintenance.

- British recognize the sale of blocks 5 and 6 as having been negligence but do not overturn. The sales hold.
- Brant also looked out for his own interests, took kick backs and also received his own personal grant of land at the Dundas. - Brant Tract 3500 acres in 1797.
- In some instances was given payments by purchasers, in others was given a percentage share of land for personal use.
- Block 1, Brant received a full 1,000 acres for personal use.
- In the end Brant is dismissed from this role in 1801

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1. Waterloo North is in Woolwich Township (Block 3 Haldimand Tract)
2. Feb 5, 1798 William Wallace receives letters patent for Block 3, but no mortgage is executed, to arrange payments for Six Nations (Wallace is a carpenter from Niagara)
3. Sept 23, 1806, it becomes clear that Wallace cannot pay for the tract, but allowed to keep 7,000 acres. (under urging from Brant?) Eventually forfeits this in War of 1812.
4. Six Nations is "induced" by the Crown to subdivide the tract for "sale".
5. Six Nations request the return of 7,000 acres.
 - 7,000 acres block not returned to Six Nations as requested - sold to William Crooks 1821, Then to William Allan, 1822
 - 16,000 -acres - principal and interest never credited to Six Nations accounts (Phil Monture research)
 - 45,000 acres sold to the German Company, under John and Jacob Erb (arranged by Augustus Jones) in 1807 – 130 lots of 350 acres each.
 - no record of payments for this land can be found. (Phil Monture research)
 - Sold by Ben Eby and Henry Brubacher to investors in Penn or already in Waterloo, 1 to 3 lot parcels of 350 to 1400 acres each.
 - Where did all this money go, if not to Six Nations accounts?

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- Peter B. Martin had purchased the lot just south of our lot in Waterloo Township as part of the original block 2 sales of the German Company.
- Waterloo North sits on Lot 18 of Block 3 or Woolwich Township
- This Land was purchased by Daniel Z. Martin, (or by Peter) 4th son of Peter B. Martin and Anna Zimmerman.
- So, no doubt the German company did pay for the land in Blocks 2 and 3, but the questions remains, what was done with the proceeds?
- This was all done in good faith by our ancestors
- How much responsibility do we bear for the wrongs of the government acting in our name?
- Have we as a settler society benefitted from this misuse of funds at the Haudenosaunee's expense?

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The Dual Government of Six Nations creates a problematic negotiating situation.

1923 – Deskaheh (Levi General) goes to League of Nations – seeks recognition as a nation and redress of treaty issues.

- Britain and Canada lobby and Deskaheh is not allowed to address the League.
- Deskaheh is not allowed back into Canada
- Haudenosaunee Confederacy Chiefs Council (HCCC) is violently deposed by RCMP and Six Nations Elected Council (SNEC) is imposed. September of 1924
- Deskaheh dies in 1925 of Pneumonia in New York State
- SNEC is often seen as a mouth piece of Canadian colonialism and compromised by collusion. But SNEC does have some support at Six Nations

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- in 1796, Blocks 1,2,3 and 4 were to be shared with settlers on condition that a continual stream of income be derived from these/sales of these lands for “perpetual care and maintenance”.
- Monies realized from the sales of these lands were supposed to be invested on behalf of, and managed for the benefit of Six Nations “perpetual care and maintenance”
- Records show the Crown used those revenues to finance operations in developing Canada with little or no return to Six Nations
- Six Nations is seeking compensation as well as an accounting of what happened to their property, money and other assets in Ontario
- Between 1980 and 1995 , SNEC submitted 29 claims to Canada under the Specific Claims Policy (so far only one has been resolved)
- In 1995 SNEC commenced litigation against Canada and Ontario for the above.
- Claims were placed in abeyance in 2004 (in hopes of Large Claims Process)
- 2009 SNEC re-activated the litigation against Canada and Ontario.
- Global Settlement Idea?
- Value of claims in the Trillions? Canada cannot afford this.
- Canada has insisted on a one time settlement principle, and extinguishment of indigenous title to achieve “certainty”. In the face of perpetual care and maintenance principle. (And the Indigenous understanding of Land/Dish with One Spoon)
- SNEC proposes revenue sharing model for a flow of income from the Haldimand Tract of taxation, development charges etc. for an “ongoing relationship” in good faith.
- Plus a duty to consult on development within the tract

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- The HCCC has always continued to exist. They take direct action. Have frequently tried to re-assert power and control.
- 1959 they re-take the council house in Six Nations, but by the end of the day, RCMP moves in and again violently removes the council using billy clubs.
- 1830 – Six Nations approached to build the Plank Road through their territory. (Highway # 6/Argyle Street) HCCC agrees and asks for 20 year leases on land adjacent to the road. Crown sells the land (based on agreement of a handful of chiefs, not the full

council) Plus there is the continuing problem of ongoing squatters on Haudenosaunee lands. Throughout the tract and at the Caledonia town site.

- Henco Developments starts to build Douglas Creek Estates.
- 2006 the land is occupied by Land Defenders lead by a group of women and supported by the clan mothers. –This leads to violent confrontations with the OPP, and angry attacks by settler groups.
- 2006 Negotiations begin, led by the HCCC. These negotiations break down in 2009
- Canada has insisted on a one time settlement principle, and extinguishment of indigenous title to achieve “certainty”.
- In the face of perpetual care and maintenance principle advocated by HCCC
- HCCC creates the Haudenosaunee Development Institute to approve land developments within the Haldimand Tract.
- HCCC proposes revenue sharing model for a flow of income from the Haldimand Tract of taxation, development charges etc. for an “ongoing relationship” in good faith. Duty to consult.

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- 2013 Blockades resume and gate is erected at Douglas Creek, renamed, “Kanohstaton” which means the “protected place”
- 2015 -Foxgate Developments purchases the adjacent land from numbered company to build “Mackenzie Meadows”.. HCCC opposes this development
- SNEC apparently gives lukewarm support for a payment and land “swap”
- July 2020, Land Defenders occupy Mackenzie Meadows – rename the property 1492 Land Back Lane
- Results in Injunctions, OPP attack with rubber bullets and Tasers, police violence and arrests. Land Defenders refuse to leave. Many charges laid, particularly against Skylar Williams, who becomes spokesman for the land defenders.
- Waterloo North TRAG together with an ecumenical coalition of churches coordinated by Christian Peacemaker Teams, has supported LBL with hot meals on Fridays since the fall of 2020
- July 2021 Foxgate cancels development and sues Federal, Provincial governments , the OPP and some key Land Defenders for losses. Land defenders remain on site.
- Tiny houses, solar, wind, gardens, most charges are dropped but injunction remains.
- Arrowdale Municipal Golf Course in Brantford. Now occupied as well.

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April 2021 the HCCC announces a moratorium on all development within the Haldimand Tract, until land claims are addressed.

At the press conference, Deyohowe:to (Roger Silversmith), Cayuga Snipe clan chief with the Haudenosaunee Confederacy, said it’s “time to end the injustice.”

“We want the land that is ours. We are not interested in approving fraudulent dispossessions of the past,....We are not interested in selling land,” Silversmith said.

Within hours this moratorium was given support by SNEC, elected chief Mark Hill. He stated that it is irresponsible to allow land to be developed which has outstanding land claims against it.

This is not going away.