

WHERE HISTORIES MEET: INDIGENOUS AND SETTLER ENCOUNTERS IN THE TORONTO AREA

Victoria Freeman

ISBN 978-1-77385-644-5

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Early British Treaties

After the defeat of Britain in the American War of Independence (1775–83) and the formation of the United States of America, Britain tried to increase the population of its remaining North American colonies. It needed to defend its territories against further hostilities from the United States and provide land for “Loyalists”—people who lived in the Thirteen Colonies (America) and supported the British. To facilitate these goals, the British negotiated a series of poorly documented agreements with the Mississaugas.

It wasn't until the British become the only game in town that we start to get problems. And that's when the treaty-making process begins. And that's, of course, where the problems really begin for us.

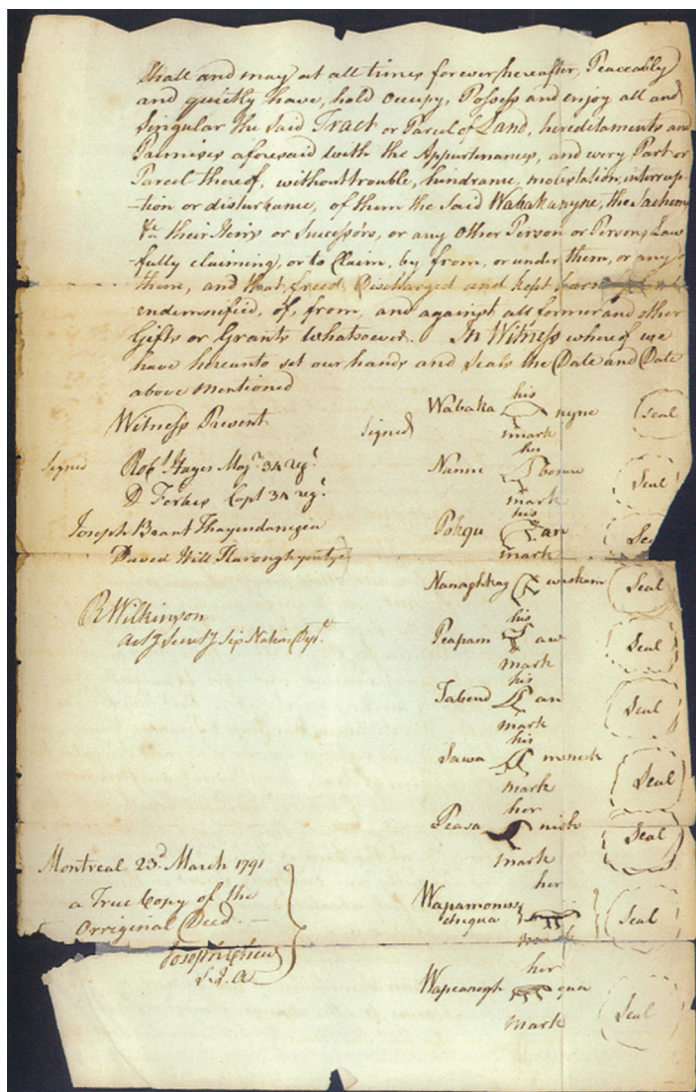
—Darin Wybenga, Mississaugas of the Credit¹

The war divided the Haudenosaunee Confederacy over how best to protect their territories in the colony of New York: some Nations fought for the British, others for the Americans. Those Haudenosaunee (principally Mohawks) who supported Britain lost their homelands and followed War Chief Thayendenegea / Joseph Brant to Canada. Their lands were ceded to the United States through the Treaty of Paris, a move bitterly opposed by the Haudenosaunee.

We challenged the King by what right he had to do that. We only gave him permission to walk upon our lands and share them. He had no authority to cede it away.”

—Phil Monture, Six Nations of the Grand River²

In 1784, the Mississaugas agreed to provide land to the west of Lake Ontario for settlers and Six Nations Loyalists, in what became known as the Between the Lakes Treaty. As Mississauga Chief Pokquan explained to colonial officials, “We are Indians, and consider ourselves and the Six Nations to be one and the same people, and agreeable to a former, and mutual agreement [the Dish with One Spoon], we



Indenture for lands at Grand River, 1784. This is a true copy of the original deed. The top signatory is Wabakinyne, and the last three are principal women | Copy of deed from the Mississaugas, May 22, 1784, correspondence and memoranda received by the Surveyor General's Office, Archives of Ontario, RG 1-1, vol. 2, p. 145

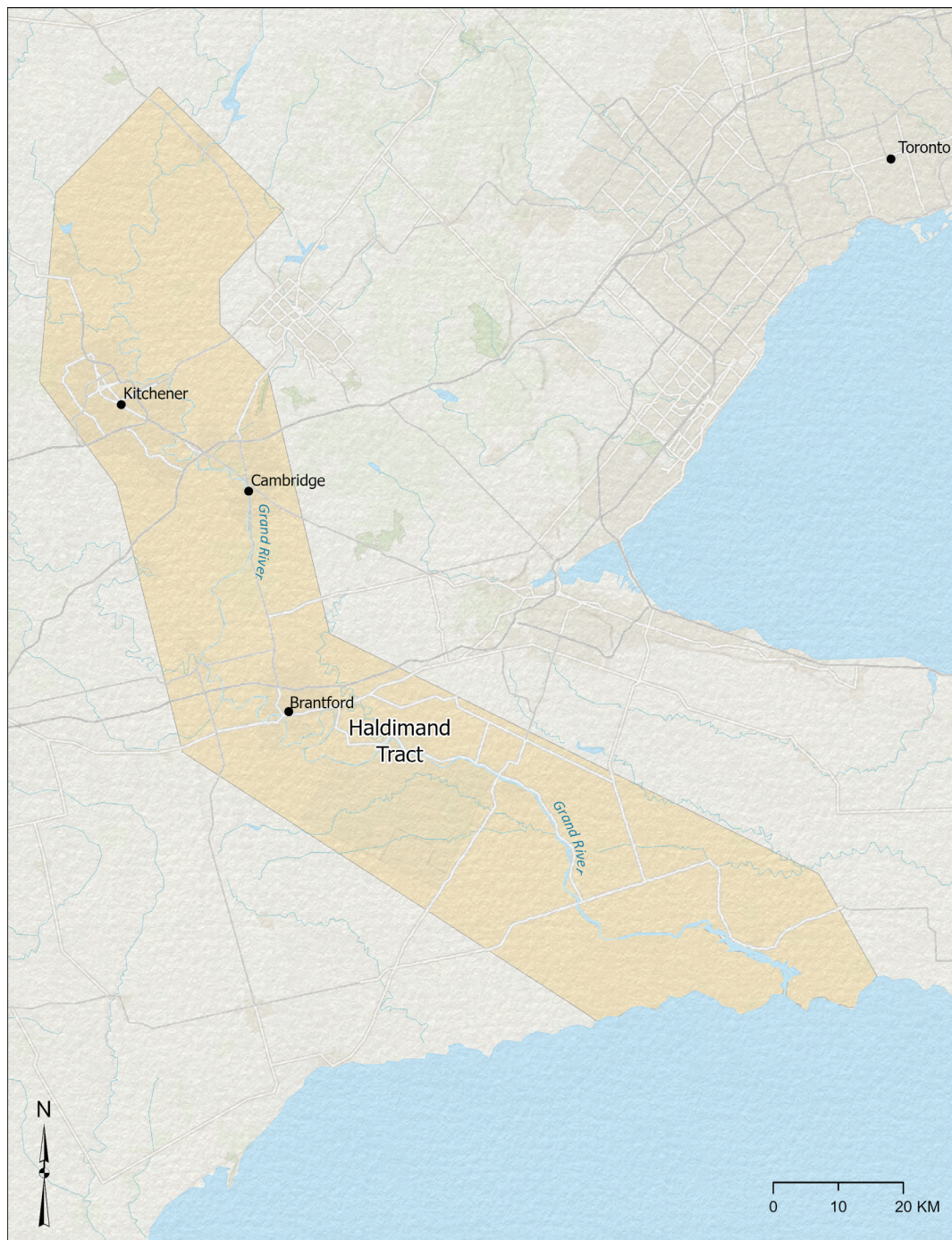
are bound to help each other.”³ The 1784 Between the Lakes Treaty is recognized by Canada but not by the Haudenosaunee.⁴

In the Haldimand Proclamation of 1784 (regarded as a treaty by the Six Nations), the British granted 6 miles (10 kilometres) on either side of the Grand River from its mouth to its source to the Six Nations in perpetuity, in recognition of their loyalty.⁵ A 1785 census recorded that more than 1,400 Haudenosaunee, including almost 450 Mohawks, had arrived from south of the new border and were re-establishing their communities and Nations along the Grand River. They were joined by 400 people from other allied Indigenous Nations.

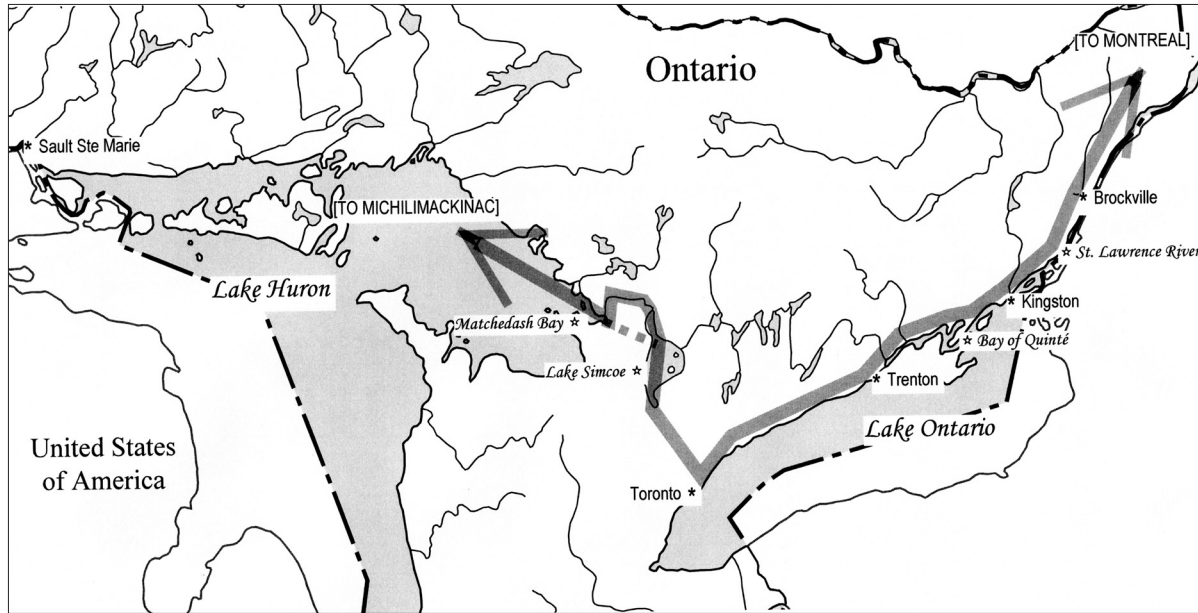
The new arrivals greatly outnumbered the Mississaugas of south-central Ontario, who counted just over 500 people at the time. Their presence substantially altered the political landscape, especially since the Haudenosaunee had been British allies for far longer than the Mississaugas—for more than a hundred years.⁶ Joseph Brant soon became an important intermediary between the Haudenosaunee, the British, and other Indigenous Nations.

The Johnson-Butler Agreements and the First So-Called Toronto Purchase

Because Britain feared the Americans coveted its remaining North American territories, it sought further land cessions from the Anishinaabek to ensure military control of the entire north shore of Lake Ontario and the route from York to Matchedash Bay on Georgian Bay.



Lands granted to the Six Nations through the Haldimand Proclamation of 1784, as surveyed by Augustus Jones, 1791. The size and exact boundaries of the original lands granted to the Six Nations through the 1784 Haldimand Proclamation vary in existing maps and are currently under litigation.



British land purchase strategy, 1783–88 | Reimer, “British-Canada’s Land Purchases, 1783–1788”

The so-called Collins Purchase, a poorly documented agreement in 1785 between Simcoe and the Chippewas of Lakes Huron and Simcoe, was probably not a land cession but granted the British right of passage over the portage route west of Lake Simcoe to Matchedash Bay.⁷ Discussions in 1787 and 1788 with the Mississaugas, the Chippewas of Lakes Huron and Simcoe (including Chief Canise), and others led to other poorly documented land cessions. In 1787, an agreement was made between Sir John Johnson, head of the colonial Indian Department (and son of Sir William Johnson, who negotiated the 1764 Treaty of Niagara), and the Mississaugas concerning the

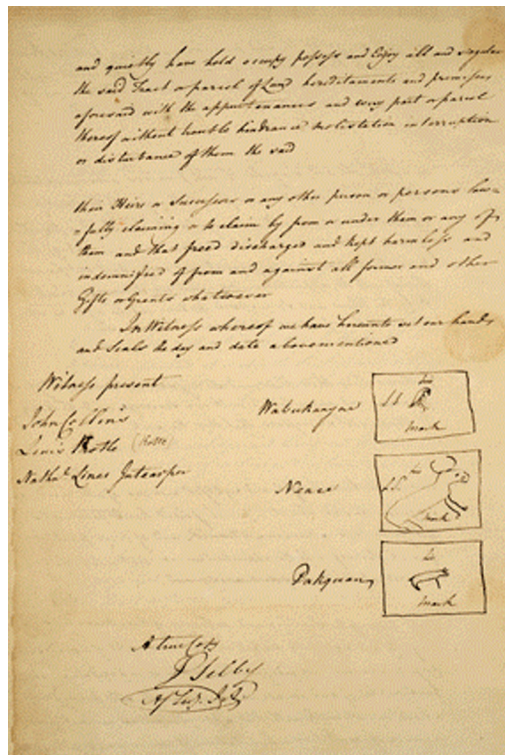
lands at Toronto, including the waterfront and the Toronto Carrying-Place Trail.

From the beginning, the Mississaugas and the British had different understandings of what they were agreeing to. The British intended a land cession, and the negotiations bore a superficial and ultimately deceptive resemblance to Indigenous treaty making in terms of the protocol followed. But the basic assumptions differed substantially. Anishinaabek used land differently than the British: Anishinaabek did not live in permanent villages or farm large areas (though they maintained small gardens). They held their land in common rather than individually, although some areas



Unknown artist, portrait of Sir John Johnson, n.d |
Courtesy of McCord Museum, M17590

were assigned to different family groups for different uses. The Mississaugas likely understood their agreements with the British as allowing the British to use certain lands in exchange for ongoing annual presents, rather like a lease or rental agreement, not a permanent transfer of ownership, the British intention. Although the Mississaugas welcomed the trade goods offered, they



Clerk's manuscript copy of incomplete 1787
Toronto Purchase indicating Doodems of three
Mississauga Chiefs, including Wabakinine |
Library and Archives Canada, RG 10, D-10a, series
A, vol. 1841, reel T-9938, GAD REF IT040

were induced to make agreements because the British promised great assistance to the Mississaugas—teaching them to farm, for example, and free passage across surrendered land to hunt and fish as before. The Mississaugas could not have envisaged being swamped by a flood of settlers, who would outnumber them ten to one, transform the landscape, erect fences, impose their

own laws, and ignore British promises that the Mississaugas could hunt and fish on ceded lands.

You know the Mississaugas of the Credit were part of the Mississauga Nation, along with Scugog, Alderville, Hiawatha, Curve Lake . . . and those are the ones that, as the Mississauga Nation, signed treaties. And then the Mississaugas of the Credit, when Indian Affairs or the federal government at the time wanted them to settle, they kind of broke apart, and they became the First Nations they are today.

—Margaret Sault, Mississaugas of the Credit⁸

Problems with the agreement soon became apparent. In 1788, the first survey of the lands was not completed because of a dispute with Head Chief Wabakinine over the eastern and western boundaries. Surveyor Alexander Aitken reported that Wabakinine had been successfully “pre-vailed upon” by Colonel John Butler to extend the boundaries eastward from the Don River to the eastern end of Ashbridges Bay and westward from the Humber River to Etobicoke Creek.⁹ Not wishing to anger the Chief further after Butler and other officials left, Aitken did not complete a survey of the northern boundary. Gifts were given to the Mississaugas in 1788, which the British recorded as payment for the land, but it’s not clear how the Mississaugas understood them since gifts were customary as an expression and renewal of alliance.

This is the list of gifts given to the Mississaugas of the Credit in 1788 as payment for the Toronto Purchase of 1787, according to Nathaniel Lines, interpreter.¹⁰

6 Bales Strouds [coarse woollen cloth]
4 Bales Moltons [linen cloth]
4 Kegs Hoes
8 Half Barrels Powder
5 Boxes Guns
3 Cases Shott
24 Brass Kettles
10 Kegs of Ball
200 lbs Tobacco
1 Cask containing 3 Gro Knives
10 Doz. Looking Glasses
4 Trunks Linen
1 Hogshead containing 18 pieces Gartering
24 Laced Hats
30 Pieces Ribbon
3 Gro. Fish Hooks
2,000 Gun Flints
1 Box 60 Hats
1 Bale flowered Flannel
5 Bales Blankets
1 Bale Broad Cloth
5 pieces embossed Serge
1 Case Barley Corn Beads
96 Gallons of Rum

At the same meeting in 1788, an agreement was said to have been made for lands along Lake Ontario’s north shore to present-day Belleville, but no deed, treaty document, or record of payment for this “Gunshot Treaty” (purportedly ceding lands as far inland as a gunshot could be

heard) has ever been discovered. In addition, it appears that the northern route to Matchedash Bay, discussed in the 1785 Collins Treaty, was confirmed at this time.¹¹

Those early treaties, I always say we went in with a certain amount of . . . I don't want to use the term "naïveté." We didn't go in with a clear understanding, a clear mind of what we were truly entering into. I think we had the mistaken assumption that we would be still sharing these lands. The British would do their thing on the lands, and we would do our thing. We knew they would build villages, and we knew they would put roads through. We knew that. We weren't stupid. We knew what went on south of the border. We knew that. But we still expected to carry on our lifestyle. I don't think we were ready for the onslaught of people that came. All of a sudden, when you find fences springing up and plowed fields and stripped forests and a salmon fishery that doesn't work so well anymore.

—Darin Wybenga, Mississaugas of the Credit¹²

I think they just thought they were being, like, "Yeah, we can share the land." But the idea of consultation would continue—which didn't.

—Kory Snache, Chippewas of Rama¹³

The Establishment of York

In 1793, Lieutenant-Governor John Graves Simcoe established York at the best harbour on Lake Ontario's north shore. Originally conceived as a military post, York was made the official capital of Upper Canada in 1796. To make it their own, the British sought to transform the area's mental and physical landscape. Simcoe renamed Cobhekenonk / Gabekanaang the Humber River after a river in England; Lake Simcoe, which had been called Ashanyoong / Azhoonyaang (Place of the Calling) by the Mississaugas, was named after Simcoe's father. Simcoe replaced so many Indigenous place names with English ones that Mohawk War Chief Joseph Brant sarcastically observed: "Gen. S[imcoe] has done a great deal for this province, he has changed the name of every place in it."¹⁴

Blank Deed

A year later, in 1794, the British became aware that the precise boundaries of the land cession at Toronto were unaccountably missing from the only treaty document that could be located. Governor Lord Dorchester informed Simcoe:

A plan . . . has been found in the Survey'r General's Office, to which is attached a blank deed, with the names or devices of three chiefs of the Mississauga Nation, on separate pieces of paper annexed thereto, and witnessed by Mr. Collins, Mr. Kotte, a surveyor, since dead, and Mr. Lines, Indian Interpreter, but not being filled



Mary Ann Burges, portrait of Elizabeth Simcoe, 1790 |
Courtesy Toronto Public Library Digital Archive, JRR3264

up, is of no validity, or may be applied to a land they possess; no fraud has been committed or seems to have been intended. It was, however an omission which will set aside the whole transaction, and throw us entirely on the good faith of the Indians for just so much land as they are willing to allow, and what may be further



Jean Laurent Mosnier, portrait of John Graves Simcoe, 1791 | Courtesy of Toronto Public Library Digital Collection, OHQ2-PICTURES-S-R-1

necessary must be purchased anew, but it will be best not to press that matter or show any anxiety about it.¹⁵

Subsequent inquiries of Sir John Johnson (who had negotiated the agreement), the interpreter Nathaniel Lines, and other witnesses all produced different accounts of the boundaries agreed to.



Elizabeth Simcoe, *York Harbour, Looking West from the Mouth of the Don River*, c. 1793 | Courtesy Toronto Public Library Digital Archive, PICTURES-R-3235

The vagueness of the surrender document and these inconsistencies led the British to conclude the deed was indeed invalid and the exact lands it covered in doubt. Although they knew they did not have a valid deed to the lands at Toronto, they did not reveal this to the Mississaugas and settlement proceeded apace. Colonial officials would not find a solution to this problem until 1805.

