



**FOR APPROVAL/INFORMATION**

**TO:** Arts & Science Council

**SPONSOR:** Pamela Klassen, Professor and Chair, Department for the Study of Religion, on behalf of many Chairs, Directors, and Principals in the Faculty of Arts & Science

**CONTACT INFO:** p.klassen@utoronto.ca

**DATE:** November 11, 2020 for November 18, 2020

**AGENDA ITEM:** 7

**ITEM OF BUSINESS:**  
**Treaty Responsibilities Resolution and Calls to Action**

**JURISDICTIONAL INFORMATION:**

As per section III of the Faculty of Arts & Science Council Constitution, in addition to powers related to its own composition and the composition and mandate of its committees, and in addition to its powers in approving academic policy, “Council plays an advisory role, tendering advice to the Faculty’s administration.” (III-3)

**GOVERNANCE PATH:**

1. **Arts & Science Council – November 18, 2020 (for approval)**

**HIGHLIGHTS:**

This resolution calls on Faculty leadership and administration, as well as the whole Faculty community, to better understand our treaty obligations. More specifically, it calls for reflecting on past and current efforts of the Six Nations, as well as other Indigenous Nations, on whose traditional land the University and the Faculty are situated, to remind us of our ongoing treaty responsibilities.

Recent events underscore a long-standing need and opportunity for the University and the Faculty to take on leadership in treaty-related education and research. The Resolution identifies four Calls:

1. Self-education on treaty history and responsibilities and related issues for all Arts & Science members;
2. Forging formal bonds with the Six Nations of the Grand River founded on mutual interests in community engagement, teaching, and research;
3. Harness interdisciplinary and inter-departmental expertise, in collaboration with the Centre for Indigenous Studies, to address educational needs on treaty relations and respond to current critical issues;

4. To share this Resolution with students, staff, faculty, and alumni.

**MOTION:**

**Be it resolved**

THAT the Treaty Responsibilities Resolution be conveyed to the relevant individuals and bodies within the Faculty or elsewhere in the University, in situations where it is relevant to items that are being considered within their respective mandates, for advice and consideration, as being viewed by the Council as important calls to action.

## Arts & Science Council Resolution

October 30, 2020

We begin every Arts & Science Council with a land acknowledgement that states:

We wish to acknowledge this land on which the University of Toronto operates. For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and most recently, the Mississaugas of the Credit River. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work on this land.

In addition to being read at ceremonies and meetings of governance, this land acknowledgement calls all U of T members to think more specifically and in depth about the protocols and treaty relationships that undergird it. As the [Arts & Science Academic Plan](#) states, “it is the responsibility of institutions of higher education to undertake meaningful change that enables reconciliation with Indigenous peoples and fosters Indigenous empowerment; one important step in this process is to acknowledge the historical and ongoing Indigenous presence on the land on which we work.” At this time, our colleagues from the Six Nations of the Grand River, who include U of T faculty, staff, students, and alumni, are living through another breach of the treaty promises that the Crown, the Canadian government, and all Canadians are bound to uphold. In response to the [1492 Land Back Lane encampment](#), a Six Nations-led movement to protect treaty lands from occupation by a new housing subdivision, the Ontario government has deployed [police forces to enforce injunctions](#) and restrict entry to Six Nations, to [arrest researchers and journalists covering the conflict](#), and to [shoot rubber bullets at land defenders](#), whose family

members fear for [their safety](#). The land acknowledgement that the Chair recites at Council requires all Arts & Science members to better understand the roots of this conflict, and then to act as we are able to assist in its just resolution.

This motion seeks to inform all Arts & Science members about our university's relationships with Six Nations and to encourage them to learn more. The resolution also asks Arts & Science Council to reflect on how the [priorities](#) of Arts & Science, especially those of “Indigenous research, teaching and learning” and “building partnerships with our local and global communities”, call us to support our community members from Six Nations, and all Indigenous members of the University, including through our mission of research and teaching.

We cannot fully recount the complex history of Haudenosaunee relations to this land and to Canada in this resolution. We offer a brief overview with links to articles, many of which are written by Arts & Science faculty and alumni, and recommend for further reading an article by our colleague, Prof. Susan Hill, Director of the Centre for Indigenous Studies and the Provostial Advisor on Indigenous Curriculum.<sup>1</sup> Long before the British or French arrived in the territory that we now call southern Ontario, this was the region of the [Haudenosaunee-Anishinaabe Friendship Treaty](#) (often call the “Dish with One Spoon” wampum), a land-sharing agreement between the Anishinaabeg and Haudenosaunee. According to Indigenous law, later land-sharing agreements—or treaties—added the Dutch, French, and British into these earlier promises to share the land.

The 1764 [Treaty at Niagara](#), a land-sharing agreement between the British and Allied Indigenous nations in the eighteenth century, is particularly important for understanding jurisdiction on the lands on which we live and work. This 1764 treaty reaffirmed what is known as the [Covenant Chain alliance](#), and included British recognition of the sovereignty of the

Haudenosaunee and Anishinaabeg, as well as their ownership of land. In the wake of the American Revolutionary War in the late eighteenth century, the British promised territory to their Haudenosaunee allies, who had been driven from their homes by the war. After purchasing land from the Mississaugas, the British ‘granted’ the Six Nations Confederacy six miles of land on either side of the Grand River, in a 1784 document called the [Haldimand Proclamation](#). It is important to note that the Crown had previously recognized Southern Ontario as part of the Haudenosaunee Beaver Hunting Grounds in the 1701 Fort Albany [Treaty](#) (also known as the Nanfan Treaty); as such the Haldimand Proclamation was simply promising protection over Haudenosaunee lands the Crown had already committed to protect on their behalf in perpetuity. This treaty also covers the lands on which the University of Toronto operates.

The Haudenosaunee of Six Nations have been fighting to protect their land ever since. Nevertheless, the original 950,000 acres are now a reserve of 48,000 acres. The 1492 Land Back Lane encampment is the latest example of a long tradition of [land defenders](#), who insist that Haudenosaunee sovereignty is ongoing. It is imperative for all Canadians to understand the ongoing reality of this sovereignty, and to understand that for Canadian sovereignty to continue, the Covenant Chain treaty (and others) must be kept alive, or “polished”, as a Nation-to-Nation relationship with the Crown, not with federal, provincial, or municipal governments.

Like the treaties that made the nation of Canada possible, the University of Toronto was also formed out of relationships with the Crown. The original King’s College was founded in 1827 by a [Royal Charter](#) granted by King George IV, which established a university in which young men would be trained in the “principles of the Christian religion”, science, and literature and spelled out the first principles and protocols of “good government” by which the Council of the University would conduct itself. Arts & Science Council sits within this history; we are, by

one reading, a creation of the Crown. Like all Canadians, we are similarly bound to uphold the treaty promises made by the Crown and in its name. As we look forward to celebrating the bicentennial of the University of Toronto in 2027, we have an opportunity and obligation to remember and activate the treaties that made our own foundation possible.

This resolution includes four calls, one of which is specifically related to the Faculty of Arts & Science's relationships with our Six Nations neighbours, but all of which could be expanded and specified to other nations, including Anishinaabe neighbours and Indigenous peoples living in the GTA.

Be it resolved that the following be conveyed to the relevant individuals and bodies within the Faculty or elsewhere in the University, in situations where it is relevant to items that are being considered within their respective mandates, for advice and consideration, as being viewed by the Council as important calls to action:

1. We call for Arts & Science members to educate themselves about the treaty history of the lands on which we operate, and to use that knowledge to educate others, including students, colleagues, and elected officials, about our continuing obligations as treaty people. [The Indigenous Research, Teaching, and Learning Committee](#) has taken leadership here, and we call on each and every member of Arts & Science to understand why this education matters.
2. We call for the Faculty of Arts & Science to take leadership in building more formal, mutually beneficial relationships with Six Nations, focused on research, teaching, and community engagement. Many A&S faculty have their own relationships with Six Nations, including through teaching at [Six Nations Polytechnic](#), contributing to Mohawk [language revitalization](#) efforts, and regularly bringing students on field trips

- to the [Woodland Cultural Centre](#). Future relationships, mutually developed with Six Nations, can be envisioned across the sciences, social sciences, and humanities.
3. We call for the Faculty of Arts & Science, in consultation with the Centre for Indigenous Studies and other A&S units, to harness the expertise of A&S members across all fields to better address the ongoing significance of upholding all treaty relations, in terms of education, response to critical issues, and implementation. Here, the [Yellowhead Institute of Ryerson University](#) is a leading exemplar and potential collaborator.
  4. We call for the Faculty of Arts & Science to share this resolution with all Arts & Science members, including faculty, students, staff, and alumni.

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<sup>1</sup> Hill, Susan M. 2008. “‘Traveling Down the River of Life Together in Peace and Friendship, Forever’: Haudenosaunee Land Ethics and Treaty Agreements As the Basis for Restructuring the Relationship with the British Crown” in *Lighting the Eighth Fire: The Liberation, Resurgence and Protection of Indigenous Nations*, edited by Leanne Simpson, 23-45. Winnipeg: Arbeiter Ring Publishing.

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For Nishna and Minowewebeshiinh.

# Chapter 1

*"Travelling Down the River of Life Together in Peace and Friendship, Forever": Haudenosaunee Land Ethics and Treaty Agreements as the Basis For Restructuring the Relationship with the British Crown*

SUSAN M. HILL

Haudenosaunee<sup>1</sup> land and environmental ethics shape our relationships with other humans and the natural world. The epics<sup>2</sup> of our cultural history embody the basis for these ethics. Since the beginning of time, these ethics have informed the way we interact with each other and with the rest of Creation. In this, they became central to the new relationships we created with Europeans who settled amongst us in the last four centuries. The ensuing treaty relationships were informed and defined by the lessons of Haudenosaunee cultural history. They created a framework for respectful relations that both sides agreed would exist for perpetuity. The colonial period<sup>3</sup> witnessed major offenses to the treaties, but the treaty relations still exist. As with marriage vows, transgressions do not nullify the original agreement. Today, as Canada and the United States seek to improve relations with the Haudenosaunee with reference to issues of land rights, the treaty relations need to be "polished" and once again serve as the lenses through which we view and understand the principles of the relationship between our nations. Revitalizing Haudenosaunee land ethics is critical for decolonizing our relationships with our territory and the Canadian state, and for us to collectively assume our responsibility to protect our lands to the best of our abilities.

This chapter will examine Haudenosaunee land and environmental ethics, how those ethics guide relationships with all other beings, and the centrality of those ethics to the treaty relationships of the Kaswentha (Two Row Wampum) and the Covenant Chain. Through these lessons of our shared past, Canada (and the United States) can find a respectful way to interact with the Haudenosaunee as we continue “down the river of life” together as neighbours and, once again, as friends.

### Creation

Calvin Martin wrote that Indigenous people are “people of nature,” and not people of history.<sup>4</sup> What this ethnohistorian has missed in his assessment of Indigenous Peoples is the fact that, while the natural world is central to Indigenous identities, our understanding of the relationship between humans and the rest of nature is held within our historical consciousnesses. He was attempting to make a point about the centrality of nature to Indigenous realities, but, in so doing, he negated Indigenous historical conceptualizations. The lessons of Haudenosaunee cultural history embody the basis for our relationship to nature. Without our history, we cannot understand how to interact with the natural world. Our historical consciousness, our land, and our environmental ethics are inextricably connected. For the Haudenosaunee, history on this earth begins with Creation. The Haudenosaunee Creation Story is a detailed epic, taking days to tell in its entirety. Additional side stories relate to the time of Creation and help explain how other entities of this world came into being. A very short summary is included here to provide a background for understanding Haudenosaunee land and environmental ethics.

The story begins in the Sky World at a time when this world was covered in water and inhabited only by water beings. A portal opened between the Sky World and the Water World, and a pregnant woman from the sky fell to the water below. Waterfowl became aware of her descent and flew up to catch her while animals in the water chose a giant sea turtle’s back as the location upon which to set her. The muskrat brought dirt to the surface from the bottom of the sea, which, with the

transformative powers of the turtle and the Skywoman, grew into Turtle Island (North America). She soon gave birth to a daughter (Zephyr), who, upon reaching maturity, gave birth to twin sons. The first-born twin, known as Sapling, was born through the birth canal, but his brother, Flint, was impatient and chose to come out of their mother’s side, killing her in the process. The two were raised by their grandmother (Skywoman) and both possessed the ability to create new life. Sapling’s creations embodied positive traits, while Flint’s creations were typically aggressive and negative. In short, Sapling and the beings he created advocated for life on the earth, while Flint advocated for an absence of life. The two eventually held a contest to determine who would be in charge on earth. Through a game of chance—and with the support of all the beings he created—Sapling won the gamble. Shortly thereafter, Sapling completed his work on the earth and gave the humans their instructions for life before he returned to the land of his grandmother, the Sky World. He directed humans to plant, to be kind to one another, and to give thanks for all of Creation. The rest of Creation would provide for their needs as long as humans remembered to be thankful and respectful for the continued gifts of sustenance. Because of his central role in finishing the work set out by his grandmother, and especially because of his role in creating humans, Sapling is commonly referred to as Shonkwaya’tihson—“he completed our bodies.”

The lessons of the Creation Story—also referred to as the Original Instructions—are numerous. They include many related to land and environmental ethics. First, after Zephyr died in childbirth, her mother and sons buried her body under the ground, and Skywoman planted corn, beans, and squash seeds from the Sky World over her grave. In honour of Zephyr and the food plants that grew from her grave, the earth became known as Yethi’nihstenha Onhwentsya—our mother, the earth. Second, Shonkwaya’tihson instructed that humans should plant food crops. This provides for their sustenance and keeps them connected to the land. A people dependent on their land understand the need to treat the land with great respect and conservation. Third, Shonkwaya’tihson reminded humans they had been given everything they need to live a good life on earth and the only thing requested in exchange was that the

other life on earth—and all the elements of earth, herself—always be treated with thanks and respect by humans.

### Kayaneren'kowa

Several times over the course of history, the Onkwehonwe (original humans) lapsed in their fulfillment of Shonkwaya'tihson's directives. Each time, Shonkwaya'tihson sent a messenger to remind the people of their primary duties to each other and the rest of Creation. One of the most critical times saw the Onkwehonwe of five distinct but neighboring nations—Mohawk, Oneida, Onondaga, Cayuga, and Seneca—embroiled in blood feuds and wars of revenge. This is the story of the establishment of the Kayaneren'kowa, the Great Law of Peace. The entire story takes between eight and eleven days to tell, so, again, the retelling here is a very short summary of key points relevant to the discussion of land and environmental ethics.

At the time of the great blood feuds,<sup>5</sup> a messenger was born to the people living on the north shore of Lake Ontario. He grew up with his mother and grandmother and upon maturity, travelled across the lake to the lands of the warring Five Nations. There he set out on a journey to convince the people to use their minds to resolve disputes rather than physical force. Through his Good Message of Power and Peace,<sup>6</sup> the Peacemaker advocated that the people of the Five Nations bury their weapons of war, agreeing to never take up arms against one another again. He was aided by a Mohawk leader, Ayenwahtha, who developed words of condolence to help the people move beyond the grief experienced in the ongoing blood feuds. This process of condolence allowed people to work through their grief, in order to see, hear, and speak clearly once again. The final result was a united people—the Haudenosaunee<sup>7</sup>—who were committed to use reason over might as their self-governing principles.

The governing process established by the Peacemaker, Ayenwahtha, Tsikonhsaseh,<sup>8</sup> and other leaders was built on principles of balance and consensus. They created the Grand Council with representation of the Five Nations via forty-nine matrilineal clan families. A powerful Onondaga leader, Tadodaho—who had ruled through sorcery and violence—was

transformed by the Good Message of Power and Peace and was named the fiftieth Hoyaneh (male leader/Chief), completing the Grand Council membership. Under the Kayaneren'kowa, the Haudenosaunee agreed to deliberate issues affecting all the Five Nations in order to reach the best decision for all. Within this system of consensus, any leader may dissent with popular opinion and is given three chances to convince others of his position. If he fails to gain support for his position after three attempts, he must concede to the will of the others. Within this system, there is a mechanism for minority voices to be heard that does not allow for a "tyranny of the majority." Further, at the time of the founding of the Great Law, the Peacemaker instructed the Council that their decisions must be made in the context of the "coming faces"; in other words, the Hotiyanehson (plural form of Hoyaneh; Chiefs) must consider the impact of their decisions on all future generations.<sup>9</sup>

Specific aspects of the Kayaneren'kowa were recorded in wampum belts and strings. The principles these wampums recorded can be seen as internal treaties made between the Five Nations of the Haudenosaunee. Among these internal treaties are three directly relevant to the discussion of Haudenosaunee land and environmental ethics. First, the Ayenwahtha Belt documents the connection of the lands of the Five Nations. While nation-based territorial distinctions continued to exist, the lands were now governed by the Council as a whole and decisions affecting the land of one or more nations were deemed to affect all. Second, the Dish with One Spoon Wampum commemorated the agreement to share in the bounty of the hunting grounds. In this, the Haudenosaunee agreed to never again fight over hunting (economic) resources; instead, they would view the harvesting of resources from the forest in common. All had a right to share in that harvest and none had the right to take more than nature could sustain. Third, the Circle Wampum documented the internal kinship relations created under the Kayaneren'kowa. One string hangs in the middle of this wampum for each of the fifty Hoyaneh titles. They are encircled and held together by two intertwined strings, one representing the Law, the other representing the Peace. The strings are grouped together based on several different types of relationships, including national groupings and "brother"/"cousin" relationships within the

national structures. These relationships organize the Grand Council and create the structure for deliberation. Of extreme relevance to this discussion is the interdependence created in this treaty through the extension of family relations outside direct bloodlines. Family became more than direct relatives, and mechanisms were created to add to those families where and when necessary. The lessons of the Kayaneren'kowa have guided the Haudenosaunee for centuries and served as the basis for interactions with the European settlers who came to our lands over 400 years ago. Among the traditional Haudenosaunee,<sup>10</sup> these continue to guide our internal governance and our external relations.

### Gaiwiyo

A third Haudenosaunee epic relevant to the topic of land and environmental ethics is the Gaiwiyo,<sup>11</sup> commonly referred to as the Good Message (or Code) of Handsome Lake. This aspect of Haudenosaunee cultural history is more recent and is based on visions experienced by the Seneca Hoyaneh Ganiodaiio (Handsome Lake) between 1799 and 1815. In his visions, Ganiodaiio was shown both how the world had changed as a result of European infiltration into Haudenosaunee country and how the world would continue to change in the future. He was instructed to tell his people how they should reform their lives—primarily through a return to original values and ceremonies—and how to protect themselves against a destructive future. Included in these visions were prophecies about environmental destruction. The visions vibrantly described what has since proven true about the physical state of much of the Haudenosaunee territories (including lands presently occupied by non-Haudenosaunee). For example, he was shown water that was not drinkable and a river on fire. Two hundred years ago, the Haudenosaunee could not imagine such things being possible. The actions of human beings today against the rest of Creation have demonstrated a lack of thankfulness, and as accorded in the Creation Story, when the people become ungrateful and disrespectful, the Creator's control over this world will slip away. However, Ganiodaiio was also told that each generation of Haudenosaunee had it within their hands to put

off the earth's destruction by adhering to the Original Instructions, the Kayaneren'kowa and the Gaiwiyo. The principles of these teachings informed the treaty decisions our ancestors made, and, as a result, the treaties also hold the key to repairing those damaged relationships in a way that will benefit all, including the rest of Creation.

The instructions of the Creation Story, Kayaneren'kowa, and the Gaiwiyo explain proper ways of relating to, and harvesting for, the purposes of human sustenance. In general, the relationship described in the instructions is based on standards of respect and sustainability. It is taught that these life forms will continue to provide for the humans as long as the humans treat them with respect. These lessons of respect comprise the Haudenosaunee land and environmental ethics.<sup>12</sup> In essence, these ethics are based on the belief that as long as the Haudenosaunee people treat the rest of Creation with respect and gratitude, all the elements of Creation will ensure that the Haudenosaunee will continue to survive.

While these balanced relationships are essential for the survival of the current generation of people, the Original Instructions outline that our primary responsibility is not for the survival of the people currently alive but for the continuation of all life so that the future generations will be adequately provided with all they need to survive. As noted previously, the Haudenosaunee are directed to make decisions based on the impact for all future generations. The responsibility to the future is the source of the land and environmental ethics discussed herein. The duty to conserve those life forms that provide the sustenance necessary for human life is primarily focused on the ability of future generations to enjoy the bounties of Creation—and they are expected to practise conservation for the benefit of the generations that will follow after them. This duty to ensure sustenance for one's descendants is a primary element of Haudenosaunee ethics that has informed Haudenosaunee decision making since the days of Creation. The contemporary historical record demonstrates how the Haudenosaunee utilized these lessons from the Original Instructions in making their decisions regarding the lands of their territories,<sup>13</sup> and the ability of that land to sustain the future generations. Unfortunately, their ability to protect those lands for the future sustenance of their

people was greatly impeded by actions of many Euro-American people and governments.

### Environmental Ethics Expressed in the Treaty Record

Europeans travelled near Haudenosaunee territory as early as 1535, but the first significant settlement directly affecting the Haudenosaunee was the Dutch trading post at Fort Orange (present-day Albany). The presence of this post and the Dutch fur-trading enterprise led the traders at Fort Orange to suggest a treaty relationship with the Haudenosaunee for trading purposes. While the Dutch were interested in brokering a business deal, the Haudenosaunee insisted on a relationship similar to those they had created within their own people as well as in treaty agreements with other Indigenous Nations. The ensuing treaty is known as the Kaswentha,<sup>14</sup> or Two Row Wampum. It was created in 1613, was transferred to the British in 1664, and continues to guide Haudenosaunee foreign policy to the present day. As noted, the Dutch were seeking a formalized alliance for trading furs but the Haudenosaunee decided that the only way a healthy relationship would exist was to become family with the Dutch traders, as the Peacemaker had taught them.

Within the oral record of the Haudenosaunee, it is noted that the relationship was to be as two vessels travelling down a river—the river of life—side by side, never crossing paths, never interfering in the other's internal matters. However, the path between them, symbolized by three rows of white wampum beads in the treaty belt, was to be a constant of respect, trust, and friendship. Some might say this is what kept the two vessels apart, but in fact, it is what kept them connected to each other. Without those three principles, the two vessels could drift apart and potentially be washed onto the bank (or crash into rocks). This agreement was meant to provide security for both sides. In essence, they agreed to live as peaceful neighbours in a relationship of friendship, predicated on an agreement to not interfere in each other's internal business. The contemporary oral record of the treaty also notes that individuals could choose which boat to travel in with the understanding that one must be clear in one's choice and avoid "having a foot in both."<sup>15</sup> The premise of

non-interference, within the concept of brotherhood, demonstrates the desire to be allies rather than to have one side be subjects of the other.

The Dutch were replaced by the British in North America in 1664. They quickly sought to treat with the Haudenosaunee, seeking to step into the place formerly occupied by the Dutch within the Kaswentha. The 1664 Fort Albany Treaty stipulated that the British would provide the same goods to the Haudenosaunee as the Dutch had before them. The British also promised to provide refuge to the Five Nations if they were defeated in their war with the "River Indians" (the Mahicans).<sup>16</sup> Additionally, the treaty included stipulations for separate criminal jurisdictions, with both sides accepting responsibility for their own citizens should they commit a crime against either Natives or colonists.<sup>17</sup> Of great importance in the text of this treaty is the recognition of the distinct status of each party, similar to the principles of the Kaswentha. The 1664 treaty recognized both the British and the Haudenosaunee as sovereigns with their own "subjects" and laid out the principles upon which these two governments would work together but remain as allies, neither becoming subject to the other. Like its predecessor, the Kaswentha, the 1664 treaty foreshadowed the later Covenant Chain of Friendship that was developed in the 1670s and nurtured over the decades that followed its inception.

As with the 1664 treaty, the council held at Fort Albany in 1677 articulated a British desire to assume the Dutch responsibilities agreed to over sixty years previously. The negotiations involved trade provisions, but in accordance with Haudenosaunee diplomatic principles, the heart of the treaty involved the relationship that would flow from the formal agreement. While the colonies appeared to be focused on the economic relationship the treaty guaranteed, the Haudenosaunee were intent upon expanding the foundation (started in 1664) for the family-like relationship that would govern the interactions between themselves and the British for the rest of time. In order to do this, they used deeply metaphorical concepts in their discussion to describe the relationship they were building together with the British. For example, the treaty record documented the following statement from Garakondie, speaking on behalf of the Haudenosaunee:

(we) do thank the gentleman there that they do exhort us to peace, for we are so minded . . . we desire now that all that is past may be buried in oblivion, and do make now an absolute covenant of peace, which we shall bind with a chain. For ye sealing of ye same do give a belt of 13 deepe.<sup>18</sup>

In his reference to "burying the past," Garakondie was utilizing symbols from the Great Law. In the years between this treaty and its 1664 predecessor, there had been disagreements between colonists and individual Haudenosaunee, resulting in losses of life and property on both sides. In this peace treaty, the two sides offered condolences for those losses they had inflicted upon each other. This treaty did not negate the previous relationship; it used the original treaty as a basis for reconciliation and further development while acknowledging how both sides had been responsible for damaging their agreement and relationship. The treaty relationship did not end because of violations by either party; instead, the subsequent treaty addressed the wrongdoings and created a means to rectify the wrongs.

While the ideas contained in it were not new to the Haudenosaunee, the metaphor of the Covenant Chain as representing the treaty relationship was. From that point forward, the concept of the Covenant Chain continued to develop and was eventually described as a silver chain holding both the British sailing ship and the Haudenosaunee canoe to the "Great Mountain" (Onondaga). It was described as a three-link silver chain representing "peace and friendship forever." These metaphors became central to the ensuing relationship of the Haudenosaunee and the Crown. Furthermore, the Crown borrowed this ideology and terminology in their treaty making with other Indigenous nations in North America. British and Indigenous treaty records documented the Crown's application of the Covenant Chain relationship to many other nations throughout the Northeast, including the Ojibwa, the Mississaugas, and the Delaware, to name but a few.<sup>19</sup>

The treaty record also holds evidence of Haudenosaunee values regarding land and the rationale behind their land-sharing decisions. In a famous speech made at the Treaty of Lancaster in 1744, Canasatego, an Onondaga Hoyaneh, declared the following: "We know our lands

have now become more valuable. The white people think we do not know their value; but we know that the land is everlasting, and the few goods we receive for it are soon worn out and gone."<sup>20</sup> Canasatego put the British on notice that they were not dealing with a people ignorant of Western economics. At the Albany Conference ten years later, Hendrick (Mohawk Royaner Tekarihoken) echoed similar sentiments:

What we are now going to say is a matter of great moment, which we desire you to remember as long as the Sun and Moon lasts. We are willing to sell you this large tract of land for your people to live upon, but we desire that this may be considered as part of our Agreement that when we are all dead and gone your Grandchildren may not say to our Grandchildren, that your Forefathers sold the land to our Forefathers, and therefore be gone off them. This is wrong. Let us all be as Brethren as well after as before giving you Deeds for Land. After we have sold our land we in a little time have nothing to show for it; but it is not so with you, your Grandchildren will get something from it as long as the world stands; our Grandchildren will have no advantage from it; they will say we were fools for selling so much land for so small a matter and curse us; therefore let it be a part of the present agreement that we shall treat each other as Brethren to the latest Generation, even after we shall not have left a foot of land.<sup>21</sup>

This "sale" was prefaced by a promise by the British that their future generations would respect their Haudenosaunee peers. In other words, the treaty bound the British and the Haudenosaunee to treat each other as brethren for all time. Hendrick's words about Haudenosaunee land loss were prophetic, but his reminder to the British about their vows of brotherhood was soon forgotten by the Crown.

Also at the Lancaster Treaty Council, Canasatego explained key aspects of Haudenosaunee land philosophies:

When you mentioned the Affair of the Land Yesterday, you went back to Old Times, and told us that you had been in Possession of the Province of Maryland for above one hundred Years; but what is one hundred Years in comparison to the length of Time since our Claim began? Since we

came out of this ground? For we must tell you that long before one hundred years our Ancestors came out of this very ground, and their children have remained here ever since. . . . You came out of the ground in a country that lies beyond the Seas; there you may have a just Claim, but here you must allow us to be your elder Brethren, and the lands to belong to us before you knew anything of them.

It is true, that above one hundred years ago the Dutch came here in a ship . . . During all this time the newcomers, the Dutch, acknowledged our right to the lands. . . .

After this the English came into the country, and, as we were told, became one people with the Dutch. About two years after the arrival of the English, an English governor came to Albany, and finding what great friendship subsisted between us and the Dutch, he approved it mightily, and desired to make as strong a league, and to be upon as good terms with us as the Dutch were . . .

Indeed we have had some small differences with the English, and, during these misunderstandings, some of their young men would, by way of reproach, be every now and then telling us that we should have perished if they had not come into the country and furnished us with strouds [blankets] and hatchets and guns, and other things necessary for the support of life. But we always gave them to understand that they were mistaken, that we lived before they came amongst us, and as well, or better, if we may believe what our forefathers have told us. We then had room enough, and plenty of deer, which was easily caught; and though we had not knives, hatchets, or guns, such as we have now, yet we had knives of stone, and hatchets of stone, and bows and arrows, and those served our uses as well as the English ones do now.

We are now straitened, and sometimes in want of deer, and liable to many other inconveniences since the English came among us, and particularly from that pen-and-ink work that is going on at that table.<sup>22</sup>

In reference to "coming out of the ground" it seems that Canasatego was speaking to the Haudenosaunee Creation Story, wherein the Creator formed human beings from clay and brought them to life with his breath.

This statement also attests to a strong belief that one's rights to a territory stem from one's origins and extensive interactions with a particular place. In addition, the speaker's words demonstrate the continuity in recollection of the history of his people with the British—an important example of historical consciousness and continuity. Finally, Canasatego's message summarizes many of the ecological changes resulting from European colonization. In this, he asserts that treaties and other agreements have had a direct impact in causing the "poor" times the Haudenosaunee were then faced with, and he urges the British to return to the original path of peace and friendship their ancestors helped to create with his ancestors.

A third Haudenosaunee-British treaty directly relevant to this discussion was made in Albany in July 1701, known as the Nanfan Treaty or Beaver Hunting Grounds Treaty. In this agreement, the Five Nations were seeking the protection of their northern and western hunting grounds, which had come under major attack in recent years. They called upon the provisions of the Covenant Chain, wherein the British promised to protect Haudenosaunee interests. The terms of the treaty are highly debated because, on the surface, the agreement appears to be a surrender from the Haudenosaunee to the British. However, British interpretation at the time (and throughout the next six decades, at least) was that the Haudenosaunee understood the treaty to place these territories under the protection of the King—following under the provisions of the Covenant Chain, wherein the Crown promised to protect Haudenosaunee interests. In the 1701 treaty, the Five Nations were specifically referring to their hunting territories and saw the agreement as a commitment by the Crown to protect Haudenosaunee use of those lands in perpetuity—an agreement of economic security.<sup>23</sup> Later British colonial documents explain that the Haudenosaunee saw this as a promise of protection by the British against the French, their allies, and any other people who might encroach upon those lands against the wishes of the Haudenosaunee.<sup>24</sup> In this promise of protection, the British were echoing the words of their predecessors, who had offered similar protection to the Haudenosaunee in the 1664 Fort Albany Treaty.

When considering the 1701 treaty, one must also recognize the dependence of the British upon the Haudenosaunee at that time. The

British had just declared war on the French again, and they knew they were dependent upon the Haudenosaunee to assist them should that war spill over from Europe to North America. The Covenant Chain alliance had also accorded the British prominence in the northeastern fur trade, an economic reality that provided invaluable assets to the Crown in order to help finance their worldwide imperial endeavours. The leadership of the New York colony was well aware of the British dependence on the Five Nations, as evidenced by the May 13, 1701, letter of Robert Livingston, New York Secretary of Indian Affairs (1675–1721):

of the Five Nations, I need not enumerate the advantages arising from their firmness to this Government [New York], they having fought our battles for us and been a constant barrier of the defence [sic] between Virginia and Maryland and the French, and by their constant vigilance have prevented the French from making any descent that way.<sup>25</sup>

It would be simple to view the 1701 treaty as a surrender of territory by a “weak Indian Nation” to a “strong European power,” but that was not at all the case. The Haudenosaunee and the British had truly become intertwined through the Covenant Chain, and while they remained separate peoples, they depended on each other like family.

### The Tarnished Chain

In many ways, the 1701 Albany Treaty is symbolic of the change in the Haudenosaunee-British relationship following the American Revolution. In 1784, Sir Frederick Haldimand—on behalf of the British—offered the Six Nations a tract of land along the Grand River as reparations for land loss in their original homelands—which the Crown had surrendered to the Americans without Haudenosaunee consent in the 1783 Treaty of Paris.<sup>26</sup> The territory of the 1784 proclamation, known as the Haldimand Tract, falls within the lands of the 1701 Albany Treaty.<sup>27</sup> In other words, Haldimand was simply reaffirming a promise made to the Haudenosaunee eighty-three years previously: to protect Haudenosaunee interests in our own land. In 1755, the British recalled this treaty to convince the Haudenosaunee to join their cause against the French.<sup>28</sup> Without Haudenosaunee support—which probably would

not have been given if not for the 1701 treaty—the war would likely have gone the other way. In less than three decades, the Haudenosaunee had gone from being invaluable allies to an afterthought in their North American empire. Unfortunately, it was the start of a negative turn in Haudenosaunee-Crown relations. Except for momentary shifts back to the language of allies (most notably in the War of 1812, but as recently as World War I), the Crown took a steady course away from recognizing the Haudenosaunee as allies to treating them like subjects or, even worse, wards of the state.

Haudenosaunee communities fell on both sides of the US-Canada border created at the end of the American Revolution. The Crown initially invited all Haudenosaunee to move to its side of the border (noting that several Haudenosaunee communities already existed on that side), mainly suggesting the Grand River and Bay of Quinte lands as new homelands. Eventually, the Crown broke off relations with Haudenosaunee communities on the US side of the border. On the Canadian side, the Crown continued relations with the Haudenosaunee communities located within those boundaries, but in a continually diminished fashion. While each community has a distinct history of decline in Crown relations, Ohswe:ken<sup>29</sup> (the Grand River Territory) is looked at here for examples of the tarnished relationship.

While the Haldimand Proclamation was merely a promise to uphold a limited portion of the 1701 Albany Treaty, it was in the same spirit of the treaty. It recognized Haudenosaunee autonomy over their territory and promised British protection of Haudenosaunee land rights. However, in less than seven years, Crown authorities were questioning the legitimacy of Haldimand’s Proclamation because they determined that he had not used the proper seal<sup>30</sup> on the 1784 document. In 1793, Lord Simcoe issued a new “deed” to the Grand River lands, cutting off the upper third—over 300,000 acres—of the territory. The Six Nations Council quickly and defiantly objected to Simcoe’s reassessment of their lands. This assertion, known as the Headwaters Claim, persists to the present day. Over the next fifty years, the Grand River lands were reduced to 55,000 acres, with most of the land losses coming under blatantly illegal transfers or leases conferred to sales without Haudenosaunee consent.<sup>31</sup>

The reduction of the Grand River lands was adamantly opposed by Confederacy leadership at every possible turn. Undoubtedly, it was one of the reasons that the Canadian federal government sought to replace the Confederacy Council with an elected band council system in 1924. The Six Nations Band Council, as defined by the *Indian Act*, would have to respond to Indian Affairs directives and would be limited in their ability to protest against actions of the governments of Canada since they, too, were a branch of the Canadian system. While they found minimal support within the Six Nations community for this system in 1924 (27 men—out of an estimated 1,000 eligible voters—voted in the first election), the majority of the community adamantly opposed the change in governance. The Confederacy Council continued to meet and govern the territory, despite the transference of funds and Canadian recognition to the Band Council (by the Department of Indian Affairs). This Indian Affairs action continues to be a major problem for the Grand River Haudenosaunee, but opportunities have recently arisen to rectify some of the past wrongs inflicted by Canadian governments.<sup>32</sup>

### An Opportunity to Polish the Chain

While Indigenous Peoples have typically expressed their continued rights and responsibilities to their territories and corresponding environments throughout colonial times, the Oka Crisis of 1990 inspired an increase in Indigenous activism in Canada. The Oka situation was one in a series of actions within Haudenosaunee territories that also raised the concerns of Canadian and United States authorities regarding Haudenosaunee land rights. Many of these actions remain unresolved, leaving all parties involved unsettled. For example, the questions of land title for the Kanehsatake Mohawk territory remain unanswered<sup>33</sup>—which was the root of the problem leading to the standoff. There is hope, however, that other sites of conflict or potential conflict may be resolved utilizing Haudenosaunee principles and aspects of treaty relationships.

Since the early 1980s, the City of Hamilton, Ontario, planned to build a new highway on the eastern border of the city to alleviate traffic pressures associated with urban sprawl. Environmental activists

from in and around Hamilton had joined efforts with a Six Nations environmentalist, Norman Jacobs, hoping that Haudenosaunee land rights might provide the key to saving a creek and surrounding forest from development, the last “undeveloped” land within the city. Years of lobbying the city council and educating the public proved unsuccessful in stopping the expressway. Even the federal government had sought to stop the project, but lost their case in federal court. Shortly before his untimely death in 2003, Jacobs urged the Haudenosaunee to negotiate with the City to see if a compromise could be reached. At the same time, Native and non-Native environmentalists moved into the Red Hill Valley, hoping their occupation would stop development. Most of the protestors eventually left the site, with two hold-outs being removed by police in September of that year. The road is still under construction, slated to open in 2008.

Critics would argue that the City was going to do “what it wanted” in the Red Hill Valley, but the final result has been something quite different. Instead of a standard highway project, the agreements negotiated between the Haudenosaunee and the City of Hamilton have resulted in a unique partnership (and series of partnerships) based on Haudenosaunee ethics and treaty principles. The General Agreement, signed November 17, 2003, articulates key aspects of Haudenosaunee land and environmental ethics such as the following:

I.4 Haudenosaunee law acknowledges the land and living things, not as resources or assets, intended for the use and enjoyment of humans, but as vital parts of a larger circle of life, each entitled to respect protection. In Haudenosaunee thought, it is not possible to separate “land” from the rest of life—the waters, grasses, medicine plants, food plants, berries and trees; the insects, animals, birds and people; the winds and other unseen forces that benefit the world. Our relationship with all these is one of gratitude and humility. We acknowledge that each part of the natural world seeks to fulfill its responsibility, as we humans do.<sup>34</sup>

Related to this, also, is the Haudenosaunee acknowledgement that “while [they] cannot agree with the environmental loss that may be caused by

the Roadway...they are entering into this Agreement to help mitigate that loss and to help protect the Valley for the future.”<sup>35</sup> In this the Haudenosaunee were asserting their responsibility to protect the natural world to the best of their ability.

The agreement addresses the treaty relationship and how the City of Hamilton fits into it:

2.1 The Haudenosaunee and the Crown have a treaty relationship that has lasted several centuries. Hamilton, as a municipality created by the Crown’s laws, respects and shares in that relationship. The central symbol of that relationship, the Silver Covenant Chain, signifies mutual respect, sharing and help. The Covenant Chain relationship forms the basis and informs the principles of this Agreement.<sup>36</sup>

This statement clearly delineates the position of Hamilton as a government of Canada bound by the ancient covenants of the Crown. Of extreme historical significance, this agreement marked the first time a government of Canada had recognized the governing authority of the Haudenosaunee Confederacy Council since 1924.<sup>37</sup>

The General Agreement also articulates a unique approach to describing the relationship created by the agreement and the ensuing projects:

3.4 Rather than approach their work in the Valley from the perspective of legal rights and title, the Parties have agreed that the concept of joint stewardship... shall be their guide. The Parties acknowledge that they each carry unique and different knowledge and resources, and that bringing these together is in their mutual best interests, as well as in the interests of the Valley.<sup>38</sup>

Of final note is a section that summarizes the complexity of the highway project and its implications for both parties:

3.7 The Valley has presented the Haudenosaunee and Hamilton with both a challenge and an opportunity. For Hamilton, the challenge has been to find sustainable solutions to its transportation and development needs while respecting the rights of both the natural world and its own

future generations. For the Haudenosaunee, the challenge has been to find ways to accommodate Hamilton’s transportation and development needs consistent with Haudenosaunee obligations to the ancestors, to future generations, and to the natural world, and consistent with Haudenosaunee rights.

For both the Haudenosaunee and Hamilton, the opportunity lies within the relationship of mutual respect and assistance that has historically assisted the Haudenosaunee and their settler neighbours to find solutions that enable them to work together and to learn from each other.<sup>39</sup>

In outlining the possibilities for the project, they also recognize the stresses, especially those faced by the environment.

This agreement (and the ensuing sub-agreements) marks the first time the Haudenosaunee were allowed by a Canadian government in recent times to negotiate under the Great Law. It was precipitated by a shift from confrontation to negotiation, and the products to date have been a significant shift away from development norms by municipalities neighbouring the Grand River Haudenosaunee. While not perfect—it even recognizes that mistakes will be made<sup>40</sup>—it is a pragmatic solution to a situation that easily could have devolved into a standoff that would have probably “ended” in highway development and extreme environmental loss. It may have also come to the loss of human life in the process. Instead, there is a highway, but there are also a series of environmental restoration projects, led by Haudenosaunee individuals, that serve as a model for what can be achieved when Euro-American governments work with Indigenous Nations, respecting their mutual obligations to each other. The Joint Stewardship Board membership is 50% Haudenosaunee appointees and 50% Hamilton appointees. Paul Williams, one of the Haudenosaunee negotiators for the Red Hill Valley Agreement, has described the partnership as an example of “careful reciprocity,” a pragmatic solution to a seemingly unsolvable conflict.

## Closing Thoughts

Clearly, I see a lot of promise in the model of the Red Hill Valley Expressway Project. Its grounding in Haudenosaunee land and environmental ethics in conjunction with the principles of Haudenosaunee-Crown treaty relations provides a road map to resolving areas of conflict, especially where land rights are at issue. However, it seems other governments of Canada have not learned from the experiences of the City of Hamilton.

As I write, my community is involved in talks with the Ontario and Canadian federal governments in an attempt to correct past wrongs on the part of the Crown against the people and land of Ohsweken. This negotiation process, instigated by the events of the Six Nations-Caledonia Reclamation, has the potential to be unlike any other land-related discussions held between governments of Canada and a First Nations community. For the first time since 1924, both the Province of Ontario and the Canadian federal government have recognized the Haudenosaunee Grand Council as a legitimate entity with the authority to represent the Ohswekenhronon.<sup>41</sup> On the other hand, both the Province and the federal government have attempted to undermine the authority of the Grand Council in this process. In some cases, they have insisted on the presence and participation of the Chief Councillor of the elected band council on behalf of Six Nations, despite the statement of the Band Council itself declaring the Confederacy as the body to take the lead in the negotiations process.<sup>42</sup> In this and other sleights of hand, the governments of Canada have shown a persistence of patriarchal ideas regarding the Haudenosaunee.<sup>43</sup> If they continue on that course, they will undo the work and efforts of everyone involved in the process since April 2006. So, as the governments of Canada and the Haudenosaunee Grand Council continue down this river, what exists in their shared history to use as a base for reconstructing healthy relationships between the Haudenosaunee and the Crown? Where might this river lead us if we travel it together in peace and friendship? What will our shared forever look like?

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AUTHOR'S NOTE: Community legal experts were consulted for accuracy and legal implications of the text; however, the author accepts sole responsibility for all words and does not speak on behalf of the Ohswekenhronon.

<sup>1</sup> The Haudenosaunee are a confederacy comprising five original member nations—Mohawk, Oneida, Onondaga, Cayuga, and Seneca—and several “dependent” nations, including the Tuscarora (officially the “Sixth Nation”), Delaware, Nanticoke, and Tutelo. The Haudenosaunee are also known as the Iroquois Confederacy, the Five Nations, and the Six Nations.

<sup>2</sup> The term “epic” is not intended to infer mythology. Rather, it refers to the size and scope of these stories that comprise the cultural history of the Haudenosaunee.

<sup>3</sup> “Colonial period” discussed herein roughly references events occurring between the years 1600 to 1800. I would argue, however, that the colonial period continues to the present day in many cases as a direct result of Western imperialism against the Haudenosaunee.

<sup>4</sup> Calvin Martin, *Keepers of the Game: Indian-Animal Relationships and the Fur Trade*, (Berkeley: University of California Press, 1978).

<sup>5</sup> An actual date for the founding of the Kayaneren'kowa is unknown as Haudenosaunee methods of dating do not easily transfer into Western calendar systems. Many Haudenosaunee people date the founding of the Confederacy between 1000 to 2000 years ago.

<sup>6</sup> Karihwiyo (Good Message), Kasehstehsera (Power), and Skennen (Peace) in the Mohawk language.

<sup>7</sup> At the founding of the Kayaneren'kowa, the Five Nations became one collective people known as the “Haudenosaunee,” meaning “people who make a house,” referencing the Peacemaker's metaphor of all the Five Nations living together in one longhouse, as one extended family. This house is also a metaphor for the peace built between the Five Nations through the Kayaneren'kowa.

<sup>8</sup> Tsikonhsaseh was the first person to accept the Law and, as a result, the Peacemaker directed that women were to play a critical role in the new government created under the Kayaneren'kowa. He directed that women, as leaders of their families, would select the male speakers to represent their clans in the Grand Council. As Clan Mothers, these women choose their male speakers and monitor their activities to ensure they conduct themselves with honour and respect. Since leaders serve for life, the power to name new leaders and the power to depose an errant leader rests with these women.

<sup>9</sup> Some people report that decision making must be made in the context of the impact for seven generations to come. Other experts in the Great Law assert that the decisions of the Council must be made in the context of all future generations.

<sup>10</sup> In most Haudenosaunee communities today, both Confederacy government and imposed elected systems exist. People choose which government they will honour, but it is often difficult to live in these communities without at least some connection to the elected systems, as they control the majority of resources and community services. Traditionally minded individuals, however, work toward strengthening the traditional governments in their communities in an effort to return the communities to a state of true self-governance under the Kayaneren'kowa. For a detailed discussion of these issues, see Oren Lyons and John Mohawk, eds., *Exiled in the Land of the Free*, (Santa Fe: Clearlight Publishers, 1992).

<sup>11</sup> This is the Cayuga and Seneca spelling of the word. In Mohawk it is "Karihwiyo," the same name for the message of the Great Peace discussed earlier.

<sup>12</sup> For a detailed discussion of these environmental ethics, see Haudenosaunee Environmental Task Force (HETF), *The Words That Come Before All Else* (Akwesasne Haudenosaunee Territory: Native North American Traveling College, 2000).

<sup>13</sup> For further discussion of this, see Susan M. Hill, "The Clay We Are Made Of: An Examination of Haudenosaunee Land Tenure on the Grand River Territory," Unpublished PhD dissertation, Department of Indigenous Studies, Trent University, 2005.

<sup>14</sup> This is the Mohawk spelling for the treaty; in Cayuga it is spelled 'Guswentha'. A second Mohawk name for the treaty is "Teyohate," meaning "two roads."

<sup>15</sup> For example, see Oren Lyons, "The American Indian in the Past," in Lyons and Mohawk, eds., *Exiled in the Land of the Free*, 40–42.

<sup>16</sup> E.B. O'Callahan, *Documents Relative to the Colonial History of the State of New York* (NYCD) (Albany: Weed, Parsons and Co., 1853–1887) I: 67–68.

<sup>17</sup> For a detailed discussion of this, see Paul Williams, "The Chain," LLM thesis, Toronto, Osgoode Hall, 1982.

<sup>18</sup> [British] Public Records Office [PRO], Kew, England, Colonial Office Papers [CO] I/40; see also NYCD XIII: 510.

<sup>19</sup> For a discussion of this, see Francis Jennings, "Iroquois Alliances in American History," in F. Jennings, ed., *The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and Their League* (New York: Syracuse University Press, 1985), 37–65.

<sup>20</sup> Julian Boyd, ed., *Indian Treaties Printed by Benjamin Franklin, 1736–1762*, (Philadelphia: Historical Society of Pennsylvania, 1938), 78, as cited in Ronald Wright, *Stolen Continents* (Toronto: Penguin Books, 1992), 128.

<sup>21</sup> Pennsylvania Archives, Ser. 4, 2: 698–707, as cited in Timothy Shannon, *Indians and Colonists at the Crossroads of Empire: the Albany Congress of 1754* (Ithaca: Cornell University Press, 2000), 166.

<sup>22</sup> Treaty Minutes, Pennsylvania Council Minutes, 16 June 1744, 4:706–709, as cited by Wright, *Stolen Continents*, 129–130.

<sup>23</sup> For a detailed discussion, see Hill, "The Clay We Are Made Of," 194–202; Paul Williams and Curtis Nelson, "Kaswentah," research report prepared for the Royal Commission on Aboriginal Peoples, January 1995, from *For Seven Generations: An Information Legacy of the RCAP* (Libraxus, 1997), n.p.

<sup>24</sup> For example, see William Johnson, *The Papers of Sir William Johnson* (SWJP), I, (Albany: University of the State of New York, 1965), 530.

<sup>25</sup> *Calendar of State Papers, Colonial Series, America and West Indies, Preserved in the Public Record Office*, vol. 1701.1896; as cited in Richard W. Hill, Sr., "Cultural History of Haudenosaunee Sovereignty," unpublished manuscript, 1999.

<sup>26</sup> The British originally suggested land along the Bay of Quinte, a spot that many Mohawk families accepted as a new homeland. The majority of Six Nations people who decided to move to the Canada side of the border, however, selected the Grand River lands.

<sup>27</sup> The Bay of Quinte lands also fall within the 1701 treaty area.

<sup>28</sup> NAC, RG 10, volume 1822, 22; as cited by Williams and Nelson, "Kaswentah."

<sup>29</sup> Ohswéken is the Mohawk name for the Grand River Territory, also known as Six Nations. It refers to "the place of the willow trees," a defining characteristic of the riverbanks and neighbouring areas.

<sup>30</sup> Haldimand had used his personal seal-at-arms rather than the Great Seal of the Province. For a detailed discussion of this see *Doe dem. Jackson v. Wilkes* (1835) 4 UCKB (05): 142; and *Doe dem Sheldon v. Ramsay* (1852) 9 UCQB: 105.

<sup>31</sup> For further discussion, see Hill, "The Clay We Are Made Of."

<sup>32</sup> Similar treaty infractions have been committed by the United States government in violation of treaties they negotiated with the Haudenosaunee after their formation.

<sup>33</sup> Technically, these questions were "answered" in the Canadian legal system, in the 1920s, in the Privy Council (*Corinthe v. Seminaire de St. Sulpice*). The problem is deeper: the decision itself was clearly unfair. Any real solution to land claims has to approach fairness from an extra-legal (outside Canadian law) perspective in order to adequately address the purposely narrow interpretations of law in favour of Crown governments.

<sup>34</sup> City of Hamilton and Six Nations Haudenosaunee Confederacy, *The Red Hill Valley Project: General Agreement*, November 17, 2003, <www.myhamilton.ca>, 4.

<sup>35</sup> *Ibid.*, 7.

<sup>36</sup> *Ibid.*, 5.

<sup>37</sup> In October 1924, the Visiting Superintendent of Indian Affairs (Brantford Office) was accompanied by RCMP officers to the Village of Ohswéken where they decreed the Confederacy Council to be illegal under the *Indian Act* and implemented an "elected" band council system. This has been a point of great contention and upheaval for the Grand River Haudenosaunee since that time.

<sup>38</sup> City of Hamilton, *The Red Hill Valley Project: General Agreement*, 6.

<sup>39</sup> *Ibid.*, 7.

<sup>40</sup> *Ibid.*, 6.

<sup>41</sup> Meaning "People of Ohswéken."

<sup>42</sup> In other words, Canada and Ontario are again trying to tell Six Nations who should be their leaders, in the same spirit as did their predecessors in the 1920s.