

Gahors - 49thParallel Forum

Hazel Hill from the Six Nations, in a Brantford court room when defending the actions of Six Nations protesters, said "the same court system has ruled that the governments must consult with the Six Nations people about land development but, when it doesn't happen and natives stand up in defence of the treaty rights, they "become the criminals".

I have explained before the October 25, 1784 Haldimand announcement inviting Six Nations people to enter and occupy the Crown's land along the Grand River was not a proclamation, a treaty or a deed.

However, the Six Nations does have the 1701 Nanfan Treaty, which allows Six Nations people to hunt forever on a huge tract of land including land in south-western Ontario and along the Grand River.

Here is some history leading to that agreement.

In the mid-1600s, the Five (later Six) Nations Iroquois from what is now upper New York State, U.S.A. conquered Indian bands around them and all the way west to what is now Chicago, Illinois. The Five (later Six) Nations Iroquois also entered what is now south-western Ontario to kill, conquer and disperse the indigenous Huron, Neutral and Petun Indians.

In the mid-1690s, the Ojibwa Mississauga Indians fought with and pushed the invading Five (later Six) Nations Iroquois out of what is now southern and south-western Ontario, across Lake Erie and back toward their homeland in New York where the Five (later Six) Nations Iroquois made peace and gave up the land in what is now southern Ontario to the Ojibwa Mississauga Indians.

According to a 2003 Indian Claims Commission report, "The offer of peace was accepted in June 1700, and as a result, the Mississaugas secured their control of the territory between Lake Huron and Lake Ontario. They would occupy these lands until the land cessions of the late 18th and early 19th centuries confined them to a very small proportion of their former territory".

Research also reveals Ojibwa chief William Yellowhead maintained a wampum belt, which he brought out when the Ojibwa needed to remind the Six Nations of their cession of southern Ontario to the Ojibwa.

And later at a meeting at Fort Niagara on May 22, 1784, Quebec Governor Haldimand bought a huge tract of land, including land along the Grand River, from the Ojibwa Mississauga Indians because they were in control of that land. Crown officials, Mohawk leader Joseph Brant, Six Nations Indian chiefs, Delaware Indian chiefs and Mississauga Indian chiefs were at that meeting and they all agreed with the sale of that land from the Mississauga Indians to the Crown.

And Ojibwa Mississauga chief Pokquan said "we have agreed and are willing to transfer our right of Soil and property to the King our Father", which also suggests the Mississauga Indians had control of the land.

Nevertheless, despite the agreement with the Mississauga Indians in June 1700, about a year later on July 19, 1701, twenty chiefs from the Five (later Six) Nations Iroquois Confederacy surrendered the Five (later Six) Nations beaver hunting grounds, including land in what is now south-western Ontario, to the British Crown on condition the British would allow Five Nations people to hunt on that land forever.

The French didn't think the Nanfan Treaty was valid because they were allies with the Ojibwa and the French had missions in south-western Ontario and they were building a fort at what is now Detroit.

Only 20 of the Five (later Six) Nations chiefs signed (placed their totems on) the Nanfan Treaty, not 50 Grand Council chiefs as many Six Nations people now say is necessary for valid surrenders.

And obviously the Nanfan Treaty in 1701 is questionable when the Five (later Six) Nations Iroquois had already given up the land to the Ojibwa about a year earlier in June 1700.

If the 1701 Nanfan Treaty is questionable and possibly invalid, should the Crown, municipalities and/or third-party landowners/developers challenge the validity of the Nanfan Treaty in court?

No, the Nanfan Treaty covers a huge tract of land including land in south-western Ontario.

The boundary in south-western Ontario starts around Burlington runs west along the northern shore of Lake Ontario and Lake Erie to the Detroit River, follows the eastern shore of the Detroit River, Lake St. Clair, the St. Clair River and Georgian Bay north to about Parry Sound and then follows a line diagonally south back to about Burlington.

That includes the land along the Grand River.

Here is a link to a map of the area covered by the 1701 Nanfan Treaty.

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It is a rough, hand drawn map of Great Lakes region. The yellow line outlines the area covered by the Nanfan Treaty. Notice the eastern border extends from roughly around Parry Sound on the east shore of Lake Huron diagonally south to about Burlington on the north shore of lake Ontario.

That map was originally drawn by Samuel Clowes or Clows who was a New York surveyor. He drew that rough map at the Nanfan Treaty meeting in 1701 and is listed on the Nanfan Treaty itself.

That original map is now stored at the British archives in London, England.

Here is a link to the 1701 Nanfan Treaty.

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Notice Samuel Clows is listed as S. Clows Surveyor in the list of names at the bottom right of the typed copy of the treaty.

Yes, the 1701 Nanfan Treaty covered parts of the U.S.A. south of Lakes Ontario and Erie; I think parts of Ohio and Illinois; Michigan between Lake Huron and Lake Michigan and south-western Ontario, Canada.

And I would say the Nanfan Treaty would be null and void in the areas it covered in the U.S.A. after the end of the American Revolution and with the Treaty of Paris in 1783.

The Ontario government now says the 1701 Nanfan Treaty is still valid in south-western Ontario, which was, in 1783, part of the British Province of Quebec and remained British territory after the American Revolution.

I still say the validity of the Nanfan Treaty could be challenged given the history and when the Five (later Six) Nations Iroquois gave away land to the British in 1701 the Five (later Six) Nations Iroquois had already given to the Ojibwa a year earlier in 1700.

By the way, some Six Nations people say they have hunting rights in Ontario, which was once part of Quebec, because they signed the Montreal Treaty (the Great Peace of Montreal) with other Indian bands and the French in August 1701.

However, I would say that treaty with the French would have been dissolved with the 1763 Treaty of Paris when the British took over from the French after the French and Indian War. The 1701 Treaty of Montreal was with the French not with the British and they had no reason to honour a French treaty.