

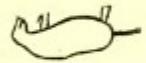
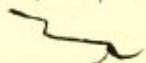
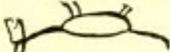
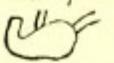
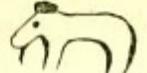
**Part 1**

**Haudensaunee deer hunting in Dundas Valley – a “treaty right” or a fraud?**

“Nanfan Treaty” is a hoax. It is not a “treaty.” It is a fraudulent interpretation of historical facts and a legally invalid claim of “treaty rights.” Nanfan Treaty does not exist. Historically, the deed of land to the English King, made by the Five Nations’ sachems in Albany on 19 July 1701, was never intended, recognized or confirmed by the Crown as a valid treaty.



Nanfan “Treaty” was a one-sided narrative, a one-sided deed of land with a wishlist attached to it – (an expectation to hunt in the area in question), made unilaterally by the native sachems who signed the document. This point is clearly demonstrated by the actual text of this document.

SINNEKES SACHIMS		CAYOUGES SACHIMS	
Tehonwaren	 genie (L. s).	Sodsio	 wanne (L. s).
Sonahso	 wanne (L. s).	Thodsino	 jago— (L. s).
Tosoquat	 hoa (L. s).	Nijuch	 sagentisquoa (L. s).
MAQUASE SACHIMS		ONNANDAGE SACHIMS	
Tsina	 go (L. s).	Tegach	 nawadiqua (L. s).
Onucher	 anorum (L. s).	Kach	 wadochon (L. s).
Teoni	 abigarawe alias Hendrik (L. s).	Taga	 tsehede (L. s).
Tirogaren	 alias Cornelis (L. s).	Sade	 ganasttie (L. s).
Sinon	 quireso (L. s).	Ach	 rireho (L. s).
Tanoch	 rachhoss (L. s).	ONEYDE SACHIMS	
		Dega	 ronda (L. s).
		Canada	 gariaz (L. s).
		Tio	 rachkoe (L. s).

In May 1784 – (83 years after the “Nanfan Treaty”) – a tract of land along the Grand River valley, being part of the lands “deeded” to the Crown in the “Nanfan Treaty”, was purchased from the Mississaugas, on behalf of the Crown, by the Governor of the Province of Quebec Frederick Haldimand. In October 1784, Haldimand granted this land to the Iroquois who had served on the British side during the American Revolution. If the Crown believed that the land was earlier “deeded”, it would not have to purchase it from the Mississaugas.

During the Conference in Albany (12-19 July, 1701), that produced the so called “Nanfan Treaty“, several speeches were made by the native leaders and by Governor Nanfan. Nanfan mainly talked about “protection” from the French and from the tribes allied with the French. He was concerned with the negotiations between the Five Nations and the French. He was

concerned with the prospect of French Jesuits living and working among the Five Nations. He was pitching the Five Nations against the French. Neither in Nanfan's speeches nor in the final document, there was a promise or a commitment, expressed or implied on behalf of the Crown or by the representatives of the Crown, confirming the recognition of or support for any hunting rights in the deeded lands.

During the same meetings, the Five Nations' sachems specifically insisted that Gov. Nanfan sends the Indian Secretary Robert Livingston to England in order to deliver the deed to H.M. King William III personally, as this would, they hoped, speed up the King's reply and acceptance.

Moreover, in the document itself, the Five Nations sachems expressed their claim to hunt in the deeded land as an "expectation" – (not a done deal):

*"...and it is hereby expected that wee are to have free hunting for us and the heirs and descendants from us and the Five nations for ever..."*

and expressed the hope that King William III would accept their expectations:

*"...we the Sachims of the Five nations above mentioned in behalf of ourselves and the Five nations have signed and sealed this present Instrument and delivered the same as an act and deed to the Hon. John Nanfan Esq Lieut Gov to our Great King in this province whom we call Corlaer in the presence of all the Magistrates officers and other inhabitants of Albany **praying** our brother Corlaer to send it over to Carachkoo our dread souveraigne Lord and **that He would be graciously pleased to accept of the same**. Actum in Albany in the middle of the high street this nineteenth day of July in the thirteenth year of His Majesty's reign Annoque Domini 1701."*

[Where: Corlaer = Lt. Governor John Nanfan, Carachkoo = H.M. King William III]

In the article, "Natives do pay Canadian taxes", published in Brantford Expositor on March 7, 2008, Chief William K. Montour of the Six Nations of the Grand River argued that the Haldimand's Declaration was a "treaty." He wrote:

*"...the Supreme Court of Canada determined in **R v. Sioui, 1990**, that a treaty is constituted by any signed statement by a Crown trustee agreeing to certain promises to aboriginal peoples."*

In the “Nanfan Deed” of 1701, there are no “statements by a Crown trustee agreeing to any promises” in general or to the hunting rights in particular. All statements in this document are made by the Five Nations sachems.

The deed was later confirmed by the Five Nations sachems in Albany on September 14, 1726, again with no written commitment on the part of the Crown regarding the “expected” hunting rights. Just like in 1701, the King’s reply never came and no legislature has ever ratified this document or approved these “expectations” on behalf of the Crown.

It is, therefore, abundantly clear that the document, as signed in Albany on 19 July 1701, is not a “treaty”.

Documents Relative to the Colonial History of the State of New York – (Online Electronic Book, pg. 908-911) provide a full text of this document, here named, **“Deed from the Five Nations to the King of their Beaver Hunting Ground”**. According to this transcript, after the main text and the signatures (totems) of the Five Nations’ sachems, there is a phrase: *“Sealed and delivered in the presence of us”*, followed by a list (no signatures) of the colonial participants present at that meeting, followed by the words: *“This is a true copy”* and the signature of John Nanfan.

Sealed and delivered in the presence of us	Johannes Cuyler Alderman
P <sup>r</sup> Schuyler	Dyrk Wessels justice
J Jansen Bleeker Mayor	James Weemes
Joh <sup>s</sup> Bleeker Recorder	Jonathan Broadhurst high Sheriff
John Abeel Alderman	M. Clarkson Secretary
Johannes Schuyler Alder <sup>n</sup>	S Clows Surveyor
David Schuyler Alder <sup>n</sup>	R <sup>t</sup> Livingston Secretary for the Indian affares
Wessells ten Broek Alderman	John Baptist van Eps } Interp <sup>tes</sup>
Johannes Roseboom Alderman	Lawrence Claese }
this is a true Copy	
(Signed).     JOHN NANFAN	

British History Online, America and West Indies, August 1701, See sections 758.viii-ix. (From: ‘America and West Indies: August 1701, 16-20’, Calendar of State Papers Colonial, America and West Indies, Volume 19: 1701 (1910), pp. 415-459.) This transcript is an abbreviated and edited version of the original document. It is called: **“Instrument of Conveyance of a Tract of Land from the Five Nations to H.M.”** This transcript places the names of the colonial participants present at the meeting, the *“Sealed and delivered in the presence of us”* phrase, the *“A true copy”* phrase, and the signature of John Nanfan on the back (the reverse) of the document.

Another transcript of this document - (from Iroquois Indians: A Documentary History, pgs. 908-911, Reel 6, Newberry Library). Here, the document is also titled: **“Deed from the Five Nations to the King of their Beaver Hunting Ground.”** This is the same text as found in the Documents Relative to the Colonial History of the State of New York, listed above.

The use of phrases: *“Sealed and delivered in the presence of us”* and *“This is a true copy”* clearly mean that:

- The colonial participants listed on the reverse of this document were merely witnesses to the deed, not a party to any agreement;
- Nanfan has signed this document on the reverse to confirm its authenticity and receipt;
- Nanfan has signed the document after it was completed, sealed and delivered.

By no means does it prove that this document constitutes an agreement or a “treaty” between the Five (later Six) Nations and the Crown.

Tom Kennedy of St. Catherines, a member of the Ontario Historical Society, St. Catherines Historical Society, the Ontario Genealogical Society, and McMaster ’50, has done an extensive research focusing on the so called “Nanfan Treaty.” In his recent publications, he wrote:

*The Nanfan Treaty of 1701 came into my focus with the trial and decision of the case of **R. v. Ireland and Jamieson in 1990.** The learned Judge accepted, it appears, the existence of a ceding of land in 1701, of what is southern Ontario west, as a “Treaty” with the English Crown. The evidence presented at trial was stated as **“Documents Relative to the Colonial History of the State of New York.”***

Consequently, the “treaty rights”, claimed by the Haudenosaunee, were recognized by the Ontario Government and the Hamilton Conservation Authority, as we were told, was obliged to follow the lead. Kennedy continues:

*The learned Justice also stated that the ‘Treaty’ had been signed by Lt. Gov. John Nanfan and Indian Sec’y Robert Livingston – this is contradicted by the actual evidence. I searched our Federal and early French Treaties and could not find the “Nanfan Treaty”. My local MP’s office also searched – could not find it. I contacted our American “cousins” in Albany for their colonial records, they referred me to the National Archives in Kew, Surrey, England. They do have the original document – **“Conveyance of lands by the Native American Chiefs of the Five Nations – [The Albany Deed of 1701]”**, catalogue*

number CO 5/1046/758. I could not discern the additional signatures of John Nanfan or Robert Livingston to that document.



*This is a copy of the original document, “Conveyance of lands by the Native American Chiefs of the Five Nations – [The Albany Deed of 1701]”, The National Archives, Kew, Richmond, Surrey, England, Reference: CO 5/1046/758. – (See: NOTE , below.)*

The “deed” itself was a fraud, as the lands deeded to the Crown were no longer controlled or occupied by the Five (later Six) Nations at the time of signing of this document. Tom Kennedy asserts:

*The Four Directions Institute in the USA, in their time line of the Five/Six Nations, notes they abandoned our Ontario in 1696, driven out by the French and Ojibwa.*

– (This is five years before the Nanfan Deed was signed in 1701.)

*“The ”Conveyance...” ignores that the French and Ojibway Allies booted them out in 1696, never to return until Haldimand invited them back in 1784, and had to ask the Mississauga, from whom he had purchased the land between the Niagara River over to the Thames River, to permit the Six Nations to come back into the land they had been evicted from in 1696.*

According to Gary Horsnell –

*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 the 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.”*

– [See: Part II-Historical Background, page 9, "Beginning in 1695..."]

*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.*

Horsnell goes on:

*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.*

*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.*

*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.*

— [From: 49thParallel Forum - website and forum currently inactive]

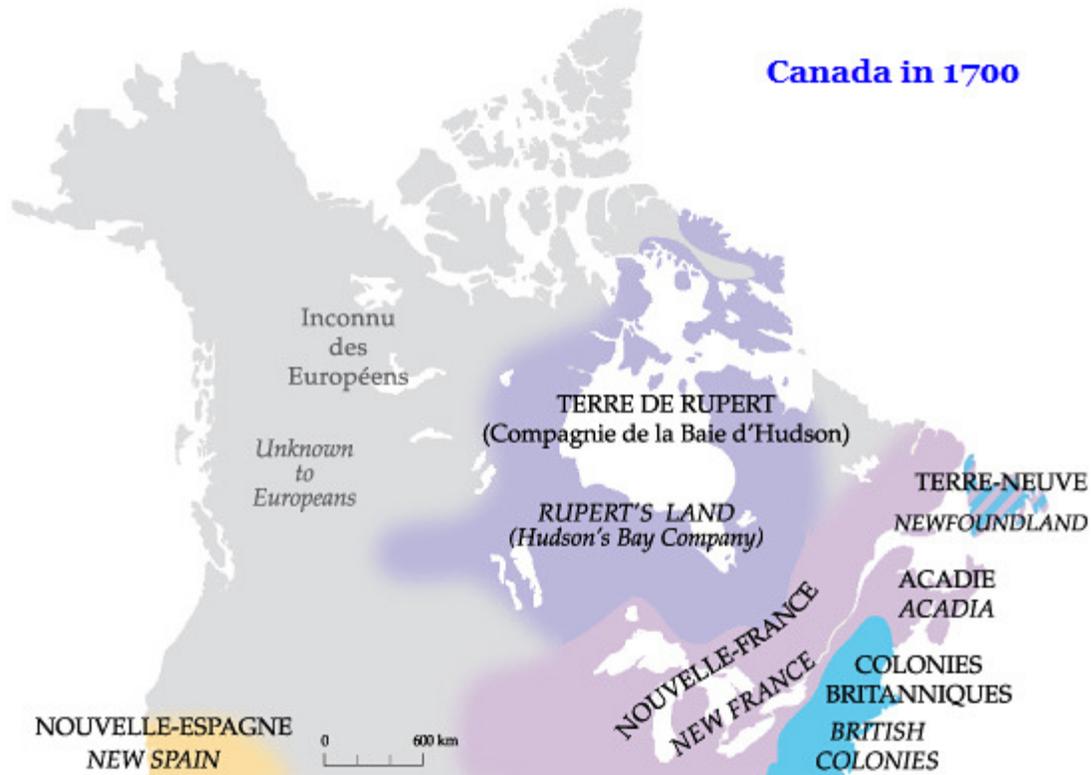
Don Goodbrand wrote in the CaledoniaWakeUpCall.com:

*By 1701 Five Nations could no longer defeat by force the original inhabitants who had returned to this area so signing over land they no longer had any control over to the British was quite a diplomatic coup that the British accepted as it technically, if fraudulently, gave them a "deed" to a piece of French Canada.*

*"Nanfan" was a last desperate attempt by Five Nations to lay claim to an area that by 1701 had slipped from their grasp. If you accept that Nanfan is valid as signed then there is no question all lands were signed over to the British crown and there is nothing in the treaty itself that gives Six Nations or HDI jurisdiction over anything as the wording says "for ever quit claime", but really, the entire claim to the land in 1701 is highly questionable to begin with.*

*I have read comments from Six Nations saying this dispute will only be resolved at the World Court. I would dearly love to see this treaty dissected at the World Court that admits, in writing, that the people of Five Nations had waged aggressive war on the original inhabitants who later returned to the land and the Iroquois aggressors had been unable to drive them out for at least twenty years before the treaty was signed and somehow that means that area was still "their" hunting ground to "deed" to the British Crown.*

As part of the Treaty of Ryswick between England and France, signed in 1697 – (four years before the so called Nanfan Treaty), the English Crown agreed that the land of the northern shores of the Great Lakes was French Territory.



Kennedy notes:

*The Treaty of Ryswick of 1697 between France and England specified that the northern shores of Lake Ontario and Lake Erie were French. South of the lakes, English and the French recognized the Five Nations as English subjects. The land area described in the so called “Nanfan Treaty” was covered by the Treaty of Ryswick, hence by Royal Seal, French territory. That part of present Canada did not become English (British) until the Treaty of Paris in 1763.*

*The document, signed on July 19, 1701, was sent to the Lords of Trades and Plantations (Nanfan’s bosses). The original is now being held in the National Archives, Kew, Surrey, England, and is cited and catalogued as “**Conveyance of lands by the American Chiefs of the Five Nations – [The Albany Deed of 1701]**”. It does not display any royal seal, as would be seen at that time on a “treaty”. The records of Lords of Trades and Plantations, when their copy was received on Oct. 1, 1701, noted the names of 20 Sachems who signed with their totems below the document’s words, then it noted that certain*

*colonists observed the application of the totems. This fact of observation was noted “on back” and signed by John Nanfan, not as Lt. Governor but as a witness. There is no “royal seal” with Nanfan’s signature, nor was the “Treaty” approved by the legislature of the Colony of New York. The only Treaty that Nanfan is recorded to have announced, signed and approved by the Legislature was one to settle problems with the Barberrry Pirates.*

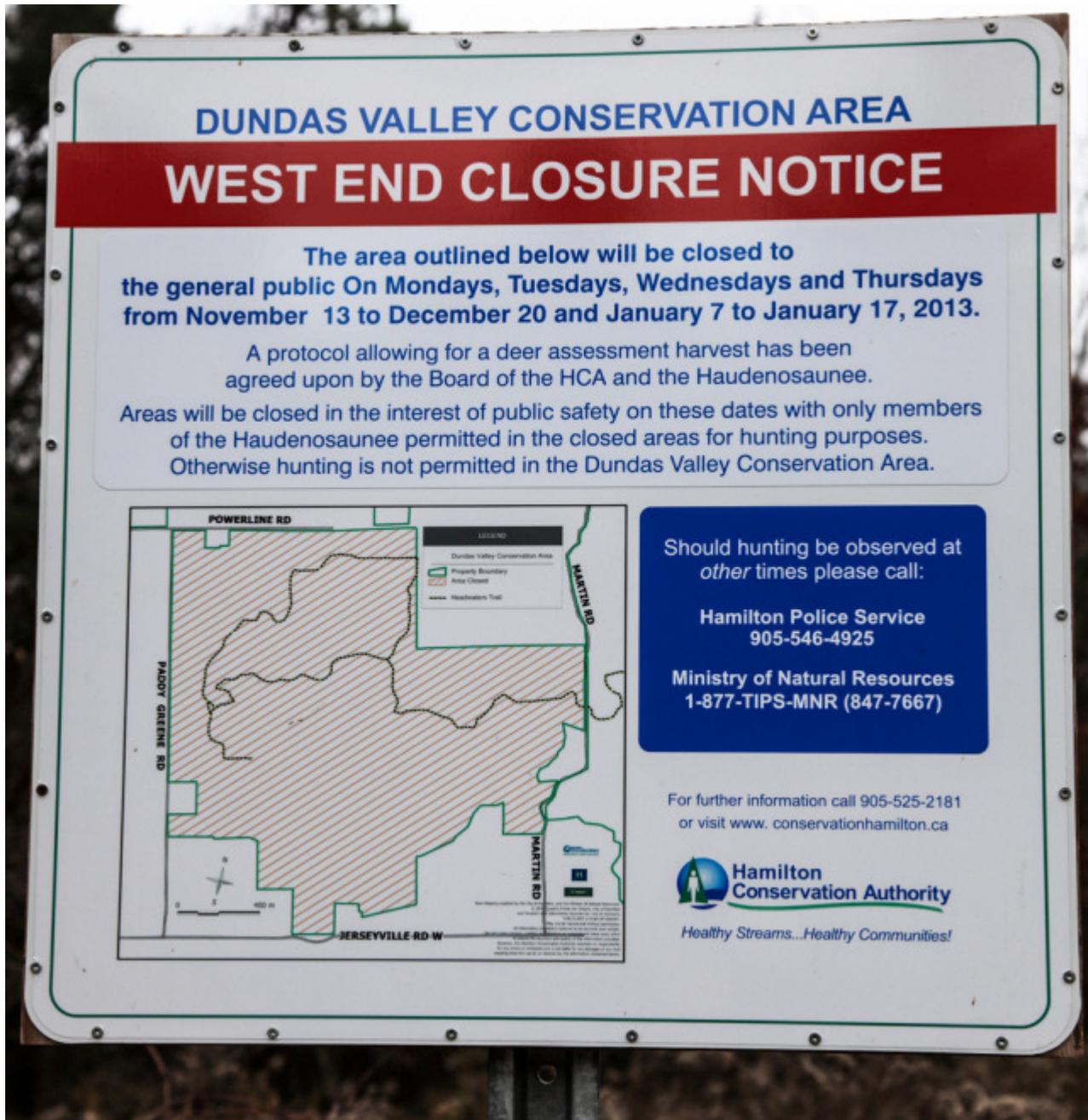
Kennedy continues:

*The Government of Canada does not recognize the existence of a “Nanfan Treaty”. In the listing of Indian Treaties and Surrenders from 1680 (French) until 1891, published by the Queen’s Printer, the “Nanfan Treaty” does not appear. It appears only in the imagination of the MNR and HDI, and members of the Six Nations Community ignore the absence of hard evidence for their claims.*

These are verifiable historical facts and they cannot be overwritten by any political trends or legal manipulations.

Given all these historical facts, why was this document needed and produced in the first place? The Five Nations, after being driven out of today’s Ontario by the French and Ojibwa in 1696, needed British protection in order to return to the lost beaver hunting grounds. The British, after the Treaty of Ryswick in 1697, needed a “deed” or a “conveyance of land” that would give them a claim to a piece of French territory. Both, the Five Nations and the British, placed their hopes on a fictitious document fabricated out of thin air in 1701.

Why is the fraudulent “Nanfan Treaty” supported by the Ontario’s Ministry of Natural Resources today? I really don’t know, although I had heard some rumors from sources close to the Hamilton Conservation Authority. According to these rumors, the government of Ontario is attempting to weaken the support that the First Nations and their claims enjoy in many non-native communities. What’s a better way to pitch us against each other than to allow the Six Nations’ hunters to kill our deer in our conservation areas that we in our communities enjoy and cherish? What’s a better way to create a conflict than allowing the Six Nations, but not the non-native hunters, to hunt around our communities? With weaker public support, it will be easier for the government to dismiss other, legitimate claims the Six Nations may have. Considering what is at stake, I don’t believe that hunting in conservation areas around our communities serves the best interest of the Six Nations.



The Protocol Agreement, signed between the Hamilton Conservation Authority and the Haudenosaunee to address the Treaty Rights of the Haudenosaunee on HCA owned lands, emphasizes the alleged Treaty Rights of the Haudenosaunee. These alleged rights are based on the assumed validity of the so called Nanfan Treaty. Based on existing evidence and true historical facts, there was no “treaty” and therefore, there are no hunting rights.

In addition, “Aboriginal Rights”, as defined by the United Nations, apply to First Nations (or Indigenous Peoples). The Haudenosaunee are not a First Nation in this area. Many non-native settlers were registered here long before the Five (later Six) Nations moved to the relatively

small strip of land along the Grand River, granted to them in the Haldimand Declaration of 1784. The true First Nations were killed and/or displaced by the Iroquois in the mid-17th century. They were the Huron, the Petun, and the Neutrals. In the Nanfan Deed document, the Iroquois sachems had openly admitted it and bragged about it at length.

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NOTE:

I have purchased, from the National Archives in Kew, Richmond, Surrey, England, the official copy of the original document, “**Conveyance of lands by the Native American Chiefs of the Five Nations – [The Albany Deed of 1701]**”, catalogue number CO 5/1046/758. Full size copies of both, front and reverse of this document, can be examined in the following post: “Conveyance of lands by the Native American Chiefs of the Five Nations”