

THE LAND BENEATH US ◆

The Haldimand Grant

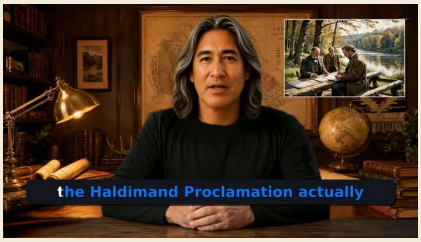
Season One · Before Canada · Episode 9

aiwrangler.ca — an illustrated companion

Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.







From the episode

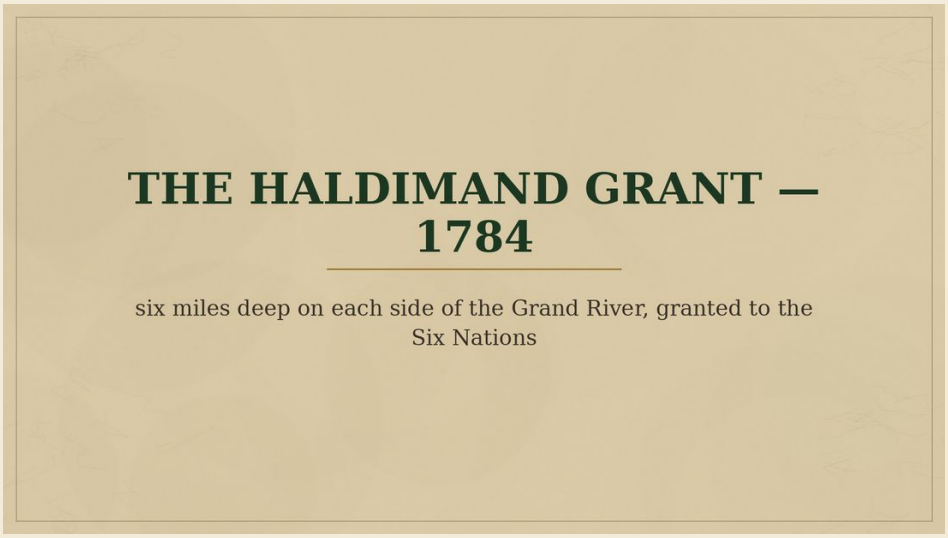
WILLOW BORN WITH A TOOTH

I'm standing on the bank of the Grand River in what is now southern Ontario, and the question I carry everywhere on this show is the same one I'm asking right now: what deal put this land beneath my feet? I'm Willow Born With a Tooth, and what happened here is one of the most specific, most documented, and most unresolved land stories in the country.



SAM CARDINAL

When the American Revolution ended with the Treaty of Paris in seventeen eighty-three, the Crown drew a new international border through Haudenosaunee territory without consulting the nations who lived there. The Six Nations — the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora — had fought alongside the British for nearly a decade, and in exchange they received a peace treaty that left their homelands, the Mohawk Valley, the Finger Lakes, all of it, on the American side of a line they never agreed to draw. These were the great written transactions of Upper Canada, moments when a living relationship between nations was folded into a document the Crown considered settled the instant the ink dried — but the people who signed them carried a very different understanding home.



WILLOW BORN WITH A TOOTH

So the Crown owed the Six Nations something real. And in seventeen eighty-four, it tried to pay.



SAM CARDINAL

Governor General Frederick Haldimand signed a proclamation that October granting the Six Nations and their allies a tract of land along the Grand River in what would become the province of Upper Canada. The language was precise: six miles deep on each side of the river from its source all the way down to its mouth at Lake Erie. At full extent, that was more than six hundred thousand acres of forest, river bottom, and good land. The document said the Six Nations were to hold it and to quote enjoy it forever close quote. Those words were written and signed by a senior British officer who, by all the evidence, meant them.

THREE RECORDS

THE GRANT	THE CROWN	SIX NATIONS
a homeland for wartime allies	a gift it could regulate	land to hold forever

WILLOW BORN WITH A TOOTH

Six miles on each side, the full length of the river. That is an enormous piece of ground. So who was the man who brought the Six Nations to that table and made sure there was a table at all?



SAM CARDINAL

His name was Joseph Brant — Thayendanegea in Mohawk — and he was among the most consequential figures of his generation in this country. He was a Mohawk war captain and a diplomat who had traveled to London twice, met the King, and read the documents placed in front of him with a sharp and trained eye. He had led Six Nations warriors through some of the fiercest fighting of the Revolution, and when the war ended badly for their alliance, he was the one who stood up and said: we kept our word, now keep yours. He spent years pressing the Crown for a land grant before the Haldimand Proclamation was finally issued, and he understood very well the difference between a gift of land and a place merely to shelter.

A TRACT THAT SHRANK

1784 — the Haldimand Proclamation
the whole Grand River valley
leased and sold away over a century

WILLOW BORN WITH A TOOTH

So Brant read the proclamation and understood what it said. What did the document actually say about the Six Nations' rights over the land — could they sell it, lease it, govern it?



SAM CARDINAL

That is precisely the question the document left unanswered, and that silence is where the entire subsequent history lives. The proclamation named the river, described the depth, and said the Six Nations would enjoy it forever. It said nothing about who held authority over transactions — whether the Six Nations could lease parcels to non-Indigenous settlers, whether they could sell portions, whether the Crown retained a supervising role over any of that. The grant created the right but refused to define the edges of the right, and that gap was not an accident of drafting — it reflected a genuine difference in how each side understood what had just been agreed.



WILLOW BORN WITH A TOOTH

And this is where the three records come apart. What did the Crown think it had given, what did its own men report, and what did the Six Nations understand?



SAM CARDINAL

The written proclamation says enjoy forever — that much both sides could read. The Crown's administrators, in their letters and reports from the period, treated the grant as a resettlement — a gift of place, yes, a generous one, but subject to Crown supervision when it came to dealings with non-Indigenous parties. Their position was that any lease or sale to a settler required Crown approval before it was legally binding. The Six Nations understood something fundamentally different. They had given land, labor, fighting men, and years of loyalty in the Revolution. The Grand River tract was, in their understanding and in what their councils said at the time, compensation paid to a nation — and a sovereign nation decides for itself what to do with its own territory.

STILL CLAIMED

The Haldimand Tract land claim is still unresolved.

WILLOW BORN WITH A TOOTH

A supervised resettlement versus a sovereign homeland. Those are not just different words. They are different worlds.



SAM CARDINAL

They are, and Joseph Brant saw the difference clearly. Beginning in the years after seventeen eighty-four, he negotiated leases with non-Indigenous settlers — not sales, but long-term leases — generating income for the community while the Grand River was being settled around them. He believed this was entirely within the Six Nations' right as the land's owners. The colonial administration disagreed. Their position was that Brant had no authority to make those arrangements without Crown approval, that the leases were legally irregular, and that the income should flow through Crown-managed trust accounts rather than directly to the community. That dispute — over who had the right to administer the land — would define the next century of the Haldimand Tract's history.



WILLOW BORN WITH A TOOTH

So the Crown gave the land, and then disputed the right to use it. What did that actually mean on the ground — what happened to all those acres?



SAM CARDINAL

The tract shrank. Some of the leases Brant negotiated were eventually formalized as purchases, with the Crown acting as intermediary and holding the proceeds in trust for the Six Nations. Other parcels were surrendered through formal transactions in the early eighteen hundreds. The trust fund that was supposed to generate income for the community was frequently mismanaged, disputed in the accounts, and drawn down in ways the Six Nations councils later said they had never properly authorized. By the middle of the nineteenth century, a territory described in seventeen eighty-four as six miles deep along the full length of the Grand River had been reduced to a small fraction of that original grant — and the reductions had happened not through one single act but through decades of transactions whose legal validity was contested at every step.



WILLOW BORN WITH A TOOTH

This wasn't one dramatic moment of loss. It was a long, slow erosion — deal by deal, decade by decade.

SAM CARDINAL

Yes, and the contested question at the bottom of each transaction was always the same one the Haldimand Proclamation had left unanswered: were the Six Nations a sovereign nation with full authority over their territory, in which case some of Brant's leases were valid and the Crown had been interfering in Six Nations governance, or were they a Crown-grant community subject to Crown supervision, in which case the colonial administration had some legal standing for what it did? Depending on which answer you accept, the history of the Haldimand Tract reads entirely differently — either as the mismanagement of a trust, or as the systematic erosion of a sovereign claim the Crown never intended to honour in full.

WILLOW BORN WITH A TOOTH

And the answer to that foundational question — it is still being argued.

SAM CARDINAL

The Six Nations of the Grand River filed a comprehensive land claim in nineteen ninety-five. It covers the full arc of the Haldimand Tract — the Brant-era leases, the surrenders, the trust fund, the management failures — and it argues that the Crown did not fulfil its obligations and that large portions of what left Six Nations hands were never properly surrendered at all. The territory named in the claim encompasses much of what is now Haldimand County and the surrounding region — land on which cities, towns, farms, and roads have sat for generations. It is one of the largest outstanding specific claims in Canada, and it remains unresolved.

WILLOW BORN WITH A TOOTH

So if you're in Caledonia or Brantford or anywhere along that river and you ask what deal put this ground beneath me — there is a specific, documented, and still-open answer.

SAM CARDINAL

There is. And I want to be fair to what the Haldimand Proclamation actually was, because it was not a trick. It was a genuine attempt by the Crown to honour a genuine debt — owed to real nations who had sacrificed enormously for an alliance the Crown itself had sought. Frederick Haldimand wrote those words to enjoy it forever and there is good evidence he meant them. What followed was not a betrayal that anyone planned on day one. It was something slower and in some ways harder to account for: the creeping assertion of Crown authority over how the enjoyment could work, the steady accumulation of transactions whose legitimacy Six Nations councils disputed, and a trust fund that was never adequately managed. A promise can begin honestly and still be broken by degrees.

WILLOW BORN WITH A TOOTH

Broken by degrees. That phrase does something to you when you're standing on this ground.

SAM CARDINAL

Joseph Brant died in eighteen oh seven, still writing letters to the Crown, still insisting that what had been given could not be reclaimed in pieces. He never received a definitive answer. The Grand River still runs through it all — the same river named in the proclamation, moving through land that was promised forever in the fall of seventeen eighty-four on a document every party could read and no two parties read the same way. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

Six Nations of the Grand River is home to the largest First Nations population in Canada today. The river is still there, the people are still there, and the claim is still alive. Whatever you think the paper said, the people it was written for have never stopped saying what they understood it to mean — and that conversation is not finished.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The script describes the tract at full extent as “more than six hundred thousand acres.” This is not false, but it understates the figure most sources use: the Haldimand Tract is standardly given as roughly 950,000 acres (six miles deep along each side of the Grand River from Lake Erie to its source). The Six Nations’ own materials, the Government of Ontario, and the 1995 statement of claim all cite about 950,000 acres, of which less than five per cent (roughly 46,500 acres) remains in Six Nations hands. A conservative figure exists because the Crown later disputed whether the upstream (headwaters) portion was ever validly conveyed by the underlying Mississauga surrender, but the widely-cited full-extent number is ~950,000, not ~600,000.

Frederick Haldimand is called “Governor General” in the script. His formal office was Captain-General and Governor-in-Chief of the Province of Quebec (1778–1786); the modern federal title “Governor General” is an anachronism, though the loose usage is common.

References & further reading

Haldimand Proclamation, 25 October 1784 (Sir Frederick Haldimand, Governor of the Province of Quebec). Text authorizing the Six Nations “to take Possession of, and Settle upon the Banks of the River commonly called Ours [Grand] River … Six Miles deep from each Side of the River beginning at Lake Erie, and extending in that Proportion to the Head of the said River, which them and their Posterity are to enjoy for ever.” Reproduced by Six Nations Lands & Resources, sixnations.ca/LandsResources/HaldProc.htm.

“Haldimand Proclamation / Six Nations of the Grand River.” The Canadian Encyclopedia — the 1784 grant of approximately 950,000 acres along the Grand River to the Six Nations for their alliance with the Crown in the American Revolution.

“Thayendanegea (Joseph Brant).” Dictionary of Canadian Biography, vol. V (Toronto/Laval: University of Toronto/Université Laval). Mohawk war captain and diplomat, b. c. 1742–43, d. 24 November 1807 at Burlington/Wellington Square; two voyages to England where he was received at court (George III); central to securing the Grand River grant and to the later leasing of tract lands.

Charles M. Johnston, ed., The Valley of the Six Nations: A Collection of Documents on the Indian Lands of the Grand River (Toronto: The Champlain Society / University of Toronto Press, 1964) — the standard documentary record of the Haldimand grant, the Brant-era leases, the surrenders, and the trust-fund administration.

Six Nations of the Grand River Band of Indians v. Attorney General of Canada and Attorney General of Ontario — statement of claim first filed 1995 (Ontario Superior Court of Justice); alleges the Crown failed to fulfil its Haldimand Tract obligations and that large portions were never validly surrendered. The liability phase remains unresolved, with trial scheduled to commence 5 October 2026.

Government of Ontario, “Six Nations of the Grand River” (ontario.ca/page/six-nations-grand-river) — confirms the ~950,000-acre 1784 grant and that the present reserve (~46,500 acres) is under five per cent of the original tract.

Treaty of Paris, 3 September 1783, ending the American Revolutionary War; the new international boundary was drawn through Haudenosaunee territory (Mohawk Valley, Finger Lakes) without the consent of the Six Nations, leaving their pre-war homelands on the American side of the line.

Sidney L. Harring, White Man’s Law: Native People in Nineteenth-Century Canadian Jurisprudence (Toronto: University of Toronto Press / Osgoode Society, 1998) — analysis of the competing sovereign-nation vs. Crown-supervised-reserve understandings of the Grand River lands and the contested legal status of the Brant leases and subsequent surrenders.



THE LAND BENEATH US ◆

The Toronto Purchase

Season One · Before Canada · Episode 10

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From the episode

WILLOW BORN WITH A TOOTH

Stand anywhere in downtown Toronto — the financial district, the waterfront, Union Station, a condo tower going up on King Street — and you are standing on land that was purchased in a single transaction in the year seventeen eighty-seven. The question we're here to ask is: what did that purchase actually say, and did everyone who signed it believe they were agreeing to the same thing?



SAM CARDINAL

The people who signed that document were the Mississaugas of the Credit — Anishinaabe, Ojibwe — the people who held the north shore of Lake Ontario and had done so for generations. The word "Toronto" itself is older than the city; it traces to an Anishinaabe term for a place where trees stand in the water, a weir where the lake narrowed, and the Mississaugas knew it well. These written surrenders of Upper Canada are often treated as the moment the land business was settled for good, but the Mississaugas' story shows us what was left out of that accounting. When the Crown came to them in the autumn of seventeen eighty-seven, it was to ask for the land that would eventually become the largest city in the country.



WILLOW BORN WITH A TOOTH

And the deed they signed — what does it actually say?



SAM CARDINAL

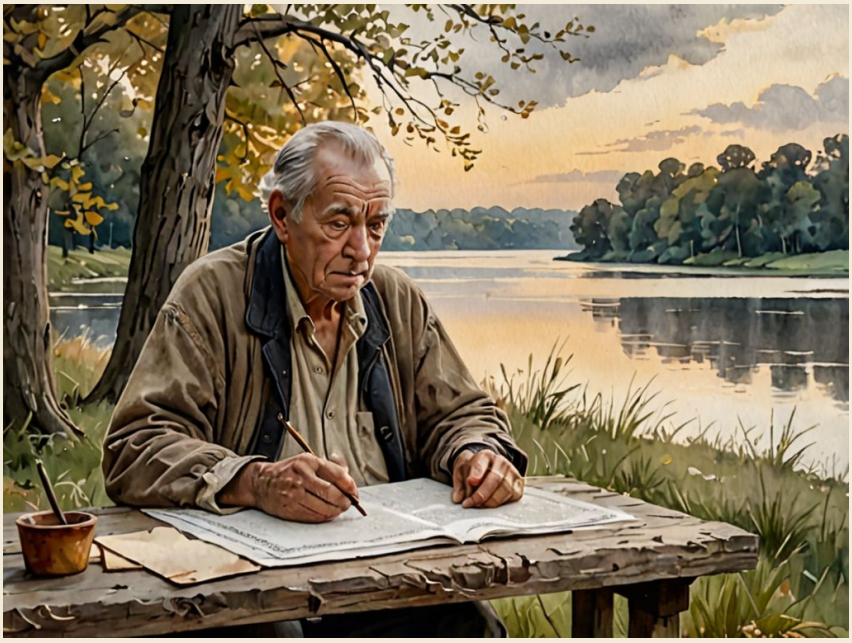
This is where the story gets remarkable, and not in a reassuring way. The deed from September of seventeen eighty-seven exists in the archives. You can hold it, you can read it. And when scholars and Mississauga representatives and eventually lawyers examined it closely, what they found is that the description of the land being surrendered had been left blank. The boundaries were not filled in. The acreage was missing. The Crown had a signed document, but the document itself did not clearly describe what had changed hands that day. It is sometimes referred to, plainly, as the blank deed.

THREE RECORDS

THE PAPER	THE CROWN	THE MISSISSAUGAS
a blank, undescribed deed	a purchase to tidy later	a sharing, not a sale

WILLOW BORN WITH A TOOTH

A blank deed. How does something like that happen — you are arranging the purchase of what will become the heart of a future city, and the boundaries don't get written down?



SAM CARDINAL

It wasn't carelessness exactly — it was urgency. The Crown was moving fast in the late seventeen eighties, and there was pressure to open land for settlement, to secure the territory, to have agreements in place before the wave of newcomers who were already arriving needed somewhere to go. These transactions were being made under considerable haste, and the care that should have gone into describing precisely what was agreed to was, let's say it plainly, not taken. The Crown's interest was in having a signed document. Whether that document was complete was a concern for another day.

A DEAL REDONE

1787 — the blank deed
1805 — re-surveyed and confirmed
2010 — settled at last

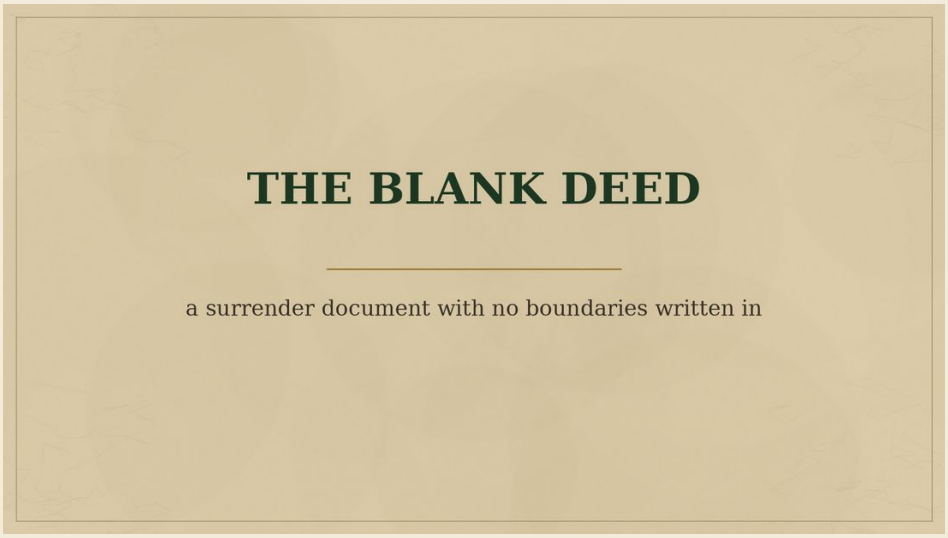
WILLOW BORN WITH A TOOTH

So we have three records to look at. The deed itself — which is blank. The Crown's own reports from the negotiation. And what the Mississaugas of the Credit said they understood the agreement to mean. Do they match?



SAM CARDINAL

They do not. The written deed, such as it is, records a surrender in the Crown's terms — a final sale of the land, the kind of transaction you sign once and don't revisit. The Crown's negotiators reported that a purchase had been made, that goods had been exchanged — cloth, tools, provisions — and that the matter was closed. What the Crown paid was very small relative to what they were acquiring, even by the measures of that era. But what the Mississaugas understood, and what their people maintained across the generations that followed, was something fundamentally different: they had agreed to share the land with the newcomers. They had not agreed to leave it. They had not agreed to stop being a people of this territory.



WILLOW BORN WITH A TOOTH

That difference — between a final sale and a sharing agreement — isn't a small disagreement about wording. These are two entirely different understandings of what happened on that September day.



SAM CARDINAL

And the difference showed up almost immediately. The Mississaugas were still fishing the lake. Still coming to the Credit River with the seasons. Still moving through the territory as their people always had. And then in seventeen ninety-three, the colonial government founded the town of York on that very land — the town that would become Toronto — and a city began to grow up around them and past them, on ground the Crown now considered fully purchased and fully theirs to settle.

SETTLED IN 2010

Toronto sits on a claim that took generations to resolve.

WILLOW BORN WITH A TOOTH

Which is part of why, in eighteen oh five, the Crown came back to the table. The original deed had problems that the government could no longer ignore.



SAM CARDINAL

By eighteen oh five, Upper Canada was growing quickly enough that someone in the colonial administration looked at the seventeen eighty-seven deed and recognized that it would not withstand serious scrutiny. A resurvey was ordered. A new deed was drawn up — meant to confirm and correct the original purchase, to put into the record what the blank deed had failed to specify: where the boundaries actually were, and how much land had in fact changed hands in seventeen eighty-seven. The Crown understood this as a housekeeping exercise, a tidying up of paperwork.



WILLOW BORN WITH A TOOTH

Did the Mississaugas of the Credit see it the same way?



SAM CARDINAL

The eighteen oh five deed was clearer than the first one, and that matters — but clarity about boundaries does not close the gap between a sale and a sharing. What the Crown was clarifying in eighteen oh five was its own reading of events: that the land had been fully surrendered in seventeen eighty-seven, that the town of York and everything growing up around it stood on legitimately purchased ground, and that the transaction was final. The Mississaugas were by then under serious pressure — disease had reduced their numbers sharply, the territory around them was filling in — and the world they had agreed to share was, faster than anyone might have imagined, becoming a world with very little room left for them in it.



WILLOW BORN WITH A TOOTH

They ended up at New Credit — near what is now Hagersville — more than a hundred kilometres from the waterfront where we started this story.

SAM CARDINAL

Moved in stages through the nineteenth century. Further from the lakeshore. Further from the Credit River. Further from the place their people had known for generations. By the time Toronto was a city of hundreds of thousands, the Mississaugas of the Credit were on a small reserve in what is now Haldimand County, and most of the people living above that blank deed had never heard of it. That is not a condemnation — it is an observation about how these transactions were designed to recede. The paper was signed, the land was settled, and the question of what the paper actually said was left for another generation to find.

WILLOW BORN WITH A TOOTH

Another generation did find it. The Mississaugas of the Credit filed a specific claim with the federal government, arguing that the seventeen eighty-seven transaction was defective — that a blank deed is not a valid deed, and that what was paid bore no reasonable relationship to what was taken.

SAM CARDINAL

A specific claim is the formal legal process through which a First Nation can bring a grievance about how the Crown met — or failed to meet — its obligations under an agreement. This particular claim wound through the federal process for years, as these things do, with negotiations that were neither quick nor simple. But in twenty ten, the Mississaugas of the Credit and the Government of Canada reached a settlement. One hundred and forty-five million dollars. For the land beneath what is now the financial and cultural centre of the country's largest city.

WILLOW BORN WITH A TOOTH

One hundred and forty-five million dollars. Two hundred and twenty-three years after a deed that could not be bothered to describe the land it was surrendering.

SAM CARDINAL

It is worth holding that number quietly for a moment — not as a price on the city, which would be beyond any calculation, but as something else entirely. An acknowledgment. An acknowledgment that what was done in seventeen eighty-seven was flawed. That a blank deed is a flawed instrument. That when you ask a nation to agree to something of enormous and permanent consequence, you are obligated to write down honestly what they are agreeing to — and that when you fail to do that, you have not finished the transaction. You have only postponed it. The Mississaugas of the Credit kept the story. They kept it across two centuries while Toronto grew up on top of it, and in twenty ten, the Crown finally had to account for the gap between the paper and the promise. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

The Mississaugas of the Credit First Nation are still here. They have a chief and council, a community at New Credit, and a land claim history they kept more faithfully than anyone kept that original deed. The land beneath Toronto has a long memory. And the people who lived on it before it had a name anyone south of the lake would recognize — they remember too.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The episode presents the 2010 figure of $145 million as compensation for the Toronto Purchase alone ("For the land beneath what is now the financial and cultural centre…"). In fact the 2010 settlement resolved two specific claims together — the Toronto Purchase Claim and the separate Brant Tract Claim (relating to lands near Burlington) — for a combined $145 million. The number is correct; attributing all of it to the Toronto Purchase overstates slightly.

The script frames the blank deed as something "scholars and Mississauga representatives and eventually lawyers" discovered — implying a largely modern finding. The defect was in fact recognized contemporaneously: Lieutenant-Governor John Graves Simcoe found the blank, undescribed deed in 1792, and that recognized flaw is precisely why the Crown ordered the 1805 re-survey and confirmation deed (Treaty No. 13). The episode's own 1805 narrative is consistent with this; the earlier "eventually lawyers" framing is the loose point.

References & further reading

"The Toronto Purchase Treaty, No. 13 (1805)." Mississaugas of the Credit First Nation (mncfn.ca). Documents the 1787 council at the Bay of Quinte, the blank deed with no land description and chiefs' marks affixed on separate papers, the 1 August 1805 confirmation deed purchasing roughly 250,000 acres for 10 shillings (with fishing rights reserved at Etobicoke Creek), and the 2010 settlement of the Toronto Purchase and Brant Tract claims for $145 million.

"Canada and Mississaugas of the New Credit First Nation Celebrate Historic Claim Settlement" and "Claim Settlement on the Horizon" (2010). Canada.ca / Indigenous and Northern Affairs news archive. Confirms the $145 million compensation, the largest specific-claim settlement of its kind at the time, ratified by community vote in 2010.

"Toronto Purchase." The Canadian Encyclopedia. Overview of the 1787 surrender, its defective documentation, the 1805 clarification, and the long-running dispute settled in 2010.

"The Toronto Purchase of 1787" and "The Toronto Purchase Confirmation, 1805." Talking Treaties (talkingtreaties.ca), Jumblies Theatre / First Story Toronto. Details the 23 September 1787 council, the trade goods paid, the blank/undescribed deed, and the 1805 re-survey.

"Remembering the Toronto Purchase and its Settlement." Toronto Public Library (Snapshots in History). Notes the founding of the Town of York in 1793 on the purchased lands, the surrender of roughly 250,000 acres, and the June 2010 settlement.

Mississaugas of the Credit First Nation — community history. The nation relocated in stages through the 19th century from the Credit River, settling on the New Credit reserve (granted by the Six Nations) near present-day Hagersville, in Haldimand County, over 100 km from the Toronto waterfront; the First Nation today has a chief and council and community at New Credit.

"Toronto Purchase." Wikipedia (citing Crown–Indigenous Relations records). Corroborates the September 1787 council at the "Carrying-Place" of the Bay of Quinte, the goods exchanged, the disputed acreage (~250,808–250,880 acres), the 1805 confirmation, and the 2010 $145 million settlement.



THE LAND BENEATH US ◆

The Simcoe Surrenders

Season One · Before Canada · Episode 11

aiwrangler.ca — an illustrated companion

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From the episode

WILLOW BORN WITH A TOOTH

If you drive west from Hamilton along the old lake road, you cross some of the deepest topsoil in Canada — good glacial till, flat and dark and rich — and most of it changed hands in a span of four years, faster than almost any comparable stretch of territory on the continent. Welcome to The Land Beneath Us. I'm Willow Born With a Tooth, and today we're asking: what deal opened this ground?



SAM CARDINAL

Upper Canada was barely a year old when John Graves Simcoe arrived as its first Lieutenant-Governor in seventeen ninety-two. The province had been created by the Constitutional Act of seventeen ninety-one, and it came with a problem: tens of thousands of Loyalist refugees from the American Revolution needed land, and they needed it quickly, before the pressure of their numbers overwhelmed any orderly system of settlement. Simcoe understood that the way to stay ahead of that wave was to move first — to secure surrenders from the nations who held the land, open the survey system, and begin granting farms. The word his government used for all of this was "purchase." These were, in the broadest sense, great written transactions — moments when the Crown treated the question of the land as finished business the instant the ink dried. That word, purchase, and what it did and did not mean to the nations who signed, is where our story begins.



WILLOW BORN WITH A TOOTH

Who was actually living between these lakes — between Ontario and Erie, and west toward the Detroit River — when Simcoe arrived?



SAM CARDINAL

Primarily the Mississauga — Anishinaabe people who had established themselves across the north shore of Lake Ontario and the lands between the lakes in the late seventeenth century. They were hunters, fishers, farmers in season, organized in bands with deep ties to specific river systems and lakeshore territories. By the seventeen eighties they were already under enormous pressure: the American Revolution had drawn a new international boundary through their territories without their involvement, and Loyalist settlers were pushing north in numbers that no nation could simply wait out. They were realists facing choices that had no good answers, and they were also experienced negotiators — people who had been dealing with European traders and officials for over a century.

THREE RECORDS

THE TEXT	THE CROWN	THE NATIONS
a clean cession	land for Loyalist farms	terms half-heard across a gap

WILLOW BORN WITH A TOOTH

There was already one major purchase on the books before Simcoe got off the boat.



SAM CARDINAL

The McKee Purchase, signed in May of seventeen ninety by Alexander McKee, who served as Deputy Superintendent of Indian Affairs. McKee met with representatives of the Ojibwa and Chippewa nations and obtained a surrender of the lands south and west of the Thames River — essentially the entire southwestern corner of what would become Upper Canada, a vast tract stretching toward Lake Erie and the Detroit River. The payment recorded in the documents was goods distributed at the council: wampum, cloth, tools, provisions. For an enormous territory, it was a brief transaction.



WILLOW BORN WITH A TOOTH

That is a staggering amount of land for a council that lasted a few days. And this is the moment I want to slow down, because there are three different accounts of what actually happened there.



SAM CARDINAL

There almost always are, and the gap between them is the story. The written deed records a permanent surrender of defined lands, consideration paid and accepted, the matter concluded in Crown law. McKee's dispatches to his superiors describe a successful and cordial negotiation — the nations willing, the exchange fair, the deal done, next question please. And then there is the third record: what the Ojibwa and Chippewa later maintained, in their oral accounts and in the petitions they filed in the years that followed. That account says they understood the agreement as a sharing — that settlers would be permitted to farm on portions of the land, yes, but that the nations retained their right to use the rivers, the hunting ranges, the territory they had always moved through with the seasons. The concept of permanent and final alienation of land — a sale in which you walk away and it is no longer yours — did not map onto Anishinaabe legal understanding of what had taken place.

BUILT FOR SPEED

THE CROWN NEEDED	WHAT SLIPPED
acreage, fast	clear terms and consent

WILLOW BORN WITH A TOOTH

And then Simcoe arrived and picked up the pace considerably.



SAM CARDINAL

He came in with a list. Simcoe was a capable and energetic administrator who genuinely believed that a well-settled, prosperous Upper Canada was the best argument against American expansion northward — and he needed roads, townships, a capital, and above all farms. In August of seventeen ninety-two he concluded what became known as the Between the Lakes purchase: a tract running roughly from Burlington Bay, at the western end of Lake Ontario, west toward the Grand River and south toward Lake Erie. The Mississauga were the primary signatories. The deed was brief, as these documents tended to be — it recorded a surrender of bounded land in exchange for goods delivered at the signing, and it did not describe what the Mississauga retained. It named no rights to hunt, to fish, to camp through the seasons. By what was written down, the Crown held complete and permanent title.



WILLOW BORN WITH A TOOTH

What did the Crown's own negotiators report about that council — and what did the Mississauga say they had agreed to?



SAM CARDINAL

The Crown's dispatches read as success reports, as they almost always did: a willing council, a fair exchange, the nation satisfied, the land available for survey. What the Mississauga understood is recorded in a different set of documents — their later petitions, some filed within a generation of the signing. They had come to share the land with the settlers: to permit farms on portions of it while retaining their own presence on the territory, their own use of the Credit River fishery, their own movement through the country with the seasons. They did not believe they had sold their home. They believed they had opened a door to neighbours who would live alongside them. The farms that appeared within months of the signing, the fences, the surveyor's lines closing off the lakeshore — those were the moment when the gap between those two understandings became something that could not be explained away or negotiated down.



WILLOW BORN WITH A TOOTH

And the Between the Lakes was just one of many. The seventeen nineties look like a production line.



SAM CARDINAL

That is not far from it. Simcoe's tenure lasted only until seventeen ninety-six, and in those four years the Indian Department concluded surrender after surrender across the fertile triangle of the province — south of the Shield, above the lakes. Each followed a similar pattern: a council, goods distributed, a deed signed, a dispatch sent north, land opened to survey. The pace was the point. A new province needed farms, farms needed surveys, surveys needed surrenders. The machinery was efficient. What it was not was slow enough to ask whether the two parties at each council table were using the same word — surrender, purchase, agreement, sharing — to mean the same thing.



WILLOW BORN WITH A TOOTH

The things said in the room that didn't make it onto the paper.

SAM CARDINAL

That is where so much of the grief lives. The oral record of those councils — what was said through the interpreters, what assurances the Crown's negotiators may have given about continued use, about annual goods, about reserved lands — very little of that survives in writing. It survives in the memories of the nations, passed down, and in petition after petition sent to the Crown across the following century, asking for recognition of commitments the written deeds never acknowledged. Those petitions are part of the historical record too, and they deserve to be read alongside the deeds, not filed separately as complaint.

WILLOW BORN WITH A TOOTH

What became of the Mississauga and the other nations who signed through the seventeen nineties?

SAM CARDINAL

They were pushed to the edges of the land they believed they had shared. Reserves were set aside — small parcels retained from the larger cessions — and settlement closed in around them within years. The Credit River fishery that had sustained families across generations was overfished and degraded within two generations of the surrenders. The hunting ranges the nations believed they had retained became farms, then townships, then cities. Communities that had numbered in the thousands were reduced by disease, displacement, and the slow closing off of their subsistence economy to fractions of what they had been. It is a pattern that runs through all of these surrenders, and it is not incidental — it is the consequence of a gap in understanding that was never closed at the moment it should have been.

WILLOW BORN WITH A TOOTH

Because these weren't parcels on a map to the people who signed. They were the rivers their grandparents fished and the country their children expected to grow up in.

SAM CARDINAL

Real nations, real families, real councils where people made the best decisions they could, under pressures we can barely imagine from this distance. We do not honor them by making them into simple victims — they were sophisticated peoples working within a negotiation they understood differently than the Crown did, and they knew what they wanted from it. And we do not understand the province we are standing in if we treat the deeds as the whole story. The deeds are one record. The Crown's dispatches are a second. The nations' understanding of what they agreed to in those councils is a third. The gap between those three records is not a historical curiosity — it is the unfinished account that Upper Canada has been carrying ever since. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

Every concession road and lot line in southwestern Ontario traces back somewhere to one of those seventeen-nineties councils. That is not a reason for guilt — it is a reason to know the story accurately, all three versions of it, and to understand what was promised, what was heard, and what was left unresolved when the ink dried and the surveyors moved in. We'll be back next time with another part of this land's story.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The episode places the Between the Lakes purchase in “August of 1792” and frames it as a fresh surrender Simcoe concluded. That is imprecise on two counts. The Between the Lakes tract (Treaty No. 3) was first surrendered by the Mississaugas on 22 May 1784 for roughly £1,180 in trade goods; the 1792 transaction was a confirmation/re-survey to correct boundary errors in the original deed, and the Crown negotiator on the ground was Col. John Butler rather than Simcoe personally. Sources commonly date the confirming instrument to late 1792 (7 December 1792 in several accounts), not August. The larger point the episode makes — a brief deed, the Mississauga as primary signatories, a gap between the written cession and Anishinaabe understanding — stands; the specific month and “Simcoe concluded it new” framing are the weak details.

The McKee Purchase (19 May 1790) is described as a council with “the Ojibwa and Chippewa nations.” Ojibwa and Chippewa are two names for the same people, and the recorded signatories were broader: chiefs of the Ottawa, Chippewa (Ojibwa), Potawatomi and Wyandot (Huron) of the Detroit region — 27 chiefs by the deed. Also, in 1790 McKee held the post of Deputy Agent of the Indian Department; his formal appointment as Deputy Superintendent (and Deputy Inspector General) of Indian Affairs came at the end of 1794, so the title the script gives him slightly anticipates the record.

References & further reading

“Treaty Texts – Upper Canada Land Surrenders.” Crown–Indigenous Relations and Northern Affairs Canada (rcaanc-cirnac.gc.ca) — the collected 1780s–1790s surrender deeds, including the McKee Purchase and the Between the Lakes tract, that opened the fertile southwestern peninsula for Loyalist settlement.

“Between the Lakes Treaty No. 3 (1792).” Mississaugas of the Credit First Nation (mncfn.ca) — records the original 22 May 1784 surrender of roughly 3,000,000 acres between Lakes Huron, Ontario and Erie for about £1,180 in trade goods, with the 1792 document confirming/correcting the boundaries; Col. John Butler negotiated for the Crown.

“Between the Lakes Treaty (No. 3).” Hamilton Civic Museums / Anishinabek News — corroborates the ~3 million-acre extent from Burlington Bay toward the Grand River and the north shore of Lake Erie, and the Mississaugas of the Credit as signatories.

“McKee’s Purchase” historical plaque (ontarioplaques.com) and Orford (Kent County) Township local history, “The Indian Officers’ Lands and the McKee Purchase, 1790” — the 19 May 1790 surrender of the far-southwest tract toward the Thames, Lake Erie and the Detroit River, with signatory chiefs of the Ottawa, Chippewa, Potawatomi and Wyandot (Huron) of Detroit.

“McKEE, ALEXANDER.” Dictionary of Canadian Biography, vol. 4 (biographi.ca) — McKee’s role in the Indian Department; Deputy Agent in 1790, appointed Deputy Superintendent and Deputy

Inspector General of Indian Affairs at the end of 1794.

“SIMCOE, JOHN GRAVES.” Dictionary of Canadian Biography, vol. 5, and “John Graves Simcoe,” The Canadian Encyclopedia — commission as first Lieutenant-Governor of Upper Canada issued Sept. 1791, entered the province 24 June 1792, capital at Newark then York, departed on leave July 1796.

Constitutional Act, 1791 (31 Geo. III, c. 31) — divided the old Province of Quebec into Upper and Lower Canada, creating the province Simcoe was sent to govern and settle.

Robert J. Surtees, “Indian Land Surrenders in Ontario, 1763–1867” (Indian and Northern Affairs Canada / Treaties and Historical Research Centre) — the standard scholarly account of the surrender machinery: council, goods distributed at signing, brief deed, settlement following, and the recurring gap between the written cession and the nations’ understanding of a shared arrangement.



THE LAND BENEATH US ◆

The Huron Tract

Season One · Before Canada · Episode 12

aiwrangler.ca — an illustrated companion

Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.



From the episode

WILLOW BORN WITH A TOOTH

If you drive into Goderich, Ontario — right on the shore of Lake Huron — the first thing you notice is that the streets fan out from a central square in an eight-pointed pattern, like the hub of a wheel someone drew with a compass. Somebody designed this town deliberately, in eighteen twenty-seven, and shipped thousands of settlers into a landscape that had been home to Anishinaabe people for generations. The question I always ask is the same one: what deal put this here?



SAM CARDINAL

These are the great written surrenders of Upper Canada — the moment treaty-making became a paper transaction the Crown considered finished the instant it was signed. The one we're looking at today is the Huron Tract Purchase of eighteen twenty-seven — more than two million acres of southwestern Ontario, the largest single land cession in the province's young history up to that point. To understand it, you have to understand that it wasn't just the Crown on the other side of the table. There was a private company, with a charter and a business plan, and a Scottish novelist turned land developer named John Galt.

THE HURON TRACT — 1827

more than two million acres, surrendered to open the Canada Company's lands

WILLOW BORN WITH A TOOTH

A novelist? Running a land company?



SAM CARDINAL

John Galt was a writer — he would go on to publish a novel called "Bogle Corbet" about exactly this kind of emigration scheme — but in eighteen twenty-four he helped found the Canada Company, a joint-stock corporation chartered by the British Crown to purchase and develop Crown lands in Upper Canada. The company's pitch to British investors was straightforward: buy wilderness cheaply, sell it to settlers at a profit, and use the proceeds to build roads and towns to make the whole enterprise self-sustaining. Galt became the company's first superintendent in Canada and arrived in the province in eighteen twenty-six ready to turn two million acres of the southwest into productive British farmland. The company's headquarters in the Huron Tract would be a brand new town on Lake Huron — Goderich — and Galt personally walked into the forest and chose the spot.



WILLOW BORN WITH A TOOTH

But the land the Canada Company was buying from the Crown — who held it before the Crown said it could be sold?



SAM CARDINAL

The Anishinaabe peoples — the Chippewa and their relatives who had lived in the river valleys and along the Lake Huron shoreline of the southwest for generations. They fished the lake, hunted the forests along the Thames and the Maitland rivers, gathered in council along shores that the Canada Company's maps were now marking as available. These were not empty lands; they were the home territories of nations with their own governments, their own histories, their own understanding of what the land was and what a relationship with it meant. Before a single Canada Company settler could break ground, the Crown had to extinguish — in law, at least — whatever claim those nations held.

ONE SURRENDER

1827 — the Huron Tract Purchase
more than two million acres
the London and Huron districts opened

WILLOW BORN WITH A TOOTH

So how did that happen? What does the actual surrender document say?



SAM CARDINAL

The written treaty — the document the Crown called a surrender — was concluded in the summer of eighteen twenty-seven. In the language the Crown used for these instruments, the Chippewa and their allied nations agreed to cede, release, surrender, and yield up the territory to the Crown forever, in exchange for certain payments. The boundaries described enclosed something over two million acres — the London and Huron Districts, a tract reaching from the Thames River drainage up to the eastern shore of Lake Huron. What the document does not say — what these surrender documents almost never say — is what the people sitting across from the Crown's negotiators believed they were agreeing to.

THE CANADA COMPANY

a land company selling the surrendered southwest

WILLOW BORN WITH A TOOTH

And what did the Crown's negotiators report back? What's in their record?



SAM CARDINAL

The Crown's account describes willing signatories, a fair consideration paid, and a transaction properly concluded. The government's position was that the nations had understood the terms, accepted the compensation, and that title to the land now rested cleanly with the Crown and, through it, the Canada Company. That account served the Crown's purposes and the Canada Company's prospectus — and it was the version that went into the legal record and stayed there for generations. It is also, as you might expect, the thinnest of the three records.

A COUNTRY, SOLD ON

Two million acres moved from a people to a company in one deal.

WILLOW BORN WITH A TOOTH

Three records. So what's the third?



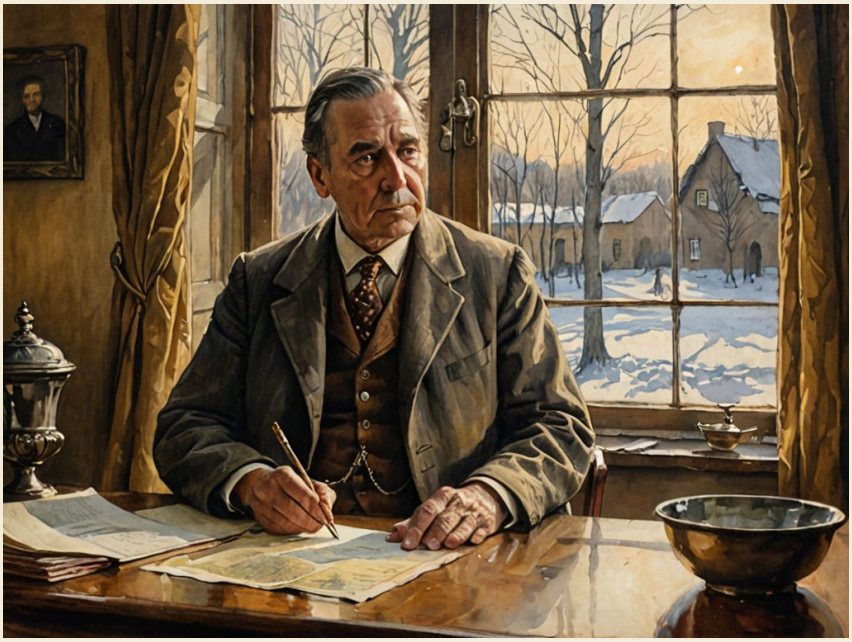
SAM CARDINAL

The third record is what the Anishinaabe and Chippewa nations themselves carried forward — in their oral histories, in their later petitions, in what their leaders said when they began to see what the deal actually meant on the ground. What they understood, consistent with the logic of every agreement in this era, was not a permanent sale of the land beneath their feet. They understood a sharing — settlers would come, yes, and farm their portions, but the nations would go on living in the territory, hunting and fishing as they always had, maintaining their relationship with a landscape that was, in their understanding, not anyone's to sell in the first place. The gap between "cede and surrender forever" and "share the country with us" is not a small gap. It is the size of two million acres.



WILLOW BORN WITH A TOOTH

Two million acres in a single transaction — what does that actually look like on a map?



SAM CARDINAL

Imagine drawing a shape that takes in most of what is today Huron County, Perth County, parts of Middlesex and surrounding districts — a block of southwestern Ontario roughly the size of a small European country, all transferred in a single instrument in eighteen twenty-seven. The Canada Company wasted no time. Galt had Goderich surveyed and began settling it that same year; Guelph, the company's other planned town, was founded in the spring of eighteen twenty-seven as well. Within a decade, tens of thousands of settlers — many of them Scottish and Irish emigrants — were farming land that Anishinaabe families had known for centuries. The transformation of that landscape was among the fastest and most complete anywhere in British North America.



WILLOW BORN WITH A TOOTH
And the compensation the nations received for more than two million acres?

SAM CARDINAL
The compensation flowed through the Crown, which received a substantial payment from the Canada Company and was meant to hold a portion in trust for the nations. What actually reached the Anishinaabe communities was a fraction of what the land was worth even at the prices the Canada Company charged its settlers, let alone what it would be worth as the region filled and the towns grew. The annuities promised — modest annual payments in goods and money — were inconsistently delivered, and over time the communities that had surrendered the Huron Tract found themselves increasingly confined to small reserves, watching a landscape they had agreed to share become one in which there was very little room left for them.

WILLOW BORN WITH A TOOTH
That's what strikes me — the nations didn't disappear after eighteen twenty-seven. They were still there. They still petitioned, still appeared before Crown officials, still said: this is not what we agreed to.

SAM CARDINAL

They did, and those petitions are part of the historical record, and they matter. The Chippewa communities of the southwest spent generations navigating a colonial system that had already decided the transaction was closed. Some of those communities are still here — on the Thames River, along the Lake Huron shore — and the questions those petitions raised have never been fully answered. The land itself was gone; what remained to be negotiated, decade after decade, was the meaning of what had happened and what obligations, if any, the Crown still carried. That conversation is still alive in Canadian courts and at negotiating tables today.

WILLOW BORN WITH A TOOTH

John Galt, for his part, didn't last long in the role he'd built. He was dismissed from the Canada Company in eighteen twenty-nine, went back to Britain, and ended up in debtor's prison. The company he left behind kept selling land in the Huron Tract for decades.

SAM CARDINAL

Galt's personal story is almost a parable about what the Canada Company actually was — a financial instrument first, a colonization project second, and the lives of the people who already lived on that land came a distant third if they appeared in the ledger at all. What strikes me, sitting with this history, is not the villains in it — there are people in this story who did what their era expected of them and felt entirely justified. What strikes me is the structural fact: a private British corporation could obtain a charter, negotiate with a Crown that claimed to hold the title, and transfer two million acres of Anishinaabe territory to settler farmers, while the nations most affected had no seat at the table where the Canada Company's prospectus was written. The surrender ceremony happened on the ground in eighteen twenty-seven. But the real decision had been made in London boardrooms before anyone set foot in the Huron Tract.

WILLOW BORN WITH A TOOTH

So when you stand in Goderich today — in that octagonal square, watching the sun go down over Lake Huron — you are standing at the exact centre of a transaction that was designed in every detail before the ink on the surrender was dry.

SAM CARDINAL

You are. And that is not a reason for guilt, or for paralysis — it is a reason for clear eyes. The Anishinaabe and Chippewa nations who signed in eighteen twenty-seven were not defeated peoples offering up a conquered land. They were nations making what they understood to be a negotiated accommodation with a powerful newcomer, in the belief that their own continued presence in the territory was a given, not a question. The Crown made a different record, and the Canada Company built a different landscape, and for nearly two centuries the gap between those two understandings has been the ground Canadian law and Canadian policy have tried, imperfectly, to stand on. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

The streets of Goderich still fan out from that central square the way John Galt drew them in eighteen twenty-seven, and the Lake Huron shore is still beautiful, and the Anishinaabe and Chippewa communities of the southwest are still here. The land beneath us holds more than one story — and knowing which ones we are standing on is the first step toward understanding what we owe each other. I'm Willow Born With A Tooth. We'll see you next time.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The episode uses "two million acres" for both the 1827 surrender and the Canada Company's holding, which conflates two different figures. The 1827 surrender itself (Treaty 29) is described as covering roughly 2.2 million acres (some sources put the surveyed total higher still, up to ~2.75 million). The block the Canada Company actually acquired and sold to settlers — the Huron Tract proper, or "Huron Block" — was about 1,000,000 acres, roughly half the ceded territory. So "more than two million acres" is correct for the surrender, but the Company did not turn a full two million acres into farmland; its own tract was about a million.

The script dates the Canada Company's founding to 1824 and calls it "chartered by the British Crown" in the same breath. Galt was involved from 1824 (appointed the company's secretary), but the company was formally incorporated by royal charter on 19 August 1826; Galt served as its first Canadian superintendent 1826–1829. The 1824 date marks the venture's beginnings, not its charter.

References & further reading

"Huron Tract, Treaty 29, 1827." Treaty 29 (the Huron Tract Purchase) was signed 10 July 1827 with eighteen Chippewa chiefs and principal men; the written treaty describes roughly 2,200,000 acres and designated four reserves. Whose.Land / Upper Canada Treaties.

"Upper Canada Land Surrenders" (Treaty Texts). Crown–Indigenous Relations and Northern Affairs Canada (rcaanc-cirnac.gc.ca) — the Huron Tract cession is registered among the Upper Canada Land Surrenders as Crown Treaty No. 29.

"John Galt." The Canadian Encyclopedia — Scottish novelist; secretary of the Canada Company from 1824 and its first superintendent in Canada (1826–1829); founded Guelph (1827) and, with Tiger Dunlop, Goderich (1827); recalled and dismissed in 1829.

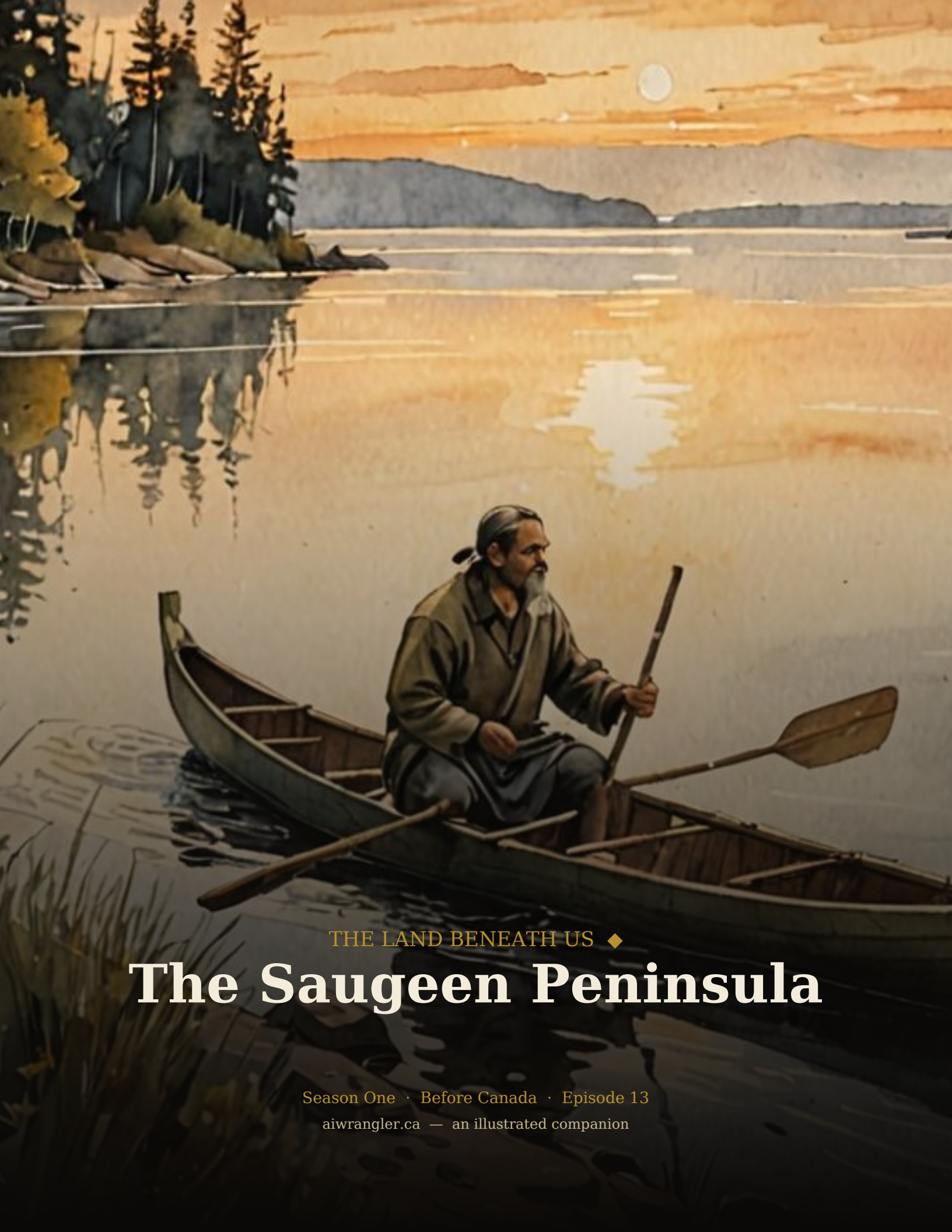
"Canada Company." Wikipedia / Britannica — joint-stock company incorporated by royal charter 19 August 1826 to develop Crown lands in Upper Canada; acquired about 1,000,000 acres of the Huron Tract ("Huron Block") on the eastern shore of Lake Huron plus scattered Crown reserves, and settled it with mainly Scottish and Irish emigrants.

"Huron Tract." Wikipedia — the Canada Company held roughly 1,000,000 acres of the Huron Tract; the ceding nations were the Chippewas of Chenail Ecarté (Walpole), the St. Clair River (Sarnia), and the Aux Sable / Ausable River (Kettle and Stony Point); the lands span the counties of Huron, Perth, Middlesex and present-day Lambton.

Indian Claims Commission and specific-claims record on the Chippewas of Kettle and Stony Point — the Huron Tract cession, negotiated across the mid-1820s and concluded in 1827, ceded some 2.2 million acres east of Lake Huron; compensation was set at roughly £2 10s per person, paid as annuities, and the communities were left on four small reserves.

John Galt, "Bogle Corbet; or, The Emigrants" (London, 1831) — Galt's novel drawing on his emigration-scheme experience; Galt was committed to the King's Bench debtors' prison in July 1829 after his dismissal from the Canada Company and discharged that November.

Goderich, Ontario — laid out in 1827 under John Galt and Tiger Dunlop on Lake Huron, with its distinctive octagonal (eight-radial) central square ("The Square"); the town served as the administrative seat and port of the Huron Tract. Huron County Museum / town heritage records.



THE LAND BENEATH US ◆

The Saugeen Peninsula

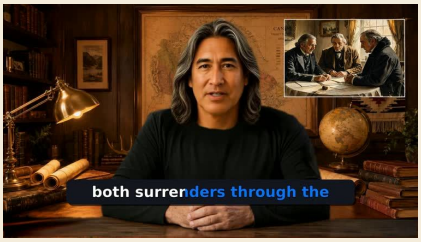
Season One · Before Canada · Episode 13

aiwrangler.ca — an illustrated companion

Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.







From the episode

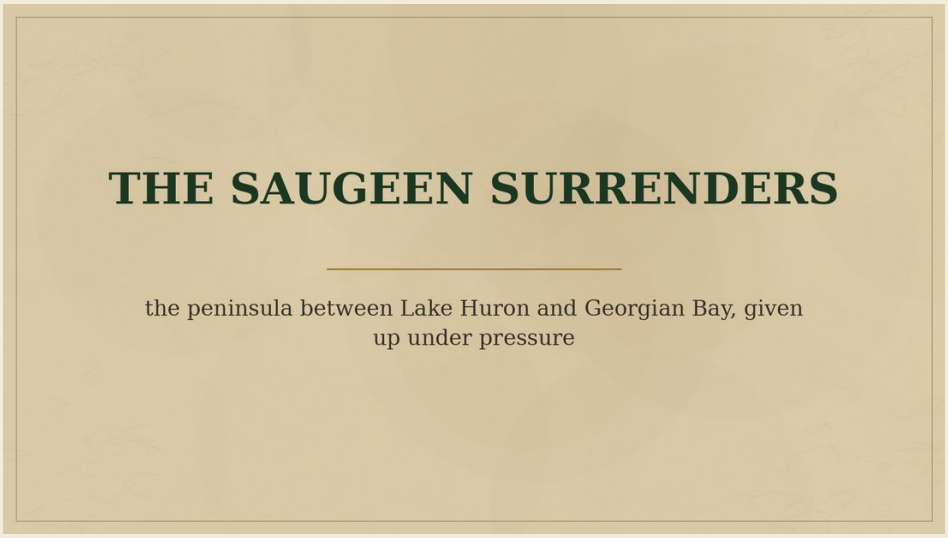
WILLOW BORN WITH A TOOTH

If you've ever driven north on Highway ten toward Tobermory — past the limestone cliffs, through the spruce and cedar, until the road runs out at the tip of this long finger of land between Lake Huron and Georgian Bay — you've driven through a place the Crown once promised, in writing, that the Saugeen Ojibway could keep. I'm Willow Born With a Tooth, and the question today is: what deal put this peninsula on the table? And then, what deal put it on the table again?



SAM CARDINAL

The Saugeen Ojibway have lived on and around this peninsula for generations beyond counting. By the early eighteen hundreds, their territory stretched across a vast portion of what is now southwestern Ontario — the river valleys, the fisheries along both shores, and this great peninsula reaching up between the two lakes. They are not an abstraction. They are families who knew which bays held the most fish in spring and which stands of sugar maple ran best in March. This is the land that made them, and they were still very much here when the Crown's attention turned their way.



WILLOW BORN WITH A TOOTH

So what was the Crown's attention, exactly? What was happening in Upper Canada in the eighteen thirties that made the Saugeen Peninsula suddenly look important?



SAM CARDINAL

Settlement. Loyalists and new immigrants were arriving faster than the Crown could comfortably manage, and the pressure on Indigenous land was constant and accelerating. The Lieutenant Governor who arrived in eighteen thirty-six, Sir Francis Bond Head, had a particular theory about what this meant for Indigenous peoples. He believed — and he said so plainly — that Indigenous people could not survive the collision with European settlement, and that the most humane thing the Crown could do was move them out of the path of the wave. He was not a cynical man by the standards of his era. He genuinely believed he was solving a problem. The Saugeen Ojibway were about to experience what it felt like to be someone else's solution.

THREE RECORDS

THE TEXT	THE CROWN	THE SAUGEEN
a voluntary surrender	protection it could not deliver	coercion, not consent

WILLOW BORN WITH A TOOTH

And Bond Head's solution, in eighteen thirty-six, was — what? Come to an agreement?



SAM CARDINAL

He came to an agreement, yes, though the pressure behind it was clear to everyone in the room. The Saugeen Ojibway surrendered an enormous stretch of territory — the lands south and east of the Saugeen River, a cession of well over a million acres. In return, Bond Head made them a promise that mattered enormously: the peninsula itself, the great thumb of land between Lake Huron and Georgian Bay, would be their protected home. He framed it as a refuge — a place beyond the settlers' reach, guaranteed to the Saugeen in perpetuity. For the Saugeen leaders, that promise was not a detail. It was the entire reason to sign.

TWO SURRENDERS

1836 — Treaty 45 and a half
1854 — Treaty 72
the Saugeen Peninsula lost

WILLOW BORN WITH A TOOTH

So the peninsula was the guarantee. You give up the south, and you hold the peninsula. That was the deal.



SAM CARDINAL

That is what the Saugeen understood they had agreed to. The written document records a formal cession of those southern lands for annuities and the establishment of a reserve. The Crown's own reports from eighteen thirty-six note that Bond Head stressed the inevitability of settler pressure — he was telling the Saugeen, plainly, that the wave was coming and the peninsula was the boat. What neither the document nor the Crown's reports capture is any serious accounting of what the Saugeen leaders believed about the nature of that cession — whether it was an extinguishment of all their rights, or whether it was a strategic withdrawal to ground they were certain they could keep. Their understanding, carried forward in oral accounts for generations, is that the peninsula was the guarantee, and guarantees are not surrendered.



WILLOW BORN WITH A TOOTH

And then eighteen years passed. Eighteen years in which the Crown proved it could not — or would not — stop settlers from moving onto the peninsula itself.



SAM CARDINAL

Exactly. By the early eighteen fifties, squatters had established themselves on the peninsula in significant numbers. Settlers farming land they had no legal claim to. Timber being cut. Small communities taking root. The Indian Department found itself in a position it would occupy again and again across this province: unable or unwilling to remove people who were already there, and increasingly inclined to make the problem tidy by persuading the Saugeen to surrender the land beneath those settlers' feet. The logic was almost identical to eighteen thirty-six — the wave is coming, resistance is futile, take what we're offering — but now it was being applied to the very ground that the eighteen thirty-six deal had promised them forever.

STILL IN COURT

In 2021 the Saugeen won their treaty-breach claim.

WILLOW BORN WITH A TOOTH

Let's put the three records from eighteen fifty-four side by side, because this is where the gap really opens. What does the written document say?



SAM CARDINAL

The eighteen fifty-four surrender document records a cession of most of the remaining Saugeen Peninsula — hundreds of thousands of acres — signed by representatives of the two Saugeen Ojibway bands: the Chippewas of Nawash and the Chippewas of Saugeen. In return, defined reserves were set aside: the Nawash reserve at Cape Croker on Georgian Bay, and the Saugeen reserve near the river mouth at what is now Southampton. Annuities were established. On the face of the paper, it reads as a completed transaction — a final sale, clear and finished. That is what the document says.



WILLOW BORN WITH A TOOTH

And what do the Crown's own negotiating records from eighteen fifty-four say about how that meeting actually went?



SAM CARDINAL

The Crown's reports are worth reading carefully, because they do not entirely contradict the Saugeen's memory — they just cast it in a different light. The negotiators noted that the Saugeen were reluctant. They recorded that it took considerable time and persuasion. They leaned heavily on the squatter argument: these settlers are already here, more will come, and this arrangement is the best protection available to you. What the Crown's record does not contain is any serious discussion of what the word "surrender" meant in Saugeen Ojibway understanding of agreement-making — because that was a question the Crown's negotiators were not in the habit of asking.



WILLOW BORN WITH A TOOTH

And the third record — what did the Saugeen carry forward from that meeting in their own accounts?

SAM CARDINAL

The Saugeen oral accounts, and the legal positions their descendants have maintained through more than a century of claims and court proceedings, reflect a consistent understanding: that they did not believe they were extinguishing their rights to this land permanently and entirely. They understood the reserves as their guaranteed home — inviolable, protected — and they understood that their relationship with the waters and the shores of this peninsula would continue. The finality the written document records, the clean legal closure the Crown considered accomplished the moment the ink dried, was not, in the Saugeen's understanding, what they had agreed to. That gap is the wound the peninsula has carried ever since.

WILLOW BORN WITH A TOOTH

I keep coming back to the shape of what happened. In eighteen thirty-six, Bond Head says: give up the south, and we will protect the peninsula. In eighteen fifty-four, the Crown says: give up the peninsula, because we can no longer protect it from the same settlers we let in. The first promise is used to take one thing, and then the failure of the first promise is used to take the next.

SAM CARDINAL

You've named the architecture of it precisely. And this is the part I find hardest to hold, because Bond Head was not, by his own lights, a dishonest man. He believed he was building a sanctuary. He believed the peninsula would hold. Within eighteen years, the very logic he used to justify pulling the Saugeen back to the peninsula was reversed and turned against the peninsula itself. The Saugeen had agreed to eighteen thirty-six in part because they were told that giving ground was the way to save ground. When the Crown came back for the ground they had been told was saved, what was the answer supposed to be? That is the corner the eighteen thirty-six agreement had already put them in.

WILLOW BORN WITH A TOOTH

The reserves they were promised in eighteen fifty-four — what happened to them?

SAM CARDINAL

The reserves survived, but not without further pressure. In the decades that followed, reserve lands were leased, and managed in ways that served the Indian Department more than the families living there. The Saugeen Ojibway Nation is a living nation today — its two member First Nations, the Chippewas of Saugeen First Nation and Chippewas of Nawash Unceded First Nation, are here, active, and recognized. But the territory they held before eighteen thirty-six, and the peninsula they were guaranteed before eighteen fifty-four, is now cottage country and provincial parks and the town of Tobermory. The Bruce Peninsula National Park sits on land the Crown told the Saugeen, in writing, was theirs to keep.

WILLOW BORN WITH A TOOTH

And the Saugeen Ojibway Nation has not accepted that as the end of the story.

SAM CARDINAL

They have not. The nation has pursued both surrenders through the specific claims process and through the courts, arguing that what was signed in eighteen thirty-six and eighteen fifty-four was not validly obtained — that the pressure of the squatter threat, the incomplete explanation of what was being agreed to, and the broken promises that preceded the eighteen fifty-four negotiation all go to the legitimacy of those transactions. These are live questions. Not historical footnotes — live, ongoing legal proceedings in which the Saugeen Ojibway Nation continues to assert that the deal was not what the paper said it was. The Crown has a duty to consult with the nation on decisions affecting this territory. That is a real and meaningful thing. It is also considerably less than what Sir Francis Bond Head promised in eighteen thirty-six.

WILLOW BORN WITH A TOOTH

That consultation relationship — is that the resolution, or is it just where things stand for now?

SAM CARDINAL

It is where things stand. Resolution is a word I would leave to the people doing the negotiating. What I would say is this: every generation of Saugeen Ojibway leadership has understood that the question was not closed in eighteen fifty-four, and they have said so clearly in every forum available to them. A nation that has held that position consistently for over a hundred and seventy years is telling you something about what they believe they agreed to. The land beneath the Bruce Peninsula holds two versions of what happened, and only one of them is written down. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

If you ever stand at the tip of the peninsula and look out at that cold water running both ways — Lake Huron to the west, Georgian Bay to the east — you're standing in a place someone was told, by the Crown, in writing, that they could keep. The land doesn't forget the promise, even when the document pretends the deal is done. Thanks for being with us on The Land Beneath Us.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The episode presents the litigation as entirely open ("live, ongoing legal proceedings"), which is fair for the remedy/appeal stage but omits that the central questions were substantially decided at trial. In Saugeen First Nation v. The Attorney General of Canada, 2021 ONSC 4181, Justice Wendy Matheson found that the Crown made — and breached — a treaty promise to protect the Peninsula for the Saugeen, thereby breaching the honour of the Crown, but she dismissed the Aboriginal title claim (including the novel claim to title over the adjacent waters of Lake Huron and Georgian Bay) for insufficient proof of exclusive occupation. The 'gap' the episode describes was, in large part, vindicated by the court on the treaty claim.

The episode compresses the 1854 reserves to two (Nawash at Cape Croker and Saugeen near Southampton). Treaty 72 initially set aside several parcels — including Cape Croker (Nawash IR 27), the Saugeen reserve near the river mouth, Chief's Point, Colpoy's Bay/Big Bay, and named islands — which consolidated over time around the two communities named. The two-reserve summary is a simplification, not an error.

References & further reading

Saugeen Tract Agreement (Treaty No. 45½), signed 9 August 1836 by Sir Francis Bond Head for the Crown: the Saugeen Ojibway and Ottawa surrendered roughly 1.5 million acres south and east of the Saugeen River in exchange for the Crown's promise to protect their remaining lands on the (Saugeen/Bruce) Peninsula from settler encroachment. Wikipedia, 'Saugeen Tract Agreement'; Upper Canada Land Surrenders, Crown-Indigenous Relations and Northern Affairs Canada.

'Manitoulin Island Treaty 1836.' The Canadian Encyclopedia — situates Treaty 45½ within Bond Head's broader removal policy of relocating the 'wandering Indians' of Upper Canada north of Owen Sound and to Manitoulin Island, confirming the episode's account of his beliefs and intentions.

Treaty No. 72 (1854): negotiated for the Crown by Laurence Oliphant, Superintendent General of Indian Affairs, under which the Saugeen surrendered most of the remaining Peninsula (just under 500,000 acres), signed by representatives of the two bands (Chippewas of Saugeen and Chippewas of Nawash), with defined reserves set aside and annuities/land-sale proceeds promised. Saugeen Ojibway Nation, 'Treaty History'; Saugeen Times, 'Treaty Recognition Week: SON-Crown Treaties.'

The squatter argument and the broken 1836 promise: Crown negotiators told the Saugeen in 1854 that they could no longer keep squatters off the Peninsula — the same encroachment the 1836 agreement had promised to prevent 'forever' — and the day after the surrender Oliphant issued a notice barring squatters from the now-Crown land, writing to the Grey County sheriff to have them 'summarily ejected.' Bruce Peninsula / Owen Sound Hub reporting; Chippewas of Nawash

Unceded First Nation, 'About Chippewas of Nawash.'

Saugeen First Nation v. The Attorney General of Canada, 2021 ONSC 4181 (CanLII), Ontario Superior Court of Justice, Matheson J., released 29 July 2021 — the Aboriginal title claim (filed 2003, including title to the waters) was dismissed; the Treaty 72 claim (filed 1993) largely succeeded, the court finding the Crown breached its treaty promise to protect the Peninsula and thereby breached the honour of the Crown.

Saugeen Ojibway Nation Treaty and Title Claim — Olthuis Kleer Townshend LLP (oktlaw.com) and 'Saugeen & Nawash Community Update: Title and Treaty Court Decision' (saugeenojibwaynation.ca): summaries of the joint claim by Saugeen First Nation and Chippewas of Nawash Unceded First Nation, the ~100-day trial (opened 23 April 2019), and the outcome.

The modern nation and its territory: the Saugeen Ojibway Nation comprises the Chippewas of Saugeen First Nation and the Chippewas of Nawash Unceded First Nation; land promised in 1836/1854 now includes Tobermory, cottage country, and Bruce Peninsula National Park. Wikipedia, 'Saugeen Ojibway Nation Territory'; Saugeen Ojibway Nation Environment Office, 'About Us.'



THE LAND BENEATH US ◆

Manitoulin Island

Season One · Before Canada · Episode 14

aiwrangler.ca — an illustrated companion

Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.



From the episode

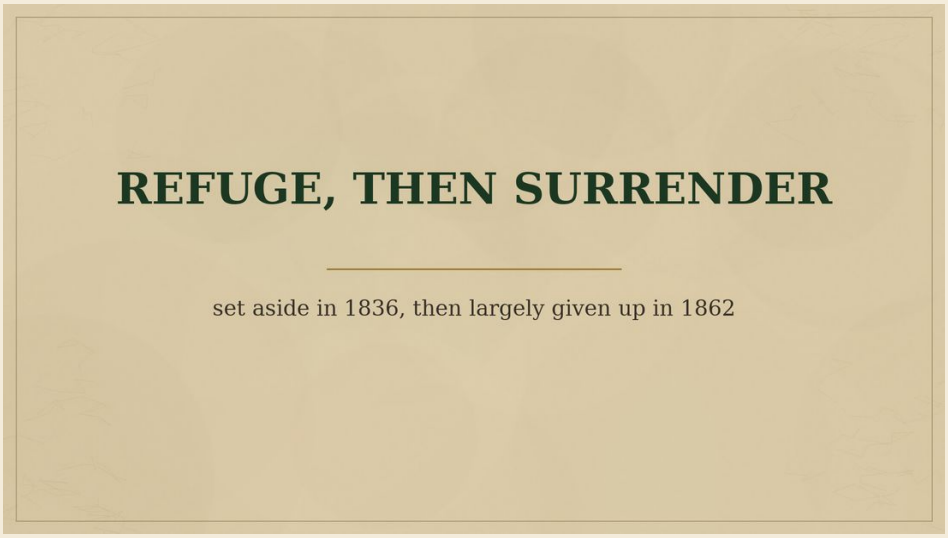
WILLOW BORN WITH A TOOTH

If you take the Chi-Cheemaun ferry across Lake Huron and watch Manitoulin Island rise out of the water, there is a moment where the whole thing seems inevitable — this place is too large and too present to be anything but permanent. What you might not know is that in eighteen thirty-six, the British Crown stood on that shore and made a promise that it would be permanent, for exactly the people who had always lived there.



SAM CARDINAL

Manitoulin is the largest freshwater island in the world — more than two thousand six hundred square kilometres of rock, forest, and Georgian Bay shoreline. The Anishinaabe — Odawa, Ojibwe, and Potawatomi peoples — had lived there and around it for thousands of years. For many of them it was sacred ground, the island of Gitchi Manitou, the Great Spirit. When Lieutenant-Governor Sir Francis Bond Head arrived at Manitowaning in the summer of eighteen thirty-six, he arrived with a plan he genuinely believed would protect all of that.



WILLOW BORN WITH A TOOTH

And that plan was, in a word, removal — but removal dressed as refuge. Bond Head's idea was to get the Anishinaabe off the mainland and onto the island, where the Crown would shield them from the settler tide coming in from the south.



SAM CARDINAL

Bond Head believed, with a sincerity that made him genuinely dangerous, that the Anishinaabe could not survive living alongside an oncoming settler society. He was not trying to destroy them — he believed he was saving them. His solution was to press the mainland Ojibwe and Odawa to give up their lands there and relocate to Manitoulin, which the Crown would set aside exclusively for Indigenous peoples, a place no settler could enter. This was the great land surrenders era, when treaty-making across Upper Canada had shifted from a living relationship into a paper transaction the Crown considered finished the moment it was signed — and Bond Head was about to add a new chapter, not a surrender this time, but a promise.

THREE RECORDS

THE 1862 TREATY	THE CROWN	WIKWEMIKONG
a voluntary surrender	a loose end to resolve	never the Crown's to take

WILLOW BORN WITH A TOOTH

So what did the eighteen thirty-six agreement actually say?



SAM CARDINAL

The document set Manitoulin Island and the islands of Lake Huron aside — in the Crown's own words — for the use of the Indian tribes of the said lake. It declared the island a home for Indigenous people, not subject to settler occupation. The chiefs who gathered at Manitowaning signed with the understanding their communities carried forward for generations: that the Crown was formally recognizing a permanent home, a covenant no future government could revoke. Bond Head wrote back to London that the arrangement was a great success, that the chiefs were grateful, and that this had settled the matter.

REVERSAL

1836 — set aside as a refuge
1862 — the Manitoulin Island Treaty
Wikwemikong refuses to sign

WILLOW BORN WITH A TOOTH

He did not ask them what they planned to tell their own people.



SAM CARDINAL

He did not. And what they told their communities was something different from what Bond Head wrote in his reports. They said the Crown had acknowledged at last what had always been true: this island belonged to the Anishinaabe. Not a gift. A recognition.

WIKWEMIKONG

SIGNED	REFUSED
most of the island	the eastern peninsula, still unceded

WILLOW BORN WITH A TOOTH

That gap — between what the Crown believed it had done and what the communities understood had been agreed — is where every hard question in this story waits. Because twenty-six years later, the Crown came back.



SAM CARDINAL

By the eighteen fifties, settler ambitions had reached Lake Huron. The island's harbours, its timber, its farmable interior — all of it had become visible to people who had been told for a generation it was off limits. Within the new Province of Canada, voices began arguing that Manitoulin was too large for the number of Indigenous people actually living on it, that it was being wasted. The refuge had become, in the eyes of the government, an inconvenience.

STILL UNCEDED

Wikwemikong said no in 1862 and was never made to unsay it.

WILLOW BORN WITH A TOOTH

In eighteen sixty-two, a Crown official named William Spragge arrived on the island. His mission was a surrender treaty.



SAM CARDINAL

Spragge held councils with the various bands through the summer and fall of eighteen sixty-two. The treaty he placed before them offered each band member a grant of land and annual payments in exchange for surrendering the bulk of the island to the Crown. The written treaty was straightforward in its terms: the signing bands relinquished their claim to Manitoulin in exchange for lots and annuities. It was signed on the sixth of October, eighteen sixty-two. What it did not say — what no written treaty of this period ever said — was that this reversed a promise made by the Crown to the same people less than three decades before.



WILLOW BORN WITH A TOOTH

Most of the bands signed. But not all of them.



SAM CARDINAL

Some signed reluctantly, under the pressure of neighbours who had already agreed, under the calculation that holding a portion might be better than losing everything. But the Odawa, Ojibwe, and Potawatomi community on the eastern peninsula of the island held their own council and came back to Spragge with a refusal.



WILLOW BORN WITH A TOOTH

Wikwemikong.

SAM CARDINAL

Wikwemikong. Their leaders said, in terms that Spragge's own reports acknowledge without fully understanding: we remember what eighteen thirty-six meant. This island was not given to us by the Crown to be held at the Crown's pleasure — it was recognized as ours. We did not sell it then, and we will not sell it now. Spragge noted the refusal in his paperwork and moved on, treating the unceded eastern peninsula as a loose end to be resolved later, rather than a principled answer to a question his treaty was not prepared to face.

WILLOW BORN WITH A TOOTH

Let me set those three records side by side, because that is where this story lives. The written treaty of eighteen sixty-two says the signing bands voluntarily surrendered the island. Spragge's own reports say the negotiations were orderly and the holdouts were simply an unresolved matter. And the Wikwemikong account says the entire premise was wrong — the island had never been the Crown's to redistribute in the first place.

SAM CARDINAL

The gap between those three records is not a misunderstanding. It is a disagreement about the nature of what was agreed in eighteen thirty-six. The Crown read that earlier arrangement as a temporary administrative measure it could revise when policy changed. The Anishinaabe read it as a covenant — a recognition of inherent right that no later administration had the authority to undo. When Wikwemikong refused to sign in eighteen sixty-two, they were not simply being stubborn. They were applying the logic of the original promise to the moment of its reversal, and finding the reversal illegitimate.

WILLOW BORN WITH A TOOTH

And the island that was supposed to be the refuge — what happened to it after eighteen sixty-two?

SAM CARDINAL

The surrendered portions were surveyed and opened to non-Indigenous settlement through the eighteen sixties and the years that followed. Towns were established. Farms were cleared. The island became exactly what Bond Head had explicitly promised it would never become — a mixed settlement where the Anishinaabe held only fragments of what had been guaranteed to them whole. And Wikwemikong sat on its unceded peninsula, surrounded by all of it, unchanged.

WILLOW BORN WITH A TOOTH

Wikwemikong Unceded Indian Reserve. That word "unceded" is still right there in the name, on every road sign, every piece of correspondence.

SAM CARDINAL

It is not a technicality or a relic. In a province where most of the land passed through a chain of written surrenders — each one declared final by the Crown the moment the ink dried — Wikwemikong stands as the community that said no in eighteen sixty-two and was never forced to unsay it. Today several thousand people live there, with their own governance, their own language programs, their own cultural institutions. The refusal held. And what it held was not only land — it was the position that a promise, once made, does not expire because it grows inconvenient.

WILLOW BORN WITH A TOOTH

I want that to land with the weight it deserves. The Wikwemikong decision wasn't made in the abstract. It was made by people watching their neighbours sign, watching the island they had been promised change around them, and choosing the harder answer.

SAM CARDINAL

They understood what the pattern looked like. They had watched the mainland territories go. They had watched a promise of refuge harden into a pressure campaign. And they decided that if the Crown's word could not hold for twenty-six years, there was no logic in accepting a new word in its place. The story of Manitoulin Island is the story of a promise made in the language of refuge, reversed in the language of administration, and answered — in one community's case — in the language of a refusal that has outlasted every argument made against it. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

And I'm Willow Born With a Tooth. Manitoulin Island is a real place you can visit this summer — take the ferry, drive the highway, stop in Wikwemikong. The word "unceded" on that sign isn't decoration. It is a legal fact and a living one, more than a hundred and sixty years after a community decided that a promise meant what it said, and held to that through everything that followed.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The episode names "a Crown official named William Spragge" as the man who arrived in 1862 and held the surrender councils. Spragge (William Prosperous Spragge, Deputy Superintendent General of Indian Affairs) was indeed a commissioner present at Manitowaning and did conduct councils, so the episode is not inventing him. But the 1862 treaty is conventionally called the McDougall Treaty (Treaty 94): the senior commissioner and the treaty's namesake was William McDougall, Superintendent General of Indian Affairs, who led the negotiation alongside Spragge. Attributing the mission to Spragge alone understates McDougall's leading role.

The episode's framing of the 1836 arrangement as "not a surrender this time, but a promise" reflects the Anishinaabe understanding, and the script correctly presents that reading as contested. It is worth noting for balance that the 1836 document (Treaty 45) itself had the resident Odawa and Ojibwe "relinquish [their] respective claims" so the islands would become the property of all Indians the Crown allowed to reside there, under Crown control — the very ambiguity (recognition of pre-existing right vs. a Crown-administered set-aside) that the episode builds its argument around.

References & further reading

"Manitoulin Island Treaty 1836." The Canadian Encyclopedia. The treaty (also called Treaty 45 or the Bond Head Treaty), signed 9 August 1836 at Manitowaning, set Manitoulin and the Lake Huron islands aside as a refuge for First Nations; Lieutenant-Governor Sir Francis Bond Head's aim was to relocate mainland Ojibwe and Odawa to the island, away from settler society.

"Manitoulin Island Treaty 1862." The Canadian Encyclopedia. Also known as the McDougall Treaty or Treaty 94, signed 6 October 1862; commissioners William McDougall (Superintendent General of Indian Affairs) and William Spragge (Deputy Superintendent) sought the surrender to open the island for settlement; the eastern-peninsula community refused, leaving Wiikwemkoong unceded.

"History." Wiikwemkoong Unceded Territory (official community site). The people of the eastern peninsula declined to sign the 1862 treaty; their lands remain unceded aboriginal territory to this day, with the community's own governance, language, and cultural institutions.

Robert J. Surtees, "Treaty Research Report: Manitoulin Island Treaties" — Crown–Indigenous Relations and Northern Affairs Canada (rcaanc-cirnac.gc.ca). Detailed account of the 1836 set-aside, the 1862 surrender councils held at Manitowaning by McDougall and Spragge, the terms (individual land grants and annuities funded from proceeds of the surrendered lands), and the exception of the eastern (Wikwemikong) peninsula.

Manitoulin Island Treaty of 1862 (Treaty No. 94), full text — Library and Archives Canada / aboriginalhistory.ca. The signing bands surrender their claim in exchange for lots and annual

payments; the document expressly excepts the eastern portion of the island occupied by bands that would not consent.

Ontario Heritage Trust, "Manitowaning / Manitoulin Treaties 1836 and 1862" (provincial plaque). Summarizes Bond Head's 1836 refuge arrangement and the 1862 surrender that opened most of the island to settlement while the Wikwemikong peninsula remained unceded.

Allyshia West, "Indigenous and Settler Understandings of the Manitoulin Island Treaties of 1836 (Treaty 45) and 1862" (MA thesis, University of Victoria, 2010; IPinCH). Scholarship on the divergence between Crown and Anishinaabe understandings of what was agreed in 1836 and reversed in 1862 — the interpretive gap at the center of the episode.



THE LAND BENEATH US ◆

The Robinson Treaties

Season One · Before Canada · Episode 15

aiwrangler.ca — an illustrated companion

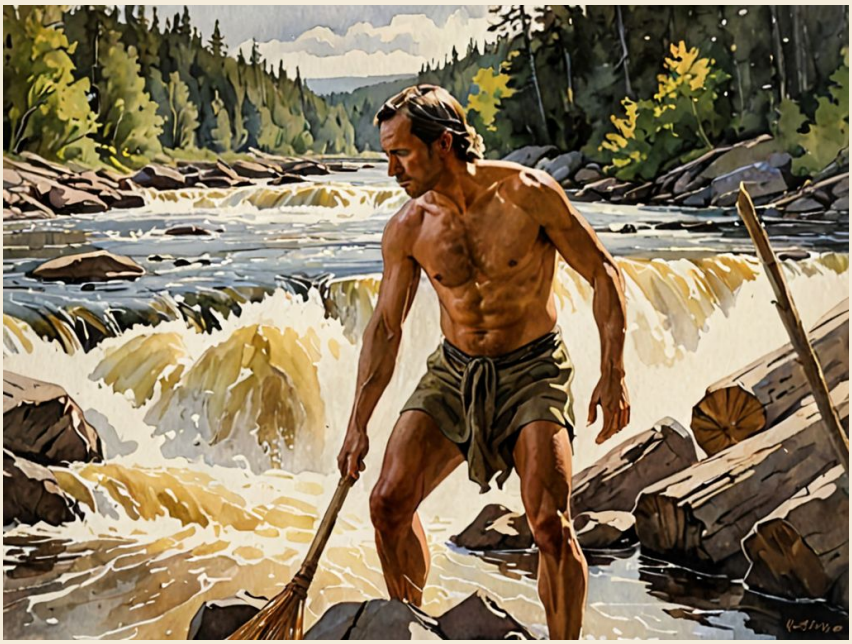
Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.



From the episode

WILLOW BORN WITH A TOOTH

If you stand at the foot of the St. Mary's River where it spills out of Lake Superior — the place the Anishinaabe call Baawaating, the place of the rapids — you are standing where two of the most consequential land agreements in Canadian history were signed in a single week in September of eighteen fifty.



SAM CARDINAL

The Anishinaabe had fished those rapids for longer than anyone could count, and by the summer of eighteen fifty they had an urgent problem: the miners had arrived. Copper had been found along the north shore of Lake Superior, and the Province of Canada had already issued mining licences on Anishinaabe land — without asking, without any agreement. Chiefs like Shingwaukonse, the leader at Garden River, had written to the governor, had physically blocked mining operations, had told anyone who would listen that this was their country and no bargain had been made. The Province's answer was to send one man: William Benjamin Robinson, a fur trader and businessman who moved fast.



WILLOW BORN WITH A TOOTH

So Robinson was not arriving as a peacemaker — he was there to solve a legal problem the Crown had already created for itself.



SAM CARDINAL

That is exactly right, and it shapes everything that follows. In the space of one week, Robinson negotiated two separate agreements: the Robinson-Superior, signed on the seventh of September, covering the north shore of Lake Superior, and the Robinson-Huron, signed two days later on the ninth, covering the north shore of Lake Huron — territory that is now the better part of northern Ontario, stretching from Georgian Bay west to the current border with Minnesota.

THREE RECORDS

THE TEXT	THE CROWN	THE ANISHINAABE
a cession with an annuity	a fixed, minimal payment	a share of the wealth, forever

WILLOW BORN WITH A TOOTH

Two treaties, one week, the better part of a province. What did the documents actually say?



SAM CARDINAL

The written texts were short and plain — and they fit a pattern that had been remaking Upper Canada for decades, the Crown's preferred form: the nations surrendered their interest in the land, received defined reserves carved from their own territory, a one-time payment, and a perpetual annuity. For the Robinson-Huron nations it was six hundred pounds provincial currency per year, divided among the signatory bands; for Robinson-Superior, five hundred pounds. Per person, that worked out to roughly one dollar and sixty cents. But Robinson added something to these treaties that no earlier surrender document in the province had contained, and it is the clause that everything since has turned on.

A LIVING CASE

1850 — Robinson-Huron and Robinson-Superior
the perpetual augmentation promise
2024 — the Supreme Court rules

WILLOW BORN WITH A TOOTH

The augmentation clause.



SAM CARDINAL

Robinson wrote it himself, and by every account Shingwaukonse drove hard for it. The language promises that if the surrendered territory produces sufficient revenue, the Crown shall augment the annuity from time to time, as often as circumstances permit. The Anishinaabe chiefs had watched the miners pull copper from their hills. They understood perfectly well what this land was worth. What they demanded, and what Robinson agreed to put in writing, was a guarantee that as the wealth came out of their country, they would share in it — not just at the table in eighteen fifty, but permanently, as long as the land produced.

THE ANNUITY

PROMISED	FROZEN
to rise with the land's wealth	at four dollars a person since 1875

WILLOW BORN WITH A TOOTH

Set the three records side by side: the treaty text, Robinson's report back to the Province, and what the Anishinaabe understood they were agreeing to. Do they line up?



SAM CARDINAL

They do not, and the distance between them is the story of the next one hundred and seventy-four years. Robinson's report to the Province was a reassurance — the Anishinaabe had surrendered their title, the mining licences were now legitimate, the problem was solved. What the oral record of the nations preserves is something different: not a sale and a departure, but an agreement to share the land and its continuing bounty, with the annuity and its augmentation promise serving as the mechanism of that sharing — a living relationship, not a transaction declared finished the moment the last signature went down.

STILL BEING PAID FOR

A ten-billion-dollar Robinson-Huron settlement came in 2023.

WILLOW BORN WITH A TOOTH

And that augmentation — did it happen?



SAM CARDINAL

Once. In eighteen seventy-five, twenty-five years after the treaties were signed, the annuity was raised to four dollars per person per year. Then it stopped. Consider what came out of those territories in the century and a half that followed: copper, nickel, silver, timber, hydroelectric power on a scale that lit whole cities — the mines around Sudbury eventually produced a significant share of the world's nickel supply. The per-person annuity remained four dollars.



WILLOW BORN WITH A TOOTH

Four dollars a year per person. While Sudbury became one of the great mining districts of the world.



SAM CARDINAL

The Anishinaabe nations did not accept this quietly. The augmentation clause was raised in courts beginning in the nineteen eighties. The case that finally became decisive was known by the name Restoule — named for lead plaintiff Wilmer Restoule of the Sagamok Anishinawbek. The trial court found for the First Nations. The Ontario Court of Appeal found for the First Nations. In the spring of twenty twenty-four, the case went to the Supreme Court of Canada.



WILLOW BORN WITH A TOOTH
I want to stay on that for a moment — this is not ancient history that people are still quietly debating. This is a live case at the highest court in the country.

SAM CARDINAL
The Supreme Court of Canada issued its decision in July of twenty twenty-four, and it was unanimous — nine judges, not one dissenting. The Court found that Canada had breached its treaty obligation under the augmentation clause, failing for generations to even seriously consider whether the annuity should be raised. It ordered the parties to negotiate a remedy. The exact dollars have not yet been finally settled, but the principle was declared: the augmentation promise is real, it is enforceable, and the Crown broke it.

WILLOW BORN WITH A TOOTH
That is not only a damages ruling. It is the court saying the treaty means what the nations said it meant — a living agreement, not a closed transaction.

SAM CARDINAL
That is what the decision established, and it matters far beyond the annuity cheques. Canadian courts have spent decades working through how to read a treaty — whose understanding governs, whether the English text is the whole record or only one record among several. What the Supreme Court affirmed in Restoule is that both sides' understandings are part of the agreement, and that a promise to share in the ongoing wealth of the land does not expire when the ink dries. Robinson put the augmentation clause in because Shingwaukonse insisted on it — because the chiefs looked at those mines and said: if this land has a future, we are part of that future.

WILLOW BORN WITH A TOOTH
And one more thing sets these two treaties apart from everything that came before them.

SAM CARDINAL

They became the model. Before eighteen fifty, each treaty in Upper Canada was its own improvised arrangement — different forms, different terms, no standard template. The Robinson Treaties were the first to use the structure the Crown would carry west after Confederation: defined territory, defined reserves, lump payment, perpetual per-person annuity. When the numbered treaties began — Treaty One in eighteen seventy-one, stretching through to Treaty Eleven in nineteen twenty-one — negotiators reached back to Robinson's documents as their guide. The augmentation clause did not travel with them. But the frame did, and so did the gap between what the Crown believed it was receiving and what the nations believed they were agreeing to share.

WILLOW BORN WITH A TOOTH

The architecture of the deal, without the promise that was supposed to make it fair.

SAM CARDINAL

There is a reason Shingwaukonse and the other chiefs who sat across from Robinson at Baawaating insisted on that clause, and it is not a complicated reason. They were wise enough to know that a country changes — that what the land is worth in eighteen fifty is not what it will be worth in nineteen fifty, or twenty fifty. They did not want a one-time payment. They wanted a place in the future. In twenty twenty-four, one hundred and seventy-four years after those documents were signed, the highest court in Canada said they were right to want it, and right to call the promise a promise. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

The rapids at Baawaating are still there. So are the fishing families. The next time you drive the Trans-Canada through northern Ontario — past the mine stacks and the hydro lines and the cutover hills — you are moving through the territory those documents describe, and through a promise that outlasted every man who made it. This has been The Land Beneath Us.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

The episode says the Supreme Court "ordered the parties to negotiate a remedy" and that "the exact dollars have not yet been finally settled." That is accurate for the Robinson-Superior beneficiaries, whose compensation was still open when the Court ruled in July 2024. For the Robinson-Huron beneficiaries, however, a settlement had already been reached in June 2023 — $10 billion from Canada and Ontario for past breaches of the augmentation clause — a fact the episode does not mention. The blended framing is not wrong, but the two treaty groups were at different stages: Huron largely settled, Superior still to be negotiated.

The episode dates Robinson-Huron to "the ninth" of September 1850 (two days after Robinson-Superior on the 7th). September 9 is the date given by The Canadian Encyclopedia and most treaty texts; a minority of sources cite September 8. The per-person figures are likewise approximate — the roughly "$1.60" initial annuity reflects the Robinson-Huron calculation, and the $4 cap set in 1875 is firmly documented.

References & further reading

"Robinson Treaties of 1850." The Canadian Encyclopedia. Robinson-Superior (7 Sept 1850) and Robinson-Huron (9 Sept 1850) signed at Bawating / Sault Ste. Marie; surrender of the north shores of Lakes Superior and Huron for reserves, a one-time payment, and perpetual per-capita annuities; the distinctive augmentation clause allowing (but not requiring reduction of) increases if the ceded lands yielded revenue; the treaties served as a model for the later numbered treaties.

Ontario (Attorney General) v. Restoule, 2024 SCC 27 (26 July 2024), CanLII / Supreme Court of Canada. Unanimous nine-judge Court (Jamal J. writing; Wagner C.J. and Karakatsanis, Côté, Rowe, Martin, Kasirer, O'Bonsawin and Moreau JJ. concurring): the Crown "dishonourably breached" its augmentation promise under the Robinson Treaties for nearly 150 years, has a duty to consider from time to time whether it can raise the annuity without loss, and was ordered to negotiate honourably with the Superior plaintiffs.

Crown-Indigenous Relations and Northern Affairs Canada, "The Robinson Treaties (1850)" (rcaanc-cirnac.gc.ca). Treaty texts and terms: annuity of £600 provincial currency for Robinson-Huron and £500 for Robinson-Superior, divided among the signatory bands; reserved lands; continued hunting and fishing on unoccupied Crown territory.

"Restoule v Canada." Wikipedia (procedural history and figures). Annuity raised to $4 per person in 1875 and never increased since — frozen for almost 150 years; the augmentation clause litigation; the June 2023 Robinson-Huron $10-billion settlement with Canada and Ontario for past breaches.

Restoule v. Canada (Attorney General), 2018 ONSC 7701 (Hennessy J., Stage One trial) and Restoule v. Canada (Attorney General), 2021 ONCA 779 (Court of Appeal for Ontario). The trial court and appeal court both interpreted the augmentation clause in favour of the First Nations before the case reached the Supreme Court.

Fasken, "Restoule Decision Finds the Crown Breached its Promise to Robinson Treaty Beneficiaries" (2024), and Mandell Pinder LLP case summary of Ontario (Attorney General) v. Restoule, 2024 SCC 27. Confirm the augmentation clause allows increases (never decreases) when territorial revenue exceeds administration costs, and the Crown's duty to turn its mind to increases.

The Canadian Encyclopedia and Crown-Indigenous Relations Canada on the negotiator: William Benjamin Robinson, a businessman and former fur trader (and legislator), was appointed by the Province of Canada to negotiate the 1850 treaties after mining licences had already been issued on Anishinaabe land and chiefs such as Shingwaukonse of Garden River had protested the intrusions.

THE LAND BENEATH US ◆

The Williams Treaties

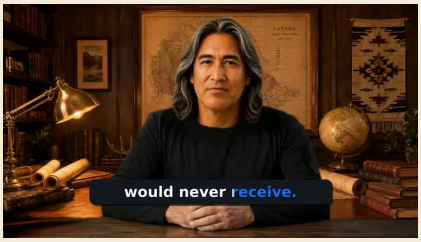
Season One · Before Canada · Episode 16

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Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.







From the episode

WILLOW BORN WITH A TOOTH

Stand at the edge of almost any dock in the Kawartha Lakes on a summer morning — fishing rods out, boats heading up toward Georgian Bay — and you are standing in the middle of a question that took ninety-five years to even partly answer. This whole corridor of water, from Lake Simcoe north to Georgian Bay and across the Trent River country, was the subject of the last land surrenders in Ontario, signed in the autumn of nineteen twenty-three. Today we are asking what, exactly, was surrendered — and what was not.

SAM CARDINAL

By nineteen twenty-three, the Crown had been making land agreements in what is now southern Ontario for well over a century, and through those agreements, one truth ran constant: the Crown understood it was receiving a complete and finished transaction, while the nations understood they were entering a shared, ongoing relationship with their territory. Most of the major surrenders of that era had already happened, but there were stretches of the Trent-Severn corridor and the lake country to the north where earlier treaties had left the exact boundaries genuinely unclear. The government of Ontario commissioned an inquiry, the inquiry led to a negotiator — Angus Seymour Williams — and what came out of those autumn meetings were two sets of agreements that together bear his name.

WILLOW BORN WITH A TOOTH

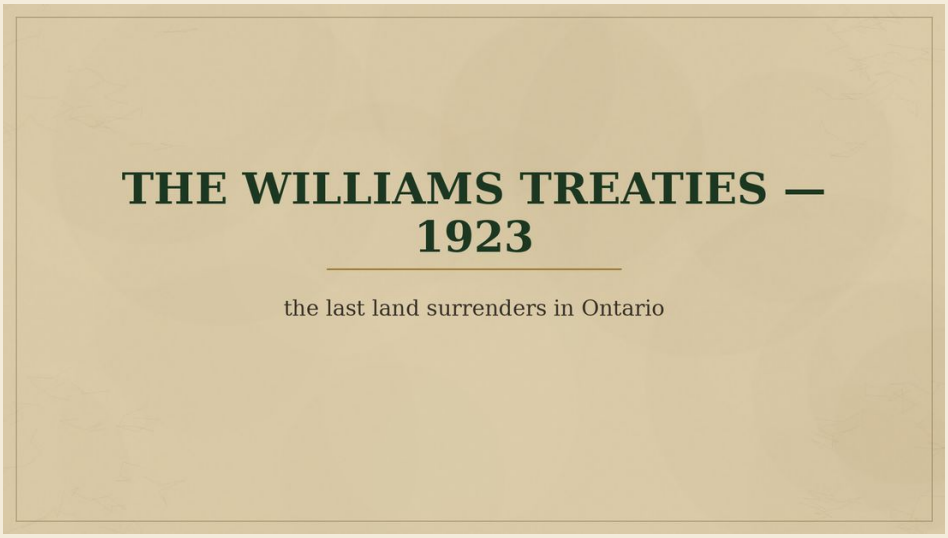
Seven First Nations signed. I want to name them, because this matters: Alderville, Beausoleil, Curve Lake, the Chippewas of Georgina Island, Hiawatha, the Mississaugas of Scugog Island, and the Chippewas of Rama. These are nations whose territories surrounded and interlocked across the whole Trent-Severn watershed.

SAM CARDINAL

Each of them had ancestors who had already dealt with the Crown through agreements made decades earlier in the eighteen hundreds — agreements the Crown now said were incomplete, or overlapping, or hadn't fully resolved the question of title to certain parcels. The Williams Treaties were described as tying up loose ends. The nations, however, understood something quite different about what those loose ends actually were — and the difference between those two understandings is the centre of this whole story.

WILLOW BORN WITH A TOOTH

So let us put the three records side by side, the way this country deserves. What does the paper actually say?



SAM CARDINAL

The written treaties are blunt. They contain a surrender of all rights, title, and interest in the described lands — and here is where it gets significant — they also include an explicit surrender of hunting and fishing rights across those lands. This was not incidental boilerplate carried over from a standard form; it was a specific inclusion. The Crown read these treaties as extinguishing not just the nations' land title but their right to fish and hunt in the waters and forests they had lived alongside for generations.

WILLOW BORN WITH A TOOTH

And what did Commissioner Williams report back to Ottawa?

SAM CARDINAL

Williams reported a successful and orderly set of negotiations. His accounts describe the nations as willing participants, the compensation as fair, and the agreements as clear and complete. The Crown paid lump sums — not large ones, even by the standards of nineteen twenty-three — and considered the matter closed. From Ottawa's perspective, the last loose thread in the Upper Canada surrender era had been tied off, quietly and finally.

WILLOW BORN WITH A TOOTH

Now. What do the nations say they agreed to?

SAM CARDINAL

The nations say — and said from nearly the moment the ink was dry — that they agreed to clarify the land boundaries, and nothing beyond that. They did not understand themselves to be giving up their right to fish and hunt. Fishing those lakes, hunting those forests, was not a recreational preference or a side arrangement; it was how families fed themselves and how nations maintained their living relationship with their territory. The notion that you could surrender those rights in a brief negotiation, the way you sign over a surveyed lot, did not correspond to anything the nations understood themselves to be agreeing to.



WILLOW BORN WITH A TOOTH

And the record suggests there were real problems with how the treaty terms were communicated — particularly that specific clause about hunting and fishing rights.

SAM CARDINAL

The oral record from all seven nations is consistent on this point. The negotiations were conducted in English, with interpreters of varying quality, and the legal meaning of permanently extinguishing hunting and fishing rights — not seasonally, not conditionally, but forever — is not a concept that travels cleanly across languages and legal traditions in a brief meeting. Whether it was a genuine failure of translation, a failure of disclosure, or something harder to excuse than either, the gap between what was in the document and what the nations believed they had agreed to was real and it was wide.

WILLOW BORN WITH A TOOTH

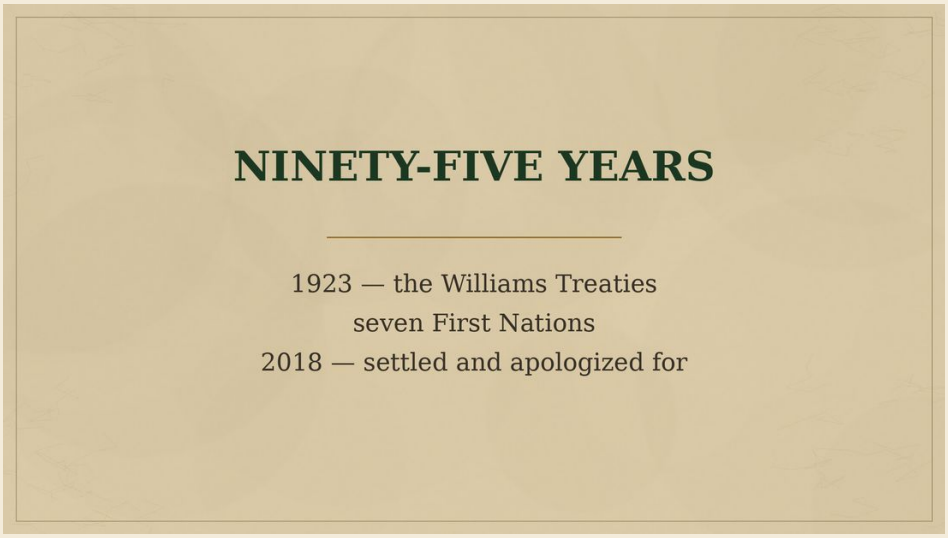
And they did not stay quiet about it. The nations began raising the hunting and fishing rights issue almost immediately.

SAM CARDINAL

They did. For decade after decade, the seven nations pushed through whatever channels were available to them — petitions, correspondence, formal complaints — arguing that the surrender of hunting and fishing rights had not been part of the agreement they made. For most of that time, the Crown declined to revisit the question. The treaties, as far as Ottawa and Queen's Park were concerned, were valid and final. It is a long time to be told that the agreement you know you made is not the agreement you signed.

WILLOW BORN WITH A TOOTH

How long? Ninety-five years.



SAM CARDINAL

Ninety-five years from signing to settlement. The specific claim the seven nations brought forward moved through the federal process, and in twenty eighteen, Canada and Ontario reached a major agreement with all seven nations. The settlement included substantial financial compensation — compensation the Crown acknowledged was far more than what had been paid in nineteen twenty-three. And it included something that does not always arrive with a settlement: a formal apology from both the federal and provincial governments, acknowledging that the Crown had failed to meet its obligations and had not fairly compensated the nations for what had been taken.

WILLOW BORN WITH A TOOTH

I want to pause on that apology, because it was specific. It was not simply an expression of regret about how things turned out. It was an acknowledgment that the Crown had gotten it wrong.

SAM CARDINAL

That specificity is not a small thing. The apology named the failure directly: that the compensation paid in nineteen twenty-three did not reflect the true value of what the nations had surrendered, and that the handling of the hunting and fishing rights question had been inadequate. That is the Crown stating, on the record, that the gap between what was written and what the nations understood was a real gap — and that the nations' ninety-five years of saying so were not a misreading on their part.

WILLOW BORN WITH A TOOTH

I keep thinking about what it means that the Williams Treaties came at the very end — nineteen twenty-three, long after the major surrenders of the previous century. In some ways they read like a summary of the whole era.

SAM CARDINAL

They are exactly that. By the time Williams sat down with those seven nations, the machinery of land surrender had been running for well over a hundred years, and the template was practiced and polished. Yet the same gap that had opened in the earliest of these agreements was still there at the finish: the Crown receiving what it called a final transaction, the nations entering what they understood as a living arrangement. The Williams Treaties did not just close the surrender century. They carried its central problem all the way to its last page.



WILLOW BORN WITH A TOOTH
And does the twenty eighteen settlement close that problem?

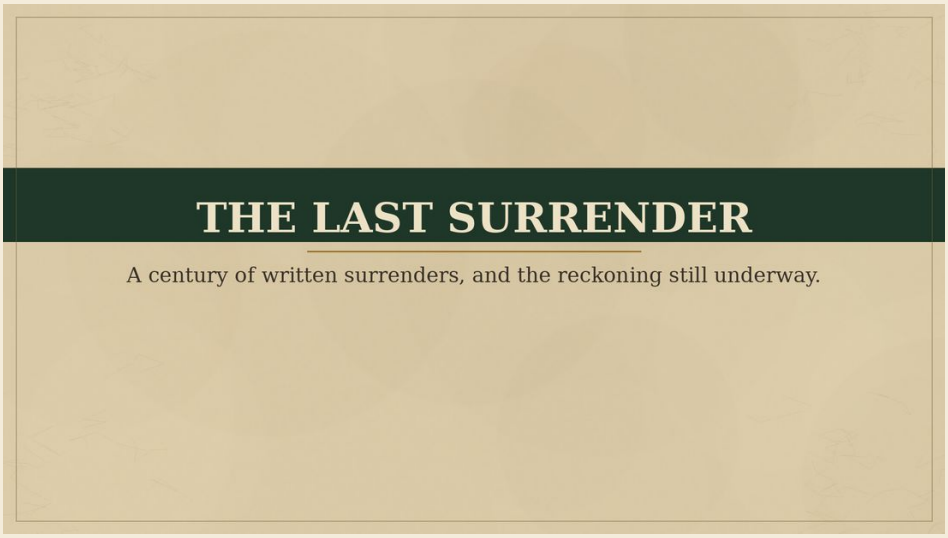
SAM CARDINAL
A settlement closes a legal claim. Whether it closes a problem is a different question, and the nations themselves are best placed to answer it. What the settlement does is place on the permanent official record that the story the Crown told about these treaties for ninety-five years was incomplete — that the nations had not been heard fairly, and that what they surrendered was worth far more than what they received. That is not nothing. It is, in fact, precisely the kind of acknowledgment they had been told, for most of those ninety-five years, they would never receive.

WILLOW BORN WITH A TOOTH
The Trent-Severn Waterway runs through this whole territory today — the locks, the provincial parks, the fishing boats, the summer cabins. It is one of the most visited corridors in Ontario.

SAM CARDINAL
And the seven nations of the Williams Treaties are still here, in those same communities along that same water — Curve Lake, Hiawatha, Alderville, Beausoleil, Georgina Island, Scugog Island, Rama — fishing the same lakes, maintaining the same relationship with their territory that no lump-sum payment in nineteen twenty-three actually ended. That is worth holding: what the Crown believed it had extinguished, the people simply kept living. The relationship with the land outlasted the paper that claimed to sever it.

WILLOW BORN WITH A TOOTH

The Crown always assumed that signing the document was the end of the story.



SAM CARDINAL

But a nation is not a document. A relationship with a territory is not a title deed. The Williams Treaties are the closing chapter of the Upper Canada surrender era, and what they tell us — what the twenty eighteen settlement finally confirmed — is that a signature is not the same as an agreement, and a closed file is not the same as a finished account. Ninety-five years is how long it can take for the official record to catch up to what the people already knew. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

The land beneath those fishing docks, beneath the Trent-Severn locks, beneath Georgian Bay itself — it holds that entire reckoning in it, right up to today. Seven nations held their understanding of what they had agreed to for almost a century, and the record eventually had to come to them. That's the land beneath us.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

A note on the record

NAME ERROR IN SCRIPT: the episode calls the commissioner “Almon James Williams.” The treaties are named for ANGUS SEYMOUR WILLIAMS (A.S. Williams), a Department of Indian Affairs solicitor who chaired the commission. He was not a lone negotiator: the 1923 commission had three members — A.S. Williams (chair, for Canada), and R.V. Sinclair and Uriah McFadden. The given name should be corrected before broadcast.

The episode frames the 2018 settlement as financial compensation plus an apology, but underplays its central substantive term: the settlement expressly RECOGNIZED the seven nations’ right to hunt, fish and trap on their traditional territories (and provided for up to 11,000 acres of reserve additions per nation). That harvesting-rights recognition — not just money — is the core of what the nations had fought for since 1923.

References & further reading

“Williams Treaties.” The Canadian Encyclopedia — two treaties signed in 1923 surrendering over 20,000 sq km; the written texts extinguished hunting and fishing rights guaranteed under earlier treaties; seven First Nations: Alderville, Chippewas of Beausoleil, Chippewas of Georgina Island, Chippewas of Rama, Curve Lake, Hiawatha, Mississaugas of Scugog Island.

“Treaty Research Report: The Williams Treaties (1923).” Crown–Indigenous Relations and Northern Affairs Canada (rcaanc-cirnac.gc.ca) — confirms the three-member commission (A.S. Williams, chair, Departmental Solicitor of Indian Affairs; R.V. Sinclair, whose involvement dated to the 1916 investigation; Uriah McFadden, a Sault Ste. Marie lawyer) and the commission’s finding that the nations’ claims were valid.

Williams Treaty texts, RCAANC-CIRNAC / Anishinabek (anishinabek.ca) — two separate treaties dated October 31, 1923 (Chippewas of Beausoleil, Georgina Island, Rama) and November 15, 1923 (Mississauga: Alderville, Curve Lake, Hiawatha, Scugog Island), each containing an explicit surrender of hunting and fishing rights outside reserve lands.

“Canada and Ontario advance reconciliation with historic apologies to the seven Williams Treaties First Nations communities.” Government of Canada / CIRNAC news release, November 17, 2018 — formal apologies delivered by Minister Carolyn Bennett (Canada) and Minister Greg Rickford (Ontario) for the negative impacts of the treaties.

“Williams Treaties First Nations Settlement Agreement.” CIRNAC (rcaanc-cirnac.gc.ca) — the 2018 settlement of the Alderville litigation: $1.11 billion total compensation ($666 million from Canada, $444 million from Ontario), recognition of treaty harvesting (hunt/fish/trap) rights, and an entitlement of up to 11,000 acres of reserve-land additions per First Nation; out-of-court talks began March 2017, ratified by members June 2018, announced September 13, 2018.

“Revisiting the Williams Treaties of 1923: Anishinaabeg perspectives after a century.” The Conversation (2023) — documents the gap between the written surrender and Anishinaabeg

understanding, including the recollection that the signatories were assured they would keep their hunting and fishing rights, and the decades of protest that followed.

“100 years of the Williams Treaties in Ontario.” The Narwhal (2023) — centenary reporting on the surrenders, the extinguishment of harvesting rights, the 95-year fight, and the 2018 settlement and apologies.

“A Brief History of the Williams Treaties” (Treaties Recognition Week), Ontario Tech University — overview corroborating the 1923 signing, the seven nations, the loss of off-reserve harvesting rights, and the long path to the 2018 resolution.