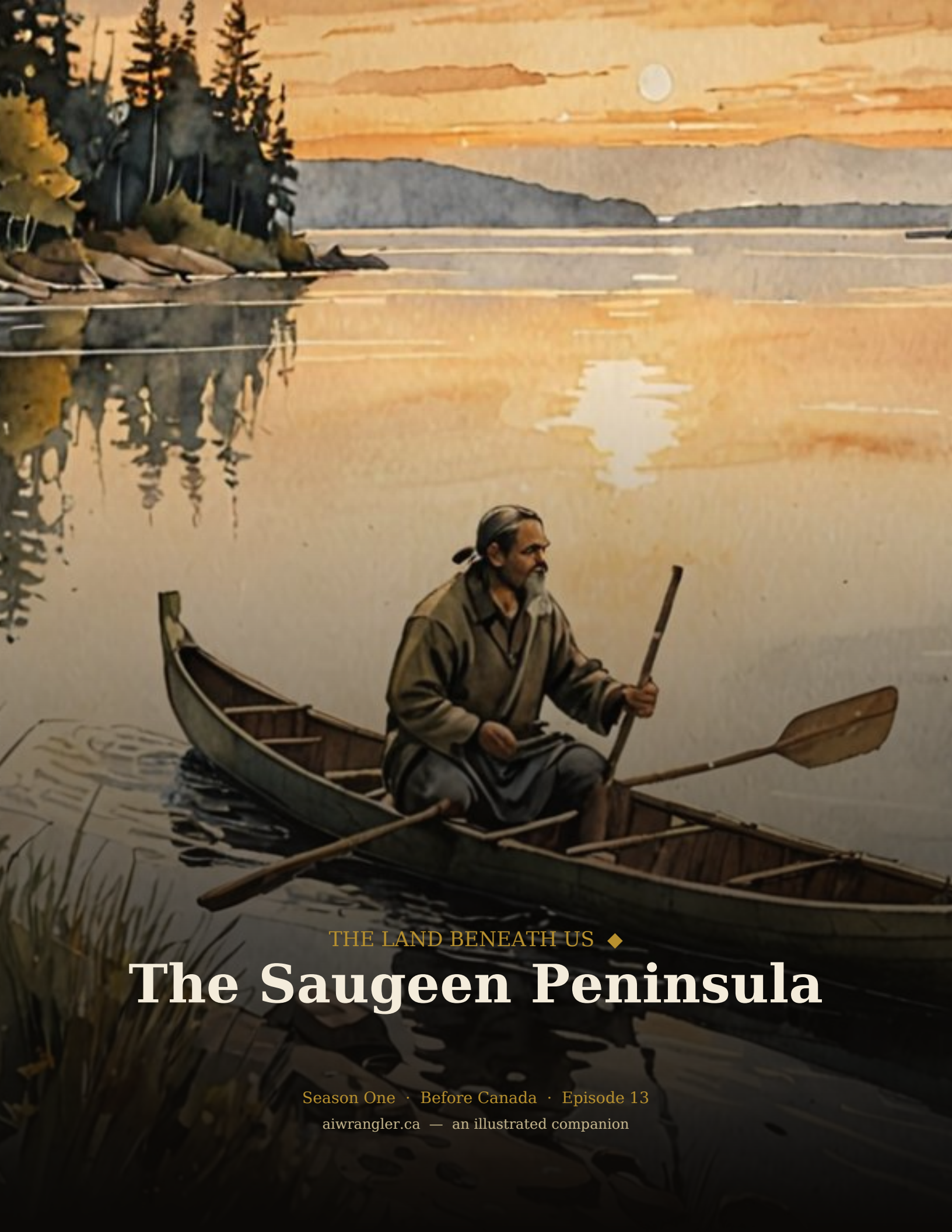




THE LAND BENEATH US ◆

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

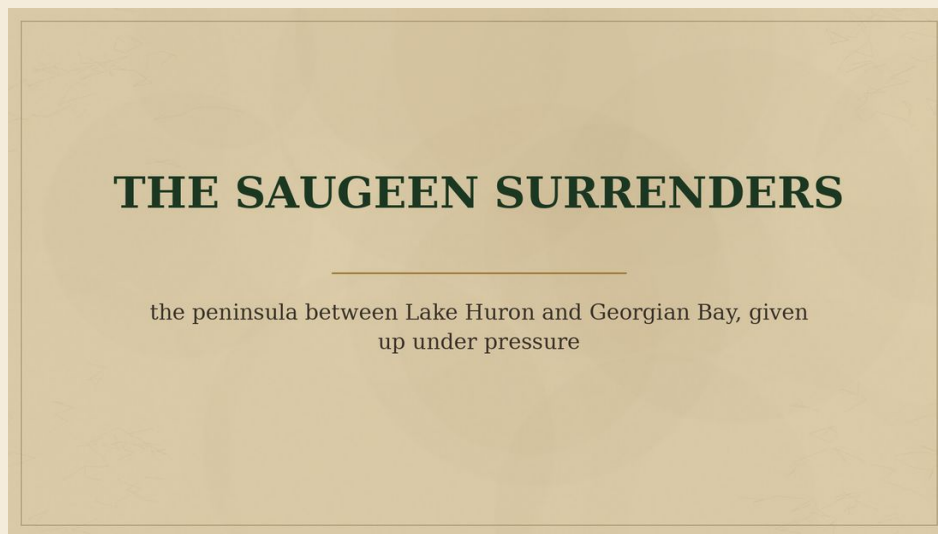
WILLOW BORN WITH A TOOTH

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

a voluntary surrender

THE CROWN

protection it could not
deliver

THE SAUGEEN

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.'