



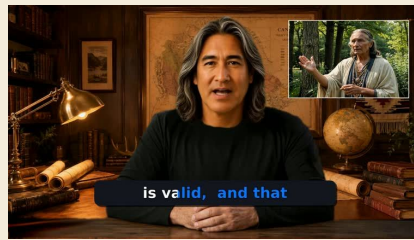
THE LAND BENEATH US ◆

The Great Council at Niagara

Season One • Before Canada • Episode 5

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

The Niagara River moves fast right here — cold, deliberate, cutting the boundary between what we now call Ontario and New York State — and in the summer of seventeen sixty-four, roughly two thousand people made their way to the shores near Fort Niagara to attend what may have been the most significant council in this part of the world before Canada existed. What agreement was made here, and what did each side believe they had agreed to?

SAM CARDINAL

To understand this gathering, you have to feel how precarious things were in seventeen sixty-four — this was the land now called Canada, and the nations of this territory were still the primary powers on the ground. The Seven Years War had ended just the year before, New France had surrendered, and the British Crown now held title on paper to an enormous stretch of land from the Atlantic coast to the Mississippi, filled with sovereign nations that had their own governments, their own laws, their own long relationship with the land. And many of those nations were already in open conflict with the British — what we call Pontiac's War — fighting to push back the soldiers and settlers who were flooding into territories the nations had never agreed to give up.



WILLOW BORN WITH A TOOTH

The British needed peace — not in one corner, but across a whole continent — and they needed it urgently.

SAM CARDINAL

The man they placed at the centre of this effort was Sir William Johnson, Superintendent of Indian Affairs for the northern colonies. Johnson was unusual among Crown officials of his era: he had lived for years among the Haudenosaunee people of the Mohawk Valley, he could address a council in the proper form, and he understood that if you wanted to make an agreement with Indigenous nations that would actually hold, you could not simply issue orders. You had to arrive with respect, with appropriate ceremony, and with the willingness to speak and to listen on something closer to equal terms.



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So Johnson sent runners and messengers in every direction — and who came?

SAM CARDINAL

The response was extraordinary. Approximately two thousand people arrived at Niagara that summer, representing roughly twenty-four nations: Anishinaabe peoples from across the Great Lakes — Ojibwe, Odawa, Potawatomi — as well as Wyandot, Mississauga, Haudenosaunee, and many others, from a vast corridor stretching hundreds of miles in every direction. Many had paddled for weeks to reach this place. No gathering of this kind between the Crown and so many nations had taken place before, not on this part of the continent.



WILLOW BORN WITH A TOOTH

If you look at the geography of that gathering — the territories those twenty-four nations came from — you are looking at most of what we now call Ontario, the Great Lakes basin, and the upper St. Lawrence. This was not a local meeting.

SAM CARDINAL

It was a continental event. And Johnson brought to this continental gathering a document that the Crown had issued the previous autumn — the Royal Proclamation of seventeen sixty-three. That document had drawn a line and said, in the Crown's own words, that the land to the west was reserved for the Indigenous peoples as their hunting grounds, that no private person could buy or settle this land, and that if the Crown ever wished to acquire any of it, it could only do so at a public meeting, with the free and open consent of the nations involved. Johnson's task at Niagara was to bring that paper into a living agreement — to have the nations hear it, respond to it, and enter into a relationship with the Crown on those terms.



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And that is a different thing from a document being printed in London and posted on a wall.

SAM CARDINAL

It is a fundamentally different thing. The council at Niagara was the moment that difference was meant to be closed. Johnson conducted the proceedings with the gravity and form the gathering required, and at the heart of it was the exchange of a great wampum belt — what is known today as the Covenant Chain wampum belt of seventeen sixty-four. The belt bore the figures of many nations standing together, linked in a common covenant, a visual and physical record of what had been agreed. In the diplomatic traditions of the nations gathered there, the exchange of a belt of that significance was not ceremony for its own sake. It was law. It was the agreement itself, held now in a form that could be carried, read, and witnessed for generations.



SAM CARDINAL

The belt was the living record of what the words had made — and what it meant to hold that record was understood differently by the two parties who now each held a version of it.

WILLOW BORN WITH A TOOTH

So let's lay out the three records this council left behind — because they don't match, and the gaps between them are where the real story lives.



SAM CARDINAL

The written Proclamation says that the Crown reserves the lands beyond the settlement line to the nations as hunting grounds, that no private purchase is valid, and that future acquisitions can only happen through consensual public treaty. On the face of it, that is a framework of real protection — the Crown acknowledging in its own language that it cannot simply take, that it must negotiate and obtain consent.

WILLOW BORN WITH A TOOTH

Now — what did Johnson report back to his superiors about what had actually happened at the council?



SAM CARDINAL

Johnson's official reports describe a successful pacification. Nations that had been in conflict with the Crown have been brought into peace, alliances have been renewed, the Proclamation has been explained and received. His language is the language of British administration: the nations have been reconciled to the King's authority, trade and friendship will flow, order has been restored. His reports do not describe a reciprocal treaty — an agreement binding on the Crown as much as on the nations. To the officials reading those papers in London, what happened at Niagara was the Crown extending its hand and the nations, wisely, accepting it.

WILLOW BORN WITH A TOOTH

And the third record — the one carried in the wampum belt, and in the memory of the people who made the journey home.



SAM CARDINAL

The nations left Niagara with a different understanding of what the belt held. They had entered into a nation-to-nation covenant — a living agreement in which the Crown had made binding promises: that their territories would not be taken without their free and open consent, that the relationship between them would continue on terms of mutual respect, and that both parties had committed themselves to what had been spoken at the fire. They had not submitted to the Crown. They had entered into an agreement with it. The belt was not a receipt for something received; it was the record of obligations running in both directions. That is what they carried home.

SAM CARDINAL

Two parties departed the same council carrying two different accounts of what had been agreed — and both accounts were, in their own framework, accurate.



WILLOW BORN WITH A TOOTH

Which means the gap was not a misunderstanding that could be cleared up with a better translator. It was built into the structure of the encounter.

SAM CARDINAL

That is exactly right, and it matters enormously for what followed. Johnson understood Indigenous diplomatic protocol well enough to convene an extraordinary gathering and exchange a great belt — but the reports he sent upward were written in the language of Crown authority, and those reports shaped how the Crown understood what it had done and what it owed. The nations brought to the council an understanding of covenant — something entered into freely, binding on both parties, held in living memory and renewed through relationship. The Crown brought a different understanding: a proclamation it had issued, now explained and accepted. Both things happened at Niagara in seventeen sixty-four. The question of which one was the legal and binding agreement is a question this country spent two centuries mostly not asking, and has spent the last several decades beginning, carefully, to answer.

WILLOW BORN WITH A TOOTH

Is there any formal recognition today of what the nations understood they had agreed to at that council?

SAM CARDINAL

There is, and it has been building. The Anishinaabe legal scholar John Borrows has argued with considerable force and care that what took place at Niagara was a bilateral treaty — that the nations did not merely hear the Proclamation read aloud, they consented to its terms, and in return the Crown accepted obligations, and the Covenant Chain wampum belt ratified the whole of it according to Indigenous law. That argument has found its way into Canadian courts and into serious constitutional scholarship. The Royal Proclamation itself is referenced in section thirty-five of the Constitution Act of nineteen eighty-two, among the existing Aboriginal and treaty rights the Constitution protects. Whether the Proclamation is a Crown document the Crown may interpret and limit on its own authority, or a treaty promise it cannot walk back without the consent of the nations who agreed to it — that is a distinction with consequences that reach into land rights, resource rights, and the meaning of sovereignty on this land today. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

Two thousand people came to the Niagara River in the summer of seventeen sixty-four — some of them after weeks of paddling, from territories spread across most of this continent — and together they exchanged words and a great wampum belt and made something that at least two of the three records call a binding agreement. The river is still here. The belt still exists. And the question of what was actually promised on this ground is not a historical question. It is a legal and a living one. We'll see you next time 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

That roughly two thousand delegates from about twenty-four nations gathered at Fort Niagara in the summer of 1764 is the figure carried in the standard accounts and in the wampum record (the “Twenty-Four Nations” belt). Whether Niagara was a bilateral treaty binding on the Crown — the argument advanced by the Anishinaabe legal scholar John Borrows — or a one-directional pacification, as Sir William Johnson’s reports framed it, is the live legal question this episode lays out; both readings are grounded in the record.

References & further reading

“Treaty of Niagara, 1764.” The Canadian Encyclopedia — the gathering of roughly 2,000 delegates from about 24 nations, and the exchange of the Covenant Chain and Twenty-Four Nations wampum belts.

John Borrows. “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government,” in *Aboriginal and Treaty Rights in Canada*, ed. Michael Asch (Vancouver: UBC Press, 1997) — the argument that Niagara ratified the Proclamation as a bilateral, consent-based treaty.

Talking Treaties (talkingtreaties.ca) and the Anishinabek Nation on the 1764 Treaty of Niagara and the Belt of the Covenant Chain.

Sir William Johnson, Superintendent of Indian Affairs for the northern colonies, convened the council and conducted it in Haudenosaunee diplomatic form.

Constitution Act, 1982, s. 35; the Royal Proclamation of 1763 is referenced in s. 25.