



THE LAND BENEATH US ◆

What Is a Treaty?

Season One · Before Canada · Episode 1

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

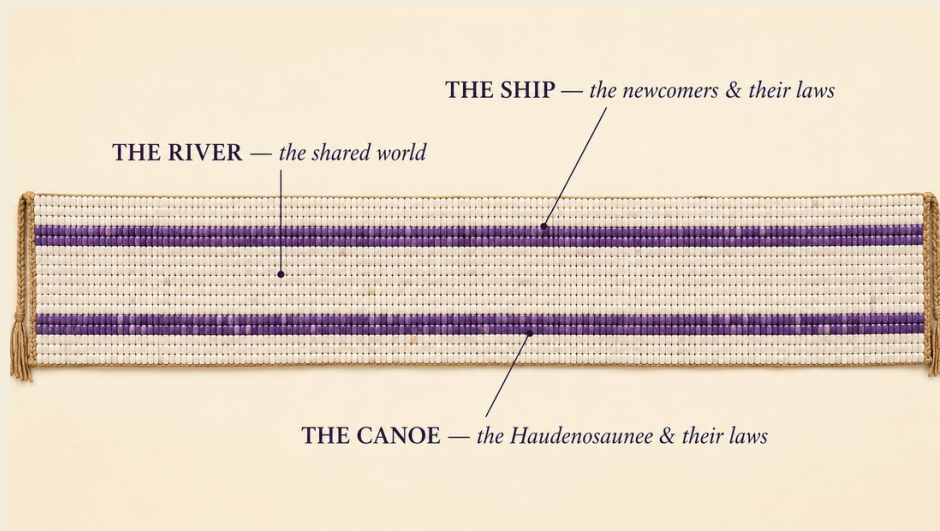
WILLOW BORN WITH A TOOTH

Stand on the bank of the Grand River in southern Ontario and you are standing on the territory of the Haudenosaunee Confederacy — one of the oldest living political unions on this continent — and somewhere nearby, in a council house or a community archive, there is a wampum belt that is older than Canada itself. My name is Willow Born With a Tooth, and on this show we ask one question about every piece of land we stand on: what deal put this here? But before we can answer that for any specific place, we need to understand what a deal even was — what a treaty actually meant, in the understanding of the people who first made them.



SAM CARDINAL

In the Indigenous understanding that stretches across this land, a treaty is a living relationship between nations, meant to hold as long as the sun shines and the rivers flow — not a transaction, not a sale, but an agreement about how two peoples would share a world. That is the starting place for everything we explore this season. And the clearest, oldest window into that understanding — the one that shows you what the word "treaty" meant before any of this was called Canada — is a belt of wampum, made in the year sixteen thirteen, that the Haudenosaunee presented to Dutch traders on the river the Lenape people called the Mahicantuck.



SAM CARDINAL

The Haudenosaunee Confederacy — the People of the Longhouse, whose territory stretched from the St. Lawrence to the Ohio Valley — were already one of the most sophisticated political confederacies in the world at that point. Five nations bound together by their own constitution, the Gayanashagowa, the Great Law of Peace. They were not newcomers to diplomacy. When Dutch traders arrived in the river valley seeking furs and commerce, the Haudenosaunee knew exactly what kind of relationship they wanted with these newcomers, and they had a way of recording it that the Dutch did not fully understand.



WILLOW BORN WITH A TOOTH

Because when most of us think of a treaty today, we picture a piece of paper with signatures on it — a document you fold up and put in an archive. That is not what this was.



SAM CARDINAL

Not at all. Wampum — small cylindrical beads worked from the white whelk shell and the purple quahog clam — were woven into belts whose patterns were a precise record. But calling them a record misses something essential: the belt was read aloud, in council, by speakers who had memorized its full meaning. The belt was not a shorthand for the agreement — it was the agreement, held in the beads and in the mouths of the people who kept it alive. It was a living document in a way that ink on parchment simply is not, because it required human voices, generation after generation, to remain real.



WILLOW BORN WITH A TOOTH

So the Haudenosaunee present this belt to the Dutch, and it becomes known as the Kaswentha — the Two Row Wampum. What does it look like?

THREE RECORDS OF ONE AGREEMENT

THE BELT

what the people understood:
two sovereign nations
sharing one river.



THE DUTCH PAPER

a brief commercial peace;
the word they wrote was
'friendship.'



THE ORAL RECORD

carried in council for
more than four hundred
years.



SAM CARDINAL

Picture a wide white field of wampum beads with two parallel rows of purple running its full length, side by side, never touching. The white field is the river — the great river of life, the shared world that both peoples move through. One purple row is a canoe: the Haudenosaunee, their laws, their traditions, their way of living. The other purple row is a ship: the Dutch newcomers, their laws, their customs, their way of living. Two vessels on the same river, travelling in the same direction, neither one steering the other. That image is the treaty.



WILLOW BORN WITH A TOOTH

Two vessels. Same river. Neither one reaching over to grab the other's wheel — or paddle.



SAM CARDINAL

And the Haudenosaunee speakers who presented this belt were explicit about what those rows meant. You will not make laws for my people, and I will not make laws for yours. You will not take our children and raise them in your ways, and we will not do the same to you. We will not impose our beliefs on each other. But we will share this river — we will look after each other in the ways we have agreed to, and we will travel together for as long as the agreement holds. Two sovereignties, each recognized by the other, committed to a shared path without merger. That is what a treaty meant, in this understanding.



WILLOW BORN WITH A TOOTH

Now, four hundred and some years later, we have more than one account of what happened in sixteen thirteen. This is where the detective trail gets interesting. What does the Dutch written record actually say?



SAM CARDINAL

The Dutch written record from that period is sparse. The Dutch East India Company's men were merchants, and they recorded what merchants care about: access, trade, and peace enough to do business. What they committed to paper does not come close to capturing what the Haudenosaunee understood to have been agreed. There is nothing in the Dutch account resembling the Two Row's specific terms — the mutual non-interference, the recognition of separate sovereignty. What the Dutch wrote down was, in essence, a commercial peace.



WILLOW BORN WITH A TOOTH

And what did the Dutch negotiators and officials report back about what had been arranged?



SAM CARDINAL

The word that appears most often in European accounts of early agreements with Indigenous nations is "friendship." It is a warm word, a comfortable word — and a very thin one. "Friendship" does not tell you who has the right to make laws on whose territory. It does not tell you whether one nation has agreed to live under the other's authority. It is a translation that turns something structurally precise into something pleasantly vague, and that vagueness had consequences that stretched across centuries.



WILLOW BORN WITH A TOOTH

And the third record — what the Haudenosaunee themselves have carried forward, in the belt and in the spoken tradition?



SAM CARDINAL

That record is rich, and it has not been set aside. Haudenosaunee leaders and diplomats have referenced the Kaswentha in formal councils for more than four hundred years — in meetings with colonial governments, in petitions to Ottawa, in international forums well into the twentieth century. Representatives have carried wampum belts into meeting rooms to assert that the relationship the belt describes is still in force. In their understanding, you do not let a living agreement expire by ignoring it — you renew it, face to face, in council. The belt did not come with an expiry date.



WILLOW BORN WITH A TOOTH

The word "renew." I keep coming back to it. To renew something means it is still alive. To file something away means you believe it is finished.



SAM CARDINAL

That difference — between a relationship you tend and a document you archive — is one of the most important things I can say about everything we will look at this season. A wampum belt requires living voices to remain real: speakers who carry the meaning, councils where the belt is brought out and spoken aloud. When those councils stopped happening, when the belt was placed in a museum case rather than carried into a meeting room, the agreement did not cease to exist in the eyes of the people who had made it. But it had been broken in practice. And the distance between what the belt says and what the land beneath your feet looks like today — that distance is, in many ways, the story of this country.



WILLOW BORN WITH A TOOTH

So before there was a Canada, before there was a government that issued proclamations or drew boundary lines — there was already this: a nation with a centuries-old understanding of what it meant to share territory with newcomers, encoded in purple and white shell beads. Two rows that run side by side, never crossing. Two peoples, each sovereign.



SAM CARDINAL

And I want you to sit with how precise, and how generous, that image actually is. The Haudenosaunee were not saying "go away." They were saying "come — here is the shape of how we can both be here." That shape assumed two sovereignties, neither swallowed by the other. It assumed the river was wide enough for two vessels. What happened in the centuries that followed is the story of what happens when one vessel begins to believe the river belongs to it alone — and what the people in the canoe have carried, and spoken, and brought to councils and to courts, to insist that the original terms still stand. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

The Grand River still flows through Six Nations of the Grand River territory in Ontario — home today to tens of thousands of people from the Haudenosaunee Confederacy, the largest First Nations reserve in Canada. The Kaswentha has not been put away. It is still read, in councils, by people who carry the words. Two purple rows on a white field. Two vessels on the same river. That's where this story begins.

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

On the date “1613.” The precise 1613 dating of the Two Row Wampum comes from a written “Tawagonshi” treaty document that scholars — notably Paul Otto and Jaap Jacobs — have concluded is a twentieth-century forgery. The Two Row Wampum (Kaswentha) tradition itself is authentic and old: Haudenosaunee oral history, and a 1701 council recitation describing the original Dutch agreement as made “above eighty years” earlier, place its origin in the early 1600s. Historian Jon Parmenter defends the antiquity of the tradition even though the 1613 paper is discredited; Otto suggests c. 1630 for the adoption of the purple (quahog) beads. This episode uses 1613 as the date carried in Haudenosaunee tradition, with this caveat noted.

References & further reading

Onondaga Nation. “Two Row Wampum — Gä•sweñta’.” onondaganation.org — the official Haudenosaunee account of the belt’s meaning and terms (two vessels on one river; mutual non-interference; separate sovereignty).

Parmenter, Jon. “The Meaning of Kaswentha and the Two Row Wampum Belt in Historical Context.” *Journal of Early American History* 3, no. 1 (2013): 82-109.

Otto, Paul, and Jaap Jacobs, eds. Special issue on the Two Row Wampum and the Tawagonshi document, *Journal of Early American History* 3, no. 1 (2013) — establishing the 1613 written document as a twentieth-century forgery.

“Two Row Wampum Treaty.” Wikipedia — overview of the tradition and the historiographical debate.

“The Great Binding Law, Gayanashagowa (Constitution of the Iroquois Nations).” Harvard University, cscie12.dce.harvard.edu — the Great Law of Peace, the oral constitution binding the Five (later Six) Nations of the Haudenosaunee Confederacy.

“Six Nations of the Grand River.” The Canadian Encyclopedia; and Wikipedia — the largest First Nations reserve in Canada (2024 registered population over 29,000; c. 46,500 acres), established by the Haldimand Proclamation of 1784.

Wampum materials: the white beads worked from the whelk shell, the purple from the quahog clam — per the Onondaga Nation and standard ethnographic accounts.



THE LAND BENEATH US ◆

The Covenant Chain

Season One · Before Canada · Episode 2

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 west of Hamilton, Ontario, you reach Six Nations of the Grand River — home to roughly thirty thousand Haudenosaunee people, the largest First Nations reserve in Canada. And if you stand there and look at a map of the seventeenth century, you start to see something the map doesn't say out loud: the people who live here once held the entire northeastern continent in a kind of diplomatic grip. Not through war alone — through a chain.

SAM CARDINAL

Long before there was a Canada, or a British Empire that stretched this far, the Haudenosaunee Confederacy — five nations joined in one great league — sat at the centre of the northeastern world. They held the trade routes, the river paths, the overland connections between the English colonies along the coast and the vast interior. Both the French to the north and the English to the south understood something that most schoolbooks leave out: if you wanted access to this continent, you needed a relationship with the Haudenosaunee.



SAM CARDINAL

So the English came to Albany — which the Dutch had called Fort Orange before the English took it in sixteen sixty-four — and in sixteen seventy-seven, after years of smaller agreements, something new was given a name. They called it a chain. A chain linking English hands to Haudenosaunee hands, binding them in alliance and mutual obligation. And in those early councils, they called it an iron chain.

WILLOW BORN WITH A TOOTH

Iron. But it didn't stay iron.



SAM CARDINAL

It didn't. Iron rusts. Iron breaks under enough strain. And within a generation, the language at the Albany councils shifted: the chain became silver. Silver lasts longer — but silver tarnishes, and that tarnishing held a meaning that shaped everything about how this relationship worked. Because silver does not keep its shine on its own. It must be polished. And that single word — polishing — became the living heartbeat of the whole alliance.

SAM CARDINAL

Polishing the chain meant coming back to Albany, sometimes every year or two, sometimes more often, and formally renewing the relationship. You named the grievances that had let it grow dim. You acknowledged the places where the alliance had been neglected or strained. You cleared those spots away — and then you reaffirmed the bond. The chain was not a document you signed and filed. It was a relationship you maintained by showing up and tending to it.



WILLOW BORN WITH A TOOTH

So Albany wasn't just a trading post. It was the meeting ground — the place you came back to, again and again.

SAM CARDINAL

Albany was the council chamber of the northeastern world for the better part of seventy years. Colonial governors, or their representatives, sat across from Haudenosaunee leaders and spoke in a diplomatic language that both sides had worked, over decades, to develop together. There were formal speeches. There were interpreters who had to carry not just words but meanings across two very different ways of understanding what an alliance was. Through all of it, both sides were building something they believed would last.



WILLOW BORN WITH A TOOTH

And here is where I want to stop — because I think this is the whole question: what did each side believe they were building?

SAM CARDINAL

That is exactly the question, and to answer it honestly we need to lay three records side by side. The first is the written record: the minutes of the Albany councils, the official documents sent back to London. Those documents describe the Haudenosaunee, at various points, as peoples who have submitted to the Crown, or who are under the protection of the British king, or who acknowledge British sovereignty over the territory. That is what went into the archive, and what was reported home.



SAM CARDINAL

The second record is what the Crown's own negotiators said in the room — which was sometimes softer than the written summary, because they knew the Haudenosaunee leaders sitting across from them would not have stayed at the table for a moment if they had been called subjects to their face. And the third record is what the Haudenosaunee orators actually said, in their own language and on their own terms: they called the English their brothers. Sometimes their younger brothers. They described the chain as a bond between equals — two distinct peoples, each strong, choosing alliance, not submission.

WILLOW BORN WITH A TOOTH

Brothers. Not subjects.



SAM CARDINAL

And neither side was lying — that is the important thing to hold onto. The English word 'subject' mapped a real concept in English law onto a relationship that had no such category in Haudenosaunee diplomacy. The Haudenosaunee word for 'brother' carried obligations of mutuality and respect that the English word 'ally' did not fully convey. They were speaking their truths across a translation gap that no interpreter could completely close. The gap between those two records — 'subject' on one page, 'brother' in the spoken memory — would widen over the following century into something much harder to bridge.

SAM CARDINAL

But for much of the alliance's active life, the ritual of polishing held that gap in check. When Haudenosaunee leaders arrived at Albany and said the chain had grown rusty, or had spots upon it, that was a formal diplomatic signal with real weight: something has gone wrong between us — a trader cheated our people, a boundary was crossed, a promise was not kept — and we are here to name it before it corrodes into something worse. Polishing was the built-in mechanism for managing conflict without severing the relationship. It presumed friction, and it gave both sides a shared language for addressing friction before it became rupture.



WILLOW BORN WITH A TOOTH

There's something genuinely sophisticated about that — building the repair into the relationship from the start.

SAM CARDINAL

And the Haudenosaunee were sophisticated in another way that the chain made possible: they kept their options open. The French were also on this continent, also wanting allies, and the Haudenosaunee maintained communication with them even while the Covenant Chain with the English held. That was not treachery — it was statecraft. As long as two European powers competed for Haudenosaunee alliance, the Haudenosaunee retained real leverage. The chain was not a surrender of independence; it was a diplomatic tool for preserving it. When the chain was bright, the English slept easier at the frontier. When it dimmed, they felt the anxiety immediately — and came to Albany to polish it.



SAM CARDINAL

The chain also grew. Other nations could be brought into the alliance network — added as links, with the Haudenosaunee often serving as intermediaries or sponsors. Albany became not just a bilateral meeting ground but the centre of a whole web of diplomatic relationships, with the Haudenosaunee holding the most consequential connections. For decades — from the sixteen seventies well into the seventeen forties — this web held. Not without wars, not without grievances slow to be polished out. But the chain held, and both sides kept coming back.

WILLOW BORN WITH A TOOTH

So what happened? Because the Haudenosaunee who live at Six Nations today are not in the position their ancestors held at Albany.



SAM CARDINAL

What happened is the world shifted under the chain's feet. After the French were defeated and driven from the continent in seventeen sixty, the English no longer needed the Haudenosaunee as a military counterweight. The strategic calculation that had sent governors to Albany year after year — that had made the polishing of the chain a matter of necessity — evaporated almost overnight. You do not polish a chain when you feel you no longer need what it secures. And something else shifted alongside the strategy: the British began to speak of Indigenous nations less as sovereign allies maintaining a relationship and more as peoples to be managed within an expanding empire.

SAM CARDINAL

The word 'subject' — which had always been in the written record, sitting quietly beside the spoken 'brother' — began to be used without apology, without softening. The councils at Albany grew infrequent, then stopped. No one formally ended the Covenant Chain. There was no ceremony of dissolution, no final meeting where both sides acknowledged what was ending. It was simply set aside. Allowed to tarnish past the point where a council could restore it.

WILLOW BORN WITH A TOOTH

The chain didn't break. It just stopped being polished.

SAM CARDINAL

That is perhaps the most honest way to put it — and it is worth sitting with, because what was lost was not only a military alliance. The Covenant Chain, at its best, was proof that relationship-diplomacy on this scale could work, and had worked, for generations. The Haudenosaunee had not surrendered anything to enter it. They had brought their full strength to the table — their knowledge of the land, their trade connections, their political reach — and for the better part of a century, that strength was genuinely acknowledged by the other side. The English came to Albany because the Haudenosaunee made it necessary. What the tarnishing of the chain set in motion was a slow shift in that balance: from a world where both nations needed each other, to a world where only one nation wrote the terms. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

Six Nations of the Grand River is still here — the Haudenosaunee Confederacy still meets, still governs by its own laws, and still carries the memory of what those Albany councils meant. The chain is not the instrument it once was. But the people who built it, and kept showing up to polish it, are still on this land, and that's worth knowing.

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 “iron chain → silver chain → polishing” language is drawn from the Haudenosaunee diplomatic tradition and from the records of the Albany councils; it is metaphor with legal force, not a physical object. The central tension of this episode — the written record calling the Haudenosaunee “subjects” of the Crown while the spoken councils called the English “brothers” — is documented in the council minutes themselves, and is the subject of a long scholarly literature on whether the Covenant Chain was a relationship of alliance between equals or of subordination.

References & further reading

“Covenant Chain.” The Canadian Encyclopedia — overview of the Haudenosaunee-British alliance, its renewal at Albany, and the iron/silver metaphor.

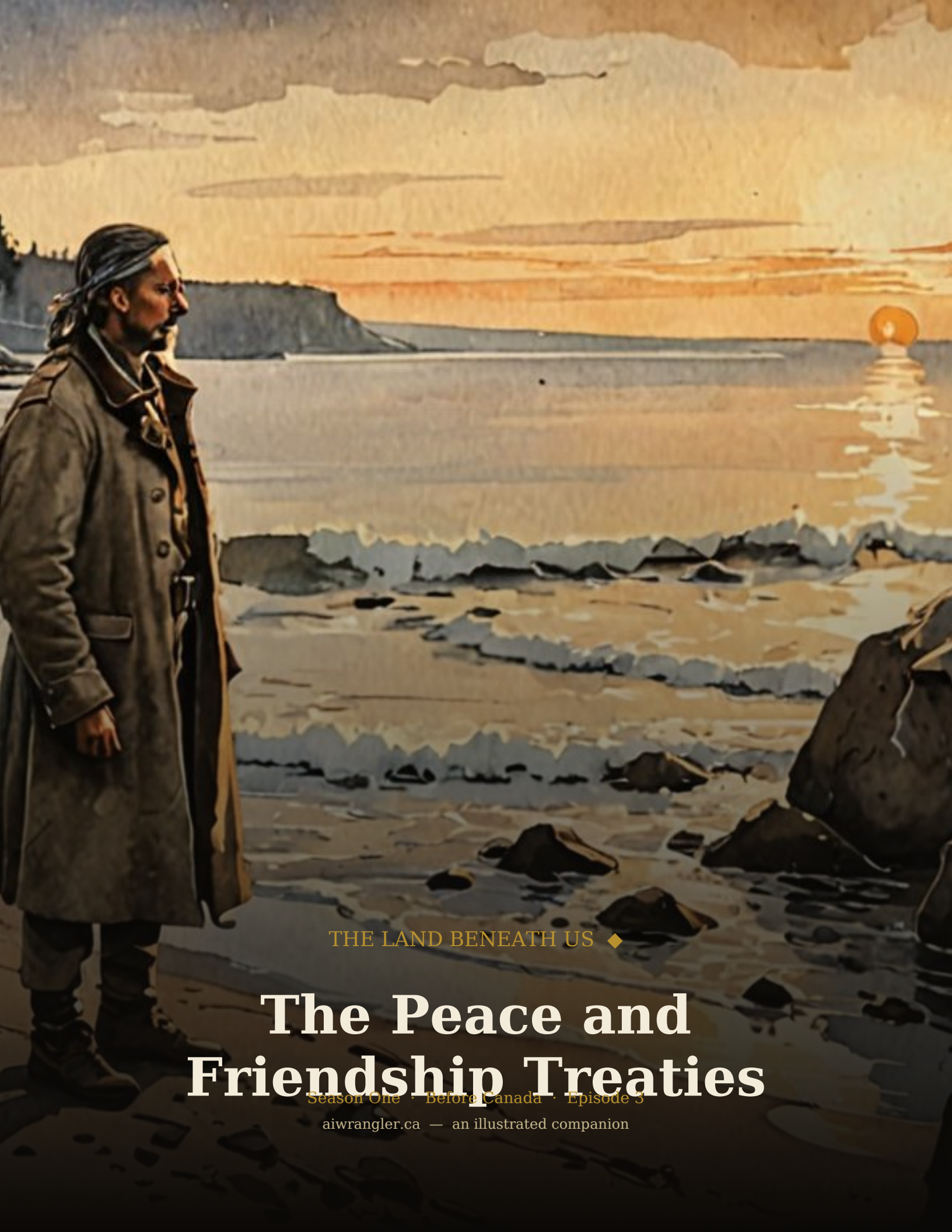
Francis Jennings. *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies* (New York: Norton, 1984) — the standard scholarly study of the Chain.

Daniel K. Richter. *The Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization* (Chapel Hill: University of North Carolina Press, 1992).

The English capture of New Netherland — Fort Orange renamed Albany — in 1664; the Covenant Chain given its formal name under Governor Edmund Andros of New York in 1677.

The fall of New France (Montreal surrendered, 1760) removed the French counterweight that had given the Haudenosaunee diplomatic leverage — the strategic shift this episode describes.

“Six Nations of the Grand River.” The Canadian Encyclopedia — the largest First Nations reserve in Canada (registered population over 29,000).



THE LAND BENEATH US ◆

The Peace and Friendship Treaties

Season One · Before Canada · Episode 3

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

Welcome. I'm standing at the waterfront in Annapolis Royal, Nova Scotia — a small town on the shores of the Annapolis Basin, and just about three hundred years ago, the seat of British power on this entire coast. Behind me there's a tidal river, a weathered fort, and water that has been fished by the Mi'kmaq people since long before any European ship found its way here. Today's question: in seventeen twenty-six, in a room very close to where I'm standing, a treaty was put to paper. And for three centuries, the people who signed it have been reading it in two fundamentally different ways. What did they each think they were agreeing to?

SAM CARDINAL

The territory we're talking about — Mi'kma'ki — stretches across what is now Nova Scotia, New Brunswick, Prince Edward Island, and parts of Quebec and Maine. The Mi'kmaq people had lived here for thousands of years, and the Wolastoqey — whose name, put simply, means the people of the beautiful river — had made their home along the great river we now call the Saint John. These were nations with their own governance, their own law, their own deep relationship with the land and the sea. And in the Mi'kmaq and Wolastoqey understanding, a treaty between nations is not a document that closes a deal — it is a living covenant, one that must be tended and renewed. That understanding is the frame through which they came to the table at Annapolis Royal.



WILLOW BORN WITH A TOOTH

The Mi'kmaq had been allied with the French for well over a century by the time the British started pressing hard for control of this coast. That alliance made the British uneasy, and the Mi'kmaq were formidable. When decades of fighting along the coastline finally wore both sides down, the British came looking for peace.

SAM CARDINAL

There had been earlier moments of reaching toward agreement, earlier promises made and strained. But the treaties we're examining today took their lasting shape in seventeen twenty-five and seventeen twenty-six. In seventeen twenty-five, Mi'kmaq and Wolastoqey delegates travelled to Boston, where an agreement was made with the colonial government of Massachusetts. Then, in seventeen twenty-six, delegates came here — to this basin, to the British garrison at Annapolis Royal — to ratify formally what had been promised. A British officer named Paul Mascarene oversaw that ratification. He was experienced, he was careful, and he believed he was witnessing something of great consequence. He was right about that — just not in every way he imagined.



WILLOW BORN WITH A TOOTH

So what does the written treaty actually say? Because that's always where we start — the paper.

SAM CARDINAL

The written text is brief, and it rewards slow reading. The Mi'kmaq and Wolastoqey promise not to molest or disturb the British subjects in their settlements, their trade, or their fishery. They acknowledge British rule — those words are there on the page. And in return, the Crown promises to protect their rights to hunt and fish and gather in their usual places and seasons, as they had always done. What the text does not say — and this is the silence that carries three hundred years of consequence — is anything about land. Not one acre is described. Not one territory is named as given up or surrendered. The land is simply absent from the document.



WILLOW BORN WITH A TOOTH

That absence is striking. So let's put the three records side by side — because the written text is only one of them. What did the Crown's own negotiators report back to their superiors?

SAM CARDINAL

Mascarene and the colonial officials in Boston understood the treaty as an act of submission. In their reading, the Mi'kmaq and Wolastoqey were acknowledging that British sovereignty over this coast was now settled, and they filed their reports in those terms. The British legal and political frame of the time held that once a people acknowledged the Crown's authority, questions of governance — and ultimately of land — followed from that acknowledgment. When they wrote "submit to British rule," they meant it as the permanent resolution of a political question: who, in the end, governs this territory.



WILLOW BORN WITH A TOOTH

And what did the Mi'kmaq and Wolastoqey understand themselves to have agreed to?

SAM CARDINAL

What the Mi'kmaq and Wolastoqey delegates carried home from those meetings was something their communities have stated with consistency for three hundred years. They understood themselves to be making peace — agreeing to live alongside the British without war, to allow British settlements and British fishermen on the coast, and to continue living as they always had on their own land and waters. Sovereignty was not something they had placed on the table. The land itself had not been raised as a subject, had not been offered, had not been accepted. In the Mi'kmaq relationship to the land, the territory does not belong to any person or nation to give away — it is held in responsibility, in relationship. You cannot sign away what you do not own in that way.



WILLOW BORN WITH A TOOTH

And there it is — the gap opens, right there, in that room in seventeen twenty-six, while both sides put their names to the same paper. One side understood: we have made peace. The other side understood: they have submitted.

SAM CARDINAL

That gap is worth sitting with carefully, because both sides brought something real to it. The British were not fabricating their reading — it was genuinely what their political and legal framework required them to hear, and they had prepared their documents accordingly. The Mi'kmaq and Wolastoqey were not confused or outmanoeuvred — they were experienced diplomats who had been navigating European relations for over a century, and they knew precisely what they had and had not agreed to. The written text, read plainly, supported their position: the land is not there. What the two sides could not fully see, standing in that room, was that they were operating from two entirely different understandings of what a treaty does — and that difference would matter enormously in the centuries to come.



WILLOW BORN WITH A TOOTH

So what did these promises mean in practice — did they hold?

SAM CARDINAL

For a time, the peace held — the immediate goal of stopping the violence was achieved, and that was real. But as British settlement expanded across Mi'kma'ki, as generations passed and Canada became a country, the treaty promises about hunting and fishing and gathering were frequently set aside in practice. Reserves were drawn. Regulations arrived. The old ways of life were crowded and sometimes criminalized. But none of that erased what had been agreed, because these treaties contain no land cession. That is not an accident; it is not an oversight; it is what was negotiated. A right that was never surrendered does not simply disappear because it becomes inconvenient.



WILLOW BORN WITH A TOOTH

Which brings us to nineteen ninety-nine — because these three-hundred-year-old agreements did something remarkable. They walked into a Supreme Court of Canada courtroom.

SAM CARDINAL

Donald Marshall Junior was a Mi'kmaw man from Membertou First Nation in Cape Breton. In nineteen ninety-three, he went out and caught and sold eels without a federal licence and out of season by federal regulation, and he did so deliberately — because he believed his treaty right gave him the authority to do it. He was charged under the federal Fisheries Act. And in nineteen ninety-nine, the Supreme Court of Canada ruled in his favour. The court found that the Peace and Friendship Treaties of seventeen sixty and seventeen sixty-one — which renewed the same foundational promises first made in seventeen twenty-six — protected the Mi'kmaq right to earn a moderate livelihood from hunting, fishing, and gathering. The right was real. It had endured. Three centuries of being pushed aside had not erased it.



WILLOW BORN WITH A TOOTH

The decision set off one of the most significant fisheries disputes in Canadian history — Mi'kmaq fishers went out on the water, non-Indigenous fishers pushed back hard, there were confrontations on the docks, and the country was forced to face what it actually means when a living treaty right shows up at a working wharf.

SAM CARDINAL

That reckoning is still underway, and it has not been simple. The court subsequently issued supplementary reasons clarifying the scope of the ruling, and questions about what a moderate livelihood means in practice — who regulates, under what conditions, and how — are still being worked through in negotiations and in courts today. But the foundation held: this was a treaty of peace and shared use, not of surrender. When the Supreme Court read those documents — the same silence about land that had always been there, right on the page — it read them the way the Mi'kmaq had always read them. The Peace and Friendship Treaties are the only major treaties in what is now Canada that contain no land cession. That is not a footnote. That is the whole point.



WILLOW BORN WITH A TOOTH

I keep coming back to that. Three hundred years. The Mi'kmaq carried their understanding of this treaty across all of that time — in families, in communities, in the people who kept saying: we never gave the land away. And a courtroom in Ottawa, three centuries later, said: you were right.

SAM CARDINAL

What moves me is that the document itself bore that out. Not a single acre, not a single word of surrender — the silence was always there, for anyone willing to read carefully and honestly. The people who signed that treaty at Annapolis Royal in seventeen twenty-six were making a promise about how two peoples would share a coast. They were not selling a country. The Mi'kmaq and Wolastoqey knew that when they put their names to it, and they have said so in every generation since. History, in this case, sided with the people who remembered. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

And I'm Willow Born With a Tooth. The next time you're on the Atlantic coast — watching the tide come in, or buying fish at a market, or just driving through a small Nova Scotia town — you're moving through a territory where the treaty was never broken, even when it was ignored, even when it was forgotten. These were the first promises made on this land. They are still in force. 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 Peace and Friendship Treaties are the only major treaties in what is now Canada that contain no land cession — a point affirmed by the Supreme Court of Canada, not merely asserted by tradition. The 1725/1726 agreements (often called Mascarene’s Treaty, out of the earlier Dummer’s Treaty negotiated at Boston) were renewed in the treaties of 1760–61, which are the specific instruments the Court read in *R. v. Marshall*.

References & further reading

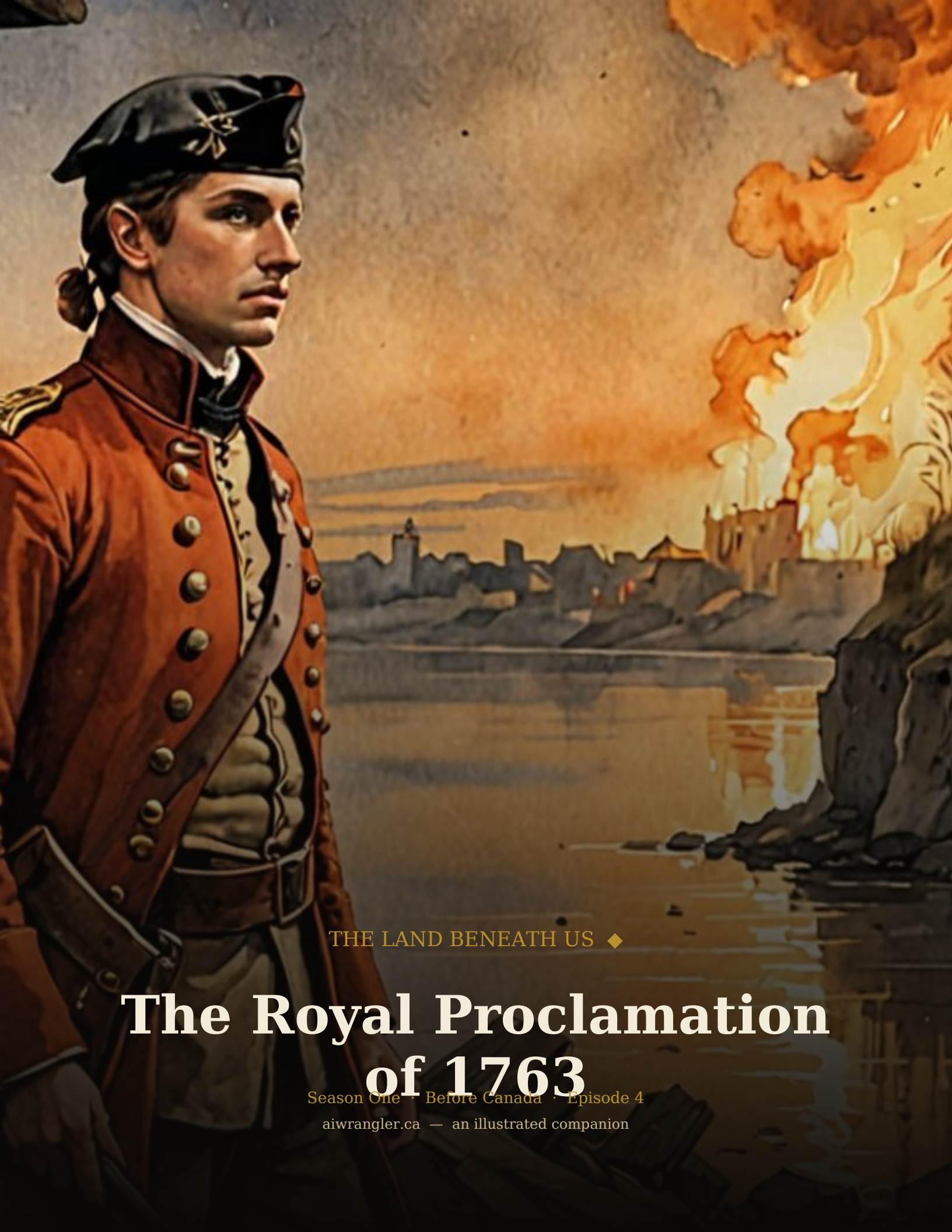
R. v. Marshall, [1999] 3 S.C.R. 456 (Marshall No. 1) and [1999] 3 S.C.R. 533 (Marshall No. 2) — the Supreme Court of Canada affirming a Mi’kmaq treaty right to a “moderate livelihood” from fishing, hunting and gathering, and clarifying its scope.

“Peace and Friendship Treaties (1725–1779).” *The Canadian Encyclopedia*; and Crown–Indigenous Relations and Northern Affairs Canada, treaty texts.

William C. Wicken. *Mi’kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002).

Paul Mascarene’s ratification at Annapolis Royal, 1726, of the peace concluded with Massachusetts at Boston in 1725; Donald Marshall Jr. was a member of Membertou First Nation, Cape Breton.

The 1725/26 treaty texts acknowledge British rule and mutual peace but describe no cession of land — the documentary silence this episode turns on.



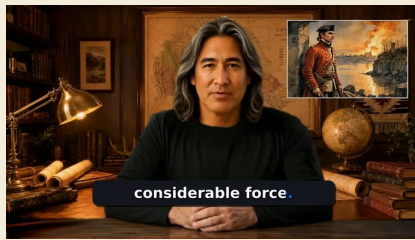
THE LAND BENEATH US ◆

The Royal Proclamation of 1763

Season One · Before Canada · Episode 4

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 in front of a reproduction case at Library and Archives Canada in Ottawa, looking at a document with King George the Third's name at the top and a royal seal at the bottom — the Royal Proclamation of seventeen sixty-three. It's been called the Indian Magna Carta, the founding promise, the original deal. The question I want to follow today is: what did it actually say, and did the people it was written about understand it the same way the King did?

SAM CARDINAL

To understand why this proclamation existed at all, you have to go back to the year it was written. The Seven Years' War had ended with the Treaty of Paris, and Britain had taken New France — an enormous sweep of territory from the Atlantic nearly to the Mississippi. Suddenly the Crown was responsible for an entire continent full of nations that had not been conquered, had not been defeated, and had no intention of disappearing.



WILLOW BORN WITH A TOOTH

So Britain had won the war on paper, but on the ground there were hundreds of thousands of people the maps didn't account for.

SAM CARDINAL

Exactly. And those people were making that point with considerable force. In the spring of seventeen sixty-three — months before the Proclamation — an Anishinaabe war chief named Pontiac led a coalition of nations in a coordinated campaign against British forts across the Great Lakes and the Ohio country. Eight forts fell. The British military was stretched thin and the cost in lives and resources was severe. The King's advisors understood clearly that governing this territory without some form of agreement was not going to be sustainable.



WILLOW BORN WITH A TOOTH

So the Proclamation didn't come from goodwill alone — it came from crisis. Britain needed to offer something.

SAM CARDINAL

It came from both at once, and it is worth holding that honestly. On the seventh of October, seventeen sixty-three, King George issued what became the Royal Proclamation. It drew a line along the Appalachian Mountains and declared that everything west of it was — in the document's own words — "lands reserved to the Indians." Private subjects of the Crown were forbidden from purchasing land in that territory. No settlers, no land speculators, no traders could negotiate directly with Indigenous nations. Only the Crown itself could do so, and only through public assemblies — open, witnessed gatherings where nations could formally agree to any transfer.



WILLOW BORN WITH A TOOTH

Wait — "public assemblies." The Crown is writing into law that land can only change hands through an open, witnessed process?

SAM CARDINAL

That is precisely what the language says. The Proclamation was making a procedural demand: any movement of land from Indigenous hands had to be formal, supervised by the Crown, and conducted in a public setting where witnesses could attest to what was agreed. The Crown's motivation was partly principled and partly practical — if a private buyer purchased land directly from a nation, the Crown's own title to that territory was undermined. The rule protected the process and protected the Crown's authority over the process at the same time.



WILLOW BORN WITH A TOOTH

And there were three very different ways to read what this document meant, weren't there?

SAM CARDINAL

There were, and laying them side by side is the only honest way to understand what the Proclamation set in motion. Here is what the written document said: a boundary line, a reservation of lands, a prohibition on private purchase, and a required process for any formal surrender. Here is what the Crown's own officials and advisors understood they were doing: managing a crisis. Frontier war was expensive, westward expansion was seen as inevitable, and the Proclamation was meant to slow things down until orderly settlement could proceed through proper channels. And here is what many of the nations who heard this document described understood: the King — the great father across the water — had put his name and seal to a recognition. Their lands were their lands. No one could take them without their consent. The King himself had said so.



WILLOW BORN WITH A TOOTH

That is not a small difference. The Crown thought it was building a gate it could open later. The nations thought the gate was proof the land was theirs to begin with.

SAM CARDINAL

And both of those readings are genuinely supported by the words on the page — which is what makes the Proclamation so remarkable. "Lands reserved to the Indians" is a phrase that can carry two meanings depending on who holds it. Is the Crown acknowledging that Indigenous title already exists and must be respected? Or is the Crown declaring which territories it is choosing to set aside for now, as a matter of policy? Depending on who drafted the sentence and who remembered it, the answer was entirely different.



WILLOW BORN WITH A TOOTH

So what happened to the line?

SAM CARDINAL

The line held for roughly a generation, and then it did not. The American colonies rejected the Proclamation almost immediately — it was among the grievances that fed the revolution of seventeen seventy-six, because settlers had no intention of stopping at the Appalachians. North of that eventual border, in the territories that would become Upper Canada, the pressure came more gradually but came all the same. The Crown began negotiating land surrenders using the treaty process the Proclamation had required — which meant, in one sense, the Proclamation had worked, because those surrenders at least had to go through a formal and witnessed procedure. Whether that procedure was truly understood the same way on both sides of the table is a question that runs through this entire series.



WILLOW BORN WITH A TOOTH

The document didn't disappear when the line did, though.

SAM CARDINAL

No. The Royal Proclamation of seventeen sixty-three is one of the most studied documents in Canadian constitutional history. When Canada patriated its constitution in nineteen eighty-two, Section thirty-five of the Constitution Act recognized and affirmed existing Aboriginal and treaty rights — and the courts have consistently held that the Proclamation is part of that legal foundation. First Nations, Métis, and Inuit peoples have cited it in land claims for more than two hundred and fifty years. It is, in a very real sense, the oldest unresolved promise in Canadian public life.



WILLOW BORN WITH A TOOTH

Two hundred and fifty years, and still being argued in court.

SAM CARDINAL

What stays with me, and I have spent a long time with this document, is that it was written by a King who had never set foot on this continent, in response to a war he understood through reports and maps, about peoples he had never met. And yet for the nations who heard it described or heard it read, it carried the weight of the highest promise the Crown could make — a king's word, his seal, his recognition, in writing. Whether that promise was honored is a different and harder question. But that it was made, and that it was remembered, matters enormously to everything that came after.



WILLOW BORN WITH A TOOTH

Because you cannot honor a promise you deny having made.

SAM CARDINAL

That is the whole thing, yes. A promise denied is a different kind of injury than a promise broken. What the Proclamation did — whatever its authors intended in the moment — was establish a standard. It said that land moves between peoples through consent, through a witnessed and formal process. Every time the Crown fell short of that standard, and it did fall short, many times, in many ways, the Proclamation was still there in the written record, stating what the standard was supposed to be. The nations never forgot it. In the long run, neither did the law. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

This is The Land Beneath Us. The Royal Proclamation of seventeen sixty-three is not history in the sense of something finished and shelved. It is alive right now, cited in courtrooms and communities, still being read and interpreted and argued over, still mattering to families whose territories it was written about by a king who never saw them. The land beneath every Canadian city was shaped in part by this document — by what it promised, by how differently those promises were understood, and by the distance between the two. We'll keep following that distance. Thanks for being with 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 heart of this episode — that “lands reserved to the Indians” can be read either as the Crown recognizing pre-existing Indigenous title or as the Crown setting aside lands as a matter of its own policy — is a genuine and consequential debate in Canadian constitutional law, not a rhetorical device. The Proclamation’s standing today rests on that ambiguity: it is treated as part of the constitutional foundation the courts draw on under section 35, while its precise legal force remains contested.

References & further reading

The Royal Proclamation of 1763 (7 October 1763), full text — Library and Archives Canada; Canadiana / the Avalon Project. The operative phrase reserves lands “not having been ceded to or purchased by Us ... to them [the several Nations].”

“Royal Proclamation of 1763.” The Canadian Encyclopedia.

Constitution Act, 1982, s. 35 (recognition and affirmation of existing Aboriginal and treaty rights) and s. 25 (which expressly references the Royal Proclamation of 1763).

Pontiac’s War, spring 1763 — a coalition led by the Odawa war chief Pontiac captured or destroyed a string of British Great Lakes and Ohio-country forts; the Treaty of Paris (February 1763) transferred New France to Britain.

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).



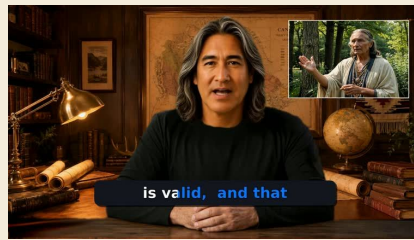
THE LAND BENEATH US ◆

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.



WILLOW BORN WITH A TOOTH

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.



WILLOW BORN WITH A TOOTH

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

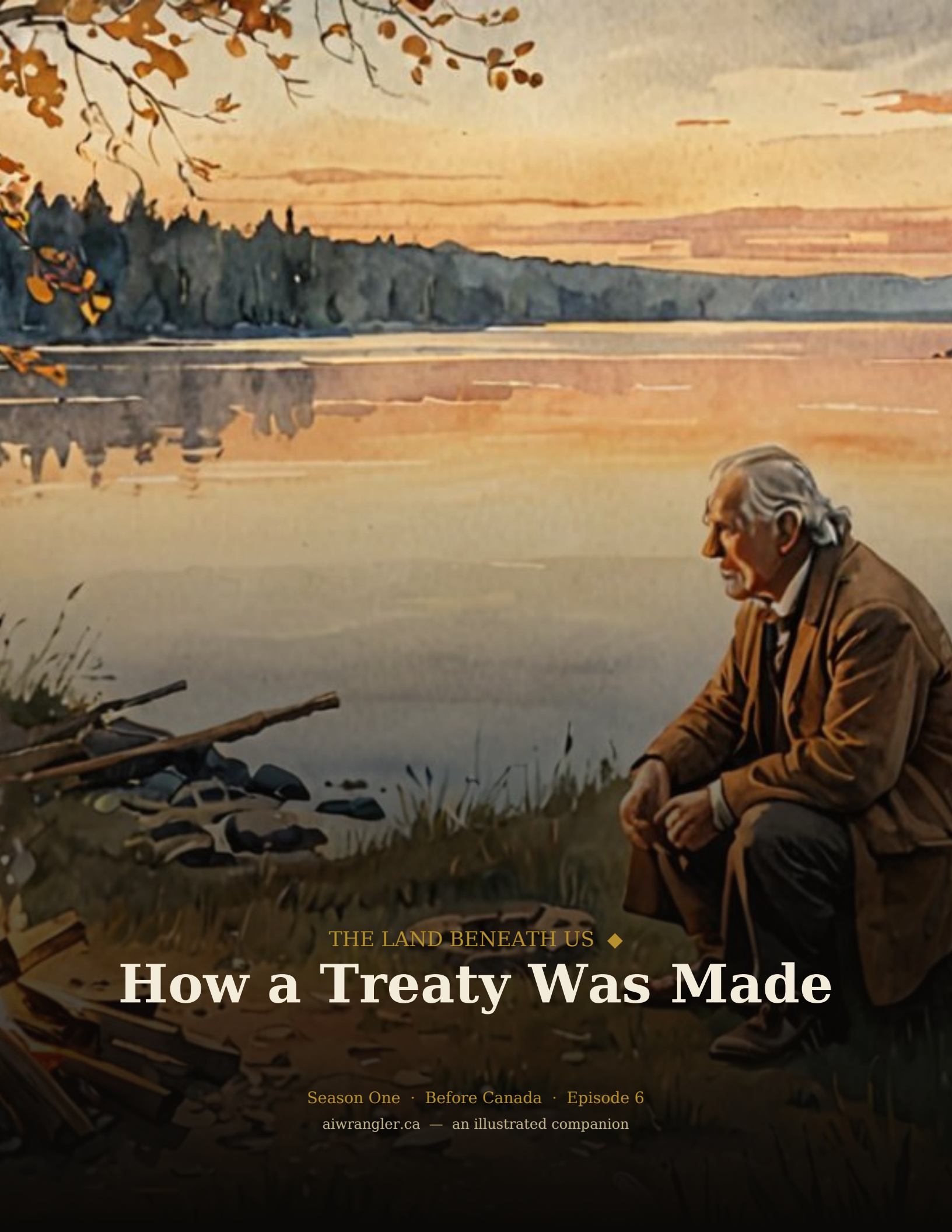
“Treaty of Niagara, 1764.” The Canadian Encyclopedia — the gathering of roughly 2,000 delegates from about 24 nations, and the exchange of the Covenant Chain and Twenty-Four Nations wampum belts.

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.



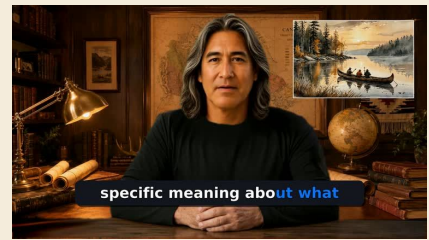
THE LAND BENEATH US ◆

How a Treaty Was Made

Season One · Before Canada · Episode 6

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 shore of the St. Marys River in Sault Ste. Marie today, you are standing at one of the most significant diplomatic crossroads in the history of this land — a place where, long before Canada existed as a country, nations came together to make agreements that still determine who holds what beneath your feet. In this land's long tradition of treaty-making, those agreements were understood as living relationships between peoples. And today's question is not what any one treaty says. My question is: how were they actually made?

SAM CARDINAL

A treaty council was not a meeting. It was a ceremony. The nations of this territory had been conducting formal diplomatic gatherings for centuries before any European arrived with a pen, and those gatherings ran on protocol as precise and deliberate as anything in a European court. You had to know the protocol, or you were not in a negotiation — you were simply talking at each other across a fire without any shared understanding of what the talking was for.



WILLOW BORN WITH A TOOTH

So walk me through it. What happened first?

SAM CARDINAL

Start with the fire, because the fire is where everything begins. The council fire was lit by the hosting nation, according to protocol, and its presence transformed the space into something different from an ordinary gathering place. The seating around it was arranged by rank and by nation — you did not sit wherever you felt comfortable. Who sat where, who spoke first, how long each speaker held the floor — all of that was itself a kind of document, establishing the nature and seriousness of the council before a single word about land or relations had been spoken.



WILLOW BORN WITH A TOOTH

So the shape of the gathering was already saying something, before any agreement was discussed.

SAM CARDINAL

It was saying: this is what kind of council this is, and therefore what kind of agreement is being made here. And alongside the fire came the pipe. In many nations' traditions, the tobacco offered before speaking meant your words were now witnessed by something larger than the people present in the circle. You were not negotiating a transaction. You were entering a relationship, and the opening ceremony made that plain to every person seated around that fire — whatever language they spoke at home.



WILLOW BORN WITH A TOOTH

And then came the gifts. I want to make sure we don't rush past this part.

SAM CARDINAL

The gifts are the most consistently misread feature of the treaty record. The Crown's commissioners arrived at council grounds with presents — bolts of cloth, blankets, provisions, medals bearing the image of the King, sometimes coin — and in their own reports they often described this distribution as a purchase price, or as generosity extended from the Crown toward the people. But in the diplomatic tradition of the nations they were meeting, a gift was a ratification. When you gave, you were saying: this is the relationship I am entering with you. When the other side received, they were acknowledging that relationship. It was not a sweetener before the real business began. It was part of the agreement itself.



WILLOW BORN WITH A TOOTH

So the exchange of gifts had already made a statement about what was being agreed — before the written text existed.

SAM CARDINAL

And the nations gave back. The speeches delivered by chiefs at treaty councils were themselves a kind of return gift — a formal, public statement of what the chiefs understood was being agreed to, in their own words, witnessed by their own people. And that is where the record starts to fracture. Because the Crown's commissioners recorded the gifts as a line item in their budget. The nations' oral traditions recorded them as a statement of relationship and obligation. Those are two very different archives of the same moment, gathered around the same fire.



WILLOW BORN WITH A TOOTH

I want to stop here on the interpreters. When you look at the written treaty record across this country, the interpreter is almost invisible — maybe a name in a list of witnesses, if that. And given how much weight was riding on them, that strikes me as strange.

SAM CARDINAL

It should strike you that way, because the interpreter was the hinge on which everything turned. At most treaty councils, the interpreter was someone who had grown up between two worlds — often of mixed heritage, often a trader or a missionary who had learned both languages out of practical necessity. Their task sounds simple: carry the words from one side of the fire to the other. But language is not a bucket you pour from one vessel into another. Every language carries a whole world of meaning underneath the words, and that world does not transfer on its own.

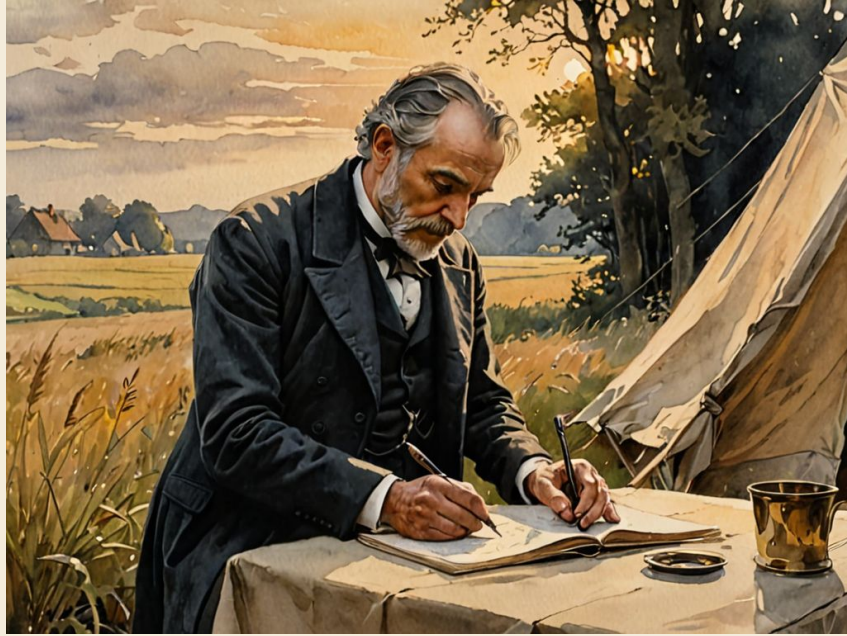


SAM CARDINAL

The difficulty was not vocabulary. You can find a word for land. The challenge was the conceptual frame underneath the vocabulary. In many Anishinaabe traditions, to speak of a relationship to territory was to speak of belonging, of kinship, of ongoing obligation — not of ownership in the sense of a thing that can be sold and transferred to a new holder. The interpreter standing between a Crown commissioner and an Anishinaabe leader had to carry two entirely different frameworks across the fire, in real time, in public, with both sides watching. And something was going to be compressed in that crossing, or bent, or collapsed into the nearest available equivalent that carried the right sounds but not the right weight of meaning.

WILLOW BORN WITH A TOOTH

And we mostly don't know what choices any given interpreter made in the moment.



SAM CARDINAL

The written record rarely tells us. We know the outcome — we have the text. But we seldom know what the interpreter actually said out loud around the fire: what word they reached for, what concept they set aside, what they simply could not render and so approximated as best they could. Some interpreters were trusted deeply by the nations they worked with. Some were trusted by the Crown. Some by neither. And the written record, which lists the interpreter among the witnesses and then moves on, gives us almost nothing with which to read that crucial, invisible moment.

WILLOW BORN WITH A TOOTH

Which is why you need what you call the third record.



SAM CARDINAL

Every treaty council produced three records. The first is the written text — the document the Crown drew up, signed, sealed, and filed in its archives. The second is what the Crown's negotiators reported back to their government: the minutes, the letters, the summaries of how the council went — usually consistent with the written text, because they were produced by the same party for the same purpose. The third record is what the nations carried away: the spoken account, remembered by those who sat at the fire, taught to their children, repeated at every subsequent moment when the agreement was invoked or its meaning contested. These three records do not always agree. And where they diverge, that divergence is the most important historical fact we have.

WILLOW BORN WITH A TOOTH

Can you give me a specific moment where I can see all three of those records and the gaps between them?



SAM CARDINAL

The councils at Bawating — what is now Sault Ste. Marie — in September of eighteen fifty are a useful place to look. The Crown had sent William Benjamin Robinson to negotiate with Anishinaabe nations along the north shores of Lakes Huron and Superior. The written text of what became the Robinson-Huron Treaty runs to a few pages. Robinson's reports to the Provincial Secretary are confident and detailed — he believed he had conducted a clear negotiation and brought it to a successful conclusion. And the third record — maintained by Anishinaabe communities of the north shore of Lake Huron, and now entering courts of law in treaty rights cases that are still being decided — describes something different in what was fundamentally understood.

SAM CARDINAL

Shingwaukonse — whose name translates as Pine — was one of the principal Anishinaabe leaders at those councils. The account of his speeches that comes through the fragmentary record is incomplete, filtered through translation. But what is consistent across the third record, across the oral history that his community has maintained, is this: the Anishinaabe leaders understood the agreement as a sharing arrangement. They were permitting the Crown and its settlers access to the territory in a relationship that carried ongoing obligations on both sides. They were not, in any sense recognized by their own tradition, transferring ownership of land. They were entering a relationship at a council fire, according to the protocols they had always used for exactly that purpose.

WILLOW BORN WITH A TOOTH

And Robinson heard something he understood as a completed sale — and reported it that way.

SAM CARDINAL

In good faith, as best the record shows. He was not deceiving anyone by his own lights. He had brought the gifts, held the council, obtained what he understood to be agreement, and put it to paper. From the Crown's perspective, the ceremony had been conducted properly. From the Anishinaabe perspective, the ceremony had also been conducted properly — according to protocols that carried specific meaning about what a spoken agreement at a council fire committed each nation to. The same fire. The same speeches. Two entirely coherent systems of understanding, operating simultaneously around the same council ground, arriving at different accounts of the same moment. That gap does not come from deception on either side. It comes from the fact that the ceremony itself was carrying meaning that only one side could fully read.

WILLOW BORN WITH A TOOTH

The ceremony wasn't a formality before the agreement. The ceremony was the agreement — or at least, it was the part of the agreement that mattered most to the people who had been making agreements that way for generations.

SAM CARDINAL

And this is why the third record has never gone silent. When nations come forward today and say: this is what was agreed, this is what our grandparents carried home from that council fire and taught us to remember — they are not speaking from sentiment or from a desire to revise history. They are reading a record that was kept exactly the way records have always been kept in their tradition: in living knowledge, in ceremony, in the testimony of the people who were there and the people those people taught. That record was not less real for being unwritten. For the nations who kept it, it was the most authoritative record there was. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

And that record is still speaking. Every treaty rights case before the courts today rests, at some level, on this exact question: what did the people seated at the council fire understand they were agreeing to? The gifts, the fire, the spoken word of a chief witnessed by his nation — those weren't stage dressing. They were the evidence. And they still are. I'm Willow Born With a Tooth. 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

The worked example in this episode — the Robinson-Huron Treaty, negotiated by William Benjamin Robinson with Anishinaabe nations at Bawating (Sault Ste. Marie) in September 1850 — is not a closed historical matter. The Anishinaabe understanding of that agreement as a sharing arrangement with ongoing obligations is at the centre of the Restoule litigation over the treaties' annuities, which reached the Supreme Court of Canada in 2024. Canadian courts have given increasing weight to Indigenous oral history as evidence since *Delgamuukw v. British Columbia* (1997).

References & further reading

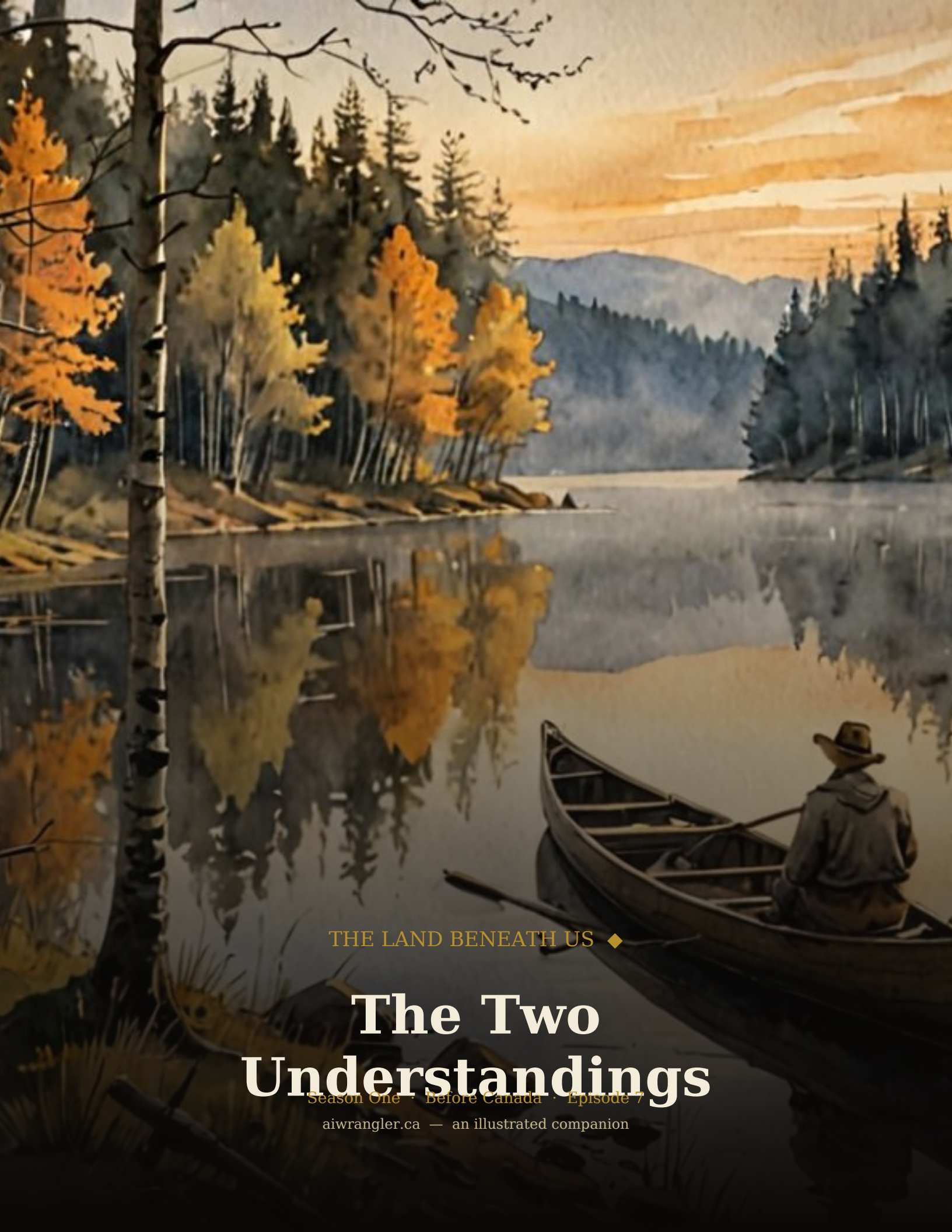
"Robinson Treaties of 1850." The Canadian Encyclopedia — the Robinson-Huron and Robinson-Superior treaties; William Benjamin Robinson; the north shores of Lakes Huron and Superior.

Restoule v. Canada (Attorney General) — the Robinson-Huron/Robinson-Superior annuities case (Ontario courts 2018–2021; Supreme Court of Canada, 2024).

Shingwaukonse (Little Pine), a principal Anishinaabe leader at the 1850 councils at Bawating (Sault Ste. Marie).

Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010 — the Supreme Court of Canada on the admissibility and weight of Indigenous oral history in establishing rights and title.

On treaty-council protocol — the fire, the pipe, gift exchange as ratification, and the role of interpreters: Robert A. Williams Jr., *Linking Arms Together* (1997); Heidi Bohaker and related scholarship on Great Lakes diplomacy.



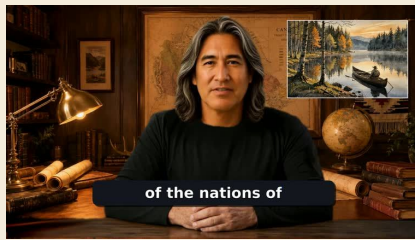
THE LAND BENEATH US ◆

The Two Understandings

Season One · Before Canada · Episode 7

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 at Library and Archives Canada in Ottawa, and I'm looking at an original treaty document — the kind of document that was signed, witnessed, and filed away to describe what had been agreed. And near the top of this one, as in treaty after treaty right across this country, there are four words that I want to read to you. Cede. Surrender. Release. Yield. Welcome to "The Land Beneath Us." Tonight we are asking the question that sits at the heart of this entire series: did the nations sell this land — or did they agree to share it?

SAM CARDINAL

Those four words — cede, surrender, release and yield up — come directly out of English property law, and in that tradition they carry a very precise, settled meaning. They mean that the previous holder has given up all claim, permanently, completely, and irrevocably. When a Crown lawyer wrote those words into a document, he understood them to describe a transaction that had already been completed — that legal title to the land had passed from one party to another, the way ownership of a house passes when you sign a deed. The sale was done. The land belonged to the Crown.



WILLOW BORN WITH A TOOTH

So one side read that document and heard a purchase. What did the other side hear?

SAM CARDINAL

To answer that honestly, you have to understand something about how most of the nations of this territory related to the land itself. In most Indigenous legal traditions across what we now call Canada, land was not property in the way English law understood property — it was not a thing a person could own the way you own a coat or a canoe. Land was closer to a relative: something you had obligations toward, something you belonged to as much as it could be said to belong to you. The idea of selling the land beneath your feet would have been as strange as the idea of selling the river, or the sky, or your own grandfather.



WILLOW BORN WITH A TOOTH

So when a Crown negotiator sat down at a table and said, we want to purchase this territory, what did the people across that table actually hear?

SAM CARDINAL

They heard an invitation into relationship. In the understandings that most nations brought to those negotiations, what was being proposed looked something like shared use — an agreement to live alongside one another, to extend the benefits of the land to newcomers, to set terms for coexistence between two peoples. That is not a small or casual thing. Inviting someone to share in the land is a profound act of generosity and trust in the traditions of most nations across this territory. But it is a fundamentally different act from a sale. When you begin a relationship, you do not walk away from the table having given something up. You walk away having started something.



WILLOW BORN WITH A TOOTH

And those two understandings would have looked identical on the day of signing — and completely opposite the morning the surveyors arrived.

SAM CARDINAL

Exactly right. From the Crown's point of view, once the treaty was signed, the transaction was finished — the land now belonged to the Crown, and settlers could come in, survey it, fence it, clear the trees to the horizon. From the nations' point of view, the treaty had opened a relationship that needed to be maintained and honoured — it created obligations on both sides that were meant to continue indefinitely. So when the surveys appeared, when the fences went up, when entire forests were cleared and the land was divided into neat rectangular lots, people who had been part of those negotiations looked at what was happening and simply could not understand it. Because in their understanding, none of that had been agreed to.



WILLOW BORN WITH A TOOTH

The gap isn't even about one side lying to the other, necessarily. It's about two completely different legal traditions sitting across the same table and not knowing they were speaking entirely different languages.

SAM CARDINAL

And the gap was built into the words themselves before the first negotiation ever began. Cede and surrender were terms of art with settled meanings in English law. There was no equivalent legal category — no corresponding concept — in most of the Indigenous legal traditions across this land. When interpreters tried to carry the terms of an agreement from one world into another, they were trying to translate not just language but entire frameworks for what land is and what an agreement means. Sometimes the closest available word was nowhere near close enough. And sometimes there was no close word at all.



WILLOW BORN WITH A TOOTH

What word, or what image, did the nations tend to use when they described what they believed they had agreed to?

SAM CARDINAL

The framing that comes through most consistently, in the oral traditions and in the accounts that were eventually written down, is one of sharing and coexistence — of making room, of allowing newcomers to live on the land and benefit from it while the nation retained its own connection and its own responsibilities to that land. The image is not of handing something over. It is of opening a door, and entering into a relationship that would now need to be maintained on both sides. The nations expected to go on living as they had lived, exercising their responsibilities to the land, alongside the newcomers — not displaced by them.



WILLOW BORN WITH A TOOTH

And that kinship framing — the idea that land is something you have obligations toward, not something you possess — that is the root of every disagreement that came after.

SAM CARDINAL

It is. Because the Crown's legal tradition included a concept called extinguishment of title — the idea that by signing a treaty, a nation permanently and completely gave up any legal relationship with the land. That concept did not exist in the agreements as the nations understood them. You cannot extinguish a relationship with the land any more than you can extinguish your relationship with your own family. You can neglect it, you can damage it, but the relationship and the responsibilities within it — those do not end. That is why you will hear elders speak of treaties as living agreements: not as a figure of speech, but as a precise legal description of what they understood themselves to have entered.



WILLOW BORN WITH A TOOTH

Now, there is one phrase that appears in the record of treaty negotiations again and again, on both sides of that table. And I want you to walk me through it, because I think it might be the most important phrase in this entire series.

SAM CARDINAL

As long as the sun shines, the grass grows, and the rivers flow. That phrase — or close versions of it — appears in the oral record and eventually in the written text of treaties right across this country. And it is one of the places where the two understandings meet most directly, and most heartbreakingly, because both sides used it, and both sides meant it sincerely. The Crown used it to mean: this transaction is permanent. This sale cannot be undone. As long as the earth stands, the title rests with the Crown. The nations used it to mean: this relationship is permanent. As long as the earth stands, we will live alongside one another under the terms we have made. Both sides were speaking of forever. They were describing entirely different forevers.



WILLOW BORN WITH A TOOTH

The same solemn promise, made in two completely different directions at the same moment.

SAM CARDINAL

And made in good faith on both sides — which is the thing that makes it essential to understand clearly. This is not a simple story of deception. It is a story of two legal traditions, two complete ways of understanding what land is and what an agreement means, meeting across a table with inadequate translation between them and very real pressure on both sides to reach terms. The Crown negotiators needed to show results to their governments. The nations needed to secure protection for their people. Agreements were made, and they were real agreements. But they were not the same agreement.



WILLOW BORN WITH A TOOTH

Three records, and a gap between all three of them. The written document. The Crown's reports. And what the nations remembered.

SAM CARDINAL

And the gap is not a small thing buried in the fine print. It is the central fact of almost every major land negotiation in the history of this country. The nations brought a legal tradition that did not recognize permanent alienation of land as a concept that could exist at all. The Crown brought a legal tradition that recognized almost nothing else. Those two traditions did not disagree about the terms of a specific deal. They disagreed about the nature of land itself. Whether the earth beneath your feet is the kind of thing a person can own. That is a profound disagreement, and it has never been fully resolved.

WILLOW BORN WITH A TOOTH

And the courts have been working through it for a very long time.

SAM CARDINAL

They have. And when you read the major land rights decisions of the last few decades, what you find is that Canadian law has moved — slowly, imperfectly, but genuinely — toward acknowledging that the nations' understanding of what was agreed matters, not just the written text. That the full context of a negotiation, including what the people at the table believed they were agreeing to, must be taken into account. Courts have called this the honour of the Crown — the principle that the Crown is bound not only by the words on the paper but by the full weight of what was understood and promised. That acknowledgement took a very long time to arrive at.

WILLOW BORN WITH A TOOTH

And the underlying question — the sale-or-sharing question — it isn't settled yet.

SAM CARDINAL

No, and I think it is important to say that plainly and not soften it. The gap we have been describing in this episode — between land as a commodity that can be sold and land as a relationship that can only be shared — is not a gap that closed when Canada became a country, or when specific claims were resolved in court, or when new agreements were signed. It is a living tension that remains present in the land itself, right now, today. Every land claim hearing, every negotiation over resource development, every conversation about what a specific treaty actually promised — they are all, in some measure, working through the same disagreement that existed on the first day. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

And I'm Willow Born With A Tooth. That single gap — between sold and shared, between a transaction that ended and a relationship that was meant to last as long as the sun shines — is underneath every city block and farm field and highway in this country. The people who signed those agreements were not abstract figures in a history book. They were nations with legal traditions as old and as serious as anything the Crown brought to the table. And the question of what was really agreed, all those generations ago, is still being answered. 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

The “cede, surrender, release and yield up” formula and the concept of extinguishment of title are drawn directly from English/Crown property law and appear in the written treaty texts; the argument that most Indigenous legal traditions had no equivalent category — that land could be shared but not permanently alienated — is well established in the scholarship and has been recognized, in part, by Canadian courts through doctrines such as the honour of the Crown and the requirement to consider what the parties actually understood. The “as long as the sun shines, the grass grows, and the rivers flow” formula appears in the numbered-treaty record (e.g., Treaty 6).

References & further reading

Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73, and Mikisew Cree First Nation v. Canada, 2005 SCC 69 — the “honour of the Crown” and the duty to consult.

R. v. Badger, [1996] 1 S.C.R. 771, and R. v. Marshall, [1999] 3 S.C.R. 456 — treaty interpretation must consider the understanding of the Indigenous parties, not only the written words.

Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010 — Aboriginal title and the weight of oral history.

The treaty language of cession (“cede, surrender, release and yield up”) and the “as long as the sun shines...” formula: the texts of the numbered treaties (Treaty 1-11), Crown-Indigenous Relations and Northern Affairs Canada.

On land as relationship rather than commodity: John Borrows, Canada’s Indigenous Constitution (University of Toronto Press, 2010).



THE LAND BENEATH US ♦

The Promise and the Paper

Season One · Before Canada · Episode 8

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

Stand on the north shore of Lake Ontario, near the Bay of Quinte, and you are standing on land that in the summer of seventeen eighty-three became one of the first pieces of this country's interior to be written into a document, folded up, and filed. Welcome back to The Land Beneath Us. I'm Willow Born With a Tooth, and this is our season closer.

SAM CARDINAL

And I'm Sam Cardinal. All season, we have traced an era when, in the Indigenous understanding, a treaty was a living relationship between nations — something that required tending, renewal, the ongoing presence of both peoples at council. This episode is about the moment that relationship model began, under enormous pressure, to give way to something different. Something written down. Something that, once signed, one side considered finished.



WILLOW BORN WITH A TOOTH

Eight episodes to get here. So what broke open? What pushed things across that line?

SAM CARDINAL

The American Revolution ended in seventeen eighty-three, and within a few years, roughly forty thousand people who had stayed loyal to the British Crown — the Loyalists — crossed into what is now Ontario. They needed farms. They needed land they could call their own. The Crown needed somewhere to settle them, and it needed it quickly. The careful, ceremonial, reciprocal relationship model that had governed treaty-making with Indigenous nations for generations was suddenly competing with a very urgent demand for acreage.



WILLOW BORN WITH A TOOTH

Forty thousand people. That is not a trickle. That is a tide.

SAM CARDINAL

It is. And in that tide, a Crown official named Captain William Crawford gathered Mississauga leaders near the Bay of Quinte in seventeen eighty-three and produced what would become known as the Crawford Purchase. The document covered a significant strip of land along the north shore of Lake Ontario. It was brief. The boundaries it described were imprecise enough that disputes about exactly what was included would continue for years. The payment was made in trade goods — blankets, cloth, tools. And the Mississauga leaders who marked that document with an X brought to that meeting an understanding of agreement rooted in everything they had practised for generations.



WILLOW BORN WITH A TOOTH

Meaning they understood it the way agreements had always worked — through relationship, through shared use, through the spoken exchange between peoples.

SAM CARDINAL

That is exactly it. In the Mississauga understanding, you do not remove yourself from a place because newcomers arrive to share it. The land sustains everyone who lives in relationship with it. You continue to hunt, to fish, to gather, to camp. The presence of settlers does not end your presence. The document they marked, however, used the language of Crown property law — words like cede, surrender, and yield. In that legal tradition, those words meant the land was gone. Not borrowed. Not shared. Permanently transferred. The same meeting produced two completely different agreements, depending on which tradition you understood yourself to be standing in.



WILLOW BORN WITH A TOOTH

And was there anyone in the room who could bridge that gap? Who could carry the full weight of both traditions across?

SAM CARDINAL

Rarely, and increasingly less so. The interpreters of this era were often traders or missionaries — capable of moving between languages in conversation, but not trained to translate the full legal implications of Crown property terminology into an Anishinaabe framework, or the Mississauga understanding of relationship into something that would hold in a Crown legal document. There is also this: when you have made agreements for generations through ceremony and council, through the spoken word witnessed by your own community, a piece of paper with marks on it does not look like the final word. It looks like one component of the agreement. The spoken exchange at that meeting, the promises made out loud, those were equally real to the Mississauga. The Crown's officials left with the paper. The Mississauga left with the memory of what had been said.



WILLOW BORN WITH A TOOTH

And then the settlers came, and they treated it as a sale.

SAM CARDINAL

Within years. And when Mississauga people returned to fish a river or camp on land they believed they had agreed to share, they encountered settlers who said the land was no longer theirs to use. When they brought that dispute to Crown officials, the officials looked at the document. Only the document.



WILLOW BORN WITH A TOOTH

That is the shift, isn't it. Not just in what treaties said — but in what counted as the record of what was agreed.

SAM CARDINAL

That is the deepest part of the shift. And to understand why it happened when it did, you have to look at what else was changing inside the Crown's administration. For a century and more, Indigenous nations had been essential military allies. The relationship model — the reciprocity, the ongoing council — was not simply courtesy. It was strategic. The Crown needed that alliance, and it behaved accordingly. After seventeen eighty-three, that military necessity began to lift. And when the strategic need faded, the relationship began to look, to Crown administrators, like something that could be simplified. Like overhead that could be converted into a transaction and closed.



WILLOW BORN WITH A TOOTH

From ally to expense, in the ledger of empire.

SAM CARDINAL

From partner to administrative problem, I would say. Not uniformly, and not without Crown officials who understood what was being traded away. But the direction was set. The Indian Department, which had been the body that managed alliances, began to shift its purpose toward managing land acquisition and, eventually, toward managing Indigenous peoples on reserved land. That is a very different thing.



WILLOW BORN WITH A TOOTH

So when a nation signed one of these documents in the seventeen eighties or nineties, what was actually being lost in the translation?

SAM CARDINAL

What was being lost was the ongoing obligation. Every relationship-treaty we have traced this season assumed that the agreement was not complete when it was made — it was the beginning of something. You returned to council. You renewed. You heard what had changed and you responded to it. The paper model made the agreement look like a closed transaction. Once signed, the Crown's position became: the matter is settled, move on. The nations' position was, and remained: we entered into a relationship with you, and a relationship requires that we keep talking, that you keep showing up. That gap — the finished transaction against the living relationship — is the inheritance that flows directly into every written land surrender that follows.



WILLOW BORN WITH A TOOTH

But the nations did keep talking. They kept showing up.

SAM CARDINAL

They did. And they kept the record. The Mississauga of the Credit River maintained a precise oral account of what their agreements were understood to mean — that they had shared use of the land with settlers while retaining their own right to live on it. That account was carried from generation to generation. It became the foundation of claims brought forward through Canadian courts and negotiating processes more than two centuries after those original meetings. The spoken record did not vanish. It was held, carefully, by the people who had made the agreement. And in some cases — not all, but some — it was eventually heard by institutions that had long refused to hear it.

WILLOW BORN WITH A TOOTH

It stayed alive. For two hundred years, people carried it.

SAM CARDINAL

Because they knew it was true. And that is what I want to leave with you as we close this season. The great written land surrenders that come next — the treaties that will move across Upper Canada in the decades following this moment, clearing millions of acres for settlement — those negotiations were entered by nations who brought with them everything we have followed this season. The understanding of treaty as a living thing. The expectation that the spoken word carries weight. The belief that agreeing to share a place does not mean agreeing to disappear from it. That inheritance met a system that increasingly said: the paper is the whole agreement, and the paper says you are done. That collision is what the next season of this story is about. And it has not finished playing out. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

And I'm Willow Born With a Tooth. The land beneath your feet was shaped by agreements made long before this country had a name — agreements that are still being read, argued over, and in some cases, finally honoured. Thank you for spending this season 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

A note on the Loyalist numbers. The episode says roughly forty thousand Loyalists came into what is now Ontario after 1783. The ~40,000–50,000 figure is the total who left the United States for British North America as a whole; the large majority settled in the Maritimes (Nova Scotia and the future New Brunswick), and only a few thousand reached the future Upper Canada (Ontario) in these years. The pressure this episode describes on the north shore of Lake Ontario is real, but the ~40,000 figure belongs to British North America overall, not to Ontario alone.

The Crawford Purchase of 1783 was a brief document with imprecise boundaries, paid in trade goods; the Mississauga understanding of it as shared use — carried in the oral record of the Mississaugas of the Credit — later grounded land claims resolved generations afterward (the Toronto Purchase / related claims settlement, 2010).

References & further reading

“Loyalists in Canada.” The Canadian Encyclopedia — some 45,000–50,000 Loyalists came to British North America after 1783, the majority to the Maritimes; a smaller number to the future Upper Canada.

The Crawford Purchase, 1783 — Captain William Crawford and Mississauga leaders, north shore of Lake Ontario near the Bay of Quinte; “Upper Canada Land Surrenders,” The Canadian Encyclopedia.

Mississaugas of the Credit First Nation — the community’s oral record of shared use and the land claims (including the Toronto Purchase claim) settled in 2010.

The Treaty of Paris (1783) ended the American Revolution; the influx of Loyalists led to the creation of Upper Canada as a separate province in 1791.

On the shift of the Indian Department from managing military alliances to administering land and peoples: standard accounts in J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (University of Toronto Press, 2009).