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British-Canada's Land Purchases, 1783-1788
A Strategic Perspective

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Article abstract

This article examines several of the earliest land purchases in Ontario as phases in a single strategic plan by the British Crown to secure settlement lands and safe communication routes in the aftermath of the American War of Independence. Between 1783 and 1788 British colonial authorities executed a series of right-of-way and land cession agreements with Indigenous nations for lands extending from the St. Lawrence River, westward along the north shore of Lake Ontario, and northward along the historic carrying places linking Toronto, Lake Simcoe and Lake Huron. Viewing the Crawford, Gunshot, Toronto and Matchedash purchases as contiguous in time and space offers both clarity and context to a period of colonial treaty-making in Canada from which few records have survived. Archival holdings contain scant records of proceedings, deeds, maps or boundary descriptions for these treaties. For decades, Indian Affairs officials were concerned about the lack of documentation to validate the terms and extent of these land purchases and it was not until 1923 that the Gunshot and Matchedash surrenders were supposedly confirmed and the boundaries of those tracts encompassed within the terms of the Williams Treaties. For historical researchers, the determination of dates, geography and terms of early colonial treaty agreements remains a challenge. This article contributes both a broader context and greater detail about four such transactions between British authorities and Indigenous nations in southern Ontario in the eighteenth century.

British-Canada's Land Purchases, 1783-1788

A Strategic Perspective

by Gwen Reimer

Introduction

In the context of the American War of Independence, British governors in colonial Canada desired to establish loyalist settlements and secure military and commercial routes in British territory. Correspondence in the early 1780s reveals a sense of urgency to establish safe routes between Lake Ontario and Lake Huron. In May 1780 Governor General Frederick Haldimand ordered a survey to begin "without loss of time." A scouting party composed of an intelligence officer from the Niagara Garrison or Butler's Rangers, along with a crew of "White Men and Indians" were to explore a useful route between the two lakes. The party was instructed to record observations of "Navigation of the Rivers or Lakes, and the length and nature of the ground and woods by which they are intercepted."[1] In 1783, after the war had ended, Haldimand further ordered that a treaty be negotiated in the Bay of Quinté region in order to acquire settlement lands for British loyalists and Indigenous allies (the "Crawford" purchase). By the spring of 1785, the Lieutenant Governor of Quebec, Henry Hamilton, issued instructions for "a survey of the communication between the Bay of Quinté and Lake Huron by Lake La Clie" (Lake Simcoe) and to determine "what tract of land it may be necessary to purchase."[2] In 1787 the Superintendent General of Indian Affairs Sir John Johnson executed a treaty for lands along the Toronto Carrying Place and in 1788 Lieutenant-Colonel John Butler concluded and amended the treaty for the north shore of Lake Ontario and northward to Lake Simcoe (the "Toronto" and "Gunshot" purchases). A surrender of land along the route between Lake Simcoe and Matchedash Bay on Lake Huron was apparently also executed during

[1] F. B. Murray, ed., *Muskoka and Haliburton, 1615-1875, A Collection of Documents* (Toronto: The Champlain Society, University of Toronto Press, 1963), 9, Document A10: Matthews to Bolton, 19 May 1780.

[2] Alexander Fraser, Provincial Archivist, *Third Report of the Bureau of Archives for the Province of Ontario, 1905* (Toronto: L.K. Cameron, King's Printer, 1906), 371-372, Henry Hamilton to John Collins, 22 May 1785.

Abstract

This article examines several of the earliest land purchases in Ontario as phases in a single strategic plan by the British Crown to secure settlement lands and safe communication routes in the aftermath of the American War of Independence. Between 1783 and 1788 British colonial authorities executed a series of right-of-way and land cession agreements with Indigenous nations for lands extending from the St. Lawrence River, westward along the north shore of Lake Ontario, and northward along the historic carrying places linking Toronto, Lake Simcoe and Lake Huron. Viewing the Crawford, Gunshot, Toronto and Matchedash purchases as contiguous in time and space offers both clarity and context to a period of colonial treaty-making in Canada from which few records have survived. Archival holdings contain scant records of proceedings, deeds, maps or boundary descriptions for these treaties. For decades, Indian Affairs officials were concerned about the lack of documentation to validate the terms and extent of these land purchases and it was not until 1923 that the Gunshot and Matchedash surrenders were supposedly confirmed and the boundaries of those tracts encompassed within the terms of the Williams Treaties. For historical researchers, the determination of dates, geography and terms of early colonial treaty agreements remains a challenge. This article contributes both a broader context and greater detail about four such transactions between British authorities and Indigenous nations in southern Ontario in the eighteenth century.

Résumé: *Dans l'article qui suit, nous allons examiner les premiers achats de terres en Ontario en tant qu'étapes du plan de la Couronne britannique à obtenir des terres à coloniser et d'assurer des voies de communications après la guerre d'Indépendance américaine. Entre 1783 et 1788, les autorités coloniales britanniques ont élaboré des traités de droit de passage et de cession de terres avec les peuples autochtones dans les régions qui s'étendaient à l'ouest du St-Laurent le long de la rive nord du lac Ontario, et au nord tout au long des lieux patrimoniaux historiques qui reliaient Toronto, le lac Simcoe et le lac Huron. En analysant l'aspect spatio-temporel des achats de terres à Crawford, Gunshot, Toronto et Matchedash, nous éclairons une période coloniale d'exécution de traités et lui donnons contexte malgré la pauvre disponibilité de sources primaires. Les représentants du Bureau d'Affaires Indiennes étaient préoccupés par ce manque de documentation qui pouvait valider les termes de ces achats. Ce n'est qu'en 1923 que les cessions foncières de Gunshot et de Matchedash ont été confirmées dans le cadre des traités Williams. Les détails de traités coloniaux sont souvent difficiles à déterminer. Notre recherche contribuera à inscrire dans un contexte plus large et plus détaillé quatre transactions de ce genre entre les autorités britanniques et les peuples autochtones du sud de l'Ontario au XVIIIe siècle.*

this time (the "Matchedash" purchase).

This paper will examine the right-of-way and land cession agreements executed between 1783 and 1788 as links in a strategic plan by the British Crown to acquire land for loyalist settlements and to secure a communication route connecting Montreal and Michilimackinac. The purchases examined here were for lands from a point on the St. Lawrence River near Brockville, extending westward along the north shore of Lake On-

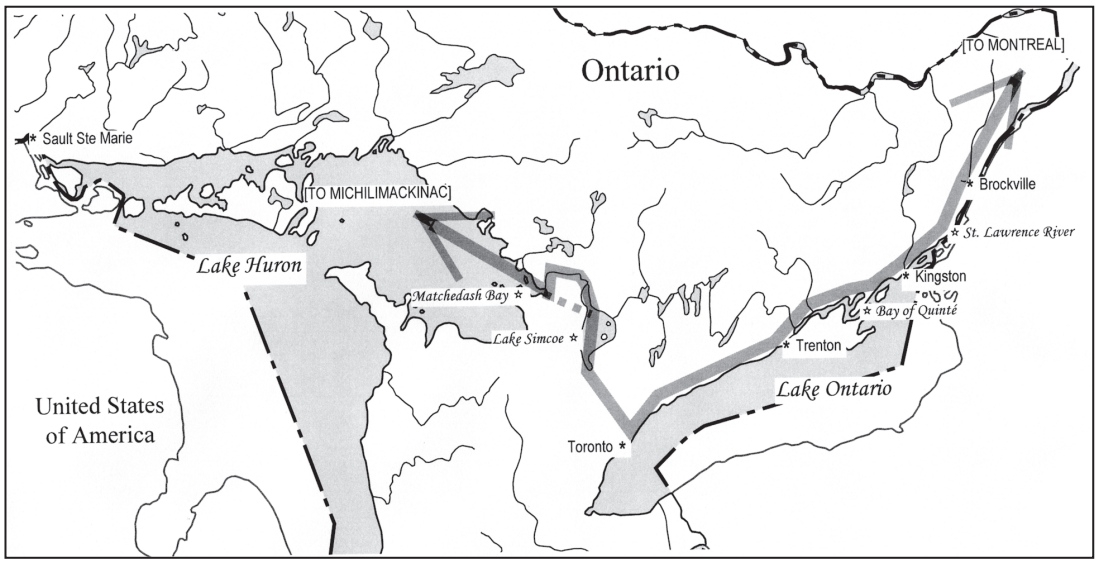

Figure 1. Land Purchase Strategy 1783-88: Communication and Settlement along the Route between the St. Lawrence River and Matchedash Bay via the Toronto Carrying Place. Base map source: "Ontario Outline," 2002, Natural Resources Canada, URL: http://atlas.gc.ca

tario and northward along the historic carrying places and travel routes linking Toronto, Lake Simcoe and Lake Huron (Figure 1).

Protocols for land cessions from Indigenous peoples were established in 1763 by Royal Proclamation. The Proclamation acknowledged that the "Nations or Tribes of Indians" residing within the British Dominion "live under our Protection" and declared that territories "not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds."[4] The basic guidelines of treaty-making focussed mainly on the voluntary and public consent by Indigenous occupants to dispose of lands, and on the core principle that Indian lands could only be purchased under the authority of the British Crown. In the summer of 1764, Superintendent of Indian Affairs Sir William Johnson presided over a grand Indian Congress at Niagara attended by upwards of two thousand chiefs and warriors of the "Western nations." The

[3] Descriptions and depictions of Indigenous carrying places and historic travel routes are found in the following sources: Rev. Dr. Scadding, "Toronto of Old," *Canadian Journal of Science, Literature, and History*, 13: 6 (1873), 575-580; E. Voorhis, *Historic Forts and Trading Posts of the French Regime and of the English Fur Trading Companies* (Ottawa: Department of the Interior, 1930), 7-11; J.L. Morris, *Indians of Ontario* (Toronto: Department of Lands and Forests, 1943), 3-5; Murray, ed., *Muskoka and Haliburton, 1615-1875*, 101 - Sketch by Lt. Pilkington, 1793.

[4] W.P.M. Kennedy, ed., *Statutes, Treaties and Documents of the Canadian Constitution 1713-1929* (Toronto: Oxford University Press, 1930), 35-38, The Royal Proclamation, 7 October 1763.

purpose of this 1764 congress was to formally "settle a peace," to establish an "Alliance with the English," and to explain the rules of trade and Indian lands established by the Royal Proclamation.[5] Also in 1764 the Lords of Trade drafted a "Plan for the Future Management of Indian Affairs" that recommended precise record-keeping of Indian land cessions to consist of surveys of the tract, descriptions of lands reserved for the Indians' sole use, and that deeds of conveyance and maps of purchased tracts be entered into the Crown records.[6]

However, in the period of treaty-making under consideration here, these instructions were either not perfectly followed or records of the proceedings were lost. When in the 1790s questions were raised about the extent of British land purchases along the communication routes, officials found few records to rely upon. Consequently, in 1794 Governor General Lord Dorchester issued a more detailed list of instructions in an attempt to rectify omissions in the official land cession records.[7] Dorchester's list re-emphasized the importance of executing a written deed and appending a plan or sketch of the lands surrendered, adding that a record of the treaty council proceedings were to be submitted to the Department of Indian Affairs. As will be discussed, these instructions did not completely resolve problems associated with land cession agreements that had been executed in the 1780s.

Viewing the Crawford, Gunshot, Toronto, and Matchedash purchases as phases in a single grand plan provides clarity and context to this period of colonial treaty-making in Canada when relatively few records were kept or from which few records have survived. As will be discussed below, archival holdings contain scant records of surrender deeds, treaty texts, descriptions or maps of treaty boundaries, or minutes of treaty councils. Although valuable information is found in the records left by officials who in the 1790s investigated prior treaty agreements to validate their terms and extent, records dated to the mid-1800s and into the early 1900s demonstrate that Indigenous claims and questions continued to be raised about these old treaties. In 1923 the Gunshot and Matchedash purchases were supposedly confirmed and the boundaries of those

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[5] Milton W. Hamilton, ed., *The Papers of Sir William Johnson, Vol. XI* (Albany: University of the State of New York, 1953), 278-281, An Indian Congress, Niagara, 17 July - 4 August 1764.

[6] New York Colonial Documents, Vol. 7, 637-641, Plan for the Future Management of Indian Affairs, 10 July 1764. Article 41 re-iterates the land purchase principles proclaimed in the Royal Proclamation 1763. Articles 42 and 43 instruct on land cession record-keeping.

[7] Library and Archives Canada (hereafter cited as LAC), RG 10, Vol. 789, reel C-13499, 6768-6770, Additional Instructions - Indian Department, Lord Dorchester to Sir John Johnson, 24 December 1794. Articles 2-9 instruct on the conduct of treaty-making councils and on precise record-keeping. These instructions include the necessity of competent interpreters at councils, the importance of presiding over councils in accordance with Indigenous customs and ceremonies, and rules of compensation for lands ceded.

tracts encompassed within the terms of the Williams Treaties.[8] However, uncertainties extend into the present era, as the implications of the 1923 Williams Treaties for the pre-Confederation land surrenders are questions currently before the Federal Court of Canada.[9]

Historical researchers continue to be challenged by the "bungled" nature of these transactions that seems to thwart any definite determination of actual dates, geography, and terms of the early colonial land surrenders.[10] The aim here is to contribute to this discussion by offering a broader context as well as greater detail about four of these transactions between British authorities and Indigenous nations in southern Ontario in the eighteenth century.

The Crawford Purchases at Cataraqui and the Bay of Quinté, 1783-84

On 1 September 1783 Governor General Haldimand ordered a survey "to explore and mark out Lands for the intended settlement at Cataraqui" (Kingston). He instructed Sir John Johnson, Superintendent General of Indian Affairs, "to take the proper steps to satisfy the Messesague Indians for the Tract of Country intended to be settled by the Mohawks and any of the Six Nations who shall wish to accompany them."[11] As Johnson was occupied at Niagara at the time, Captain W.R. Crawford was instructed to conduct the negotiations for a purchase of lands from the Mississaugas of Kingston and the Bay of Quinté (now

[8] LAC, RG 10, Vol. 1853, Pt. 1, reel T-9941, Treaty - Chippewas of Christian Island, Georgina Island and Rama, No. 1080, cover date 31 October 1923; LAC, RG 10, Vol. 1853, Pt. 1, reel T-9941, Treaty - Mississaugas of Rice, Mud and Scugog Lakes and Alderville, No. 1081, cover date 15 November 1923.

[9] Questions about if and to what extent the Williams Treaties settled the terms of pre-Confederation treaties are currently being considered in the case, *Alderville Indian Band et al. v. Her Majesty the Queen*, Federal Court of Canada (File No. T-195-92). At the time of writing, no decision has been rendered in the *Alderville* matter. In the 1990s, issues of Indigenous rights under the early cessions that were later subject to clauses in the 1923 Williams Treaties were also heard in *R. v. Howard* (2 SCR 299, 1994 CanLII 86 [SCC]).

[10] James S. Frideres, *Native People in Canada: Contemporary Conflicts* (Scarborough: Prentice-Hall Canada, 1983), 54-55. Frideres suggests that negotiations for the Gunshot tract likely began in 1783-84 and characterizes the purchase as "probably one of the most bungled transactions in the history of Indian treaties." Other historians who have studied these early treaties include: Percy J. Robinson, "The Chevalier de Rocheblave and the Toronto Purchase," *Proceedings and Transactions of the Royal Society of Canada*, Section II, Third Series, Vol. 31 (Ottawa: The Royal Society of Canada, 1937), 131-152; Percy J. Robinson, "The Toronto Carrying-Place and the Toronto Purchase," *Ontario History* 39 (1947), 41-49; Donald B. Smith, "The Dispossession of the Mississauga Indians: A Missing Chapter in the Early History of Upper Canada," *Ontario History* 73:2 (1981), 67-87; Robert J. Surtees, "Indian Land Surrenders in Ontario 1763-1867" (Ottawa: Department of Indian Affairs and Northern Development, February 1984); Robert J. Surtees, "Land Cessions, 1763-1830," in *Aboriginal Ontario: Historical Perspectives on the First Nations*, E.S. Rogers and D.B. Smith, eds. (Toronto: Dundurn Press, 1994), 92-121; J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), 66-87.

[11] LAC, Haldimand Papers, MG 21, Add. Mss. 21775, (B-115), reel H-1450, 142-143, Fredrick Haldimand to John Johnson, 1 September 1783.

known as the Mississaugas of Alderville First Nation). These negotiations were conducted in two stages: the eastern portion was purchased in October 1783 and the western portion in August 1784. Together, this tract of land was intended for the settlement of soldiers and loyalists formerly resident in the thirteen American colonies.[12] As well, the Tyendinaga tract was set aside for the Mohawk and other Iroquois nations who had allied with the British during the American War of Independence.[13]

Although Sir John Johnson requested directions about executing a formal "Deed of Cession" for these purchases, it does not appear that a deed was completed.[14] The surviving record for the Crawford Purchase does not include any copies of deeds of conveyance or maps associated with the 1783 and 1784 negotiations. What transacted at the two treaty councils is gleaned from the surviving report by Captain Crawford on proceedings at Fort Haldimand (on Carleton Island) in October 1783, and from a brief extract of a letter after his meeting at Cataraqui with the Mississauga chiefs in August 1784.[15] Records of survey activity after the October 1783 negotiations shed some light on the geography of the surrender. Additional sources of information are found in a meeting between Johnson and the Mississaugas in 1787, and recollections by other participants dated to the 1790s and early 1800s.

The basic descriptions of the eastern and western boundaries of the tract are derived from Crawford's reports. On 9 October 1783 Crawford described the surrendered tract as extending "from Toniata or Onagara River to a River in the Bay of Quinté within Eight Leagues of the bottom of said Bay."[16] The eastern-most portion of this tract from Ganonoque River to Toniata or Jones Creek (lying between Mallorytown and Brockville) was surrendered by "old Minas" (aka My-

[12] E.A. Cruikshank, ed., "Introduction," *The Settlement of the United Empire Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784: A Documentary Record* (Toronto: Ontario Historical Society, 1934), iii-vii. See also, Richard and Janet Lunn, *The County: The First Hundred Years in Loyalist Prince Edward* (Prince Edward County Council, 1967), and; Mary Beacock Fryer, *King's Men: The Soldier Founders of Ontario* (Toronto: Dundurn Press, 1980).

[13] Lands east of Brockville and along the north shore of the St. Lawrence River were also purchased in 1784 (the St. Régis and Oswegatchie purchases; refer to Surtees (1984), "Land Cessions, 1763-1830"). Those lands were occupied and settled mainly by Iroquoians and Algonquins attached to French missions at Lake of Two Mountains (Kanesetake/Oka), St. Régis (Akwesasne) and Oswegatchie. In this section I focus on the purchase of lands from the Mississaugas at Kingston and the Bay of Quinté.

[14] LAC, Haldimand Papers, MG 21, Add. Mss. 21818, (B-158), reel H-1652, 317-318, Johnson to Haldimand, 18 October 1783. In a statement in 1798, Johnson said he was not aware of any deed for the purchase made by Captain Crawford in 1784 (Archives of Ontario, hereafter cited as AO), RG 1, Series A-I-1, Vol. 55, reel MS 626/3, 197-199, Extract from Johnson to Green, 26 March 1798).

[15] LAC, Haldimand Papers, MG 21, Add. Mss. 21818, (B-158), reel H-1652, 314-315, W.R. Crawford [to Sir John Johnson], 9 October 1783; LAC, RG 10, Vol. 9, reel C-10999, 8943, Extract of a letter from W.R. Crawford to Sir John Johnson, 14 August 1784.

[16] LAC, Haldimand Papers, MG 21, Add. Mss. 21818, (B-158), reel H-1652, 314-315, Crawford [to Johnson], 9 October 1783.

nas) an Iroquoian chief who "commonly resides Canosadauga" (Kanesatake). The westerly portion was Mississauga land. After the second treaty council in 1784, Crawford's report dated 14 August states that "the purchase now extends on the Lake thirty six miles above the Head of the Bay of Quinté."[17] Taken together, the 1783-84 negotiations resulted in a surrender of the stretch of land from just west of Brockville extending all the way to Trenton and including Prince Edward County on the Bay of Quinté.

The depth of the tract was vaguely described by Crawford in 1783 as "extending from the Lake Back as far as a man can Travel in a Day."[18] According to a recollection by John Ferguson, the Deputy Commissary at Cataraqui, the depth was measured "as far back as a man could walk or go on foot in a day."[19] Historians Robert Surtees and J.R. Miller agree that this depth was interpreted as two or three townships inland: subsequent surveys show "two townships in depth between the Trent River and Richmond township, and three deep east of that point."[20]

That Crown officials considered the depth of the Crawford Purchase in terms of township measures is borne out by the correspondence and survey instructions at the time. In his instructions to John Collins on 11 September 1783, Governor Haldimand proposed a township size of six miles square because he considered it "the best to be followed, as the People to be settled there are most used to it, and will best answer the Proportion of Lands I propose to grant each family Viz^{t} 120 Acres."[21] On 14 October 1783 Captain J. Sherwood sent an exploratory survey party led by Lieutenant S. Johns to

> The North side the Bay Quinty at the Western Extremity of the late Indian Purchase, from whence he is to proceed with two men one days march North, then East untill [sic] he falls in with the Cataraqui River, then down the River to the Garrison.[22]

On 19 October 1783 Lt. Johns started out from "De Moulah House," supposedly

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[17] LAC, RG 10, Vol. 9, reel C-10999, 8943, Extract - Crawford to Johnson, 14 August 1784. Note that in 1847, by request of the Indian Department, the Mississaugas listed certain points of land, river mouths and islands that they claimed were reserved from the Crawford Purchase (LAC, RG 10, Vol. 414, reel C-9618, 77-78, no. 18, Return of Lands Claimed by Mississaugas of Alnwick, 21 June 1847).

[18] LAC, Haldimand Papers, MG 21, Add. Mss. 21818, (B-158), reel H-1652, 314-315, Crawford [to Johnson], 9 October 1783.

[19] AO, RG 1, Series A-I-1, Surveyor's Letters, Letters Received, Vol. 2, 520-521, Statement taken from John Ferguson, 1 August 1794. It is uncertain who recorded this statement.

[20] Surtees (1984), "Indian Land Surrenders in Ontario 1763-1867," 24; Miller, *Compact, Contract, Covenant*, 82.

[21] LAC, Haldimand Papers, MG 21, Add. Mss. 21786, (B-126), reel H-1452, 42-45, Haldimand to Collins, 11 September 1783.

[22] LAC, Haldimand Papers, MG 21, Add. Mss. 21829, (B-169), reel H-1655, 22-23, "Captain Sherwood's Journal from Montreal to Lake Ontario, noting the Quality of the Land from the West End of the Lake St Francois to the Bay Kenty, 14 October 1783." That this was a scouting trip, not a boundary or township survey, is indicated in John Collins' report to Governor Haldimand in November 1783: "Captain Sherwood and his Officers have been constantly employed from their arrival here 'till the 24th ultimo,

an old French post belonging to a trader by the name of Dumoulin and located at the mouth of the Salmon River near Belleville.[23] Lt. Johns' journal records that on 19-20 October his party "marched" north a total of twelve miles at which point they "steered" eastward until they reached the Catarqui River.[24] Although Lt. Johns does not explain why his party turned east after marching twelve miles north, a plausible interpretation is that they intended to explore the depth of two townships in accordance with Haldimand's preferences. Captain Sherwood's journal also indicates that they were thinking in terms of six-mile townships: on 28 September 1783 he described a stretch of land along Lake St. Francois that "would admit of at least 12 Townships on the River, each 6 miles square."[25]

The value of township depth is significant because once technical surveys were ordered, Governor Haldimand's recommendation that townships be six miles square was not approved by the War Office. In mid-November Haldimand received instructions dated 16 July 1783, but which had been detained at Halifax for several months.[26] The "additional instructions" ordered that townships for loyalists were to conform to Quebec's tenure system of *seigneuries* measuring "two to four leagues [six to twelve miles] in front, and from three to five leagues [nine to fifteen miles] in depth."[27] On 20 May 1784 Haldimand informed Sir John Johnson that "the Townships already laid out, are not proportioned as directed by the King's Instructions [and] they must be corrected."[28] Interestingly, John Ferguson later recollected that during the proceedings of the treaty council in 1787, Sir John Johnson "adjusted some differences between the Indians and Captain Crawford respecting a former purchase," but whether these differences related to changes in the depth of the Crawford tract is not stated.[29]

Correspondence thereafter confirms

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in exploring the Country on this side the lake." (LAC, Haldimand Papers, MG 21, Add. Mss. 21829 (B-169), reel H-1655, 68, Collins to Haldimand, 3 November 1783).

[23] Richard A. Preston, ed., "Introduction," *Kingston Before the War of 1812: A Collection of Documents* (Toronto: The Champlain Society, 1959), xliv-xlv, footnote 32.

[24] LAC, Haldimand Papers, MG 21, Add. Mss. 21829, (B-169), reel H-1655, 26, "Lt. Johns Journey thru the Wood from Bay Cantey to Cataraqui, 19-20 October 1783." The journals by Captain Sherwood and Lt. Johns indicate that they were conducting exploratory missions to determine the quality of land that would be suitable for settlement and the location of rivers and waterfalls suitable for mill development.

[25] LAC, Haldimand Papers, MG 21, Add. Mss. 21829, (B-169), reel H-1655, 17, Capt. Sherwood's Journal, 28 September 1783.

[26] Cruikshank, ed., *The Settlement of the United Empire Loyalists,* 1934, 35-36, General Haldimand to Lord North, 18 November 1783.

[27] A. Shortt and A.G. Doughty, eds. *Canadian Archives: Documents relating to the Constitutional History of Canada 1759-1791, Part II* (Ottawa: King's Printer 1918), 730-731, "Additional Instructions to Haldimand" from "George R.," 16 July 1783 [inserts added].

[28] LAC, Haldimand Papers, MG 21, Add. Mss. 21725, (B-65), reel H-1438, 34, F. Haldimand to J. Johnson, 20 May 1784 [insert added].

[29] AO, RG 1, Series A-I-1, Vol. 2, 520-521. Ferguson Statement, 1 August 1794.

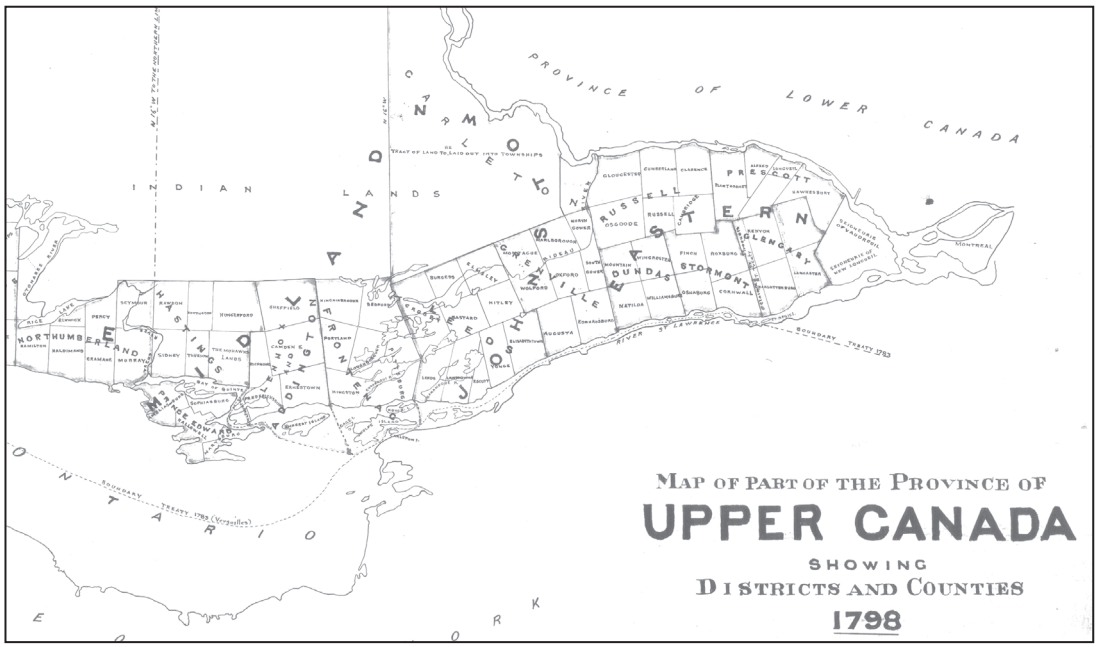

Figure 2. Crawford Purchase Depth of Two and Three Townships Inland: Detail of Map of Upper Canada, 1798. Source: LAC, Map Collection, Item 92112, NMC G1146, F7M6, 1943 (fol.) 1798.

that the *seigneury* system was being implemented in the Crawford Purchase tract. On 7 August 1784 Captain Crawford and other King's Rangers sent a memorial stating that a "Nine Mile Square Township" was not large enough for the regiments assigned to settle in the Third Township, but that lots in the Fourth Township would be needed as well.[30] Also in 1784, lots in the first township at Kingston were increased in size from 120 to 200 acres and the township was surveyed to ten miles deep.[31] Records from the Surveyors Office in the 1790s show that townships were being surveyed to depths of nine, ten, or twelve miles depending on whether townships fronted on the shoreline or were inland.[32] A map of Upper Canada in 1798 attributed to the Acting Surveyor General, D.W. Smith, illustrates the depths of two townships between the Trent River and Richmond township and three townships in depth east of that point (Figure 2).[33]

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[30] LAC, Haldimand Papers, MG 21, Add. Mss. 21775, (B-115), reel H-1450, 282-283, Memorial from Loyalists at Bay of Quinté, 7 August 1784.

[31] D. A. Ross Geiger, "Ontario's First Township," *The Ontario Land Surveyor*, Summer 2001, 18-22.

[32] Fraser, *Third Report of the Bureau of Archives, Ontario, 1905*, 437-438, "State of Business - Surveyors Office," 25 January 1791; *Ibid*., 452-453, Minutes of Council - Surveys, 15 August 1791; *Ibid.*, 458, Instructions to Aitken - Surveyors Office, 22 February 1791.

[33] LAC, Map Collection, Item 92112, NMC G1146, F7M6, 1943 (fol.) 1798. According to the *Eco-*

Descendants of the Mississaugas of Kingston and the Bay of Quinté did not refer to the depth of the Crawford Purchase as a measure of distance that could be travelled in a day or in terms of townships, but rather "as far North as a common Gun Shot can be heard."[34] Declarations and statements dated from the 1840s to the early 1900s by the Mississaugas of Alnwick as they were later known, indicate that the Crawford Purchase was one of two surrenders "known among the Indians as Gunshot treaties, because it was intended each time to convey or to grant the rights of the land itself for as far as the report of a gun could be heard."[35] Such references to the Crawford Purchase have resulted in some confusion with respect to the treaty north of Lake Ontario that is more commonly known as the Gunshot Treaty. In fact, there is evidence to suggest a connection between the 1784 Crawford Purchase and the 1787-88 Johnson-Butler purchases, each of which were at various times referred to as "Gunshot" treaties.

The Johnson-Butler Purchases at Toronto and North of Lake Ontario, 1787-88

In 1787-88, British Indian Affairs officers Sir John Johnson and Major John Butler negotiated land cessions north of Lake Ontario in what are commonly known as the Toronto Purchase and the Gunshot Treaty. Similar to the Crawford Purchase, the tract surrendered north of Lake Ontario has come to be known as the Gunshot Treaty because descendants of the Indigenous signatories described the depth inland from the lakeshore "as far as you an hear a shot gun (from the shore up)."[36] The 1787-88 surrenders are poorly documented and, as I will discuss further below, the historical record suggests that the Matchedash Purchase was a component of the Gunshot and Toronto purchases which are documented in overlapping collections of correspondence, reports, deeds and maps. As will be seen, the "blank deed" referred to by officials as evidence of the Matchedash Purchase is the same document considered to be

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nomic Atlas of Ontario, townships in the Crawford Purchase tract were surveyed beginning in 1783 and completed in 1833 (W.G. Dean, Ed., and G.J,. Matthews, Cartog., *Economic Atlas of Ontario*, Toronto: Department of Geography, University of Toronto, for the Ontario Government, 1969, Plate 99, Inset: Dates of the original township surveys).

[34] LAC, RG 10, Vol. 414, reel C-9618, 77-78, no. 18, Return of Lands Claimed by Mississaugas of Alnwick, 21 June 1847. This return is also filed together with other returns dated 1847-1848 containing "claims by Indians in Canada West to certain lands which they state have not been ceded to the Crown" (LAC RG 1-273-5-1-1, Campbell to Commissioner of Crown Lands, 1 February 1848, 5-7).

[35] LAC, RG 10, Vol. 2328, File 67071, Pt 1, reel C-11202, Declaration by George Blaker, Alnwick, 15 May 1903.

[36] AO, A.E. Williams Fonds, F 4337-11-0-8, reel MS2607, "Gun shot treaty" declaration by Capt. Paudash, Capt. Nott, Capt. Crow and Wm. Crow, undated [ca. 1900]. This declaration also states that "part of the mainland, all the points, Islands and mouths of Rivers" were reserved for the Mississaugas as their hunting and fishing grounds.

the deed for the Gunshot Treaty.[37]

The evidence suggests that the Johnson-Butler negotiations in 1787-88 were an extension of Captain Crawford's purchase of the Bay of Quinté tract in 1784. There exist several accounts by both Indigenous and Crown representatives that associate these cessions as parts of a single project, stating for example that the Gunshot Treaty area was originally ceded in 1784, but confirmed in 1787 and 1788. The several accounts that associate the Gunshot Treaty with negotiations in 1784 include the following:

1. Sir John Johnson, former Superintendent General of Indian Affairs, linked these purchases in his account dated 26 March 1798: "I have never heard that the Indians have denied the Sales they made in 1784, 1787 and 1788 to Captain Crawford, myself and Lieut. Colonel Butler, nor that they complain of any Encroachments having been made by the Establishment of the Boundaries of those purchases."[38]

2. On 23 May 1798, Peter Russell, President of the Executive Council, reported to Governor Prescott that assurances from Chief Yellowhead and records from Crown officials including the recollection of Sir Johnson "removed the uncertainty we were in respecting the Boundary Lines of lands purchased from the Indians in 1784, 1787 & 1788." Russell's sketch map shows the surrendered tract north of Lake Ontario with the notation: "Reported to have been confirmed in 1787 & 1788, but ceded in 1784."[39]

3. In 1847, the Commissioner of Crown Lands reported that "it would appear that in the year 1784 Capt. Crawford in concert with Sir John Johnson effected a purchase from the Indians of 1,866,240 Acres. This Tract extended from the Head of the Bay of Quinté to Toronto and it had for its front Lake Ontario and for its rear the Rice Lake."[40]

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[37] LAC, RG 10, Vol. 1841, IT 040, reel T-9938, "Indenture made at the Carrying Place, Head of the Bay of Quinté," 23 September 1787. A typescript copy is published in: Canada, *Indian Treaties and Surrenders*, Vol. 1 (Ottawa: Queen's Printer, 1891), 32-34, No.13, 23 September 1787.

[38] AO, RG 1, Series A-I-1, Vol. 55, reel MS 626/3, 197-199, Extract from Sir John Johnson to Lt. Col. James Green, 26 March 1798.

[39] E.A. Cruikshank and A.F. Hunter, eds., *The Correspondence of the Honourable Peter Russell with Allied Documents Relating to his Administration of the Government of Upper Canada During the Official Term of Lieut.-Governor J.C. Simcoe While on Leave of Absence, Vol. 2, 1797-1798* (hereafter cited as *The Russell Papers, Vol. 2*), (Toronto: Ontario Historical Society, 1935), 159-160, Peter Russell to Robert Prescott, 23 May 1798; AO, Map Collection B-43, "Sketch /coloured Lake/ Conjectured to be the Extent of Cessions from the Indians to the Crown on the North Side of Lake Ontario, not including Matchedash," undated (ca. 1798). Refer also to Item 328 in: J. Winearls, *Mapping Upper Canada, 1780-1867: An Annotated Bibliography of Manuscript and Printed Maps* (Toronto: University of Toronto Press, c. 1991), 101. The Russell sketch is also published as Map 4.3 in R.L. Gentilcore and C.G. Head, *Ontario's History in Maps* (Toronto: University of Toronto Press, 1984), 82.

[40] LAC, RG 10, Vol.123, reel C-11481, 6220-6221, Reply to Petition No.229 by D.B. Papineau, Commissioner of Crown Lands, 6 August 1847.

4. During the 1923 Williams Commission hearings, Johnson Paudash, a Mississauga member at Rice Lake, testified that the lands "ceded in 1784" were under "the Gunshot Treaty" that was "confirmed in 1788." Paudash further stated that, "In 1784 they surrendered from the Bay of Quinté along the lake to Scarboro. That was the Gunshot Treaty, and in 1788, four years later they surrendered that Confirmatory Surrender from Scarboro up to Lake la Clie, but it was supposed to cover the lands surrendered in 1784."[41]

The association of the 1784, 1787, and 1788 purchases is logical in terms of the geography of the adjacent tracts which extended westward from the St. Lawrence along the shores of Lake Ontario, then north along the Toronto Carrying Place via Lake Simcoe and into Lake Huron. The link between these purchases is also consistent with the Crown's impetus for acquiring title to strategic communication routes and settlement lands for British loyalists. These two purposes converged in the plan to settle British subjects along those key routes as a first line of defence after the American War of Independence.

Sir John Johnson likely promoted the potential of this plan from within his capacity as Superintendent General of Indian Affairs. A year before instructions were issued to purchase additional lands north of Lake Ontario, a journal by "interpreter and trader" John Long suggests that Johnson held a preliminary land cession council with Indians at the Bay of Quinté in the autumn of 1786. On 19 August 1786 Long was "recommended" to Sir John Johnson who was at Carleton Island "waiting for a vessel to convey him to Niagara, to hold a council with the Indians." Johnson interviewed Long who was "ordered... to be in readiness to assist as interpreter at his return" to Cataraqui. According to Long, Johnson met with Indigenous leaders on 18-19 September 1786 and reached a provisional agreement for a grant of land along the communication route from Toronto to Lake Huron.[42] If the Gunshot Treaty in 1787-88 was an extension of the purchases initiated by Crawford in 1783, it is plausible that this meeting was another phase of ex-

[41] LAC, RG 10, Vol. 2331, File 67071-4A, reel C-11202, 235-237, Williams Commission Hearings, Testimony by Johnson Paudash, 26 September 1923.

[42] J. Long, *Voyages and Travels of an Indian Interpreter and Trader* (Toronto: Coles Canadiana Collection, 1971 [orig. 1791]), 177-181. Historian Percy Robinson (1937) incorrectly dates Long's account to 1787 ("The Chevalier De Rocheblave and the Toronto Purchase," 139). Although the chronology of Long's narrative is at times irregular, a close reading of his journal provides conclusive evidence that his meeting with Johnson and the Indians at the Bay of Quinté occurred in the autumn of 1786. The journal paragraph immediately following his description of Johnson's council states that Long "procured from [Johnson] a temporary supply, which enabled me to go down to the third Township in the Bay of Kenty, where I stayed with my loyalist friends till the spring of 1787." Long's journal then records that he left the Bay of Quinté in May 1787, travelled to Montreal and Quebec, and on October 25, 1787 he boarded a ship for London never to return to Canada.

tensive negotiations to acquire Crown title over a continuous settlement and communication route from the St. Lawrence west to Toronto and north to Lake Huron.

In July 1787 Governor General Lord Dorchester informed Surveyor John Collins of the expedience of joining Loyalist settlements between Niagara and Cataraqui. He instructed Collins to assist Sir John Johnson who had been directed to:

> [T]ake such steps with the Indians concerned, as may be necessary to establish a free and amicable right for Government to the interjacent lands not yet purchased on the north of Lake Ontario, for that purpose, as well as to such parts of the country as may be necessary on both sides of the proposed communication from Toronto to Lake Huron.[43]

No record has been found containing specific instructions to Sir John Johnson for the purchase of lands north of Lake Ontario nor has any record been found of treaty council proceedings between Johnson and the Indigenous nations. After Lord Dorchester's instructions to Collins in July 1787, the historical record is silent until 23 September 1787 when a "Distribution of Arms, Ammunition & Tobacco" shows that Johnson had negotiated a "formal Cession of Lands on the North Shore of Lake Ontario to the Crown."[44] This council coincided with the distribution of annual presents and representatives of at least seven nations or parties were in attendance.[45] Chiefs and their bands identified as receiving compensation in goods include "Kenease & his Band or Party" (Chippewas, Lake Simcoe[46]), "Shawanuapaway & Party" (Mis-

[43] AO RG 1-1, Vol. 2, reel MS 3693, 100-103, Dorchester to Collins, 19 July 1787. Also published in: Fraser, *Third Report of the Bureau of Archives, Ontario, 1905*, 379.

[44] LAC, RG 10, Vol.15, reel C-1224, "Distribution of Arms, Ammunition & Tobacco made by Sir John Johnson Bar't, Superintendent Gen'l of Indian Affairs to the Messesagey Indians assembled at the Head of the Bay of Quinté, the 23rd September 1787 at which time they made a formal Cession of Lands on the North Side of Lake Ontario to the Crown."

[45] LAC, RG 10, Vol.15, reel C-1224, "Return of the Missisagay Nation of Indians Assembled at the Head of the Bay de Quinté the 23rd September 1787 in order to receive a Dividend of the General Present ordered for them by His Excellency the Right Honourable Guy Lord Dorchester Governor in Chief of the British Dominion in America &c &c &c together with those of the same nation collected at Toronto who received their Dividends of the Present by their Chiefs who attended at the Bay de Quinté for that purpose." Of the seven Chiefs and their bands listed, I have not been able to identify the following three: Sagaagat, Nawagashek, and Shewesagen. Almost certainly one or two of these were Chiefs of the Mississaugas of the Bay of Quinté and/or Kingston, as evidenced by John Ferguson's statement cited above that these bands attended the 1787 council where some differences related to the Crawford purchase were adjusted (AO, RG 1, Series A-I-1, Vol. 2, 520-521. Ferguson Statement, 1 August 1794). The final party listed is "Indians of River La Tranche" (Chippewas, River Thames). Why they are included on a list of nations associated with a cession of lands the north shore of Lake Ontario is not explained. However, it is known that Lt. Col. Butler had been ordered in 1784 to begin negotiations for the purchase of "the lands between the three Lakes, Huron, Erie & Ontario" (LAC, Haldimand Papers, MG 21, Add. Mss. 21765, Vol. B-105, reel H-1448, 412-415, Butler to Matthews, 8 May 1784). Perhaps the 1787 council was a continuation of those negotiations considering that the Chippewas of the River Thames were among the parties attending the distribution of annual presents at the Bay of Quinté at the time.

[46] E.A. Cruikshank, ed., *The Correspondence of Lieut. Governor John Graves Simcoe with Allied Docu-*

sissaugas, Rice Lake[47]) and the "Indians of Toronto" (Mississaugas, River Credit).

A letter from Sir John Johnson dated 19 October 1787 suggests that the treaty council at the Bay of Quinté may also have been a forum to negotiate agreements in principle with the several Indigenous nations who were represented there:

> I gave the Messesagas, counting in the Whole, including those at Toronto, to about One Thousand Men, Women & children, a Present of two thousand Pounds Prov^{l} Currency in goods, for their *readiness* in giving... their Country to the Loyalists.[48]

However, it appears that only the Toronto and Matchedash tracts were actually ceded at the 1787 council. This is evident from a "Return of Indian Stores" dated 22 March 1788 that lists goods "proposed to be given" for lands along that communication route:

> Return of Indian Stores proposed to be given to the Mississagay Nation of Indians as a general present for the lands ceded by them in public Council, to the Crown, in September last; agreeable to the promise then made to them by Sir John Johnson Bar't His Majesty's Superintendent Gen'l & Inspector General of Indian Affairs; this tract beginning at Toronto & running on each side the Communication to Lake Huron. Quebec 22 March 1788.[49]

The only conveyance document resulting from Johnson's 1787 treaty council is a "manuscript, true copy" of a deed titled, "This Indenture made at the Carrying Place head of the Bay of Quinty the twenty third day of September in the year of our Lord one thousand and seven hundred and eighty seven."[50] The deed states that the agreement is between Sir John Johnson and unspecified "Principal Chiefs and War Chiefs." Three Indigenous signatories (and their totems) are recorded: Wabukanyne, Neace, and Pakquan, Chiefs and Principal Men of the Mississaugas of the River Credit. Three witnesses are named: John Collins, Louis Knotte, and Nathaniel Lines, Interpreter. Although the deed specifically identifies Johnson as the Crown representative, his signature is not present on the manuscript copy held in the archives.

The 1787 deed is characterized as "blank" because critical information is missing, including the identity of the Indigenous nations, the terms of compen-

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ments Related to the Government of Upper Canada, Vol. 2, 1793-1794 (hereafter cited as *The Simcoe Papers, Vol. 2*), (Toronto: Ontario Historical Society, 1924), 72, Alexander Macdonnell, "Diary of Lieut. Governor Simcoe's Journey... in 1793," 29 September 1793. This journal identifies Kenees as "chief of the village" on Lake Simcoe.

[47] LAC, RG 10, Vol. 9, reel C-11000, 8944-8955, Copy of a report dated at Pemetashwotiany Landing, 28 August 1788 (certified a true copy by J. Chew, SGIA). This report identifies Shawanuapaway as a chief of the Rice Lake Indians.

[48] LAC, MG 19-F1, Vol. 4, fol.161, J. Johnson to W. Claus, 19 October 1787 [emphasis added].

[49] LAC, RG 10, Vol. 1834, reel C-1224, 205-206, Return of Indian Stores, 22 March 1788. The Return's cover page reads: "Return of Indian Stores given to Mississagay Nations of Indians as a payment for the Lands at Toronto & the communication to Lake Huron relinquished by them to the Crown."

[50] LAC, RG 10, Vol. 1841, IT 040, reel T-9938, "Indenture made at the Carrying Place, Head of the Bay of Quinté," 23 September 1787.

sation, and the metes and bounds of the surrendered tract. The only specific information on the text of this deed is the location of the treaty council at the head of Bay of Quinté (near Trenton) and the date, 23 September 1787. All other details, for example the boundaries of the purchase, appear as blank spaces, as follows:

> [...] doth grant, bargain, sell, alienate, release and confirm unto our Sovereign Lord the King and to His heirs and Successors all that Tract or parcel of Lands laying & being
>
> [blank space]
>
> together with the woods, ways, paths, waters, watercourses, advantages, emoluments and hereditaments whatsoever to the said tract or parcel of land situated as above mentioned...[51]

Correspondence from Lord Dorchester in 1794 indicates that the original blank deed was accompanied by "the Names or devices of three Chiefs of the Mississaga Nation on separate pieces of Paper annexed thereto."[52] The "Indian Interpreter" Nathaniel Lines later recalled that "he saw the Indians make their marks upon the Slips of Paper which were wafered on the Deed before the Marks were made thereon."[53] Questions remain about whether slips of paper with more than three Indigenous signatories and totems existed originally and whether an original deed also included a wafer with Sir John Johnson's signature. These questions are raised again in my discussion of the Matchedash Purchase below. Unfortunately, it does not appear that the original 1787 treaty document and signatory papers have survived in the archival holdings.[54]

Surveyor Alexander Aitken began surveying the Toronto tract in August 1788, meeting up with Major John Butler and the interpreter Mr. Lines who were at Toronto to continue the land cession negotiations that had begun the previous year. Aitken's report to Deputy Surveyor-General John Collins, dated 15 September 1788, states that he intended to "survey the land purchased from [the Indians] last year by Sir John Johnson" which extended no further east than the "High Lands" (Scarborough Bluffs). Aitken then added the following postscript: "P.S. After the land was purchased from the Indians from Toronto to Pemitescutaing I thought it would be unnecessary to run the East Boundary."[55] That is, while the Toronto survey was being com-

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[51] LAC, RG 10, Vol. 1841, IT 040, reel T-9938, "Indenture made at the Carrying Place, Head of the Bay of Quinté," 23 September 1787.

[52] Cruikshank, ed., *The Simcoe Papers, Vol. 2*, 137-138, Lord Dorchester to Lt. Gov. Simcoe, 27 January 1794.

[53] LAC, RG 10, Vol. 9, reel C-11000, 8948-8949, "Mr. Lines Information respecting the Purchase of Ind. Lands in 1787" signed by Alex. McKee, DSGIA, 10 June 1795.

[54] A request was made at the Library and Archives Canada to determine if any original 1787 treaty documents exist. No such documents were found by the archivists (Personal communication: LAC Reference Desk, Ottawa, and; Collection Manager (Textual and Cartographic, Unpublished and Unbound), LAC Preservation Centre, Gatineau, 11 November 2014).

[55] P.J. Robinson, *Toronto During the French Regime: A History of the Toronto Region From Brule to*

pleted, Major Butler had negotiated the purchase of lands along the north shore of Lake Ontario extending from Toronto to the Port Hope / Rice Lake area.

The report by Butler to Sir John Johnson on 26 August 1788 indicates that Johnson himself had attended a council at Toronto that summer, presumably to confirm the boundaries of the Toronto Purchase prior to surveying, to distribute the presents "proposed" during the 1787 council and to finalize negotiations for the purchase of lands along the north shore of Lake Ontario. According to Butler's report, Johnson left the council before the Chippewas of Lakes Huron and Simcoe and the Mississaugas of Rice Lake had arrived. Butler thus took on the official duties to confirm the purchases along the north shore of Lake Ontario and the communication route from Toronto to Lake Simcoe:

> I then Called them to Council and made a Proposal to purchase all the Lands to the Bay of Quinté and as far Back as Lake la Clay and the Rice Lake which after two or three meetings, they agreed to. I then proposed to them to run a Straight Line from the place of Beginning above Toronto 15 or 16 Miles Back as that being supposed to be the Breadth from the Clay Banks to the Said Place of beginning.[56]

Butler's account indicates that it was at this council in August 1788 that a cession of lands along the north shore of Lake Ontario shoreline was provisionally agreed to, as well as the surrender of an undefined tract north to Lake Simcoe. As well, the boundaries of the Toronto Purchase tract were adjusted at this meeting. No minutes of the "two or three meetings" nor any documented deed or map reflecting this agreement have been found in the archival record.

Butler wrote a second report on 28 August 1788 from Pemetashwotiany Landing (Port Hope) where a meeting was held with "Shawanuapaway with two other Chiefs of the Rice Lake in Council." The extract of this report (authorized "a True Copy" by J. Chew) does not identify the author but the extract immediately preceding it is from Butler to Johnson suggesting that this second extract is also taken from a report by Butler.[57] This report indicates that although the Rice Lake chiefs had attended the earlier meetings at Toronto, a general council meeting was deemed necessary to finalize an agreement on the depth of lands to be ceded above the shore of Lake Ontario, between Rice Lake and the Bay of Quinté:

> [T]hey have considered amongst themselves and have agreed to let their great Father have the Lands according to his own proposal, which they understand is from the Purchase

Simcoe, 1615-1793 (Toronto: University of Toronto Press, 1965), 166-168, Alex. Aitken to J. Collins, 15 September 1788 [insert added]. "Pemitescutaing" (Port Hope and/or Rice Lake region) is marked on D.W. Smith's map (*Figure 3*). "Pemetashwotiany Landing" refers to the mouth of the Ganaraska River at Port Hope, as marked on President Russell's 1798 sketch map (see *Figure 4* below).

[56] LAC, RG 8, Vol. C250, reel C-2850, 290, Extract of a letter from J. Butler to Sir J. Johnson, 26 August 1788.

[57] Percy Robinson (1937) also concludes that the 28 August 1788 report was written by Major Butler ("The Chevalier De Rocheblave and the Toronto Purchase," 141).

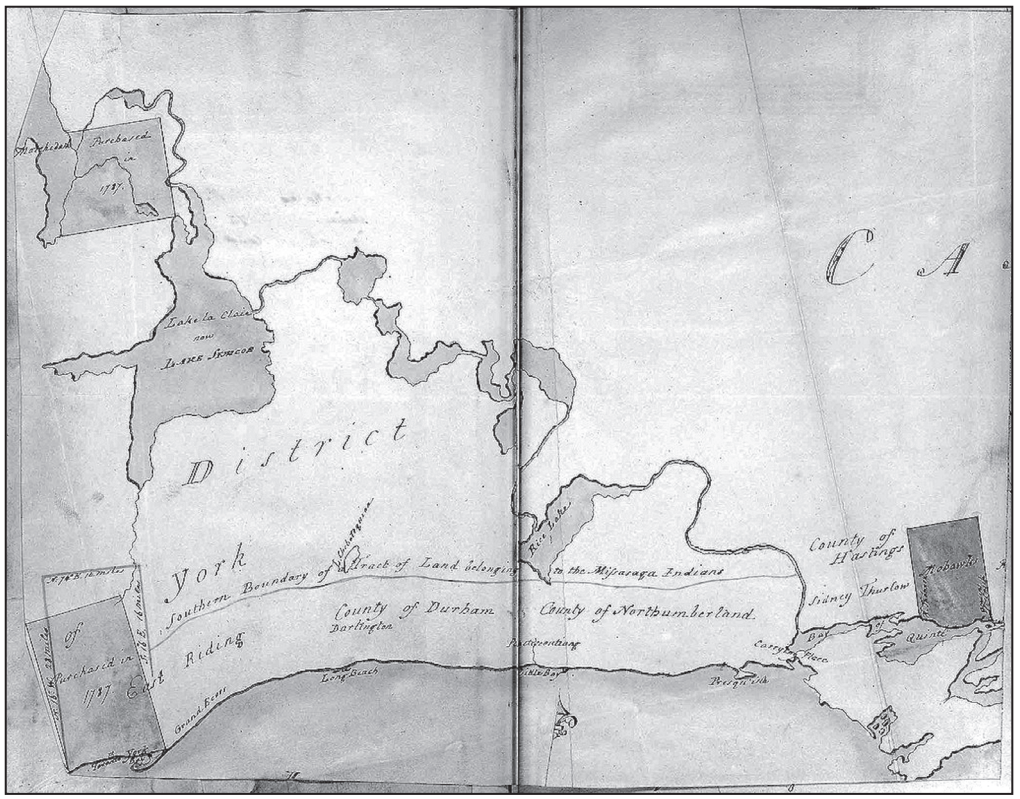

Figure 3: Purchases from the Indians in 1787: D.W. Smith Map of 1792. Source: Sir D.W. Smith, Military Memoirs, America, 1784-1830, Vol. 3, 1764-1837. (Toronto Public Library, Special Collections), 21. Map No.3.

> made by Capt. Crawford, to that made by their Great Father at Toronto. – They likewise understand that the Lands are not to run further back from the Shore of Lake Ontario than Ten Miles.[58]

The chiefs' reference to Captain Crawford indicates their acknowledgement and understanding of the purchase made in 1784. They likewise acknowledged the Toronto Purchase. Again however, there is no record of a deed or map of the Lake Ontario tract purchased by the Crown in 1788.

Consistent with the Return of Indian Stores dated March 1788 and quoted above, a sketch map of "Purchases from

[58] LAC, RG 10, Vol.9, reel C-11000, 8944-8946, Extract of a report dated 28 August 1788 (authorized "a true copy" by J. Chew, SGIA). Butler also reported that the chiefs reserved "a small piece of land for their Great Friend the Trader at Pemetashwotiany." In 1847, by request of the Indian Department, the Mississaugas of Mud Lake, Rice Lake and Scugog listed certain points of land, river mouths and islands that they claimed were reserved from the Gunshot Treaty. These returns are filed together with other returns dated 1847-1848 containing "claims by Indians in Canada West to certain lands which they state have not been ceded to the Crown" (LAC, RG 1-273-5-1-1, Campbell to Commissioner of Crown Lands, 1 February 1848, 1-5, 7-8).

the Indians in 1787" by then acting Deputy Surveyor General Sir D.W. Smith confirms only that the Toronto Purchase and the Matchedash Purchase were completed by that date. The area along the north shore of Lake Ontario is marked by a corresponding red line labelled, "Southern Boundary of a Tract of Land belonging to the Missisaga Indians" (Figure 3).[59] Smith's notes (dated 1792) about this map state:

> Map No.3. Shews the Purchases at York & Matchedash, in 1787; & the Mohawks land, on the Bay of Quinté —but when the lands were purchased on the North Side of Lake Ontario (afterward called the East Riding of York & the Counties of Durham & Northumberland) is not known.[60]

Smith's map markings and memoir notes suggest that while he was certain that the Toronto and Matchedash purchases were made in 1787, he was less sure about the date of the Gunshot tract along the north shore of Lake Ontario. Furthermore, although Smith presumably sketched this map in 1792, neither his notes nor the map appear to take into account the land cession transactions conducted by Major John Butler in 1788.

The absence of a formal and complete deed or map was discovered in 1793-94 during the tenure of Lieutenant Governor of Upper Canada John Graves Simcoe who, with surveyor Alexander Aitken, sought records related to Crown lands in Upper Canada and particularly to the Yonge Street route from Toronto to Lake Huron via Lake Simcoe.[61] On 9 September 1794, Lt-Gov. Simcoe alerted Governor General Lord Dorchester about serious problems arising from the "dissatisfaction of the Indians in this Government in the locating of lands as the King's Services require & which have been purchased of those nations." Simcoe requested that the Indian Department transmit the "authentic and original Documents" in order that he could show and explain these to the chiefs concerned.[62] In November 1794, Joseph Chew (Secretary, Indian Affairs) notified Major Littlehales, secretary to Lt-Gov. Simcoe, that he could "find no record or Document in the Superintendent General's Office of any Purchase made from the Indians in the vicinity of York or Bordering on Lake Ontario." Chew surmised that Sir John Johnson "must have taken it with him to England by Mistake and will be known on His return" the next summer.[63]

The Governor General decided not to wait for Johnson's return to Canada and initiated further investigations im-

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[59] Sir D.W. Smith, *Military Memoirs, America, 1784-1830, Vol. 3, 1764-1837* (Toronto Public Library, Special Collections), 21. Map No.3: "Purchases from the Indians in 1787, the Mohawks' Land and Boundary of the Lands of the Missasaga Indians."

[60] *Ibid.*, 15.

[61] AO RG 1-61-0-06, Journal & Field Book from 10 October 1793 to 10 April 1794, by Alexander Aitken, Provincial Surveyor.

[62] LAC MG 11, CO42/101, 120-121, Simcoe to Dorchester, 9 September 1794.

[63] LAC, RG 10, Vol. 8, reel C-10999, 8781-8782, Chew to Littlehales, 14 November 1794.

mediately. On 20 December 1794 he dispatched extracts of relevant correspondence to Deputy Superintendent General of Indian Affairs, Alexander McKee. Lord Dorchester explained that the "Blank Deed present in the Office of the Surveyor General appears to be the only testimonial of this Purchase," the form of which was so "informal and irregular" that it will "invalidate and set aside the whole transaction."[64] As noted in my introduction, it was the potentially dire consequences of "informal and irregular" records of purchases that prompted Lord Dorchester on 24 December 1794 to issue additional instructions for treaty-making in Canada.[65]

McKee's subsequent investigations included an interview in June 1795 with Nathaniel Lines the interpreter at the Bay of Quinté proceedings in September 1787. Lines recollected that a tract had been ceded along the north shore of Lake Ontario from the Bay of Quinté to Etobicoke Creek. Consistent with the Rice Lake Mississaugas' understanding conveyed at Pemetashwotiany Landing on 28 August 1788, Lines described the metes and bounds of the tract as "connected all the way on front on Lake Ontario running in depth ten or 12 Miles nearly as far as the Rice Lake & above the Rice Lake a common days Journey back as far as Toronto."[66] Mr. Lines' account was later interpreted by Indian Department officials as different eastern and western depths from the shoreline: the eastern portion from the Bay of Quinté to Rice Lake extended inland to a depth of ten to twelve miles, and the western portion from Rice Lake to Toronto extended inland to a depth of "a common days Journey."[67]

When Lt-Gov. Simcoe left for England in July 1796 and Executive Council President Peter Russell took over the administration of Upper Canada, neither the Gunshot nor Toronto purchases were confirmed. Adding to concerns about validating the Toronto Purchase, in August 1796 Chief Wabikanye was killed by a British soldier at York, an event that risked a "Crisis" for the safety of "White Inhabitants" in view of rumours that Mississaugas and Chippewas were being incited to seek revenge.[68] Russell urged Governor General Prescott of the expediency of proper and accurate copies of deeds of the 1787 purchases because of "vexatious Disputes" developing between

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[64] LAC, RG 10, Vol. 8, reel C-10999, 8805-8807, Dorchester to McKee, 20 December 1794.

[65] LAC, RG 10, Vol. 789, reel C-13499, 6768-6770, Additional Instructions - Indian Department, Dorchester to Johnston, 24 December 1794.

[66] LAC, RG 10, Vol. 9, reel C-11000, 8948-8949, "Mr. Lines Information respecting the Purchase of Ind. Lands in 1787" signed by Alex. McKee, DSGIA, 10 June 1795.

[67] LAC RG 10, Vol.10029, "Gun-shot Treaty" - Memorandum by G. M. Matheson, in Charge of Records, 23 March 1922.

[68] E.A. Cruikshank and A.F. Hunter, eds., *The Correspondence of the Honourable Peter Russell with Allied Documents Relating to his Administration of the Government of Upper Canada During the Official Term of Lieut.-Governor J.C. Simcoe While on Leave of Absence, Vol. 1, 1796-1797* (hereafter cited as *The Russell Papers, Vol. 1*), (Toronto: Ontario Historical Society, 1932), 164-165, Russell to Prescott, 18 April 1797.

settlers and Indians in the townships on the north side of Lake Ontario.[69] In reply, Prescott sent documentation to Russell explaining that Simcoe's attempt to complete the blank deed of 1787 was apparently unsuccessful, leaving the transaction "totally invalid, none of the Blanks being filled up, whereby the Boundaries should be ascertained."[70]

Russell and the Executive Council were "exceedingly alarmed" that common knowledge of the unconfirmed status of the purchases would "shake the Tranquility of many respectable Persons, who have risked nearly their whole Property within its Limits." Russell considered, however, that since the lands were surveyed and *de facto* in the possession of the Crown, and since the several testimonials by Mr. Lines and others had ascertained the limits of the purchases "extending from Kingston to the Eastern Limits of that Purchase, and as far back as Lake la Clie and the Rice Lake," that it was not necessary to execute new deeds. Indeed, Russell opined that such "recourse at this late hour to the Messissague Nation... would most probably awaken their suspicions and lead to most expensive consequences." Russell proposed that the Crown purchase a small tract between the east and west branches of the Holland River and suggested that

> A Recapitulation explanatory of the courses and Boundaries of the Purchases in 84, 87, & 88 may be introduced in the preamble of the Deed, which if properly drawn up may be perhaps as binding a record of their respective Limits, as if the Original Deeds of Purchase had not been lost, or they had been actually expressed in the Blank Deed, whose Informalities have driven us to this extremity.[71]

The tracts proposed for purchase by Russell included an area of "farm lots on each side the Northern end of the Road [Yonge Street]" that in the course of recent surveys, had been discovered to be in Indian territory.

The Governor General did not agree with Russell's preamble ruse because of "its tendency to mislead the Indians, and would be productive of the most dangerous consequences to the King's Interest, as soon as they should discover, that they had not been openly dealt with."[72] Rather, Lord Prescott decided to pursue additional avenues of information about the earlier purchases, including a despatch to Sir John Johnson in March 1798.[73]

On 26 March 1798 Johnson pro-

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[69] Cruikshank and Hunter, eds., *The Russell Papers, Vol.1*, 284-285, Russell to Prescott, 21 September 1797. Russell's letter supposes that the lands on the north side of the Lake Ontario were "perhaps purchased by Capt. Crawford in 1787," but the editors correct this supposition by noting that: "In the Surveys proposed for the year 1790 this item occurs: 'To survey and lay out in Townships the Land lately purchased by Sir John Johnson from the Missisaga Nation on the North Side Lake Ontario in the District of Nassau from the head of the Bay of Quinté to Toronto.' – Third Report (1905), Ontario Bureau of Archives, p.476 (No.9)." (*ibid.*, footnote 1, 284).

[70] LAC RG 10, Vol.782, reel C-13498, 56-57, Prescott to Russell, 21 October 1797.

[71] Cruikshank and Hunter, eds., *The Russell Papers, Vol. 2*, 68-70, Russell to Prescott, 21 January 1798.

[72] *Ibid.*, 137-139, Prescott to Russell, 9 April 1798.

[73] *Ibid.*, 117-118, James Green to Sir J. Johnson, 12 March 1798.

vided his recollection of the events beginning with reassurances that the government should not have "any reason to be alarmed on account of the Settlers on the lands purchased by me in 1787, and even for the seat of Government itself (York) which was included in that Purchase." Johnson confirmed that

> The purchase was duly executed not only by the Indians, but by myself on the part of the King, in the presence of Mr. Collins, Mr. Langan, Mr. Lines the Enterpreter [sic], Mr. Chambers clerk to Mr. Collins now, I think, in Quebec, and a number of other persons.

He described the Toronto and Matchedash purchase boundaries as

> Ten miles square at Toronto, and two or four Miles, I do not recollect which, on each side of the intended road or Carrying place leading to Lake le Clai, then ten miles square at the Lake and this same square at the End of the Water Communication emptying into Lake Huron.[74]

According to Johnson, "this Deed was left with Mr. Collins, whose Clerk drew it up, to have the Courses inserted when the Survey of those Tracts were completed, and was never returned to my office." Johnson was not aware of any record of a deed for the purchase made by Lieutenant Colonel Butler in 1788, "from Toronto to Pemetinchootiong on the Rice Lake, leading on Lake Ontario." Johnson concluded that the purchases were valid but should be re-confirmed:

> As I have never heard that the Indians have denied the Sales they made in 1784, 1787 and 1788 to Captain Crawford, myself and Lieut. Colonel Butler, nor that they complain of any Encroachments having been made by the Establishment of the Boundaries of those purchases, I see no real cause of alarm at present, nor on account of any claims the Indians may set up to those Lands hereafter. But to guard against it, and to ease the Minds of all Concerned, and to make up for the want of Form and Validity in the several purchases complained of, I would humbly recommend that Captain Claus or Lieut. Givens may be instructed to assemble all the Chiefs interested in those Tracts, and acquaint them that, as those purchases were made from them at different Periods, and by different persons, and to guard against all mistakes, or any misunderstanding that might otherwise happen, hereafter, a large and correct Plan or Survey of the whole had been made out according to the Boundaries mentioned in each purchase, and a Deed was annexed to it, which, as a Division of the Province had since taken place, it would not only be necessary, but pleasing to their Father the Lieut. Governor or President to have confirmed by them to remain a Record in his Hands.[75]

On 9 April 1798, Prescott sent Johnson's account to Peter Russell, instructing Russell to settle "this unpleasant business... taking especial care, however, that the Indians concerned are fully satisfied with the measure, and that the new Deed is executed with all the requisite formalities, according to the Regulations." Prescott added that if the Indians acknowledged that they had received compensation in goods at the time of the

[74] AO, RG 1, Series A-I-1, Vol. 55, reel MS 626/3, 197-199, Extract from Johnson to Green, 26 March 1798.

[75] *Ibid*.

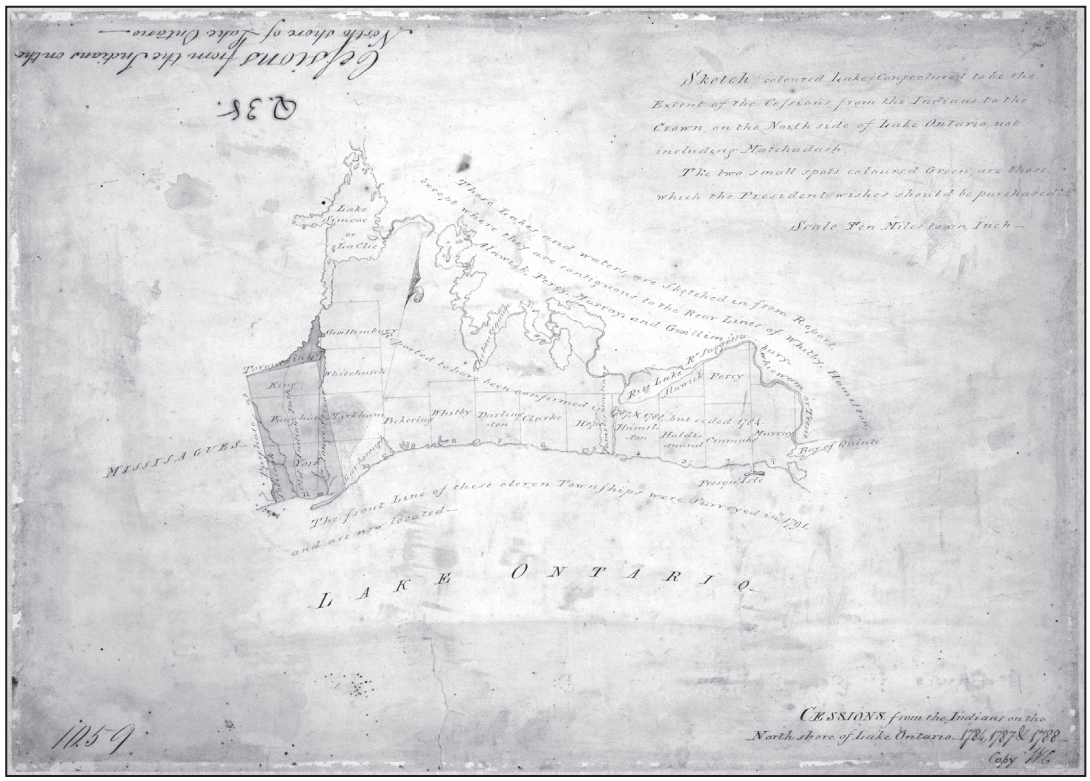

Figure 4: Cessions from the Indians on the North shore of Lake Ontario, 1784, 1787 & 1788 : President Russell's Sketch of 1798. Source: AO Map Collection, B-43, ca. 1798.

original purchase, "they can have no objection to execute a new Deed, on your giving their Chiefs a moderate Present for their trouble in attending the meeting you may appoint for that purpose."[76]

Meanwhile, President Russell had a sketch map prepared showing two small tracts that he proposed to purchase ("spots coloured green"— one at the southwest corner and another to the north of the Toronto Purchase), and noting the extent of prior purchases.[77] Two elements of particular significance appear on this sketch map (Figure 4). The first is its illustration of the connectedness of the Crawford, Gunshot, Toronto, and Matchedash purchases made from 1783 to 1788. The second is the geographic extent of the Gunshot Treaty tract that on this sketch appears to encompass the area

[76] Cruikshank and Hunter, eds., *The Russell Papers, Vol. 2*, 137-139, Prescott to Russell, 9 April 1798.

[77] AO Map Collection, B-43, ca. 1798, Cessions from the Indians on the North Shore of Lake Ontario 1784, 1787 & 1788. Copy W.C. (Top right notation: "Sketch / coloured Lake / conjectured to be the Extent of the Cessions from the Indians to the Crown on the North Side of Lake Ontario, not including Matchedash. The two small spots coloured Green are those which the President wishes should be purchased.")

south west of the Trent River to the southern shores of Lake Simcoe. Although no surveyed townships are marked in this area, the words "Reported to have been confirmed in 1787 & 1788 but ceded in 1784" overlap the space above township survey lines. As will be discussed later in this section, a corresponding area south of Lake Simcoe was claimed as unsurrendered by several members of Chippewa and Mississauga First Nations during the Williams Commission hearings in 1923. This sketch map was acknowledged in Governor General Prescott's Despatch No. 34 dated 9 April 1798 but Prescott's reply reveals nothing of his view regarding Russell's rendering of the geographic extent of the former purchases.[78]

President Russell received Prescott's despatch while representatives of the Chippewas of Lakes Huron and Simcoe were at York "to complete the Penetanguishene Purchase" in May 1798. Russell used the opportunity to discuss the nature of their understanding of the 1787-88 land purchases, and to request their surrender of the additional small tract between the east and west branches of the Holland River. Russell presented "a sketch" at this Council that illustrated the lands he was speaking about, likely the same or similar to the sketch he sent to Prescott (Figure 4 above). The written record of the speeches by President Russell and Chief Yellowhead at the council in York in May 1798 appear to convey an understanding that the Gunshot Treaty boundaries encompassed the lands south and east of Lake Simcoe to the shores of Lake Ontario:

> Mr. President Russell's Speech to Yellow Head and several other Chiefs of the Chippewa Nation from Lake Simcoe, delivered at the President's House at York on the 22nd of May 1798...
>
> I am informed that you have long since ceded the whole of the Country to the Southward and Eastward of the Waters of the Lake to your great father thro' his Servants Sir John Johnson and Col. Butler; and having given 3 or 4 Miles on each side of the Path leading thro' this Tract to Lake Simcoe, there cannot be but a small portion of the Land which I ask which is not already the King's. But as the expression of Miles makes no Boundary which may not be ignorantly trespassed upon, It is my desire that you would give the West and the East Branches of the Holland River as the Boundaries, lest the King's subjects should by mistake at any time encroach upon the Indian Territory and give offence — For the West branch of that river then becoming the limit of the English possessions on that side, we should take care not to trespass beyond it.
>
> Yellow Head's Answer to the President's request, 22d May 1798...
>
> If you white people forget your transactions with us, we do not—The Land you have just now shewn to us belongs to you; We have nothing to do with it; We have sold it to our Great Father the King, and was well paid for it—Therefore make your mind easy. There may be some of our young people who do not think so; They may tell your people that that Land is ours, but you must not open your ears to them, but take them by the arm and put them out of your houses, for as long

[78] Cruikshank and Hunter, eds., *The Russell Papers, Vol. 2*, 137-139, Prescott to Russell, 9 April 1798.

> as you will listen, you will be plagued by them—When any of the Flat people come amongst us and tell us bad words, we shall serve them the same way.[79]

Russell reported to Prescott on 23 May 1798 that Chief Yellowhead's account was consistent with Sir John Johnson's recollections, concluding that,

> The Principal object of the Purchases being thus done away it would be improper to put Govt. to an unnecessary expence [sic] by making them, or even by obtaining the new Deed proposed by Sir John Johnson, and we beg leave in consequence to withdraw our Requisition.[80]

That is, no new deed to describe or confirm the Gunshot Treaty lands was executed at the time.

At the time of Russell's council with the Chippewas at York in 1798, it does not appear that any similar meetings were held with the Rice Lake or other Mississaugas to confirm the Gunshot lands along the north shore of Lake Ontario. However, in the summer of 1805 a council was held with the Mississaugas of the River Credit to execute a confirmatory deed for the Toronto Purchase (Surrender No.13, 1 August 1805).[81] The text of the 1805 surrender is explicit in its purpose "for carrying into execution" the agreement made "on the twenty-third day of September, in the year of Our Lord one thousand seven hundred and eighty-seven, at the Carrying Place at the head of the Bay of Quinté." Although that earlier agreement is considered to have included the entirety of the Gunshot Treaty lands including the tracts along the north shore of Lake Ontario and between Lake Simcoe and Matchedash Bay, only the boundaries of the Toronto Purchase are defined in the 1805 deed. This tract was rectangular, measuring 14 miles in width along the shore of Lake Ontario between the River Etobicoke and the Toronto Peninsula, inland to a depth of 28 miles, "containing Two hundred and fifty thousand, eight hundred and eighty acres" (Figure 5).[82] A signature page on the back of the plan is titled: "The descriptive plan of the Toronto Purchase made 23rd September 1787 and compleated [sic] on the 1st day of August 1805."[83]

Although it does not appear that the 1805 surrender confirmed any boundaries east or north of the Toronto Purchase, Crown surveys were soon extended into the area south of Lake Simcoe and north of the first line of townships marked on Russell's 1798 sketch. Present-day townships of Uxbridge, Scugog,

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[79] *Ibid*., 160-161, Proceedings of Council at York, 21-22 May 1798.

[80] *Ibid*., 159-160, Russell to Prescott, 23 May 1798.

[81] LAC RG 10, Vol. 1, reel C-10996, 289-292, Proceedings of Meeting with the Mississagues, River Credit, 31 July 1805; Canada 1891, *Indian Treaties and Surrenders*, Vol. 1, 34-35, No. 13, Toronto Purchase, 1 August 1805 (map appended).

[82] LAC RG 10, Vol. 1841/IT039, reel T-9938, MIKAN no. 3941147, Item 3, Plan of the Toronto Purchase (1805).

[83] *Ibid*., Item 4.

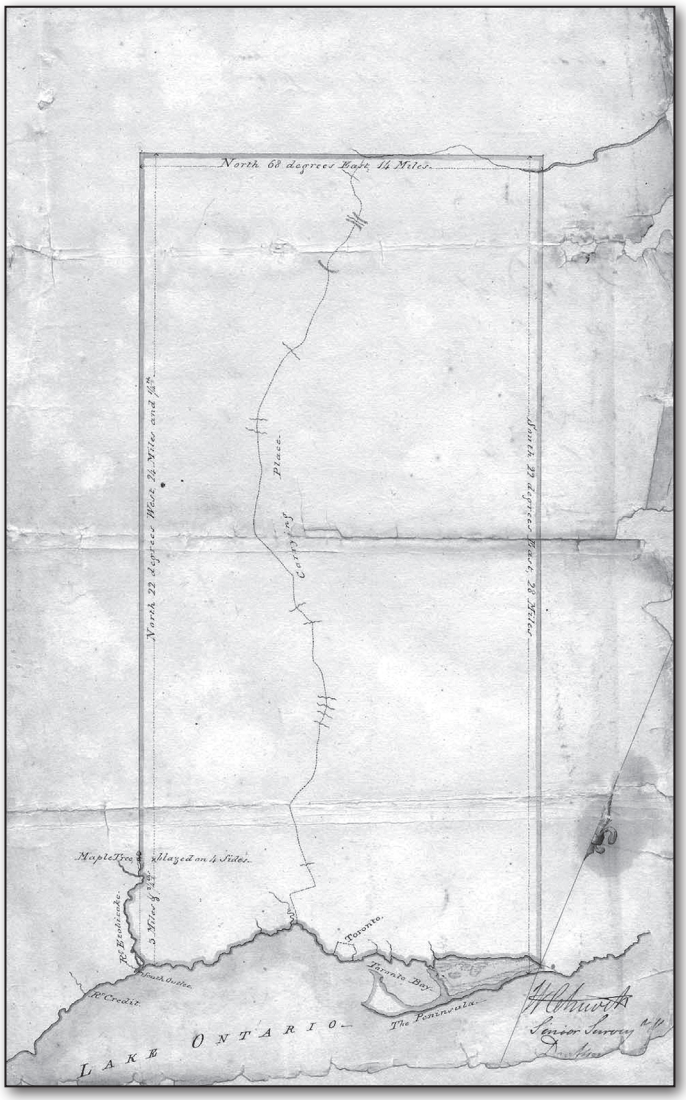

Figure 5: Plan of the Toronto Purchase, 1805. Source: LAC RG 10, Vol. 1841/ IT039, reel T-9938, MIKAN no. 3941147, Item 3.

Brock and Georgina were surveyed from 1805 to 1817.[84]

In the 1920s the Mississauga First Nations questioned the Crown's title to these townships south of Lake Simcoe. In May 1921, the Mississaugas of Rice, Scugog and Mud Lakes, through the law firm O'Connor and Moore, wrote to the Superintendent General of Indian Affairs (Charles Stewart) claiming that no confirmatory surrender had been executed for the "lands comprising the Townships of Uxbridge, Reach, Scott, Brock, Thorah, Georgina, and North Gwilliambury [sic] and also the Township [sic] of Alnwick, Percy and Seymour and the points and islands along Lake Ontario."[85] Although these townships were described by O'Connor as lands subject to a confirmatory surrender extending from the Rice Lake Treaty No.20 of 1818, that most of the area covered by these townships was traditionally the territory of the Chippewas of Lakes Huron and Simcoe, and as islands in and points of land along Lake Ontario are also referenced, the likelihood is that the claims extended wholly or in part from the Gunshot Treaty of 1787-88.

The connection between these town-

[84] Dean and Matthews, *Economic Atlas of Ontario*, Plate 99 [Inset]: Dates of the original township surveys.

[85] LAC, RG 10 V2330 File 67071-3, Pt. 2, reel C-11202, O'Connor & Moore, Barrister, Solicitor, Notary &c. to Superintendent General, Indian Affairs, 31 May 1921.

ships and the 1787-88 purchases is also borne out by testimony provided during the 1923 Williams Commission hearings. Four Chippewa and Mississauga witnesses testified that townships south of Lake Simcoe had never been surrendered.[86] Taken together, the tract described by these individuals bears a striking similarity to the unsurveyed area north and east of the township lines drawn on Russell's sketch. Russell's report states that he showed a sketch map to Chief Yellowhead when they met in May 1798. If this was the same map found in the archival record, it raises the following question: When viewing Russell's map, did Chief Yellowhead consider only the outline of actual surveyed townships to be the accepted boundaries of the Gunshot Treaty? In the end, the evidence linking Russell's 1798 map and the Mississaugas and Chippewas' descriptions in the 1920s of unsurrendered townships south of Lake Simcoe, is circumstantial. Nevertheless, I offer this interpretation as one more piece of the puzzle toward historians' attempts to more fully understand the Gunshot Treaty boundaries.

As a post-script, the Chippewa and Mississauga claims to unsurrendered townships compelled the Williams Commissioners to investigate the matter further. They found no records to confirm that this tract was encompassed within the boundaries of any prior treaty.[87] Consequently the Commission decided to address the uncertainty by including a description of the Gunshot Treaty area, including the townships south of Lake Simcoe, in Clause 2 of the 1923 treaty texts.[88] Although intended to confirm the Gunshot Treaty, the implications of this clause continue to be the cause of debate in litigation and negotiation

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[86] LAC, RG 10, Vol. 2331, File 67,071-4A, reel C-11202, 32, 170, 230, 235-239, Testimony of Ex-Chief Charles BigCanoe (Georgina Island) , Mrs. Issac Johnson (Scugog), Robert Paudash (Hiawatha/Rice Lake) and Johnson Paudash (Hiawatha/Rice Lake), Williams Commission Hearings, 15, 24, 26 September 1923. The latter three witnesses each asserted that the southern townships were "reserved as hunting grounds" by Lt-Gov. Simcoe in the Proclamation of 16 July 1792 (A.G. Doughty and D.A. McArthur, eds., *Public Archives Documents relating to the Constitutional History of Canada*, 1791-1818, Ottawa: C. H. Parmelee, 1914, 77-82, Proclamation Dividing the Province of Upper Canada into Counties, J. Graves Simcoe, 16 July 1792). Simcoe's Proclamation flowed from the *Constitutional Act of 1791* that divided the Province of Quebec into Upper and Lower Canada (*ibid*., 55-57). It proclaimed the County divisions of the new Province of Upper Canada and described the unsurveyed area north of Counties 12 (Northumberland), 13 (Durham) and 14 (York) as "Land belonging to the Messisague Indians," the same description shown on D.W. Smith's map of 1792 (see *Figure 3*). Although the Proclamation does not mention and was not intended to grant reserves to Indians, this was the interpretation presented by Mississauga witnesses to the Williams Commissioners.

[87] LAC, RG 10, Vol. 2330, File 67071-3, Pt 2, reel C-11202, 4-6, Report by the Williams Commission, 1 December 1923. The Commissioners depicted their understanding of the testimony about unsurrendered townships by marking a black dotted line on the map they used during the community hearings in September 1923 (LAC, RG 10M, Acc. No. 78903/78, Vol. 2332, File 67,071-6, Map 1: Item 1220, NMC 069349, Collection of maps marked by the Williams Commissioners, 1923).

[88] LAC, RG 10, Vol. 1853, Pt. 1, reel T-9941, Treaty No. 1080, cover date 31 October 1923; LAC, RG 10, Vol. 1853, Pt. 1, reel T-9941, Treaty No. 1081, cover date 15 November 1923.

between the Williams Treaties First Nations and the Crown.

The Collins Agreement 1785 and Matchedash Purchase 1787

The land surrender commonly labelled "Collins 1785" was almost certainly transacted in 1787 and confirmed in the years 1795 to 1798. There is convincing evidence that in 1785 John Collins negotiated a right-of-way agreement with several Mississauga and Chippewa Nations, and that lands in the Matchedash area were not purchased until 1787 at the same time as the Johnson-Butler purchases. This view is evident despite a dearth of documentation about the negotiations, deed or survey of the Matchedash Purchase in the archival record. In the 1790s and into the early 1800s British officials found few records to guide their understanding of the nature or extent of that purchase. My historical analysis of this purchase relies on documented recollections by First Nations members and government officials long after the event took place. Indeed, more than a century after the Matchedash Purchase the status of those lands remained in doubt, as evidenced in the records of the 1923 Williams Commission.

In the spring of 1785 fur traders expressed concern that posts surrendered by Britain in the Treaty of Paris opened the doors to American control of the trade in the Great Lakes region. Prominent traders such as Benjamin Frobisher of the North West Company sought and promoted alternate trade routes wholly within British territory. This interest was shared by governing officials, as indicated in Frobisher's reply to an enquiry from Lt-Gov. Henry Hamilton "respecting the practibility [sic] of a Communication from Lake Ontario to Lake Huron." In his letter dated 2 May 1785 Frobisher advised Hamilton that the Trent route was "very imperfect" but that the Toronto Carrying Place route was promising. Regarding the route between Lake Simcoe and Lake Huron, Frobisher concluded that the Severn River route between Lake Simcoe and Matchedash Bay was the "sure and short Communication between the two Lakes" but that "Six or Seven carrying places, all of them short ones" would need to be levelled to allow for navigation by boats. Alternatively, the river route could be avoided "by a road overland... of about 18 Miles."[89]

On 22 May 1785 Lt-Gov. Hamilton instructed Deputy Surveyor General John Collins to "proceed upwards to take a survey of the communication between the Bay of Quinté, and Lake Huron by Lake La Clie." In addition to navigation information, Collins was also instructed to report on the "Indian tribes, on the communication, their numbers, disposition, &ca. What tract of land it may be

[89] LAC MG 11-CO42 Vol. 47 reel B-38, fos. 326-328, Benjamin Frobisher to Henry Hamilton, 2 May 1785. Published transcript in: Edwin D. Guillet, ed., *The Valley of the Trent* (Toronto: Champlain Society, 1957), 132-136, Frobisher to Hamilton, 2 May 1785. Frobisher's sketch map of the Carrying Place from Toronto to Lake Huron, via Lake Simcoe, is reproduced on page 133 of Guillet's publication (*ibid.*).

necessary to purchase, and at what rate."[90] Hamilton's additional instruction dated 28 May 1785 ordered Collins to "take especial notice in your report of the stations which may be most advantageous for the erecting [sic] forts, redoubts or batteries" to be used to protect shipments and to provide shelter and security.[91] No instructions were given authorizing Collins to purchase Indian lands. Only a brief memorandum by Collins dated "Lake le Clie 9th Augt. 1785" has survived in the archival record with respect to his 1785 survey, as follows:

> At a conference held by John Collins and William R. Crawford, Esqr., with the principal Chiefs of the Missisaga Nation Mr. John Russeau Interpreter —it was unanimously agreed, that the King shall have a right to make roads through the Missisaga Country, That the Navigation of the Rivers and Lakes, shall be open and free for his Vessels and those of his Subjects, that the Kings Subjects shall carry on a free trade unmolested, in and through the Country, That the King shall erect Forts, Ridouts, Batteries, and Storehouses &ca. in all such places as shall be judged proper for that purpose —respecting Payment for the above right, the Chiefs observed they were poor and Naked, they wanted Cloathing and left it to their good Father to be a judge of the quantity.[92]

Collins' description is a record of a right-of-way agreement with the Indigenous chiefs that also allowed Crown use of lands to erect forts and storehouses.

Other than Collins' reference to the "Chiefs of the Mississaga Nation" and the heading indicating that he wrote the memorandum at "Lake le Clie " (Lake Simcoe), it is unknown precisely who was party to the 1785 agreement. It is almost certain that representatives of the Mississaugas of River Credit and perhaps also the Mississaugas of the Thames attended the conference: in 1792 Lt-Gov. Simcoe appended a clause specific to this right-of-way agreement in the text of the Confirmatory Surrender No.3 by which lands between Lakes Ontario and Erie were ceded to the Crown.[93] The appended clause refers specifically to the conference held by Collins and Crawford and its wording is almost identical to Collins' memorandum of 9 August 1785. This suggests that several Indigenous nations were party to the agreement, and that it allowed the British a right-of-way on the Toronto Carrying Place, the Lake Simcoe to Matchedash Bay route, as well as other routes between Lakes Ontario, Erie and Huron.

Precisely when an agreement was reached to purchase lands at Matchedash is not documented in any deed, but the treaty-making period of 1787-88 is the most plausible time-line. A string of

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[90] Fraser, *Third Report of the Bureau of Archives, Ontario, 1905*, 371-372, H. Hamilton to J. Collins, 22 May 1785.

[91] *Ibid*., 372, H. Hamilton to J. Collins, 28 May 1785.

[92] AO MU 2787, Simcoe Papers, Env. 1, John Collins, Lake le Clie, 9 August 1785. A transcript of this document titled "Collins' Memorandum on Indian Purchase" is published in Murray, *Muskoka and Haliburton*, 97.

[93] Canada, *Indian Treaties and Surrenders* Vol. 1, 5-7, No. 3, 7 December 1792.

clues lead to this supposition. First, and as noted above, it was in July 1787 that Governor General Dorchester instructed Collins to assist Sir John Johnson in negotiations for the purchase of and access to lands along the north shore of Lake Ontario and the travel route between Toronto and Lake Huron.[94] Second is the "Return of Indian Stores" of 22 March 1788 quoted above which explicitly states that payment was for the "tract beginning at Toronto & running on each side the Communication to Lake Huron."[95] A third clue is the letter and sketch map sent by Lt-Gov. Simcoe to Henry Dundas (Secretary of State, Home Department) on 10 March 1792. At this point Simcoe had not yet arrived in Upper Canada and while in Quebec he gathered information from Indian Affairs about lands ceded to the Crown and from traders about communication routes in the Province.[96] Simcoe described his map as a "Sketch of part of Upper Canada by which you will see where the Indian title is extinct by British purchases & where it exists in its original possessors."[97] The "Remarks" on the sketch map explain that "Lands purchased from the Indians are coloured yellow" including a tract distinctly marked and coloured yellow in the area between "Matchadetch Bay" and "L. Le Clie."[98] It is probable that Simcoe relied on Deputy Surveyor General D.W. Smith's knowledge of Crown purchases in Upper Canada: Smith's 1792 memoirs include a sketch map showing the Matchedash tract "Purchased in 1787" (refer to Figure 3 above).[99]

Recollections and accounts in the early 1790s also directly and explicitly associate the Matchedash Purchase with the blank deed dated 23 September 1787 which, as discussed above, is connected to the Gunshot and Toronto purchases. Indeed, it was Lt-Gov. Simcoe's interest in establishing the Matchedash route that triggered the discovery of the blank deed. Alexander Aitken's survey journal kept during his trip in October and November 1793 with Simcoe to lay out the communication route from Toronto to Penetanguishene describes their efforts to record "the Indian Purchases on the Plan in Pencil as explained by Col. Butler (who arrived last night) & Mr.

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[94] AO RG 1-1, Vol. 2, reel MS 3693, 100-103, Dorchester to Collins, 19 July 1787; published in: Fraser, *Third Report of the Bureau of Archives, Ontario, 1905*, 379.

[95] LAC, RG 10, Vol. 1834, reel C-1224, 205-206, Return of Indian Stores, 22 March 1788.

[96] Simcoe resided in Quebec for the first few months in Canada. He arrived at Niagara to take up residence at Navy Hall on Thursday 26 July 1792 (E.A. Cruikshank, ed., *The Correspondence of Lieut. Governor John Graves Simcoe with Allied Document Related to the Government of Upper Canada, Vol. 1, 1789-1793* (Toronto: Ontario Historical Society, 1923), 184 (hereafter cited as *The Simcoe Papers, Vol. 1*), Simcoe to Clarke, 29 July 1792.

[97] *The Simcoe Papers, Vol. 1*, 118-119, Simcoe to Dundas, 10 March 1792.

[98] Simcoe's sketch is reproduced in colour in Gentilcore and Head, *Ontario's History in Maps*, Map 4.1, 81. A dotted line inside this tract marks the portage route between The Narrows and Matchedash Bay.

[99] Smith, *Military Memoirs, Vol.3*, 15. Smith's notes, and presumably his sketch maps as well, are dated "(1792)" (*ibid*., 12).

St. John."[100] In December 1793 Aitken travelled to Montreal in order to consult with Captain Chew, Secretary of Indian Affairs, "to make inquiry with respect to the lands heretofore purchased from the Messessagua Indians." Because Chew was unable to provide sufficiently detailed information about the boundaries of Indian purchases along the communication route, Aitken travelled to Quebec City to continue his investigations. Aitken spent several days in the Surveyor General's Office "searching for the Plan of the Communication from York to Lake Huron (by Mr. Collins)" and on 2 January 1794 he "found the Plan with a Blank deed annexed to it, signed by Messr's Collins, Kotte [sic] & Lines." Aitken reported his findings to Lord Dorchester and on 7 January 1794, John Collins was "interrogated by His Lordship with respect to the Indian Purchases but could give no Satisfactory answer."[101] Within weeks of this interrogation, Dorchester notified Lt-Gov. Simcoe that the blank deed of the purchase supposedly made "at Matchedash Bay" was "of no validity." In Dorchester's opinion, "no fraud has been committed or seems to have been intended" but the omissions left the Crown in a vulnerable position:

> It has, however, been an omission which will set aside the whole transaction and throw us entirely on the good faith of the Indians for just so much land as they are willing to allow, and what may be further necessary must be purchased anew.[102]

In May 1795 the interpreter Jean-Baptiste Rousseau (aka "Mr. St. John") certified his recollection about "the purchase made from the Chippaway Indians" of a tract containing:

> One mile on each side of the foot path from the Narrows at Lake Simcoe to Matchidash Bay, with three Miles and a half Square, at each end of the said Road or foot path, for the building of Stores or any other public purpose, also one mile on each Side of the River which empties out of Lake Simcoe into Matchidash Bay for the purpose of carrying on the Transport.[103]

Of note is that Rousseau's description of mile-wide tracts along the two carrying places between Lake Simcoe and Matchedash Bay, connected at each end by larger blocks of land for transportation and storage infrastructure, does not accord with any known map of that purchase. Rather, extant maps show a rectangular tract, for example, the 1792 map by D.W. Smith (Figure 3 above) and the 1811 map by Thomas Ridout (Figure 6 below). Rousseau's account also does not identify the Indian Affairs official who negotiated the surrender nor the location and date of the purchase agreement.

None of the correspondence and in-

[100] AO RG 1-61-0-06, Alexander Aitken, Provincial Surveyor, "Journal & Field Book from 10th Oct'r 1793 to the 10th of April 1794," 4, 5 November 1793. "Mr. St. John" refers to Jean-Baptiste Rousseau, Indian interpreter.

[101] *Ibid*., 17 December 1793 - 7 January 1794.

[102] LAC MG 11 CO 42/101 Folio 128-129, Lord Dorchester to Lt. Gov. Simcoe, 27 January 1794. A typescript copy is published in Cruikshank, ed., *The Simcoe Papers, Vol. 2*, 137-138.

[103] AO F47-1-2-32 (Simcoe Papers), Severn River Purchase certified by J.B. Rousseau, 21 May 1795.

vestigations in the 1790s and early 1800s related to the uncertainty of Indian purchases mention a purchase by John Collins in the year 1785. Superintendent General John Johnson's recollection in March 1798 (quoted above) refers to purchases made by Crawford in 1784 and by Johnson and Butler in 1787 and 1788, but not to any purchase by Collins in 1785.[104] The statement in 1798 by Peter Russell, President of the Executive Council and acting Superintendent General of Indian Affairs, indicates that "the Blank Deed" of 1787 was "intended to cover the Matchidash as well as the Toronto Purchase."[105] And the text of the Provisional Agreement between the chiefs of the Chippewas and Wm. Claus on 8 June 1811 explicitly bounds the proposed purchase of the Kempenfelt tract in reference to "Matchedash Bay, according to the different windings and courses of said Bay to the western boundary line of a purchase made from the Indians in the year 1787."[106] Finally, an inquiry conducted by Indian Affairs in the 1830s concluded that only the date of the Matchedash Purchase had been "supposed" and that a map found in the Surveyor General's office proved that the tract had been ceded in 1787. According to James Givens, Chief Superintendent of Indian Affairs in Upper Canada, this map also illustrated "a tract of land supposed to contain about 50,000 acres between the northern boundary line of the purchase of 1787 and the Matchedash River belonging to them, still unsurrendered."[107] A map by Thomas Ridout dated ca. 1811 shows this area north of the Matchedash Tract and south of the River Matchedash as "48,325 Acres" (Figure 6).[108]

The notion that a land purchase at Matchedash was executed in 1787 is not new. In a presentation to the Royal Society of Canada in 1937, historian Percy Robinson suggested that "the Matchedash trail—the original *Portage de Toronto*

[104] AO, RG 1, Series A-I-1, Vol. 55, reel MS 626/3, 197-199, Extract from Johnson to Green, 26 March 1798.

[105] Cruikshank and Hunter, eds., *The Russell Papers, Vol. 2*, 159-161, Russell to Prescott, 23 May 1798.

[106] LAC MG 11, "Q" Series, Vol. 314, 154-156, Provisional Agreement with the Chippewas for a Tract containing ab't 250,000 Acres, 8 June 1811. Curiously, the official text of the Confirmatory Surrender No.16 in 1815 revised this wording to "the western boundary of a purchase said to have been made in the year one thousand seven hundred and eighty five" (Canada, *Indian Treaties and Surrenders*, Vol. 1, 42-45, No.16, 18 November 1815).

[107] LAC RG 10, Vol. 2330, File 67071-3, Pt.2, reel C-11202, J. Givens to T.G. Anderson (S.I.A. Coldwater), 13 April 1836. According to Givens, this inquiry was undertaken to address claims made at "the Assemblage of the Indians at the Narrows on the 30th ultimo, when it appears they took into consideration the various purchases from time to time made from them by Government and entertained a doubt respecting the tract of land "supposed" to have been sold by the Indians in 1785."

[108] AO Map Collection B-24, Folder F005382, The Penetanguishene purchase and proposed purchase, Thomas Ridout, 1811. This map is likely based on the map filed in the Surveyor General's office, titled "Sketch from Cook's Bay on Lake Simcoe to Penetanguishene, on Lake Huron, shewing the Tract proposed to be purchased (shaded black) with the Contents thereof, upon my Calculation," T. Ridout, 5 June 1811 (LAC H3/420/Simcoe/1811, NMC 3322, MIKAN 4130751).

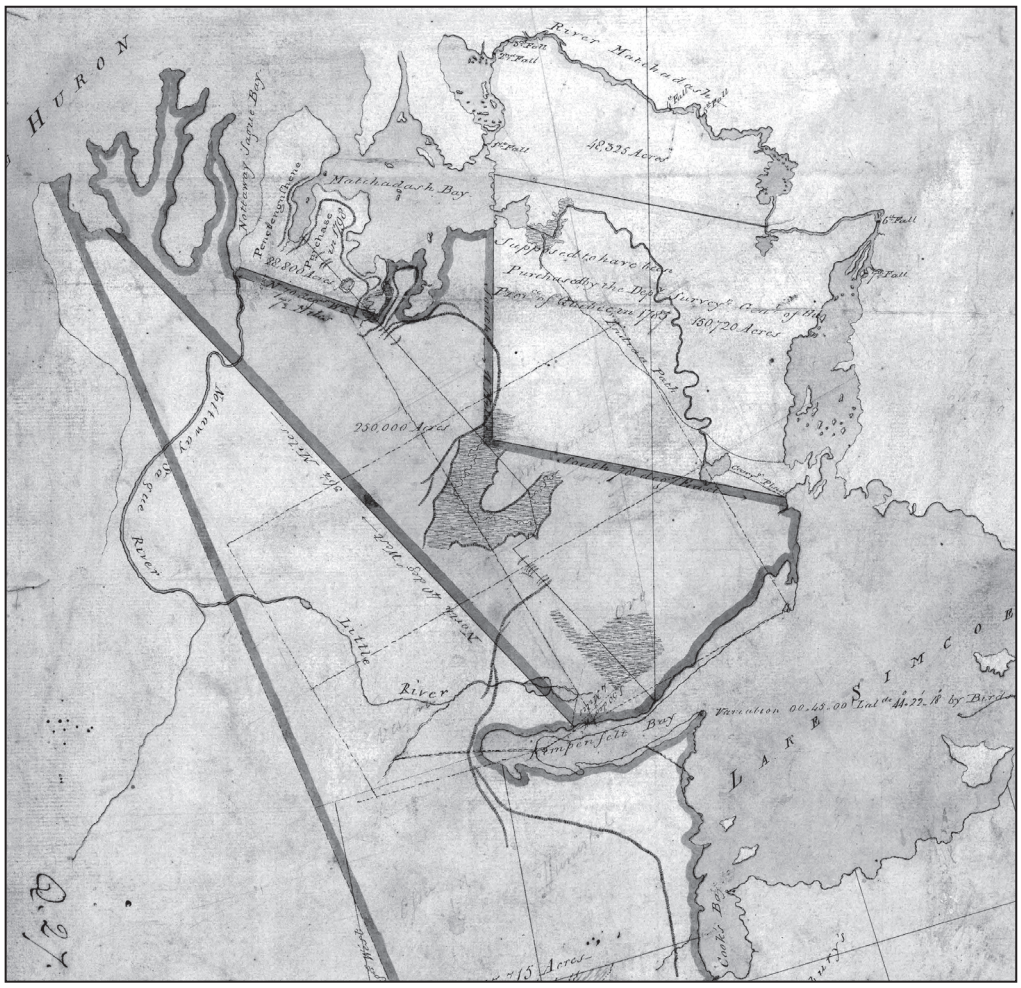

Figure 6: Detail of T. Ridout's Map (1811) showing the Matchedash Tract. Source: AO Map Collection B-24, Folder F005382, Thomas Ridout, 1811.

of Denonville —was acquired in 1787 at the same time as the trail from the Humber mouth to the Holland River."[109] Robinson reiterated this finding in a 1947 publication on the Toronto Purchase. He explained that "in 1785 Deputy Surveyor-General John Collins surveyed and mapped the Humber-Holland trail and what became fifty years later the Coldwater Road," but that steps "to purchase from the Mississaugas land at Toronto and along the two trails between Toronto and Matchedash" were initiated at the Bay of Quinté in September 1787 and ratified

[109] Robinson (1937), "The Chevalier De Rocheblave and the Toronto Purchase," 146. Robinson states that the key piece of evidence in support of his conclusion was the "recent" discovery of Sir John Johnson's letter dated 26 March 1798.

in August 1788. Robinson's analysis of the historical record led him to conclude that because the 1805 confirmatory agreement with the Mississaugas of the River Credit did not mention the tract purchased at Matchedash, "in process of time this part of the original bargain was entirely forgotten." Robinson opined with certainty that "the Toronto Purchase of 1787-88 was the purchase of all the land between Lake Ontario and Lake Huron traversed by the two trails of the Toronto Carrying-Place and the Orillia-Coldwater Road."[110] Despite Robinson's findings published in 1937 and again in 1947, later historical accounts of treaty making in Upper Canada have perpetuated the misconception that the Matchedash tract was purchased by Collins in 1785.[111]

The various efforts during the 1790s to confirm the earlier purchases did not clarify the terms or boundaries of the Matchedash Purchase. Although Lt-Gov. Simcoe and President Peter Russell apparently intended to confirm the Matchedash Purchase in the course of executing the Penetanguishene surrender, only vague references to such confirmations are documented in the archival record. For example, at York in the spring of 1795 Simcoe met with "the Indians from Lake Huron" in order to discuss "the purchase of Pennatangushene [sic] Harbour, and the doing away with any difficulties, if such arise, from the delay of not having taken possession of those lands which have formerly been purchased."[112] A provisional surrender was negotiated and signed on 19 May 1795.[113] Simcoe's report to Lord Dorchester dated 26 May 1795 suggests that the Matchedash Purchase may have been confirmed in the course of negotiations for Penetanguishene Harbour, stating that the Indians of Matchedash "seem extremely well satisfied, and are disposed to confirm such purchases as were formerly made of them" and that "they will consider the goods to which by this Treaty they are to be entitled, as recompense sufficient for what has been supposed to have been purchased on former occasions."[114] No confirmatory deeds for the "former" cessions were produced at the time. Similarly, and as discussed earlier, Peter Russell's treaty council in May 1798 to confirm the Penetanguishene purchase did not result in any further action by Crown officials to document the terms of agreement or boundaries of the

[110] Robinson (1947), "The Toronto Carrying-Place and the Toronto Purchase," 47-48.

[111] Morris, *Indians of Ontario*, 10; Surtees (1984), "Indian Land Surrenders in Ontario 1763-1867," 34-37; Surtees (1994), "Land Cessions, 1763-1830," 103, 106; Miller, *Compact, Contract, Covenant*, 84.

[112] E.A. Cruikshank, ed., *The Correspondence of Lieut. Governor John Graves Simcoe with Allied Documents Related to the Government of Upper Canada, Vol. 3, 1794-1795* (Toronto: Ontario Historical Society, 1925), 326, Simcoe to Dorchester, 15 March 1795.

[113] LAC, RG 10, Vol. 1840, IT 019, reel T-9938, Provisional Agreement (Penetanguishene Harbour), 19 May 1795.

[114] E.A. Cruikshank, ed., *The Correspondence of Lieut. Governor John Graves Simcoe with Allied Documents Related to the Government of Upper Canada, Vol. 4, 1795-1796* (Toronto: Ontario Historical Society, 1926), 17-18, Simcoe to Dorchester, 26 May 1795.

Matchedash Purchase.[115] Consequently uncertainties persisted as shown on maps dated 1811 (Figure 6 above), 1815 and 1817 and as reproduced in an Indian Affairs report in 1860. These maps variously identify a rectangular Matchedash tract as "Purchased in 1785. 150,720 Acres, Completion Doubtful," or "Supposed to have been Purchased by the Dep^{t} Surveyor Gen^{l} of the Province of Quebec in 1785, Containing 150,720 acres."[116] This area was surveyed into townships in the years 1820 to 1836.[117]

As noted above, Chief Superintendent Givens conducted an inquiry in 1836 concluding that only the date of the purchase had been "supposed," but that the metes and bounds of the Matchedash tract shown on a map found in the Surveyor General's office and signed by Samuel Holland removed "all doubt respecting the fact of the purchase."[118] However, contrary to Givens' certainty, the Matchedash Purchase was questioned by Chippewa First Nations in a memorial dated 1847-48 from the "Lake Huron and Simcoe Tribe of Indians residing at Snake Island, Rama and Beausoleil Island" and addressed to Governor General Elgin. Paragraph numbered "3" in the margin of this memorial refers to the Matchedash tract which the Chippewas claimed had "never been ceded to the Crown." According to their understanding, the tract was surveyed prior to it being purchased by the Crown because "the Americans might come and want to get these lands from the Indians but if they see it is surveyed they will think it belongs to the British Government and will not ask you for it," and that "Col. Givens told the Chiefs after it was surveyed if they like they might take up all the posts along the shore and throw them into the water that it would not be a bit of harm for the land is yours."[119] Indigenous leaders reasserted these claims in person to W.B. Robinson on 16 September 1850 when he returned to Penetanguishene after negotiating the Robinson-Huron Treaty: "Saw Yellowhead, Snake & Aissance on their business —they claim some right to a small tract of land near Severn River, which they say

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[115] Cruikshank and Hunter, eds., *The Russell Papers, Vol. 2*, 160-161, President Russell's Speech to Yellow Head and several other chiefs of the Chippewa Nation from Lake Simcoe; Yellow Head's Answer to the President's Request, 22 May 1798. The Penetanguishene Purchase was confirmed on the same date (Canada, *Indian Treaties and Surrenders*, Vol. 1, 15-17, No.5, 22 May 1798).

[116] LAC, MG 24, A-4, reel-M-204, Sketch of Upper Canada, endorsed by Thos. Ridout, Surveyor General, 8 March 1815; LAC, MG 19, Series F1, Vol. 11 (M-114), reel C-1480, 31-32, Ridout to Claus, 6 May 1817; AO, RG 1, Series A-I-7, Vol. 8, Env. 5, reel MS 892/5, 04268, R.T. Pennefather [to Governor General], 25 August 1860.

[117] Dean and Matthews, *Economic Atlas of Ontario*, Plate 99 [Inset]: Dates of the original township surveys.

[118] LAC RG 10, Vol. 2330, File 67071-3, Pt.2, reel C-11202, J. Givens to T.G. Anderson, 13 April 1836.

[119] LAC, RG 10, Vol. 123, 6199-6202, Memorial Address of the Lake Huron and Simcoe Tribes, ca. 1847-1848. The cover page to this memorial reads: "*vide* letter to CC Lands 1 February 1848." This memorial is also filed together with other returns dated 1847-1848 containing "claims by Indians in Canada West to certain lands which they state have not been ceded to the Crown" (LAC RG 1-273-5-1-1, Campbell to Commissioner of Crown Lands, 1 February 1848, 8-9).

is not included in any former treaty."[120] Again in July 1859 the Chippewas of Lakes Simcoe and Huron asserted a claim to lands outside the boundaries of Surrenders No. 5 (1798) and No. 16 (1815), suggesting that from the Indigenous perspective, the Matchedash Purchase had never been confirmed.[121]

From the mid-1800s onward the Chippewas of Lakes Huron and Simcoe disputed the extent of ceded land between Lake Simcoe and Matchedash Bay. If the Indigenous view of the Matchedash Purchase was more akin to that described by Rousseau —that is, a corridor along the carrying places and mile square plots at either end, this might explain their claim to the intervening lands, that is the tract measuring 150,720 acres. Whatever the case, Indigenous claims to unsurrendered lands dated into the 1900s variously included all or part of the Matchedash tract. In 1916, R.V. Sinclair's investigation lent some validity to these claims to lands "between Moose Deer Point and a point in the neighbourhood of Penetanguishene."[122] The map accompanying Sinclair's report shows a "black border" marking what he understood to be the "approximate limits of the territory claimed by the Chippewas and Mississaugas." The black border encompasses the Matchedash tract north of the boundary of Surrender No. 16, 1815.[123]

In 1923 the Williams Commission ultimately decided to include the entirety of the Matchedash tract north of the boundary of the 1815 Surrender, as written in Clause 1 of the text of the Williams Treaties.[124] Although the Matchedash Purchase was then considered confirmed, questions continue to be raised about the implications of the Williams Treaties for this and other early colonial purchases, as demonstrated by claims currently under consideration by the Federal Court of Canada.

Conclusions

In the decades and centuries since the Crawford, Gunshot, Toronto, and Matchedash purchases, Crown and Indigenous parties have presented varying and sometimes opposing interpretations of the terms of those treaties, disputes which continue to the present era in the context of litigation and negotiation. The relative dearth and often vague nature of the surviving records means that much about the original terms and understandings of these early land agreements remains a mystery. What is known is that these colonial purchases shared the objective of securing settlement lands and

[120] AO F44-MU5906, Envelope: J.B. Robinson Papers, 1850, 28-29, Diary of W.B. Robinson, 16 September 1850.

[121] AO, RG 1, Series A-I-7, Vol. 8, Env. 5, reel MS 892/5, 36, Memorial from the Chippewa Indians of Lakes Huron and Simcoe, 11 July 1859 (Printed in "Indian Department (Canada), Copies or Extracts of Correspondence...," Ordered by House of Commons, 25 August 1860).

[122] OMNR, Indian Land Files, File No. 19388, 2, Report by R.V. Sinclair, 23 November 1916.

[123] LAC RG 10M, Acc. No. 78903/78, Col. 2332, File 67071, Map 6: Item 1225, NMC 069354, R.V. Sinclair's map of approximate limits of the territory claimed by the Chippewas and Mississaugas, 1916.

[124] LAC, RG 10, Vol. 1853, Pt. 1, reel T-9941, Treaty No. 1080, cover date 31 October 1923; LAC, RG 10, Vol. 1853, Pt. 1, reel T-9941, Treaty No. 1081, cover date 15 November 1923.

communication routes in the aftermath of the American War of Independence. The land cessions in Ontario from 1783 to 1788 were phases in a single grand plan and as such were connected both geographically and chronologically.

Recognizing the Crown's strategic approach to land purchases leads to what I contend is a valuable analytical perspective. By examining these transactions as contiguous in time and space, historical researchers can gain greater clarity about this early period of treaty-making. This perspective requires that the extant archival records be examined in their entirety and with a view that the documented details of one transaction may overlap and inform the other transactions. Adopting such a strategic approach to the analysis of the surviving documentation leads to several conclusions regarding the dates and boundaries of the four purchases examined here.

First, the strategy to secure settlement and communication within British territory was conceived at least as early as 1780. By the autumn of 1783, the first phase was initiated by Captain W.R. Crawford who negotiated a purchase of lands from the Mississaugas of Kingston. In 1784 Crawford completed negotiations with the Mississaugas of the Bay of Quinté. In total, this tract extended from near Brockville westward to Trenton. The depth of these purchases was vaguely defined as a distance as far as a man could walk in a day, or as far as a gunshot could be heard. Crown authorities interpreted this distance as two to three township depths inland from the shorelines of the Bay of Quinté and the St. Lawrence River. No formal deed nor map of the Crawford Purchase has been found in the archival record.

Second, it appears that it was also in 1784 that preliminary negotiations were initiated with other Mississauga and Chippewa nations for lands along the north shore of Lake Ontario and following the route from Toronto to Lake Simcoe and then into Lake Huron. That provisional agreements were reached in 1784 is inferred from documents related to investigations in the 1790s about the prior surrenders.

Third, in August 1785 Surveyor John Collins, together with Captain Crawford, held a conference at Lake Simcoe with several Mississauga and Chippewa nations. The parties arrived at a right-of way agreement that allowed Crown access to waterways and carrying places and permitted the construction of forts and storage facilities. No land purchase was executed at this time.

Fourth, another conference was apparently held at the head of the Bay of Quinté in September 1786, presided over by the Superintendent General of Indian Affairs Sir John Johnson. According to the interpreter John Long, Johnson proposed a cession of lands along the Toronto Carrying Place and north to Lake Simcoe and Matchedash Bay.

Fifth, on 23 September 1787 Johnson again met with leaders of Mississauga and Chippewa nations at the head of the Bay of Quinté. The record of goods distributed at that council indicate that representatives of several Indigenous nations were party to a formal cession of lands on

the north shore of Lake Ontario. No map illustrating the extent of this agreement has been found. The deed of conveyance drawn up at this council was never completed and is referred to as the "Blank Deed." This blank deed is also associated with the purchase of lands at Toronto and at Matchedash Bay.

Sixth, in August 1788 Major John Butler presided over councils to confirm the purchase of lands from the Mississaugas of the River Credit, the Mississaugas of Rice Lake, and the Chippewas of Lakes Huron and Simcoe. The return of goods distributed in 1788 confirmed that only the Toronto and Matchedash Purchases had been agreed to the previous September. The meetings in August 1788 confirmed the Toronto and Matchedash Purchases, and added the Gunshot Treaty lands along the north shore of Lake Ontario. There are no extant deeds or maps for the 1788 agreements.

Seventh, the Toronto Purchase was confirmed in 1805. Although this tract represented only a portion of the lands surrendered in 1787-88, the official record of the 1805 surrender (No. 13) is considered to be the confirmation of the 1787 blank deed. No mention is made of the Gunshot Treaty tract along the north shore of Lake Ontario, nor of the Matchedash Purchase tract.

Eighth, the boundaries of the Gunshot Treaty were never confirmed by colonial officials. The tract along the north shore of Lake Ontario was ascertained to be a depth of ten to twelve miles inland and was also described by Mississaugas as being as far as a gunshot could be heard. The Crown understood that the western and northern boundaries of this tract extended inland to the shores of Lake Simcoe but descendants of the Indigenous signatories claimed that the treaty did not extend that far north. The extant historical record provides no certainty on this matter.

Ninth, the boundaries of the Matchedash Purchase tract were also not confirmed by colonial officials. Crown maps show a rectangular tract but these maps do not accord with the description of mile-wide corridors as recollected by the interpreter J.B. Rousseau. Nor does it accord with later understandings by Chippewas of Lakes Huron and Simcoe who claimed that all or part of that tract was not surrendered.

Finally, the absence of any documentary validation of the Gunshot Treaty and Matchedash Purchase and the ongoing claims related to the boundaries of these tracts were matters raised by Chippewa and Mississauga witnesses at the Williams Commission Hearings in 1923. Consequently the latter two tracts were encompassed within the bounds of the 1923 Williams Treaties. This did not, however, end all uncertainties about these early surrenders and questions remain about the consequences of the Williams Treaties with respect to the original understandings of Indigenous signatories who agreed to terms of surrender in the 1780s.[125]

[125] Post-script: A Settlement Agreement between the Williams Treaties First Nations, Canada and Ontario was finalized in August 2018 and Statements of Apology were issued by Canada and Ontario in November 2018. <https://www.rcaanc-cirnac.gc.ca/eng/1542370282768/1542370308434>.