

The Haldimand Agreement: A Continuing Covenant

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It is said that during the American War of Independence the roll-call wampum, the sacred beads that designated where the representatives of the Six Nations of the Iroquois Confederacy grouped themselves about the council fires, was buried for safekeeping. After the war it was unearthed and reused when Sir Frederick Haldimand, the Governor of Quebec, granted members of the tribes an extensive tract of land on the banks of the Grand River in Ontario, Canada. Today the Six Nations Reserve near Brantford in Ontario is the largest of the Iroquois reservations and the only one that includes groups from all the Six Nations. These Indians are descendants of those who, as a result of their siding with the British at the time of the revolution, were forced to take refuge in Canada and were given in 1784 the Grand River lands. The arrangement which the Canadians call the Haldimand Deed is to this day regarded as a legitimate treaty by the Iroquois.

The Iroquoian-speaking Peoples of the Northeast lived in a large expanse of territory stretching from Lake Nipissing in the present province of Ontario southward to the Susquehanna region of Pennsylvania. Their domain extended from the Adirondacks to the shores of Lake Erie. Some scattered bands had even pushed farther westward along the Ohio River and settled there.

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The date of the founding of the League is lost in antiquity. Historians and anthropologists have made estimates that range all the way from 1450 to 1660. Indian tradition follows the earlier date and assigns the founding to the work of two individuals. One was Deganawida, a Huron adopted by the Mohawks, and the other was Hiawatha, an Onondaga who was also adopted by the Mohawks. These two leaders persuaded the Five Tribes to unite in a league of peace and friendship rather than to continue their destructive feuding.

With the formation of the League Iroquois power and influence rose dramatically. Strengthened in numbers and united as never before, they now proceeded to dominate Northeastern America. After the coming of the Dutch, from whom they procured firearms, they were able to extend their conquests over all the neighbouring tribes until their dominion was acknowledged from the Ottawa River to the Tennessee and from the Kennebec to the Illinois River and Lake Michigan. Their westward advance was checked by the Chippewa while the Cherokee and the Catawba proved an effective barrier in the south.

After some thirty years of intermittent warfare the Iroquois, who probably never numbered more than twelve thousand, were in sole possession of the region east of the Mississippi and north of the Ohio-Tennessee, having dispersed, incorporated or exterminated all their neighbours. The Hurons, Petuns, Neutrals, Eries and Susquehannocks all fell victim to the Iroquois in the seventeenth century.

The reasons behind their eventual success continue to be a subject of debate for historians and anthropologists. In *The Wars of the Iroquois* Professor George T. Hunt examines three of the most common explanations but finds them unconvincing. The first of these is the theory that they were possessed of an "insensate fury" and "homicidal frenzy,"¹ a theory very much associated with Francis Parkman. But if such traits did exist the question arises as to why the Iroquois found themselves in such a weak position in the early part of the seventeenth century, at one stage being forced to flee from the Algonquins of the St. Lawrence.

The second explanation is that a superior political organization—the League—produced by a superior Iroquois intellect, rendered the Five Nations invincible. This is the thesis pro-

pounded by Lewis H. Morgan in his *League of the Iroquois*. Hunt, however, finds this unacceptable since he argues that "in the period of Iroquois conquest the League was little if any more effectual in achieving unanimity of action than were the loose Powhatan and Cherokee leagues, or even the Algonquin confederacy or the Choctaw republic."² Rather than seeing the League, as Morgan did, as the key to the Iroquoian ascendancy, Hunt argues the reverse, i.e., that it was the success of the Iroquois in war that made the League.

A third theory is that it was the great supply of firearms which the Dutch furnished that brought about Iroquoian supremacy. Again there are weaknesses in the explanation. The evidence suggests that they possessed much fewer arms than they are generally believed to have had. As Hunt points out, in 1640 "a 'heavily armed' war band of five hundred Iroquois had exactly thirty-six arquebuses."³ Moreover, it seems that the Dutch made serious efforts to limit the sale of arms to the Iroquois.

Nevertheless, the fact remains that the League of the Iroquois did achieve a position of unparalleled dominance in North-eastern America. Hunt suggests that the theories of inherent qualities, superior organisation and superior armaments are insufficient. Rather the explanation for the rise to power of the Iroquois lies in the coming of the Europeans to America and specifically to the development of White trade throughout the region inhabited by the Iroquois and the regions beyond them. The fur trade with the Dutch became so important to the Iroquois that when their supplies were exhausted they were impelled to move against neighbouring tribes in order to find new supplies. It had become a matter of life and death for them.

As the European presence on the North American continent grew so the Indians were drawn into their political power struggles. They were enlisted as allies by the competing imperial states and as trappers to meet the demands of European fashion. Moreover, the demands of commerce and trade now began to engender fierce rivalry and competition among the various tribes. The Five Nations, in particular, were to play an immensely important role in the European power struggle.

When the beaver supply was exhausted in the country of the Confederacy after 1640, the Iroquois found themselves in difficult straits. After several years of scattered raiding and fruitless

negotiations, the Mohawks and Senecas, in an attempt to open up new fields of supply, turned upon the Hurons in a concerted attack that proved to be disastrous for the more northerly tribe.⁴ It also proved to be unfortunate for the French who by this time had allied themselves with both the Adirondacks and the Hurons. Morgan points out that as early as 1609 the French had aroused "the uncompromising and inveterate enmity of the League"⁵ when Champlain on one of his early expeditions joined a party of Canadian Indians against the Iroquois. Certainly, by the close of the war with the Hurons it seems that Iroquois policy was set firmly against the French.

For their part, the French tried on countless occasions to win over the Five Nations. What successes they had in these endeavours can be attributed to a large extent to the efforts of the French Jesuit missionaries. A considerable number of individuals from different tribes, most of them Mohawk and Onondaga, did withdraw from the Five Nations and formed Catholic settlements at Caughnawaga, St. Regis and Oka on the St. Lawrence. The tribes of the League did try to induce them to return but eventually in 1684 declared them to be traitors. In later wars the Catholic Iroquois took part with the French against their former brethren.⁶

Morgan suggests that Iroquois hostility to the French stems from more than early battlefield conflicts. In his view "the French were more inclined to resort to intimidation in their intercourse with the Iroquois than to conciliation and forbearance." In addition, French heavy-handedness was compounded by continuing Iroquoian interest in the country around Montreal, "which in ancient times had been the home of their fathers." The enmity of the Five Nations undeniably handicapped the French in their efforts to dominate this part of America. Morgan goes as far as saying: "To this Indian League, France must chiefly ascribe the final overthrow of her magnificent schemes of colonization in the northern part of America."⁷

In contrast to their dealings with the French, very friendly relations were established between the Iroquois and the Dutch which continued until the latter surrendered their possessions on the Hudson to the English in 1664. Along with the takeover of the Dutch colony of New Netherlands, the English inherited their friendly relations with the Iroquois. The proximity of the English to the Five Nations country, the importance of Albany

as a trading centre with the Indians, and the lower cost of English goods as compared with the French manufacturers were factors of prime importance in drawing the Iroquois into the English orbit. Nor were the early English colonists slow to realize the benefits to be gained from undercutting their French rivals. As one contemporary commentator put it:

They effect them most who sell best cheap. This makes it necessary that the trade with them should in England lye under as small duties and embarrassment as may be⁸

The English were determined to maintain cordial relations with the Iroquois. Early on a "covenant chain" was established between them which the latter placed great significance in and which they constantly referred to in subsequent dealings with the European nation. The colonial authorities for their part went to great lengths to secure and retain the favour and confidence of this powerful confederacy.

Each successive governor announced his arrival to the Sachems of the League, and invited them to meet him in council, at an early date, to renew the 'covenant chain.' Each new alliance was cemented by presents, by mutual professions of kindness, and by assurances of mutual assistance.⁹

In 1710 came the celebrated visit of the Indian chiefs to England and their reception by Queen Anne. Among them was Thoyanoguen, or Hendrick, a famous Mohawk leader. During this visit these chiefs pledged their support to the English and also requested that the queen send them missionaries. The monarch not only gave her exotic visitors bibles and prayer-books to take back with them, but also a communion plate for the Mohawk Chapel which she had ordered built. The plate, still apparently in the hands of the Mohawks, was engraved with the queen's cipher and coat of arms and the notation: "The Gift of Her Majesty Anne by the Grace of God, of Great Britain, France and Ireland and her plantations in North America, Queen, to her Indian Chapel of the Mohawks."¹⁰

Despite such elaborate efforts, however, the English never succeeded in winning the total support of the Confederacy. As Graymont points out:

During the three intercolonial wars of the eighteenth century (Queen Anne's War, 1701-13, King George's War, 1744-48, French and Indian War, 1754-63), most of the Iroquois preserved a neutrality.¹¹

The exception here would appear to be the Mohawks who remained the most faithful and dependable of Britain's allies. Note that in 1722 the Five became the Six Nations with the admission of the Tuscarora who gradually drifted northwards after their disastrous wars with the colony of North Carolina.

A brief survey of some of the key treaties made between the League and the representatives of Great Britain reveals that there were a number of strains beneath the surface. At the Councils of Fort George and Albany held in New York in 1722, besides the obligatory advice to the Iroquois to steer clear of the French (because "they always cheat you and take advantage in time of peace in order to weaken you"), there were indications that all was not well in Anglo-Iroquois relations. Governor Spotswood of Virginia, in particular, voiced concern over the increasing number of Indians entering his territory and making contact with the tribes within the Virginian boundaries.

At Lancaster in 1744 another very important meeting took place between the representatives of what by now were the Six Nations and the Governors of Virginia and Maryland. Despite evincing willingness to renew the covenant chain of friendship, the Iroquois were clearly quite skeptical of British claims that they had special rights based on their continuous occupation of American lands:

For we must tell you, that long before one hundred years our ancestors came out of this very ground, and their children have remained here ever since. You came out of the ground in a country that lies beyond the seas, there you may have a just claim, but here you must allow us to be your elder Brethren, and the lands belong to us long before you knew anything of them.¹²

In addition it is very clear from the discussions at Lancaster that the Iroquois felt the English had breached the Albany Treaty by allowing colonists to come in and settle areas which had been designated to be part of the Confederacy lands.

There were still outstanding and unresolved problems between the Six Nations and Britain and for this reason another treaty was signed at Logg's Town in 1752. British policy seems to have had three objectives: to secure a confirmation of the Treaty of Lancaster from the Indians; to gain their approval for the expansion of more trading operations into their territory; and, most important, to obtain the assistance of the tribes in the coming contest with France.

Until 1763 and the end of the French and Indian War the Iroquois were deeply involved in the imperial rivalry of England and France. Both these European powers sought alliances with the Iroquois who held a central and strategic position on the continent and who held sway over the tribes to the west. Moreover, the Iroquois themselves were not slow to realize that they could perform the role of the "balancer," playing the two powers off against each other, and at the same time deriving the consequent trading advantages that accrued from such a policy.

In 1754 the expected conflict broke out—the French and Indian War, the last of the great intercolonial wars. Despite their old alliance with the British there was no immediate inclination on the part of the Iroquois to join in the hostilities against France. It is true that William Johnson, the Superintendent of Indian Affairs, did manage to persuade the League to contribute some four hundred warriors to his expedition against the French at Fort Edward, but the modest victory achieved in this engagement did little to arouse the enthusiasm of the Iroquois. Indeed, in December of 1756 a delegation from all the tribes except the Mohawks went to Montreal to reaffirm their friendship with Ononto, as they called the French Governor of Quebec.

The Iroquois were willing to join in the war on either side but wanted the battles fought far away from their homeland. By 1759, however, British successes in reducing Louisburg, Fort Frontenac and Fort Duquesne were decisive in persuading the Confederacy to lend its weight to what seemed the winning side. The defeat of the French and their withdrawal from Canada at the end of this war left the Iroquois with little choice but to attach themselves unreservedly to the English. They could no longer play the two European nations off against each other to their advantage. At conferences with Johnson in 1762 and

1764 the sanctity of the "covenant chain" was reaffirmed and all the signs now seemed to point to a firm alliance of the League with Britain in the future.

A number of important personalities stand out when we look at the relations between England and the Six Nations in the second part of the eighteenth century. One such figure is Sir William Johnson. Born into the Scots-Irish gentry of County Down, Johnson emigrated to America in 1733 where his maternal uncle, Sir Peter Warren, put him in charge of his estate in the Mohawk Valley. In 1746 he was appointed Commissary of New York for Indian affairs. After his victory over the French at Fort Edward he was voted five thousand pounds, made a baronet and appointed Superintendent of Indian affairs in the entire area. He built "Castle Johnson," a fort on the Mohawk River, and lived there with a large family which consisted of his Mohawk wife, Mary Brant, and numerous legitimate and illegitimate children.

Johnson was instrumental in bringing about the Treaty of Fort Stanwix with the Six Nations in 1768. Though shrouded in controversy—it has been suggested that Johnson "mercilessly fleeced the Indians who trusted him as their protector"¹³—the purpose of the treaty was to create a satisfactory demarcation line between the settlements and the Indian country to replace the hastily drawn Proclamation Line of 1763. This Proclamation had been devised to secure the land west of the Appalachians for the Indians and to keep the White settlements on the east side of the mountains. But despite these efforts, the British Government, some three thousand miles away, was unable to enforce both the Proclamation of 1763 and the Treaty of 1768 against the land-hungry frontiersmen and property speculators.

In July 1774 Sir William Johnson died and was succeeded as Superintendent for Indian affairs by his nephew Guy Johnson. In a ceremony later that year the Six Nations assembled again in conference to reaffirm the sacred bond signified by the covenant chain belt. Though concerned about ever increasing White encroachments into their lands, they still were willing to place their trust in the English king and his superintendent.

So great were Indian anxieties that the Iroquois decided to hold a full council of the entire Confederacy at Onondaga in October 1774. The British still feared that the Six Nations might decide to break up the alliance and join the Shawnees who

were already involved in fighting the Virginians. But their fears were unfounded. At Onondaga each of the nations renewed its pledge to remain peaceable and to also persuade the Shawnees to make peace.

Another important character in this story was Joseph Brant or Thayendanagea. The younger brother of Mary Brant, he was a man of exceptional ability and strong character. Educated at Moor's Charity School in Lebanon, Connecticut, through the sponsorship of Sir William Johnson, Brant wrote his own Mohawk language and spoke at least three and perhaps all of the Six Nations languages. He was to become a valuable ally for the British in the eventful years ahead.

Brant attended the Great Council at Onondaga and then reported to Johnson that the alliance remained intact. For the new superintendent this was a matter of obvious concern. In a letter to the Secretary of State he stressed the importance of the Iroquois decision. "The Six Nations alone can muster 2000 fighting men without taking in their dependent tribes in Canada or about the lakes."¹⁴ By now it was only a matter of time before hostilities broke out between the colonists and England. For many Iroquois the conflict seemed to be an unnatural one since it looked like a quarrel between brothers. As the Oneidas informed Governor Trumbull of Connecticut they would remain neutral: "Should the great King of England apply to us for aid—we shall deny him—and should the colonies apply—we shall refuse."¹⁵

In trying to secure the support of the Confederacy the British had one great advantage over their rebellious colonial subjects: they had frequently attempted to uphold justified Indian land claims in opposition to the importunities of the colonists. Of all the Six Nations the Mohawks were particularly vulnerable to land encroachments since they lived the closest to the White settlements. Their villages now lay entirely to the east of the line established by the Treaty of Fort Stanwix and entirely within the bounds of the province of New York. In 1773 they had become so disaffected as to consider moving to a completely new location. But as Graymont points out:

. . . it was the king and his representative, the Indian superintendent, who stood between the Indians and their greedy white neighbours in land disputes between the two peoples. In any dispute that threat-

ened to remove the restraining hand of the king from the land-hungry New Yorkers, the Mohawks were likely to side with their friend King George.¹⁶

However, the same could not be said for all the tribes. In July 1775 the Continental Congress formed an Indian Department, appointed commissioners and prepared to stage a conference with the Six Nations. When the pro-British Mohawks heard of the impending meeting they attempted to dissuade their brethren from attending, but they themselves were rebuked by the Oneidas and Cayugas for "taking up arms in a peaceable country."¹⁷

The conference with the Americans took place in late August 1775. Although representatives of all the tribes of the Confederacy attended the council, it was composed chiefly of Oneidas, Tuscaroras and some Mohawks. Ironically, the American commissioner claimed that the king had "broken the covenant chain with his American children;" later the real intentions of the Continental Congress became clear:

This is a family quarrel between us and Old England. You Indians are not concerned in it. We don't wish you to take up the hatchet against the King's troops. We desire you to remain at home, and not join on either side.¹⁸

After two days deliberation the Indians replied that they would continue in friendship with both sides and would take no part in the dispute.

There was a fundamental difference in British and American attitudes towards relations with the Indians. The British placed a high value on their Indian alliances primarily because they saw this as a means of protecting the frontiers, not only against the Indians themselves but against the French and Spanish colonial empires. Men such as Sir William Johnson saw it as diplomatically prudent to concern themselves with the welfare of their Indian allies, to the extent of learning and honouring their customs and providing some protection from White encroachment. But this was a view which was not held by many of the colonial leaders and border settlers. For them the Indians were an obstacle in the path of advancing White civilization " . . . a creature to be appeased only when absolutely neces-

sary, to be exploited always, and to be divested of his land whenever feasible."¹⁹

As the war progressed the Iroquois were drawn into the Anglo-American conflict. The campaigns of 1777 had the effect of dividing allegiances and creating turmoil in the ranks of the Confederacy. At the famous battle of Oriskany the Oneidas fought alongside the Americans while the British utilized Mohawk, Seneca and Cayuga warriors. Indeed, Oriskany was a battle of enormous significance because it marked the beginning of civil war in the Confederacy.

Once the tides of battle began to turn against Great Britain, those Indians who had honoured the alliance became increasingly apprehensive despite the assurance, first offered by Sir Guy Carleton, Governor of Quebec, and later confirmed in 1779 by his successor, Sir Frederick Haldimand, a former Swiss mercenary, that their property and rights would be fully restored at the end of hostilities; Superintendent Guy Johnson reiterated this pledge in the spring of 1780. The British continued to try and allay the Iroquois fears of betrayal throughout the critical years of 1780 and 1781 when their help was desperately needed.

On November 30, 1782 Great Britain and the United States reached agreement on the Preliminary Articles of Peace. These provisions completely ignored the Indians and contained no guarantee for the protection of their rights.

Undoubtedly many of the British officials and officers who knew the Iroquois were appalled and embarrassed by the Government's abandonment of them. The leaders of the Confederacy, angry at their treatment, defiantly told General M'clean, commander at Niagara, that he

had no right whatever to grant away to the States of America, their rights of properties without a manifest breach of all justice and Equity, and they would not submit to it.²⁰

Meanwhile in the British Parliament as the debates continued on the Preliminary Articles of Peace, little attention was paid to the treatment meted out to the Indians. The exception was a speech made by Lord Walsingham of February 17, 1783 when he referred to England's "shameful and unpardonable treatment"²¹ of its Indian allies in North America. But his pleas fell

upon deaf ears. The prevailing view was put by Lord Shelbourne in the same debate. The peer completely rejected the idea that Britain's treaties with the Indians bound her to eternally protect her allies:

This is one of those assertions which always sounds well, and is calculated to amuse the uninformed mind; but what is the meaning of in perpetuo in all treaties? That they shall endure as long as the parties are able to perform the conditions.²²

The Iroquois were faced with a *fait accompli*. One of the first to realize the implications of what had happened was Joseph Brant. The Mohawk leader had two immediate objectives: to establish a home for his people in Canada and to unite the tribes of the Northeast to hold back American intrusions into their lands. Fortunately his pro-British pedigree and his standing among crown officials in North America enabled him to wield some influence. Brant was held in high esteem by many persons ranging from Colonel Daniel Claus of the Indian Department, who was especially impressed by the chief's "genius," to Haldimand, who acclaimed his military services by appointing him on May 23, 1783 captain of the North Confederate Indians.²³

Brant knew that the war had made it impossible for the Mohawks to return to their former homes. Therefore, he dropped strong hints that his people might be induced to move permanently to the St. Lawrence River region or the west side of Lake Ontario. The suggestion eventually reached the ears of Governor Haldimand who responded favourably, dispatching a survey crew to examine the Catarqui district at the eastern end of Lake Ontario, with "a view to settle such of the Six Nations as will prefer that situation."²⁴

Although the Mohawks had originally planned to settle by the Bay of Quinte, a large portion of them changed their plans. Brant came under strong pressure from the Senecas who considered Quinte too far removed from the rest of the Six Nations. Had the eastern end of Lake Ontario actually been selected as the main haven for the Iroquois, the Senecas would have occupied a vulnerable position on the borders of American settlement. They pressed the Mohawks, therefore, to consider moving further south.

At the same time as these intertribal discussions were taking place negotiations were also being held between Commissioners representing the United States and those members of the Confederacy still residing in New York. Under the terms of the Treaty of 1783 the victors had undertaken to protect their former adversaries on condition that the tribes relinquish their claims to a large portion of their territory and deliver up all their prisoners. These terms were embodied in the subsequent Second Treaty of Fort Stanwix. The provisions appalled the Mohawks who resolved to maintain close relations with their brethren on the other side of the newly established international boundary.

Two other considerations entered into the Mohawks' decision to press for a tract of land in southern Ontario. This location would be closer to the western allies of the Six Nations. There was also the added inducement that the area they coveted had some important natural advantages: "the mildness of the climate, the fertility of the soil, and the convenience of hunting."²⁵

In spite of Brant's arguments and Haldimand's urgings, a number of Mohawks under the leadership of John Deseronto preferred to settle at Quinte precisely because it was so far removed from the border and the Americans. Haldimand's motives for wanting the Mohawks to maintain their unity were not entirely altruistic: a strong Mohawk nation could serve as a protecting buffer for the British settlements already being developed toward the western end of Lake Ontario. Brant, for his part, tried in the next few years to persuade the Quinte Mohawks to disavow Deseronto's leadership and join their brethren further west.

Once the decision had been made by the bulk of the Mohawks, Haldimand moved fast to make the necessary arrangements. On May 22, 1784, for the princely sum of "Eleven Hundred and Eighty Pounds Seven Shillings & Four Pence,"²⁶ he purchased from the Mississauga Indians a tract of land on the Grand River "Six Miles deep from each Side of the River beginning at Lake Erie, and extending in that Proportion to the head of the said River, which them and their Posterity are to enjoy for ever."²⁷ The full extent of the Haldimand Grant has been variously estimated at anywhere between 570,000 and 675,000 acres.

Despite the fact that Haldimand's famous proclamation appears to be quite a clear and precise document, it has become a subject of great controversy. Brant from the outset placed great stress on the phrase "His Majesty's faithful allies"²⁸ and interpreted this to amount to full national recognition of the Mohawks and their fellow tribesmen, an interpretation not shared by the British.

Once the fighting was over between Great Britain and the United States, a new phase in their relations began, a phase that was characterized by intrigue and chicanery and the ever present threat of a resumption of hostilities. The Six Nations of the Iroquois found themselves very much the centre of attention, subject to pressure and persuasion from both sides.

The question that was uppermost in the minds of Britain's allies, which included not only the Iroquois but a large body of western Indians including the Delawares, Shawnees, Cherokees and other smaller tribes, was how the peace treaty with the United States would affect them. In fact, according to the boundary line established by the Treaty of 1783, most of their territory would now come under United States control.

At Niagara in July 1783 when Sir John Johnson, the Superintendent of the Department of Indian Affairs, announced to the Six Nations the terms of the peace treaty between the United States and Great Britain, he assured them that the new international boundary was not "meant to deprive" them of their lands and would not affect their "right" to it, even though they would be under the jurisdiction of the United States. He recommended that they be "unanimous" and "not scatter about the county" and that they avoid any hostile acts which might arouse American resentment.²⁹ At the same council some Six Nations chiefs proposed that they should "go to Sandusky to have a meeting with the Western Nations and to form a General Confederacy of Union and friendship amongst themselves."³⁰

At the Sandusky council in September 1783 Joseph Brant and about fifty other Six Nations deputies met with the Cherokees, Creeks and Western Indians. Much emphasis was placed upon the importance of unity to prevent American encroachments on their lands. Brant proposed a covenant between the western tribes and the Iroquois:

Bind your hearts and minds with ours, that there may be never hereafter a separation between us, let there be Peace or War, it should never disunite us, for our interests are alike nor should anything ever be done but by the voice of the whole, as we make but one with you.³¹

In the years after the Sandusky meeting the tribes of the new Western Confederacy held frequent councils for consultation and attempts at joint action with the western tribes sending representatives to meet with the Six Nations Indians and vice versa. The British kept a very careful watch on these councils, seeing them as a means of advancing British policy in North America. In the first council after the Sandusky meeting a Cayuga chief told the Confederates that the Six Nations would "continue to follow the advice of our Brothers the English . . ." and that they should do the same.³²

The great British fear was that the United States might make a separate agreement with the Indian tribes, thereby rendering them useless as a protective "buffer" against a possible American attack. As Governor Haldimand put it: "Policy as well as gratitude demands of us attention to the sufferings and future situation of these unhappy people."³³ It was noticed with consternation that immediately after the proclamation of peace the United States had announced a policy of conciliation with the western Indians; even before the signature of the peace treaty, commissioners had been dispatched to the hostile tribes.

But the British anxieties were unwarranted since there was little chance of a comprehensive peace settlement between the Western Confederation and the United States. The primary objective of this new Indian grouping was the preservation of their lands from American encroachments. In line with the principle that was alluded to earlier by Brant, they declared that peace could only be made by the unanimous approval of all the tribes. Therefore, the Fort Stanwix Treaty signed by some of the Six Nations in 1784 and the Fort McIntosh Treaty signed by the Delawares and Wyandots were both repudiated.

Nevertheless, the American campaigns in the western country threatened eventually to destroy the British economic

and political dominance over the Indians south of the Canadian border and by 1791 the new Governor in Quebec, Lord Dorchester, was beginning to consider the idea of mediation between the tribes and the United States. However, by the end of 1792 this idea was abandoned due to lack of interest on the part of the Americans. Jefferson warned that any such mediation, whether performed by the United States or the British authorities,

would be only a source of never-ending embarrassment to both Governments, who had best regard their respective Indians as not possessed of independent sovereignty admitting the mediation of a third party.³⁴

This then was the United States' attitude towards the question of the sovereignty of Indian nations living within its jurisdiction. But what of Britain's relations with the Six Nations who had settled in Canada? As we have seen, Joseph Brant's efforts to prevent further American encroachments on Indian land had been relentless, but at the very same time that he was carrying out the wishes of the officials of the Canadian Department of Indian Affairs he was also fighting his own battles with them within the Grand River territory.

One of the major problems arising from the Haldimand grant was the question of whether or not Indians could dispose of their land directly to whomsoever they chose. Brant clearly thought this was the case and in the years immediately following the grant he began to invite White settlers to the region, actually providing them with rough land titles. Why he chose to do this is open to conjecture. Some of the earliest settlers were friends or acquaintances of Brant, such as the Young family, and they were issued deeds clearly stipulating that their grants were to "be possessed by their recipients and their posterity forever" and were "never to be transferred to any other."³⁵

But there was more to this than just friendship. Charles Johnston suggests that Brant realized that "the original grant of 1784 was much too large to be managed productively by the Six Nations alone and that the ingenuity of, and examples set by, White merchants and farmers would be highly desirable assets."³⁶ These settlers would not only be able to assist the In-

dians in their transition from hunters to agriculturalists, but they would also build facilities such as mills which would be of great value to them.

Brant soon found himself under fire from both the British authorities and his own people. The officials in the province questioned the legality of leases of Indian lands on the grounds that they had been arranged independently of the Crown. Furthermore, it was argued that, if the land grants were allowed to stand, they would act as an inducement for unscrupulous European "land-jobbers" to come in and seize control of more and more of the Six Nations' reserve.

Brant also came under strong criticism from within his own Mohawk tribe. For some of Brant's tribesmen his various leases, sales and grants in the decade after the American war violated the ancient principle that "land was not a commodity which could be conveyed."³⁷ Indeed, in the summer of 1788 two Mohawk sachems, Captains Aaron and Isaac Hill, took exception to Brant's policy of White settlement and staged an abortive rebellion. Though the rebellion never materialized, protests were made to Sir John Johnson who promised that measures would be taken to compel the Whites on the Grand River to leave. Nothing of the sort was accomplished.

Relations between the authorities and the Grand River Iroquois were further strained when an attempt was made to prohibit further transfers of land to prospective White colonists. The crux of the problem was that Brant contended the Haldimand agreement not only constituted the creation of an estate in fee simple for the Indians but recognized the Confederacy as a distinct national community, a sovereign entity competent to arrange its own relations with other independent states such as Great Britain and the United States.

The British, however, took a different view. Although, as we have seen, they were very much in favour of the creation of an Indian "buffer" state which would keep the Americans at bay, their attitude towards the claims of the Grand River Indians was rather different. Unlike Brant, they did not believe that the Haldimand agreement allowed the Six Nations to dispose of their property without official approval. Nor did they accept the thesis that the Grand River Iroquois possessed any kind of independent status. British officials continually referred back to

the Royal Proclamation of 1763 which they regarded as a definitive statement of the rights of Indians to dispose of their land:

. . . if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be Purchased only for Us in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie; . . .³⁸

The problem worsened with the reorganization of western Quebec as Upper Canada in 1791 and the appointment of John Graves Simcoe as the lieutenant governor of that new colony. Simcoe adamantly refused to permit the Indians to sell or lease any part of their reserve. In January 1793 he produced a patent which incorporated the idea that any disposal of Indian lands would be conditional upon an offer first being made to the crown. This would, as Johnston points out, "have set aside the argument that those lands formed an estate in fee simple and reduced them to an estate in leasehold from the Crown."³⁹ In addition, to Brant's chagrin, the patent also made provision for the Oneidas, many of whom had fought on the American side during the revolutionary war. For these reasons, then, Brant refused to accept the Simcoe patent and, according to Noon, since that time "the Six Nations have always claimed that this deed is in no manner binding upon them."⁴⁰

Simcoe also ran into difficulties with his titular superior, Lord Dorchester, who seems to have been more sympathetic to the arguments put forward by the Indians. In July 1796, to Brant's relief, Simcoe left Canada and was replaced by Peter Russell.

Brant used the opportunity provided by the change of regimes to press home his view of the powers vested in the Grand River tribes by the Haldimand agreement. To this end on November 2, 1796 he secured the support of thirty-five

Sachems and Warriors of the Mohawk, Oghquaga, Seneca, Onondaga, and Cayuga Tribes or Nations Living on, Inhabiting and Owning the said Lands of the Grand River, or River Ouse in the Province of Upper Canada.⁴¹

These Indian leaders met in council and decided to bestow upon Brant the power of attorney to sell their lands. Because he played such a vital role in this story, it might be worthwhile at this juncture to look a little more closely at Joseph Brant. One of the most sympathetic portraits can be found in W. L. Stone's *Life of Joseph Brant-Thayendanegea* (1838). In Stone's view Brant's plans came not from "selfish designs"⁴² but rather from a genuine regard for his own people. Again, according to Stone, Brant

conceived the idea of making sales of portions of his lands, for the creation of an immediate fund for the benefit of the nation, and of leasing other portions in such manner as to ensure a perpetual revenue.⁴³

Nevertheless, not everybody has shared Stone's appraisal of the essentially "altruistic" Brant. In a recently published work, *American Indian Leaders: Studies in Diversity* (1980), James O'Donnell suggests that the Mohawk leader's land transactions may have been based upon his desire to emulate the lavish life style of his "role model,"⁴⁴ his late brother-in-law, Sir William Johnson.

It is true that even at the time some commentators questioned Brant's integrity.

Thomas Douglas, Lord Selkirk, confided to his diary the damaging information that during the negotiations which set the stage for the sale of the Grand River lands in 1798, Brant had demanded a substantial commission for his services as high indeed as 10 percent.⁴⁵

Nor was this the only accusation levied against him. In 1796 the Caughawas of northeastern New York charged that Brant had sold, without their knowledge, part of their lands to that state. Although an official inquiry later cleared him of these charges, suspicion still lingered in the minds of many as to the moral rectitude of the chief's character.

Within the Iroquois Confederacy itself there seems to have been considerable mistrust of Brant. Certainly, this may have been partially due to resentment and envy of the Mohawk chief who seemed to wield such power and influence. Nevertheless there were many like the Seneca sachem, Red Jacket,

who felt that the Mohawk leader invariably enriched himself at someone else's expense, the victims usually being the very people whom he had professed to defend.⁴⁶

In addition, Brant was heavily criticised for using dubious methods to try to lure back those members of the Six Nations who had opted to settle at the Bay of Quinte.

Despite all these allegations impugning the character of this controversial figure, Brant continued in his role as the illustrious leader of the Grand River Iroquois. Undoubtedly, one factor which may well have helped Brant to withstand the attacks of his numerous critics was his close ties with the traditional Iroquois matriachy—the *deus ex machina* of the Confederacy. His sister, it should be remembered, was the brilliant and powerful Molly Brant. Johnston quotes Lord Selkirk's view that

when the young men of the Confederacy, who clearly suspected that Brant was attempting to dupe them, protested the chief's behaviour, they were silenced by their 'mother and aunts.'⁴⁷

For a number of reasons Simcoe's replacement, Russell, proved a much easier man for Brant to deal with. On February 5, 1798 he secured his objective when the various land arrangements that he had taken upon himself to make since 1784 were formally registered and sealed. The British succumbed to Brant's pressure because by 1797 there were genuine fears of a combined Franco-Spanish assault on British North America. (A rapprochement in Anglo-American relations had been ushered in with the signing of Jay's Treaty in 1794). Clearly the last thing the British wanted at this time was an unhappy Indian population. Nor was Brant slow to realize how the situation could be exploited. Russell was convinced that the Mohawk chief meant it when he warned that he would join "some other people" if his demands were not met.⁴⁸

However, even though the land transactions which Brant had concluded were to be honoured, the question immediately arose as to who would be expected to pay the fees charged for issuing the various patents. Again, the exigencies of the international situation ensured compliance on the part of the British authorities who agreed to pay all the expenses involved.

By the decisions of 1798 the Brant land alienations were formally recognized. For whatever reasons, the leader of the Grand River Iroquois had decided to open up their territory to White settlement. But the actual sale of the tracts in 1798 served only to set the stage for new crises and difficulties in the years ahead. As for Joseph Brant, he passed his remaining days until his death in 1807 on his estate on the northwest shore of Lake Ontario.

By 1812 the short-lived rapprochement between Britain and the United States was over. With the passing of the Franco-Spanish threat to the North American continent, the two Anglo-Saxon nations again found their policies and objectives in conflict and before long the second American War of Independence was under way. Just as in the first war the Six Nations found themselves divided, but again the people of the Grand River sided with the British. In 1837, when the prospect of a further encounter seemed very real, the Mohawks showed themselves ready to fight for the British but, as always, in the role of allies.

For the Grand River Iroquois the Haldimand agreement proclaimed in 1784 not only constituted the creation of an estate in fee simple but recognized the Confederacy as a distinct national community, a sovereign entity competent to arrange its own relations with other independent states, e.g., Great Britain and the United States. In 1921 the Confederacy decided to press their claims for sovereignty before the League of Nations and travelled to Europe on passports drawn up by their own Governing Council. The following year, 1922, the Grand River Iroquois wrote to Winston Churchill, at that time Colonial Secretary, who referred the matter back to the Governor General of Canada.

In 1930 another delegation was sent to England. They failed to see the King but were received by Members of Parliament with whom, on the terrace at Westminster, they took tea and exhibited a peace pipe which had been presented to them by Haldimand in 1769.⁴⁹ They wanted to establish their status as allies, not subjects of the British Crown, and amongst other evidence cited the famous phrase from the Haldimand Agreement referring to the Iroquois as "His Majesty's faithful Allies." Nevertheless, a parliamentary subcommittee was appointed to hear their grievances and it decided that these were

the business not of the Westminster but of the Dominion Parliament. In 1945 the Iroquois appealed to the United Nations in San Francisco with the same unsuccessful result.

In trying to put the case for the inherent sovereign rights of the Grand River Iroquois a number of points are evident from this discussion. Firstly, there is a great deal of validity in the claim of the Six Nations that the Haldimand Agreement should be viewed as a legitimate treaty and more than just a land cession or deed. As we have already seen, an examination of pre-Revolutionary and Revolutionary American diplomatic history clearly indicates that the Six Nations were much sought after as worthy allies. The Haldimand Agreement itself specifically refers to the Iroquois as "His Majesty's Faithful Allies." Certainly this was the view held by many members of the British Indian Department at the time.

In regard to their right of alienation the major restriction on their freedom in this area is the Simcoe Patent. The fact remains, however, that the deed was not accepted at the time and has never been subsequently accepted by the Indians of the Grand River. Moreover, it is important to note that the land transactions which the Mohawk leader Brant personally negotiated in the post-1784 period were officially recognized by Simcoe's successor.

NOTES

1. Hunt: 6.
2. Ibid.: 7.
3. Quoted in Hunt: 10.
4. See Hunt, Chapter VII: 87-96.
5. Morgan: 10.
6. Kent: 25.
7. Morgan: 11.
8. *Letter of T. Nairne to the Earl of Sunderland, 1709*. Calendar of State Papers, H.M.P.R.O., 1910: 422.
9. Morgan: 21.
10. Graymont: 28.
11. Ibid.: 29.
12. *Speech of the Chief, Canassatego*. Indian Treaty Series No. 3 Treaty of Lancaster.
13. See Billington, 1944: 182-194.
14. Quoted in Graymont: 55.
15. Ibid.: 58.
16. Ibid.: 61.

17. Ibid.: 70.
18. Ibid.: 72.
19. Ibid.: 89.
20. Ibid.: 260.
21. Ibid.: 261.
22. Ibid.: 262.
23. Johnston, Introduction: XXV.
24. *Letter of Sir Frederick Haldimand to Sir John Johnson, May 26, 1783*. Quoted in Johnston: Document B3: 41.
25. *The Report of the Rev. John Stuart, May 25, 1784*. Quoted in Johnston: Document B12: 49.
26. *Sale of Grand River Lands by the Mississaugas to the Crown, May 22, 1784*. Quoted in Johnston: Crown Land Papers. Document B11: 48.
27. *Haldimand's Proclamation of October 25, 1784*. Quoted in Johnston: Document B16: 50.
28. Ibid.
29. *Johnson's Speech to Six Nations Indians, July 23, 1783*. Quoted in Kent: 119.
30. Ibid., *Maclean to Haldimand, July 31, 1783*.
31. O'Donnell in Edmunds, ed.: 33.
32. Quoted in Kent: 120.
33. *Haldimand to Townshend, February 14, 1783*. Quoted in Bemis: 16.
34. Bemis: 181.
35. Johnston: XLII.
36. Ibid.: XLIII.
37. Noon: 97.
38. *The Royal Proclamation of 1763*. Johnston: 70.
39. Ibid.: XLVI.
40. Noon: 86.
41. *Brant's Power of Attorney to Sell the Indian Lands, November 2, 1796*. Quoted in Johnston: Document C12: 79-81.
42. Stone (11): 415.
43. Ibid.: 397.
44. O'Donnell in Edmunds, ed.: 35.
45. Johnston: XLVIII.
46. Ibid.: XLIX.
47. Ibid.: XLIX.
48. Ibid.: L.
49. *The London Times* (July 1, 1930).

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