

Treaty Primer #4: Disrupting the Covenant Chain Relationship (Two Case Studies)

At the foundation of Tehontatenentsonteronhtáhkwa (Covenant Chain), a Treaty Relationship,¹ is a familial relationship between Indigenous Nations and the monarch. Audiences with the monarch, as well as representatives of the Crown, were once regular events. The protocols and ceremony that surrounded these meetings were integral to the Covenant Chain, restating and renewing the relationship. Sometimes these gatherings could also involve Indigenous People presenting petitions or highlighting violations of the relationship by both British and Canadian officials. The goal was to use diplomacy to come to one mind on how the transgressions would be addressed to the mutual benefit of the Treaty partners.

Examples of such meetings during the 18th and 19th centuries include:

- Mohawk and Mohican delegation (“The Four Indian Kings”) meeting with Queen Anne in 1710.
- Thayendanegea’s (Joseph Brant) meetings with King George III in 1775 and 1785.
- Kahkewaquonaby (Peter Jones) meeting with King William IV and Queen Adelaide in 1832, and Queen Victoria in 1838.
- Shawundais (John Sunday) meeting twice with Lord Glenelg, the Colonial Secretary, in August of 1837.
- Kahnawake Mohawk lacrosse team meeting with Queen Victoria in 1876, presenting her with a peace and friendship petition.

¹ R. c. Montour, 2023 QCCS 4154 (CanLII), <<https://canlii.ca/t/k0wzd>>, retrieved on 2024-02-15.

- As successive waves of peoples from other lands settled on what is now Southern Ontario during the 19th century, the protocols and councils required by the Silver Covenant Chain were largely abandoned by colonial administrators who no longer saw Indigenous Peoples as critical military allies, but rather as societies in need of “civilizing” so they could be incorporated into the emerging Canadian settler-state.²

As The Final Report of the Truth and Reconciliation Commission of Canada explains:

The development of more positive relations with the United States in the years after the War of 1812 led the British Colonial Office to re-evaluate its Indian policy. Officials might have continued to view First Nations people as brave and independent, possessing the skills to extract a living from a harsh environment, but they had less need for them as military allies than they had had before the war. As the economic focus of the colony moved from the fur trade to agriculture, settlers became increasingly interested in gaining access to Aboriginal land. From 1814 to 1851, the population of Upper Canada increased from 95,000 to over 950,000. During this period, the [Indigenous] share of the population declined from 10% to close to 1%. Consequently, the British government grew increasingly unwilling to protect [Indigenous] interests.³

- What Canada calls the “Upper Canada Treaties” were understood by colonial officials as land surrenders, interpretations which violated the Covenant Chain. Indigenous peoples held on to their own views of treaties, and resisted ideas that were contrary to their relational views.

Non-Indigenous Population of Upper Canada (Southern Ontario):⁴

1791	1806	1824	1851-2	1861-2
10,000 +/-	70,718	150,066	952,004	1,396,091

**The 1871 Census of Canada records approximately 8,637 Anishinaabe and 6,374 Haudenosaunee People living in Ontario.*

² Until 1828, military officials or local “Indian superintendents” held leadership positions within the Indian Department as Indigenous Nations were considered allies bound together with the Crown by the Silver Covenant Chain.

³ Truth and Reconciliation Commission of Canada, *Canada’s Residential Schools: The History, Part 1 Origins to 1939* (Winnipeg, MB: Truth and Reconciliation Commission of Canada, 2015), 56.

⁴ Source: Statistics Canada website Censuses of Canada 1665 to 1871.

Case Study #1: Kahkewaquonaby (Peter Jones) and Nahneebahwequa (Catherine Sutton) of the Mississauga Nation

- **Kahkewaquonaby** used his audiences with King William IV and **Queen Victoria** to highlight the land rights of the Mississaugas, including the fact that they did not hold legal title to their lands in the eyes of the colonial system.

Joining Kahkewaquonaby for his second trip to England to meet with Victoria was his niece **Nahneebahwequa** (Catherine Sutton).⁵ Close to her uncle, Kahkewaquonaby (Peter Jones), Nahneebahwequa (aka Nahnee) had been born at the Credit Mission in 1824, becoming a strong voice for her community.

- Kahkewaquonaby presented a petition, as well as wampum, to Queen Victoria at Windsor Castle to have title-deeds to the land on which the Credit Mission stood issued to the Mississaugas of the Credit.⁶ Kahkewaquonaby recorded his audience with the Queen in detail in his journal.
- After presenting the petition, Kahkewaquonaby noted the Queen's agreement with her Colonial secretary, Lord Glenelg, that the Mississaugas be granted legal title to their lands, writing:

I presented the petition to Her Majesty, thinking she would like to possess such a document as a curiosity, as the wampum attached to it had a meaning, and their totams marked opposite the names of the Indians who signed it. The Queen then said, "I thank you, sir, I am much obliged to you." I then proceeded to give her the meaning of the wampum ; and told her that the white wampum signified the loyal and good feeling which prevails amongst the Indians towards Her Majesty and Her Government ; but that the black wampum was designed to tell Her Majesty that their hearts were troubled on account of their having no title-deeds for their lands ; and that they had sent their petition and wampum that Her Majesty might be pleased to take out all the black wampum, so that the string might all be white.⁷

⁵ Nahnee was born at the Credit River Flats in 1824.

⁶ September 14th, 1838. Peter Jones, *Life and journals of Kah-ke-wa-quo-na-by (Rev. Peter Jones), Wesleyan missionary*, (A. Green, 1860), 405-408.

⁷ September 14th, 1838. Peter Jones, *Life and journals of Kah-ke-wa-quo-na-by (Rev. Peter Jones), Wesleyan missionary*, (A. Green, 1860), 407-408. One of the significances of this entry is that it highlights that wampum was still being used in Treaty diplomacy.

- While Kahkewaquonaby records that the Queen and Colonial Secretary had sent instructions to the Lieutenant Governor of Upper Canada, Sir Francis Bond Head, for the Mississaugas to be given legal title to their lands, these orders were not carried out. Eventually, the Mississaugas at the Credit River were forced to relocate their community to their current home outside of Hagersville.
- Twenty years later, during a 1859 Council held at Rama First Nation, Nahnee was requested to take a petition of land grievances, including her own request to hold title to land along the Saugeen Peninsula, to Queen Victoria. This mission was also supported by the Methodist Church, and continued the Mississaugas's fight for recognition of their land rights in the face of an Indian Department fully engaged in the attempt to assimilate their Treaty Partners.
- Thanks to the support of Quakers Robert and Christine Alsop, as well as John Bright MP, Nahnee's audience with Queen Victoria and Prince Albert took place at Buckingham Palace on June 19th, 1860. In a column published in the *Brantford Courier*, Nahnee described her experience:



Nahneebahwequa (Catherine Sutton). Courtesy of Grey Roots Museum & Archives, Owen Sound, Ontario.

See 11, 172

THE QUEEN AND THE INDIANS.—We copy from the *Brantford Courier* the following letter from Mrs. Sutton, alias Nah-ne-bah-we-quay, who lately left Canada to lay the wrongs of her race before Her Majesty :—
“London, June 29. My dear Uncle and Grandfather,—I have just returned from the Palace. I saw General Bruce, and had a long talk with him on Indian affairs. I have done all that can be done in this country. In the first place I was at the Aborigines’ Protection Society, and spoke in their meeting for my people; and from that time men of influence came to offer themselves if they could do anything for me. I was introduced to Mr. John Bright, and he said he would do all he could, and he went to see the Duke of Newcastle, the Queen’s Minister, who appointed a time to see me. Mr. John Bright went with me, also a Quaker and his wife. (Mr. John Bright is a Quaker too.) The Duke was very kind and asked me many questions about the Indians, which I answered as well as I could. So at the close of our conversation he promised me he would let me know when I could see the Queen, so in a few days this letter came to my friend, at whose house I am stopping.

(Copy of a letter from the Duke of Newcastle to Mrs. Christian B. Alsop.)

Monday Night, June 28, 1860.

“Madam,—The Queen commands me to say that she will receive Nah-ne-bah-we-quay at Buckingham Palace to-morrow (Tuesday) at a quarter before 3 o’clock. Her Majesty will be very glad if you are able to accompany her.

“I am yours faithfully,

“NEWCASTLE.”

So you see I have seen the Queen. The Duke went before us and he made two bows, and then I was left in the presence of the Queen; she came forward to meet me, and held out her hand for me to kiss, but I forgot to kiss it, and only shook hands with her. The Queen asked me many questions and was very kind in her manners and very friendly to me. Then my Quaker friend spoke to the Duke, and said, ‘I suppose the Queen knows for what purpose my friend has come?’ The Duke said, ‘All your papers have been explained and laid before Her Majesty, and I have Her Majesty’s commands to investigate the Indian affairs when I go to Canada with the Prince of Wales.’ Then the Queen bowed to me and said—‘I am happy to promise you my aid and protection,’ and asked me my name. The Queen then looked at her husband, who stood at her left side, and smiled. She received me with so much kindness as to astonish me, when I saw her come smiling and so good to a poor Indian. My Quaker friend has been in the habit of visiting the Royal family for 10 years back. I expect to return home in September if all be well. May God bless us all. My love to you all.—C. B. SUTTON.”

The following is a

- This audience is significant for a number of reasons, including:
 1. The audience had been arranged by the **Duke of Newcastle** (Secretary of State for the Colonies, 1859-1864)
 2. Queen Victoria was familiar with the petition (The Duke of Newcastle had explained the petition to The Queen before the audience)
 3. Queen Victoria had commanded the Duke of Newcastle “... to investigate the Indian affairs when I go to Canada with the Prince of Wales” (referring to an upcoming Royal Tour of 1860⁸).
 4. Queen Victoria bowed to Nahnee saying “I am happy to promise you my aid and protection.”

- Although not mentioned in her letter, Nahnee received two gifts from the Queen during her visit:
 - A medallion bearing a unique effigy of Victoria, her name, as well as the year of her accession to the throne (1837). A laurel of oak leaves and Canadian maple leaves suggests that the medallion was created especially for this moment.⁹



Courtesy of Grey Roots Museum & Archives, Owen Sound, Ontario.

- Two buttons from the baby coat of the Prince of Wales (the future King Edward VII).

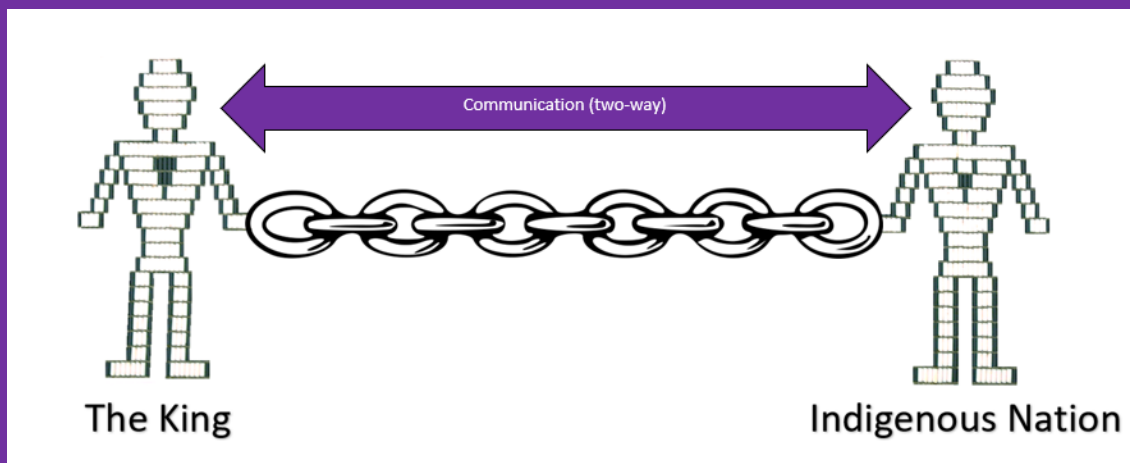
⁸ Following the Crimean War (1853-1856), the colonial government of the Province of Canada extended numerous invitations for Queen Victoria to visit North America. As a result, in 1859 it was announced that Albert Edward, the Prince of Wales, would embark on a Royal Tour of North America the following year (July 24th – October 20th, 1860).

⁹ It has been suggested that this was one of the mass-produced medals tossed to spectators during the coronation of Queen Victoria on June 28th, 1838. However, the inclusion of maples leaves suggests otherwise. As of publication, I can find no other examples of this particular design.

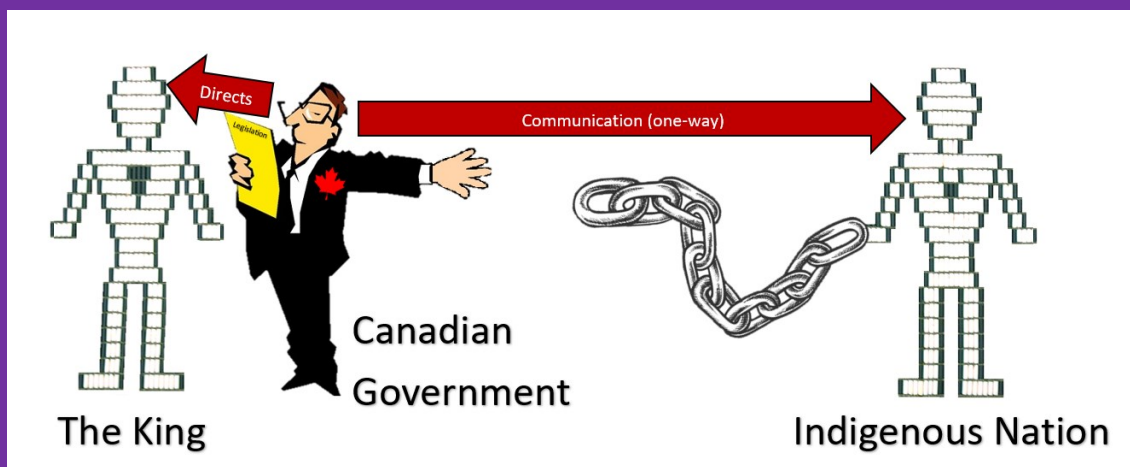
- At the time of Nahnee's audience a major shift was being formalized within the colonial system that would attack the very foundation of the Silver Covenant Chain.

During the 18th and 19th centuries a fundamental principle of the British and Canadian Constitutions developed: **Responsible Government**. Responsible Government requires that the Sovereign can no longer exercise executive power independently, rather they can only act upon the advice of an elected minister, typically the **prime minister**.

Translating responsible government to Treaty relationships, this meant that the Sovereign was required to take advice from the settler government (Province of Canada) rather than officials in London regarding their interactions with Indigenous Peoples.



The Covenant Chain Relationship



The impact of the Canadian Government and Responsible Government on the Covenant Chain relationship.

- From 1844 to 1860 (before Confederation), the Civil Secretary to the Governor General was also the Superintendent-General of Indian affairs (the head of the Indian Department) in the Province of Canada.¹⁰ This mean that Crown-Indigenous relationships, officially, still went through the office of the monarch’s representative in Canada (who, until 1931, also represented the interests of the British Government).
- In 1858, Sir Edmund Head, Governor General,¹¹ received a dispatch from Lord Stanley, Secretary of State for the Colonies in 1858, that the Indian Department’s budget was to be reduced by half, with an eye to transfer responsibility for the department to the Canadian authorities (the culmination of an effort by British and Canadian officials to offload department costs).
 - **Richard Theodore Pennefather** was Civil Secretary to the Governor General (and therefore Superintendent-General of Indian affairs) from 1856-1860.

During his time in office, Pennefather led the *Pennefather Inquiry* which, among other things, supported the idea of a centralized Indian Department under the control of colonial authorities engaged in assimilating First Nations into the Canadian settler-state. Pennefather’s report arrived at the same time as Lord Stanley’s dispatch, providing the necessary momentum for what happened next.

- Under the leadership of **John A. Macdonald**, joint-premier of the Province of Canada, *An Act Respecting the Management of Indian Lands and Property* was passed by the colonial legislature on May 9th, 1860. Its first section transferred the office of “Chief Superintendent of Indian Affairs” to the Commissioner of Crown Lands, an official within the settler government.

¹⁰ From May 1844 to June 1860, the Civil Secretary to the GovernorGeneral also acted as Superintendent General of Indian Affairs: Col. Robert Bruce 1 December 1849 to 11 May 1854; Lawrence Oliphant 15 June 1854 to 18 December 1854; Lord Bury 19 December 1854 to 24 January 1856; Richard Theodore Pennefather 1856 to 30 June 1860.

¹¹ It must be remembered that *The Statute of Westminster* (1931) dividing the Imperial Crown into distinct national "Crowns" did not yet exist. Therefore, in colonial society it was understood that the Governor General represented the British Monarch, whereas after 1931 they represented a separate "Canadian Monarch."

1. From and after the first day of July next, the Commissioner of Crown Lands, for the time being, shall be Chief Superintendent of Indian affairs.

The first section of An Act Respecting the Management of Indian Lands and Property (1860)

- On May 18th, 1860, the following dispatch was issued by the Governor General to the Duke of Newcastle (highlighting the urgency the colonial government had in making *An Act Respecting the Management of Indian Lands and Property* the law of the land):

I have the honour to enclose a certified copy of the Indian Lands Management Bill, which will be reserved at the close of the Session, for the special expression of Her Majesty's pleasure thereon.

Your Grace will perceive that the 1st of July is the day fixed for the transfer of the Indian Department to the Provincial Government; and as being near at hand, I have to request that the Bill may be submitted to the Queen with as little delay as practicable.¹²

- Adhering to the principal of Responsible Government, Queen Victoria accepted the advice by her Imperial Government and granted Royal Assent to *An Act Respecting the Management of Indian Lands and Property* on May 30th. The act came into force on July 1st, 1860 (roughly one month after Nahnee's audience with the Queen and one month before the Prince of Wales arrived in the Province of Canada for an important Royal Tour of British North America and visit to the United States).

This act formalized what was already common practice in the British colonies that would form the Dominion of Canada in seven year's time: **Concerning the relationships meant to be governed by the Silver Covenant Chain, The Sovereign would now be advised solely by a colonial government built on Indigenous lands in so-called British North America.**¹³

- Although not yet in force, the effects of Macdonald's act can already be seen in a dispatch from the Governor General, Sir Edmund Head, to the Duke of Newcastle dated the same day of its passage (May 9th, 1860):

¹² Ibid. (No.48)

¹³ Duke of Newcastle to Sir Edmund Head, 20 June 1861.

I have the honour to enclose a petition¹⁴ addressed by the Indian tribes of Lakes Huron and Simcoe, in Upper Canada, to Her Most Gracious Majesty: I also forward a copy of the Report of the Superintendent General of Indian Affairs upon it.

I presume that, under the present circumstances, the matters touched upon in this document are such as will be left with the Provincial Government.¹⁵

- As requested, the Duke of Newcastle laid the petition before Queen Victoria, responding to the Governor General on June 18th, 1860 (one day before Nahnee's audience), "*As you anticipate, the matter treated of in the petition must be left to be dealt with by the Canadian Government.*"¹⁶
- During the 1860 Royal of North America by the Prince of Wales, an audience was organized with the Duke of Newcastle to discuss the concerns raised by Nahnee's petition and how they would be answered. William Sutton, Nahnee's husband, wrote about the meeting held at Toronto's Government House on September 11th:

[Unless indicated, Sutton's original spelling has been retained]

Sept 11th, 1860

AUDIENCE WITH THE DUKE OF NEWCASTLE

A respectable Deputation composed of eleven wite men and three Indians waited on the Duke of new Castle at the Government house, Toronto on the above date, introduced to His Grace by the Honourable George Brown M.P.

duration of the interview about five minuets, no time for discussion; Captan Keeting read over a list of the wrongs complained of, - the Duke remarked that he did not see how he could do aney thing in regard to redressing the . . . wrongs as the Power was allmost entirly in the handsof the Provincial Authority, and as to the Lands allready alineated he did not think aney thing could be done in regard to them,

¹⁴ The Governor General points out in an enclosure included with the dispatch "Although it is quite irregular in its form, and was adopted at a council, which was not sanctioned by the department, I have nevertheless consented to lay it before you, as they expressed great anxiety that I should do so."

¹⁵ Head, Edward, and H. Labouchere. "Indian Department Canada, 1860", House of Commons [Canada], 1860. (No.42)

¹⁶ Ibid. (No. 63)

- Mr. Pennefather then talked verely rapidly for a few seconds to show that the subject of redressing the Indian's wrongs was beyond the Dukes jurisdiction, - at this time a messenger came in and stated that the Prince was waiting for the Duke to come and asist in the reception of Deputations from Bellvile and Kingston, - the Duke said he thought he should have more time at his command before he left Niagara and that he would try and examine the Paper just handed to him by Rev. C. Vandusen and see if they threw aney additional light on Mrs Suttons case. Mr. Vandusen remarked that they would at least corroberate the former statements. The Duke said he had quiet a number of papers with him belonging to Mrs Sutton.¹⁷

Writing to Richard Alsop, a frustrated William Sutton remarked of his wife's meeting with the Duke:

... the Duke had for some time been aware of the existance and intentions of the Deputation and he could have had his time so arranged as have had a few hours set apart for an interview . . . but I am well aware that such an arangement would not be congenial to the wishesof the Governor General, Mr. Pennefather and others connected with the Indian Department for they were aware that, their system of whole—sale Robbery and corruption would have been exposed and proven beyond success-ful contradiction and as some of these Gentlemen had the Principal management in making the arangements while the Prince was passing through CANADA and they took good care that no opportunity should be aforded the Deputation. I do not think the Prince wood have objected to such an arrangement as I have aluded to and I am shure his nobile Mother would have been pleased with it.¹⁸

- Pennefather was tasked to write the report requested by Queen Victoria. However, due to the passage of the *An Act Respecting the Management of Indian Lands and Property*, Pennefather was no longer the head of the Indian Department (this position was now held by a family-friend of John A. Macdonald, Philip VanKoughnet).
 - Pennefather submitted his 82-page report to the Duke of Newcastle in November of 1860, which was dismissive of Nahnee's claims, as well as riddled with contradictions concerning Indigenous Peoples's relationships with the colonial government.

¹⁷ William Sutton to Richard Alsop, 11 September 1860. (Originally transcribed by Melba Morris Croft)

¹⁸ William Sutton to Richard Alsop, 17 March 1861. (Originally transcribed by Melba Morris Croft)

- Nahnee wrote about the Duke's investigation saying, "*The Indian Department, with the Governor General at its head, are the parties complained of, and the Duke made his investigation entirely through them, not a solitary friend of the injured party was allowed to take part.*"¹⁹
- The following year, the Duke of Newcastle wrote a private letter to Sir Edmund Head following another entreaty by the Alsops concerning Nahnee's petition. In his letter, the Duke formally articulates the effect that the *Management of Indian Lands and Property Act* had on the relationship between Indigenous Peoples and the Sovereign, disrupting a relationship critical to the Silver Covenant Chain:

Mr. Alsop has again been with me about Mrs. Catherine Sutton. I have enclosed some papers he left with me. Will you let me have them back again with an answer. In reference to his "letter" I impressed upon him that the Canadian Government, and not "The Crown" could alone do any thing in the case.

- In an article published in *The Christian Guardian* on May 25th, 1862, Nahnee lamented:

I cannot help thinking about those times, now past, when Governors and Generals used to meet our fathers in the Great Councils, and made great promises in the name of their king: promises that were never, never to be broken while grass grew and waters ran. All our fathers who did not fall in the wars remained loyal to the British throne, and their children have followed their steps in loyalty.

*But the wars have passed away and but a few of the old veterans are alive, and my people who were more numerous and powerful, and advantage has is taken of weakness and ignorance, so that our fisheries, hunting-grounds, lands and homes are taken from us whether we like it or not . . . Little did those bold [Indigenous] warriors think they were listening to the fine promises made by British noblemen that the successors of these crown officials would, in a few years, rob their children of their birth-right. A shame on them, because they do it in the name of that noble lady the Queen, as though she approved of their wicked conduct . . ."*²⁰

¹⁹ Donald. B. Smith, *Mississauga Portraits: Ojibwe Voices from Nineteenth-Century Canada*, (University of Toronto Press, 2013), 94.

²⁰ Nahneebahwequa, Letter to *The Christian Guardian*, 25 May, 1862.

- Ultimately, Nahnee and her husband were able to buy back their land on the Saugeen Peninsula, however it was legally deeded to William Sutton since women could not hold property in colonial society. The remainder of the petition sent to Queen Victoria was ignored.
- Nahnee died in 1865 at the age of 41 in her home on the Saugeen Peninsula, overlooking the waters of Georgian Bay. She was buried in her garden.



The site traditionally known as Nahnee's Grave, overlooking the 9th hole of the Cobble Beach Golf Resort. Georgian Bay can be seen in the distance. Photograph by Nathan Tidridge, March 13th, 2024.

- The site of Nahnee's birthplace, formerly the Credit Mission, is now the **Mississauga Golf and Country Club**.

In 2004, **Cobble Beach Golf Resort** was opened on the land that once made up Nahnee and William Sutton's property on the Saugeen Peninsula.

Located defiantly at the centre of the golf course at Cobble Beach (west of the 9th hole, across *Nahnee's Pond*) is the site believed to be Nahnee's grave. Even in death, Nahneebahwequa reminds people of the Mississaugas' presence on the land.

Case Study #2: Deskaheh Levi General of the Haudenosaunee Confederacy

The oldest continuous Indigenous-Crown Treaty Relationship in North America exists between the Haudenosaunee Confederacy and the British Crown. Please see *Treaty Primer: Treaty Relationships and the Covenant Chain*.

- From the moment of its creation by the Canadian Parliament, the *Indian Act (1876)* was denounced by the Haudenosaunee Council of Chiefs as a gross violation of their Treaty relationship with the British Crown. (Please refer to *Treaty Primer: The Indian Act*).
- The protests by the Haudenosaunee Council of Chiefs were ultimately dismissed as Canadian officials made their position clear: Indigenous Nations were not to be recognized as international political actors (sovereign), as the Haudenosaunee Confederacy insisted, but rather as wards of the Canadian state in need of both “civilizing” and federal protection (as dictated by the *Indian Act*).²¹

Ward of the State: An individual who has been made the legal responsibility of the government.

- The Government of Canada passed several laws attacking Indigenous Treaty Rights, including a 1920 amendment to the *Indian Act*, Bill 14, which allowed for a “Status Indian” to be enfranchised without consent by the Superintendent General of Indian Affairs.

²¹ Yale Belander, *The Six Nations of Grand River Territory's: Attempts at renewing international political relationships, 1921–1924*. Canadian Foreign Policy Journal, 13(3), 29-43. doi:10.1080/11926422.2007.9673441

“(2) On the report of the Superintendent General that any Indian, male or female, over the age of twenty-one years is fit for enfranchisement, the Governor in Council may by order direct that such Indians shall be and become enfranchised at the expiration of two years from the date of such order or earlier if requested by such Indian, and from the date of such enfranchisement the provisions of the *Indian Act* and of any other Act or law making any distinction between the legal rights, privileges, disabilities and liabilities of Indians and those of His Majesty’s other subjects, shall cease to apply to such Indian or to his or her minor unmarried children, or, in the case of a married male Indian, to the wife of such Indian, and every such Indian and child and wife shall thereafter have, possess and enjoy all the legal powers, rights and privileges of His Majesty’s other subjects, and shall no longer be deemed to be Indians within the meaning of any laws relating to Indians.

Governor in Council may enfranchise Indians, on approval of report of Superintendent.

What are the consequences of this amendment for Treaty Relationships?

One of the provisions of the 1920 amendment to the *Indian Act*.

- The Council of Chiefs repeatedly denounced the *Indian Act* as an affront to Haudenosaunee sovereignty. Canadian Deputy Superintendent General of Indian Affairs, **Duncan Campbell Scott**, initially promised not to apply the *Indian Act*, including the government’s enfranchisement provisions, over the *Six Nations of the Grand River* prior to a formal decision from the Supreme Court. **He would eventually go back on his word.**

Enfranchisement is a legal process for terminating a person’s “Indian” status and conferring full Canadian citizenship. Enfranchisement was a key feature of the Canadian federal government’s assimilation policies regarding Indigenous peoples. Voluntary enfranchisement was introduced in the Gradual Civilization Act of 1857 and was based on the assumption that Indigenous people would be willing to surrender their legal and ancestral identities for the “privilege” of gaining full Canadian citizenship and assimilating into Canadian society.

- Karmen Crey, First Nations & Indigenous Studies, University of British Columbia.

- Created as part of the Treaty of Versailles following the end of the First World War, the **League of Nations** held its first council meeting on January 16th, 1920.

- In 1923 Deskaheh Levi General of the Haudenosaunee Confederacy arrived in London sent to petition King George V in the face of the Canadian Government's attempts to subvert their sovereignty and impose the Indian Act (1876). Both Canadian and British officials blocked Deskaheh's attempts to meet The King.

In a pamphlet addressed to the British public, Deskaheh explained why he was now forced to appeal to the international community, via the newly-established League of Nations in Geneva, for recognition:

I am going to Geneva, and I suppose many stones have been placed in my path. But I must go there because your Imperial Crown's promise of protection . . . under the old covenant chain . . . Your Colonial Secretary, who spoke for you, thought that our covenant chain was no longer good . . . He held that the British Crown was no longer responsible to us. We deny that such responsibility could be transferred to the Dominion of Canada without our consent, and we never consented.²²



Deskaheh in 1923. Collection of Cleveland General courtesy of Richard Hill.

²² Deskaheh, "Chief Deskaheh Tells Why He is Over Here Again," (Kealey' Limited, 1923), 7.

- In a letter sent to King George V from Geneva on October 22, 1924, Deskaheh explained the dire situation to his Treaty partner:

On September 20th, 1924 received telegram from the Secretary, Six Nations Council of the Grand River Lands which informs me that the Canadian Government Officials are building a Barracks on the Six Nations Lands.

Furthermore the telegram, states, that the Government Official seem determined to, to eliminate the Six Nations Indians Government, and a new Council, to be chosen by the Indian Office and sustained by force is about to be instituted, and imposed on my People.

His letter goes on to say:

It is the consciousness of that Royal protective Power that has enabled my People to live hitherto in peace on the Grand River Lands under the Government of their own Council, and to develop what is an excellent piece of territory. It is that favour which my People have always reciprocated by in the sending forth of their warriors to fight

The Six Nations have never failed to fight in the American Wars for the Interest of the British Crown, the chief engagements being the battle of the Plains of Abraham, Quebec, 1759, the Revolutionary War of 1776-7, the Battle of Queenstown Heights of 1812, and, lastly in the great European War of 1914-19, when my People sent forth their contingent of men who enlisted in Your Majesty's Canadian Forces, and of the 300 that then went forth, 260 returned.

It is because of the fierce and persistent violation by Canada, since the termination of the European war, of the rights and freedom of my People, - the attempts to break down and destroy their Government, the Council at Ohsweken, the attempts to deprive them of their liberty and their nationality, - and because of the unlawful imposition of unnecessary and harsh regulations on our Territory by Officials of the Canadian Government, to try and terrorise my People into submission and subjugation, that I feel now compelled to seek Your Majesty's aid and protection.

The British Colonial Secretary, James Henry Thomas, sent the following reply to Deskaheh's letter to King George V:

I am directed by Mr. Secretary Thomas to inform you that your petition of the 22nd of October addressed to His Majesty the King concerning the Six Nations Indians has been referred to this Office. The Secretary of State has not, however, been able to advise His Majesty to take any action on it.

- Ironically, Deskaheh's letter to The King was sent the same day as the first sitting of the new **Elected Council** forcibly imposed on the Six Nations community by the *Indian Act*.
 - As Deskaheh had warned, the Canadian Government issued an Order-in-Council on September 17th, 1924, that the Council of Chiefs was to be abolished and replaced by a new council that adhered to the criteria mandated by the *Indian Act*.

- On October 7th, 1924, the Royal Canadian Mounted Police (RCMP) attempted to forcibly dissolve the Council of Chiefs. Wampum belts and other important objects and documents were forcibly removed by the RCMP, who declared the Council House off limits to further political activity. In the minds of Canadian officials, the Haudenosaunee Council of Chiefs had been dissolved.²³
- With little voter turnout, a new “Elected Council” imposed by the *Indian Act* was established on October 22nd, 1924.
 - It is important to emphasize that the Council of Chiefs were being installed using a system developed by their people over many centuries, known as **The Great Law of Peace**. The process mandated by the *Indian Act* was designed by Canadian officials to be in line with the overall goal of the settler government to assimilate/destroy Indigenous ways of life. See *Treaty Primer: The Indian Act*.
- Duncan Campbell Scott informed British officials that the Council of Chiefs had been dissolved by the Canadian Government and Deskaheh no longer had an official role representing his people.
- Returning to North America, Deskaheh was refused entry in Canada. Instead, he stayed on the Tuscarora Reserve, near the Canadian border, at the home of Chief Clinton Rickard.

Deskaheh had been experiencing health issues since his time in Geneva, which worsened considerably in North America. Tragically, he died at Rickard’s home on June 27th, 1925.

²³ Rick Hill points out that “Ironically, the Canadian Government had built the Council House for the use of the Council of Chiefs from 1863-1865. Locked out of that Council House, the Council of Chiefs returned to their original site for meetings: the Onondaga Council House.”



Deskaheh (centre) stands with officials from the City of Geneva, 1923. The two wampum belts that are being held are (left) the Friendship Wampum (representing the Tehontatenentsonteronhtáhkwa, or Covenant Chain) and (right) the Gaswéñdah, or Two Row Wampum. (City of Geneva/Library of Geneva)

Appealing to the Sovereign in the 20th and 21st Centuries

Douglas Sanders, a former Professor of Law at the University of British Columbia, wrote in 1985:

It is common wisdom that the queen and the United Nations are powerless . . . Well-meaning advisors have in the past often tried to steer [Indigenous Populations] away from petitions to the crown or appeals at the international level . . . Only by ignoring advice and persisting in their beliefs have Indigenous Peoples initiated changes in the Canadian constitution and in international law.²⁴

- The practice of Indigenous Peoples meeting with the Sovereign continues today, even though such meetings are usually under the direction and supervision of the Canadian Government-of-the-day. These meetings are often used to highlight injustice, as well as assert the rights affirmed and protected, as well as special relationships established, through Treaties. Examples include:
 - The Honourable Ralph Steinhauer, 10th Lieutenant Governor of Alberta (and first Indigenous person to be a viceregal office holder in Canada) spoke out about Indigenous rights during his time as the Queen’s representative, including during an audience with Elizabeth II as part of centennial commemorations of Treaties No. 6 & No.7 in 1976.

The visit with The Queen was justified by Steinhauer saying “*Alberta’s Indians attach special significance to their being able to travel to visit her in her own home.*”²⁵

- On July 4th, 2010, Queen Elizabeth II met with Haudenosaunee Clan Mothers and other members of the Mohawk Chapel to honour the 300th anniversary of the Mohawk-Mohican delegation to the Court of Queen Anne. The Queen presented the Mohawk Chapel with a gift of Silver Hand Bells engraved with the words “*The Silver Chain of Friendship 1710-2010.*” Speaking about the handbells, W. Barry Hill (Warden of the Mohawk Chapel), said in 2022:

²⁴Douglas Sanders. “Aboriginal Rights: The Search for Recognition in International Law” in *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, Menno Boldt and J. Anthony Long, ed. (1985), 302–303.

²⁵ Alfred Thomas Neitsch. “A Tradition of Vigilance: The Role of Lieutenant Governor in Alberta”. *Canadian Parliamentary Review* (Winter 2007): 23.

Those of us who hold dear Her Majesty's Royal Chapel of the Mohawks recall with gratitude the Queen's gift to us in 2010 of a set of silver hand bells as a gesture toward polishing the silver covenant chain of friendship between the Crown and her faithful allies the Haudenosaunee. The links of the allegorical chain represent peace, friendship, and respect. We look forward to a future opportunity to when we may meet in the spirit of polishing the chain as part of a path toward reconciliation.²⁶

- A delegation from the Mississauga Nation met with King Charles III at the Palace of Holyroodhouse on July 4th, 2023.²⁷ During this historic meeting The Kind was presented with a replica of the Covenant Chain Wampum presented by Sir William Johnson at the conclusion of the 1764 Treaty of Niagara.²⁸

Conclusion:

As these two case studies demonstrate, the development of responsible government, non-Indigenous peoples' self-rule, and the establishment of the Dominion of Canada through Confederation fundamentally altered Treaty relationships, including the Covenant Chain, without the consent of Indigenous Treaty Partners. By inserting itself into the Covenant Chain, the Canadian Government used legislation like the *Indian Act* in an attempt to undermine and destroy the foundational relationships on the land and assimilate Indigenous Peoples into the settler state.

Throughout this history, Indigenous Peoples have resisted such policies, continually reminding the Crown, as well as successive Canadian and British Governments, of the responsibilities they are bound to through enduring Treaty relationships, including the Covenant Chain. Kahkewaquonaby, Nahneebahwequa and Deskaheh are three examples of many Indigenous People fighting for the inherent rights of their nations.

²⁶ Brian Thompson, Silver bells rung at Mohawk Chapel during Special Service for queen, *The Brantford Expositor*, October 24, 2022, <https://www.chathamdailynews.ca/news/local-news/silver-bells-rung-at-mohawk-chapel-during-special-service-for-queen>.

²⁷ The delegation included Giima Stacey Laforme (Mississaugas of the Credit), Giima Bob Chiblow (Mississauga First Nation), Councillor Steven Toms (Curve Lake First Nation), and Professor Chadwick Cowie (Hiawatha First Nation). The delegation also included patron Veronica Low of the Stephen Low Foundation, Rev. Canon Paul Wright of HM Chapel Royal (St. James's Palace) and Nathan Tidridge.

²⁸ The delegation also held nation-to-nation meetings with the Government of the Isle of Man and Corporation of the City of London. This resource is based on my knowledge as of April 2024. It is continually being updated.
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