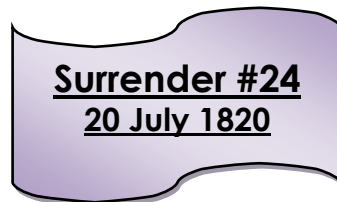


THE “BIG SURRENDERS”

Trish Rae



On the 20th of July 1820 the Mohawks of the Bay of Quinte are said to have surrendered 52 square miles or approximately 33,280 acres of the original Mohawk Tract. In exchange for the land, MBQ was to receive an annuity – an annual payment of goods valued to £450.

According to the government the land was for a road. 52 square miles taken for a road? Clearly, the goal of the Government was to take as much land as possible. To do this they linked the surrender to a much earlier “gift” of land which had never been executed.

The “Gift”

This “gift” of land was supposedly made by Captain John to Molly Brant (sister of Joseph Brant). So far, no original “gift” document has been found. But two white sons-in-law of Molly Brant were determined to obtain the land they felt should have gone to their wives through the “gift” to Molly. Neither Molly Brant nor her daughters ever lived on the Mohawk Tract. This “gift” was between members of the Mohawk Nation and was not a surrender. It was supposed to cover the western third of the Mohawk Tract, about 37,000 acres. In 1818, one son-in-law, Mr. Earl, registered a “memorial” of this “gift” and some MBQ men did sign it. [*Hastings County Registry Office Instrument No.457*]

The Agent

John Ferguson was the Resident Agent of Indian Affairs at Kingston. He was responsible for managing affairs with MBQ. He had married Magdalene, another one of Molly Brant's daughters. In 1815 he argued that part of this “gifted” land should have gone to his wife. He tried to get MBQ to sign a memorial to this gift but MBQ refused [*LAC RG10 Volume 31 pp.18333-18335 Reel C-11009*]. He continued to consider ways to obtain his wife's portion of this “western third” [*LAC RG10 Volume 33 pp. 19365-19566 Reel C-11,010*]. So while John Ferguson was acting as the agent for the Mohawks, he had a personal and active interest in alienating land from MBQ. Ferguson did not speak Mohawk [*LAC RG10 Volume 37 pp 31148-31149 Reel C-11011*]

“Negotiations”

Until August 1816, MBQ were not interested in surrendering land but then William Claus, Deputy Superintendent General of Indian Affairs intervened and changed the opinion of some of the Mohawk Chiefs [*LAC RG10 Volume 33 pp. 19365-19566 Reel C-11,010*]. Several became agreeable to a surrender of the middle section of the tract, saving their farms and improvements on the land along the waterfront and saving land in the rear of the tract. They requested an annuity for the surrender [*LAC RG10 Volume 33 p. 19370 Reel C-11010*].

Between 1816 and 1819 the Government and Ferguson put tremendous pressure on the Mohawks to surrender their land. In May 1819 a provisional surrender was signed at Kingston but it was not for the middle section but rather for the so-called "western third" – the land "gifted" to the daughters of Molly Brant [LAC RG10 Volume 36 pp. 20780-20781 Reel C-11011]. It was a parcel of 52 square miles (13 miles x 4 miles).

In July 1819, the government changed course and now wanted a strip of land on each side of the road running through the Mohawk lands (York Road). The government wanted to grant the land to white settlers on the condition that they would keep the road in good condition. Most of the farms of the Mohawks would have been affected and many of their houses lost [LAC RG 10, Volume 36, pp. 20853-20855 Reel C-11011].

Ferguson requested provisions for the Mohawks for a meeting on the surrender: "a few Rations, not exceeding One hundred and twenty five gallons of Rum". [LAC RG10 Volume 489 p.29538 Reel C-13340]

The community was divided on the issue of surrendering land. The provisional surrender did not have the consent of the whole community. MBQ offered to keep the road in good condition [LAC RG10 Volume 36 pp. 20980-20981 Reel C-11011]. But the government wanted a surrender.

In November 1819, the government proposed a new road to connect Thurlow and Richmond Townships. In January 1820, Ferguson suggested that the government take 50 chains on the south side of the proposed new road and as much land on the north side as to equal the land area surrendered in provisional agreement (52 square miles) [LAC RG10 Volume 490 p. 29649 Reel C-13340]. The government was not going to settle for less than the amount of land mentioned in the provisional agreement.

But when surveying started, it was started too far south intruding into the MBQ sugar bush. The survey was stopped by Mohawk protesters [LAC RG10 Volume 37 pp. 21079-21082 Reel C-11011]. William Claus, angered by the actions of the Mohawks, threatened to withhold presents as punishment [LAC RG10 Volume 37 pp 21102-21104 Reel C-11011].

In early April 1820, meetings took place between the government and the Mohawks regarding a new surrender. MBQ only wanted to give up a one mile strip for the road however the government threatened to go ahead with the taking of 52 square miles including the Mohawk sugar bush, farms and improvements. The Mohawks were pressed to agree to a strip of land four miles wide. Again, liquor was provided during negotiations [LAC "Claus Papers" MG 19, F1, Volume 12, pp 33-42 Reel C-1480].

The Surrender Meeting

On July 20, 1820 a meeting took place between the government and some Mohawks at Bowen's house. The purpose of this meeting was to obtain signatures for a deed of the land and to return the provisional agreement as the Mohawks had requested [LAC RG10 Volume 38 pp 21297-21304 Reel C-11012].

The surrender was signed by John Green, Anthony Smart, Joseph Smart, Brant Koa, Nicholas Crawford, David Claus, Tawainiaway, Abraham Markle, Moses Lewis, Frances Markle, John Hill and Daniel Green. Only 12 men signed the document, and in this time frame there were at least 50 warriors.

The surrender document makes explicit reference to the provisional agreement, even though the two documents cover different areas which only partially overlap. In the end the surrender

covered a strip of land five miles wide in order for the government to get what they wanted - a parcel of land equivalent in area to the provisional agreement (the so-called "western third").

Parcels Granted to White Settlers Before the Actual Surrender

Even before the surrender meeting in July, in March 1820, the Lieutenant Governor of Upper Canada had approved patents being issued for those settlers who wanted land along the new road. Parcels were granted away to white settlers before the surrender was even signed.

The Mohawk Tract Becomes Tyendinaga Township

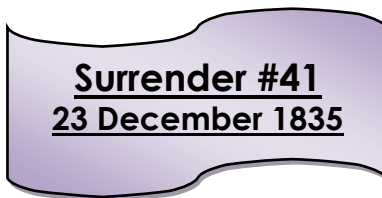
Until this surrender, the entire Township was known as the Mohawk Tract. After this surrender, only the Mohawk lands continued to be known as the Mohawk Tract. The government renamed the Township "Tyendinaga".

The Payments

The first, second and third annuity payments were not received until 1824. From the mid-1820s to the current day, the annuity has more or less been paid. Documents indicate that in the 1830s the payments were changed from goods to money. At one point, direct payments were made to individuals and families. Later the money went only to the trust fund accounts which were controlled by the government. Although the population of MBQ has continued to grow, the annuity never has.

More Surrenders to Come

The loss of this middle section of the original Mohawk Tract made protection of the lands in the rear of the Mohawk Tract almost impossible. MBQ did not have the resources to do it. The laws protecting Indian lands were too weak and the Government was only rarely interested in clearing trespassers. This surrender made future surrenders of the lands in the north all the more likely.



On the 23rd of December 1835, the Mohawks of the Bay of Quinte are said to have surrendered 27,857 acres of their original Mohawk Tract in trust to be disposed of for their benefit. This land is the north-west corner of the original Mohawk Tract, north of the Surrender 24 lands.

"Depredations"

In the 1820s and 1830s the remaining areas of the Mohawk Tract attracted a large number of white squatters who occupied lands contrary to the terms of the Simcoe Deed (Treaty 3 ½) . Some were farmers who wanted cheap, leased farmland. Others occupied in order to remove all the valuable lumber.

There was little protection of MBQ lands by the Indian Affairs department of the day. No resident agent was appointed to oversee what was happening to the Mohawk lands.

In 1831, the Reverend Saltern Givins took a position as Missionary to the Mohawks and he also assisted the Mohawks in ways similar to an agent. He wrote letters on their behalf and looked after financial reporting etc. But when it came to the problems of squatters, there was little he could do. He could report it and lament about it but it was up to government to protect the Mohawk lands from these "depredations". The government rarely made any serious attempt to help.

Although MBQ often told government they wanted the white squatters removed, there always seemed to be some of the Mohawks who wanted to "lease" their lands for cash and so the problem persisted. And some Mohawks were induced to "lease" their lands while under the influence of liquor.

There were serious problems with illegal taverns where alcohol was sold to Mohawks contrary to laws of the day. It was hoped that all the taverns could be shut down but it was argued that the travellers between Kingston and York needed a tavern right in the middle of the Mohawk Tract [LAC Claus Papers MG19 F1 Volume 12 pp 283-284 Reel C-1481]. The needs of the travellers were deemed paramount and the Mohawks continued to suffer from those selling them alcohol.

Government Desires

In this timeframe, the government was still very interested in obtaining the whole of the original Mohawk tract for non-native settlement and suggested to the Mohawks that relocation to Six Nations was possible even preferable [LAC RG10 Volume 501 p.47-8 Reel C-13342].

In 1834, Saltern Givins reported that the number of squatters had doubled since his arrival and that more and more were coming because the government would not take the actions needed to stop them [LAC RG10 Volume 53 pp.58251-58254 Reel C-11018].

So it is no great surprise that the government recommended that the whole of the remaining Mohawk Tract be surveyed and the lands that were not actually used by the Mohawks could be leased to others [LAC RG10 Volume 59 pp 60397-60400 Reel C-11020].

Deliberations

In January 1835 the government finally appointed J. B. Clench to remove the squatters and oversee the surveys. In March 1835 Clench reported that "*the Chiefs, Warriors and Women of the Mohawks are deliberating...*" [LAC RG10 Volume 57 pp.59276-59277 Reel C-11019]. The government even hoped that the Mohawks would surrender the whole of the tract.

While the back part of the tract was surveyed, reports were made about the serious problem of timber taken illegally.

Clench told the squatters that they had to leave the land in the front part of the tract but offered them a chance to choose farms in the back tract and lease them [LAC RG10 Volume 57 pp.59263-59268 Reel C-11019]. Only some took up this offer.

It is not clear exactly what the Mohawks understood but even in September 1835 they doubted whether Clench could actually get rid of the squatters. And there were rumours that the Government intended to sell the lands from under them. [LAC RG10 Volume 57 pp.59251-59254 Reel C-11019]

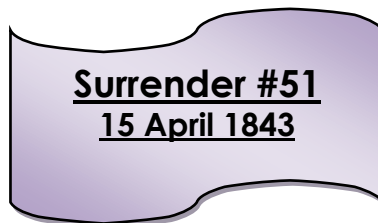
The Surrender

On the 23rd of December 1835, 13 members of the Mohawks of the Bay of Quinte signed Surrender 41: Brant Brant; Joseph Smart; Powles Claus; Joseph Pinn; John Culbertson; Laurence Clause; John Hill; Henry Loft; Seth Powles; Jacob Green; William Maracle; Thomas Green; John Green. At the time there were about 83 warriors. This surrender was done during hunting time and we don't know how many men were away.

This surrender was not for an annuity - these lands were to be sold for the benefit of MBQ. The text of the surrender reads that the lands were to be granted and disposed of for the "benefit of the said Indians in such manner and form and at such price or prices as to His Majesty, His heirs and successors shall seem best" [LAC RG10 Series A Volume 1843 Reference No. IT 112 Reel T-9938]. But they did not understand what the sale of the lands entailed and as early as January 1836 the Chiefs requested money from the "proceeds of their lately surrendered lands" although none of this land had yet been sold [LAC RG10 Volume 60 pp.60587-60588 Reel C-11020].

After this surrender, the squatters in the front of the Mohawk Tract did not all leave to take up land in the north. Many ignored threats by the government and continued to occupy lands in the front and also in the surrendered and unsurrendered lands in the back. Illegal timbering continued unabated.

The first sales of parcels of lands covered by this surrender were executed by auctions in June & July 1836. Parcels were sold and paid for by instalments. Although some of the parcels were paid for on time, in many instances the instalments were delayed until the purchasers were threatened with forfeiture. In many instances it took decades for purchasers to make payment in full.



Background

On the 15th of April 1843, the Mohawks of the Bay of Quinte are said to have surrendered the remainder of the back section of their original Mohawk Tract in trust to be disposed of for their benefit. This land is the north-east corner of the original Mohawk Tract, north of the Surrender 24 lands.

After the surrender for sale of the north-west corner in 1835, this north east section was supposed to be reserved for leasing. The Missionary to the Mohawks, Saltern Givins, strongly recommended that an official be sent to reside on the tract to administer this leasing and stop the squatting on these lands and the illegal taking of lumber. [LAC RG10 Volume 63 pp.62320-62323 Reel C-11021]

But no resident agent was sent. Givins was left there to do what he could, which was very little except keep the government informed of "depredations". The problem of squatters on the

Mohawk Tract continued to worsen. There were attempts to evict squatters and prosecutions of trespass cases. But the laws were ineffective in many cases. And the costs to prosecute were borne by MBQ [LAC RG10 Vol. 649 f.58 Mfm C-13,399].

From 1837 to 1843 these lands were occupied by those few who applied to Saltern Givins for leases, and also by lumbermen & squatters who paid nothing. There was no administration over these lands and numerous conflicts erupted. Many times those willing to lease could not take possession due to squatters. In 1841 there was a public notice posted that these lands were available for purchase through application to Saltern Givins – this is despite the fact these lands were not yet surrendered [LAC RG10 Volume 76 p.68790 Reel C-11,027].

It is not yet known if the MBQ received any rental payments by those “lessees” who occupied this area until 1843. By this time, this part of the back tract was already lost to the MBQ due to the neglect by government.

In 1843 the government disowned the plan to have that part of the back tract leased. It is reported that the Mohawks of the Bay of Quinte realized there was no way they could administer these lands themselves or protect them from “depredations”. They were now willing to surrender it [LAC RG10 Vol. 507 p.117-8 C-13343].

The Surrender

In April 1843, 8 men signed the surrender document: Brant Brant, Powles Claus, Thomas Green, John W. Hill, John Hill, Seth Powles, Henry Loft & John Culbertson. In 1843, there were at least 90 warriors. The surrender was accepted by an Order in Council in December 1843. These lands were sold by instalment plans similar to Surrender 41 lands. In many cases it took decades for payments to be made and sales to be finalized.

Supplemental information to this insert can be found on the Research webpage, as well as the Library webpage.

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