

Beneficiaries - Ontario

Dealing with this issue in our negotiations with the federal Government is becoming very frustrating, not only to New Credit, but with the Federal Government as well. The issue of beneficiaries we are finding has a long reaching effect on not only one claim, but all our claims prior to 1923.

New Credit ran into this issue when dealing with the 1923 Williams Treaty, when they were the United Indian Councils. Background of the Williams Treaty and how it is affecting present day negotiations.

In October 1923 the governments of Ontario and Canada appointed a Commission to investigate the claims of the Chippewa and Mississauga to unsundered northern hunting territories lying between Georgian Bay and the Ottawa River. The commission was a response to a long standing grievance which the Department of Indian Affairs had failed to resolve or deal with fairly. In the end it seemed that government action was spurred more to protect provincial economic interest in the north than to redress an old wrong or to protect Indian property rights.

The land claim was first articulated by the Chippewa in 1850 after the Robinson Huron treaty mistakenly included Chippewa lands along Georgian Bay. Soon afterward the Mississauga of the Peterborough region, (by this time New Credit had relocated to Southern Ontario) began to assert their claim to ownership of unsundered hunting territories north of the forty-fifth parallel. By the 1890's these two claims had come to be identified together by the government and an initial attempt to resolve the issue undertaken. Based on federal government opinion that the claims were valid, a Commission was struck to investigate the situation. Canada also determined that Ontario was liable for damages. Ultimately counsel for the Dominion decided that the claims could only be resolved through a treaty between Canada and the tribes and the investigation was closed.

The Bands continued to complain and press their claims. Eventually the Mississauga and

Chippewas organized into a United Indian Council to address the claim and elected Chief Charles Big Canoe of Georgina Island as their President and spokesman. Legal counsel was hired by the Bands and pressure put on the federal government for another twenty years before action was taken in the form of joint Orders-in-Council establishing the Williams Treaty Commission in 1923. The Commission was comprised of three members, two of which were provincial appointees, and they were given responsibility to determine the validity of the claim to the northern hunting territories. The province was held liable for compensation. This placed the provincial members of the Commission in a conflict of interest situation.

The 1923 Williams Treaty Commission made little attempt to investigate the nature of the Indian claims and communication between the Bands and the commissioners was poor and inadequate. The federal government did not assist the Bands and refused to permit private legal counsel to advise them. Canada breached its trust responsibility to the Bands which permitted Ontario to manipulate the treaty process to its benefit while the Bands lost their claim and gained very little in compensation. In fact the Treaty Commission lied to the bands, threatened them, made promises they did not intend to keep, ignored Band requests and in the end, included twice as much land in the treaty description as had been originally discussed in community meetings. In this regard the Chippewa and Mississauga unsurrendered land claim to northern hunting territories ended just as it had begun. At no point over the seventy year history of the claims was there open negotiation between the parties to reach a fair and equitable resolution. (The background was taken from the 1923 Williams Treaty Historical narrative by Dr. Ian Johnson for the UIC in 1985)

New Credit is one of the First Nations that make up the Mississaugas Nation. The other first Nations are Scugog, Curve Lake, Hiawatha and Alderville. As the Mississaugas Nation they signed treaties with the British Crown. In the late 1980's they submitted several land claims as the Mississaugas Nation to the Federal Government.

When the Mississaugas and the Chippewas were ready to submit this claim, they discussed their options. They agreed that if the signatory First Nations could get the door open they would take

New Credit and Moose Deer Point in with them. If they didn't New Credit would try to open the door as non-signatories to the treaty. The Federal Government rejected New Credit and Moose Deer Point from the process. They were told that they could submit on their own, if they felt they had a claim. Negotiations are underway with the other signatory First Nations.

New Credit had to compile materials to show their link to the Mississaugas Nation and why they didn't sign the Williams Treaty. Our conclusion is out of sight, out of mind. In the meantime a Band member was charged by Ministry of Natural Resources with fishing offences. This was our opportunity to have something done. New Credit met with MNR to see what could be done in this case and future dealings. MNR agreed to a joint project with New Credit. The research report is historical in nature, aimed at determining the locations and extent of traditional territory of the Mississaugas of New Credit as well as that of the Mississaugas Nation.

As a result of the Howard Case the ruling claimed that the 1923 Williams Treaty was a valid treaty, therefore relinquishing all the signatory First Nations' interests in the lands and rights in the Province of Ontario. The government is now ruling out the other claims these First Nations had and saying that they have no claims.

The Government position is that New Credit is the sole claimant in regards to the other claims submitted by the Mississauga Nation. They are telling New Credit and the other Mississaugas Nations that they will negotiate with New Credit leaving it up to them to decide who the beneficiaries are. They are placing New Credit in an awkward position with the other Mississaugas First Nations. If New Credit decides to pursue on these grounds they will have to deal with the question of beneficiaries. If any of the members of the Mississauga Nation believe they have a claim, they cannot go the federal government because the government has settled with the New Credit First Nation and will direct them to New Credit.

This has been our dealing with the question of beneficiaries. My own personal opinion is that it may be a sore area between First Nation. Another wrench thrown in by Governments to keep First Nations fighting amongst themselves and taking the onus away from the Federal

Government, just another conquer and divide method.

Last year, I spoke on the beneficiaries issue and my opinion is still the same, "divide and conquer" technique. New Credit has not been able to resolve this issue. New Credit is in an inquiry stage with the Indian Claims Commission on the Toronto Purchase. The beneficiaries issue is still being investigated. New Credit had to submit a paper on the beneficiaries paper stating New Credit position on it. The approach that New Credit took was that at the time and the geography of the lands. This issue has an impact on other lands that were surrendered prior to the 1923 Williams treaty, it has not stops our talks, but it has to be resolved before we can come to any resolution.

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