

IN DEPTH: ORILLIA, TREATY LAND, AND INHABITANTS OF LAKE COUCHICHING'S SHORES

In "The Marine Excursion of the Knights of Pythias," Dr. Gallagher discusses Old Indian Portage that the Mariposa Belle passes by. Gallagher explains that French explorer Samuel de Champlain landed there three hundred years earlier. Leacock's real-world inspiration for Old Indian Portage is Atherley Narrows. Atherley Narrows are located next to Orillia between Lake Couchiching and Lake Simcoe. Champlain arrived at the narrows in 1615.

Human presence at Atherley Narrows goes much further back than 1615. The Mnjikaning Fish Weirs at the narrows stand as evidence of this. The weirs are preserved remnants of stakes that were once used to hold fishing nets in place. A National Historic Site, the Chippewas of Rama First Nation are the stewards of the weirs today. Although the Chippewas never used the weirs for fishing, as historian R. James Ringer says:

To them, Atherley Narrows was much more than a fishing place. It was a traditional meeting place for Aboriginal nations: a place for treaties, trade, festivities and spiritual ceremonies. Due to this, the Chippewas felt they had a considerable role to play in any decision making process concerning the weir site - a hidden but important component of their cultural landscape.⁴⁷

It is difficult to determine exactly how old the fishing weirs are. Estimates suggest that they are at least 4,500 years old, evidencing the long history of human presence at Atherley Narrows.

When Champlain arrived at the narrows in 1615, the area was controlled by the Huron-Wendat confederacy. Disease and epidemic weakened the Huron-Wendat people, and they were dispersed from the area by the Haudenosaunee around 1650. In 1830, Ojibwa people under the leadership of Chief Musquakie (Yellowhead) were settled next to the narrows on the site of present-day Orillia. It was part of an experiment to create "Indian Reserves." There, the Ojibwa farmed the land. However, to make way for the town of Orillia they were forced off the land in 1838 and 1839 in what has been termed by the Chippewas of Rama First Nation an "illegal surrender"⁴⁸. They relocated across Lake Simcoe to the present-day site of the Chippewas of Rama First Nation.



⁴⁷ Ringer, R. James. "The Atherley Narrows Fish Weir Complex: A Submerged Archaic-to-Historic-Period Fishing Site in Ontario, Canada." *Revista de Arqueología Americana*, no. 26, 2008, p. 141.

⁴⁸ Chippewas of Rama First Nation. "About Us." <http://www.ramafn.com/about.asp>

THE ROLE OF TREATIES

The land north and west of Lake Simcoe that includes Orillia was ceded by seven First Nations through treaties signed in 1798, 1815, and 1818. In 1923, new treaties called the Williams Treaties were signed to address further encroachment of settlers onto traditional hunting grounds. The Chippewas of Rama are signatories to the Williams Treaties.

Even though the Williams Treaties have been signed, questions remain about their terms, interpretation, and implementation. The seven First Nations believe that they were not fairly compensated for their land, that they should have received additional lands at the time, and that the Williams Treaties did not affect the harvesting rights they received from the earlier treaties. In 1992, the Alderville litigation began to resolve the dispute. The Alderville litigation is being negotiated outside the courts.

Although resolution to the Alderville litigation has yet to be reached, treaty harvesting rights have already been recognised on an interim basis. As the Government of Ontario said:

Canada, Ontario and the Williams Treaties First Nations are committed to working together in a spirit of partnership and collaboration to find a just and shared solution that respects the rights of Indigenous peoples and all Canadians. The recognition of the First Nations' constitutionally protected treaty harvesting rights to hunt, fish, trap and gather in certain pre-Confederation treaty areas for food, social and ceremonial purposes addresses a longstanding dispute between the parties. This is an important first step toward renewed relationships and reconciliation with the First Nations for the benefit of everyone.⁴⁹

RESOLVING TREATY ISSUES

The final determinations on what is rightly owed to Indigenous people through the Williams Treaties will be a complicated process. However, the Supreme Court has developed some principles to be considered when determining treaty rights:

- A treaty is a sacred agreement involving the honour of the Crown.
- It is assumed that promises made by the Crown are intended to be fulfilled.
- Any part of a treaty that is not clear must be read in favour of the First Nation.
- Oral promises and the historical circumstances surrounding the signing of a treaty and how the First Nations would have understood it can be considered.
- Treaty promises must be interpreted in a way that allows them to evolve over time to meet changing circumstances.

These principles will help guide the settlement process between the Williams Treaty First Nations, and the Governments of Ontario and Canada.

⁴⁹ Ontario Ministry of Indigenous Relations and Reconciliation. "Negotiations with the Williams Treaties First Nations Toward a Negotiated Resolution of the Alderville Litigation." 27 March 2017. <https://news.ontario.ca/mirr/en/2017/03/negotiations-with-the-williams-treaties-first-nations-toward-a-negotiated-resolution-of-the-aldervil.html>



DISCUSS

1. Stephen Leacock paid little attention to Indigenous issues, making his understandings of Indigenous people very outdated. However, it is interesting to note that Leacock admired Indigenous use of oral histories. He said the Inuit handed down their oral history “from generation to generation with the utmost accuracy”⁵⁰.
 - a) Sometimes written records do not include the whole agreement. What does this tell us about the importance of oral histories?
 - b) Treaties are written records of oral agreements, but the written record was made in a language that was foreign to Indigenous people. Is this fair?
2.
 - a) Why is it important that outstanding land claims between Canadian governments and Indigenous peoples be settled?
 - b) How does this contribute towards reconciliation?
3. Why is it important to know the history of the land where *Sunshine Sketches of a Little Town* is based?