

# Indigenous Land Claims, Legal Geographies & Colonial Archives

## Tracing the Ownership History of the John's Homestead

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The majority of this research has taken place on stolen and occupied Lək̓ʷəŋən (Songhees and X̱səpsəm/Esquimalt) land, and I acknowledge and respect the Lək̓ʷəŋən and W̱SÁNEC Peoples whose historical relationships with the land continue to this day.

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### 01. Background & Context

The Oneida Nation is originally from the upstate New York area and lost access to their traditional territories through numerous land agreements and treaties with European and American governments. In 1840, approximately 200 members of the Oneida Nation purchased land in Middlesex County in Southwestern Ontario (Antone, 1990). Two subsequent groups followed; one which arrived the following spring and then a second in 1845 (Antone, 1990). Today, over 2000 Oneida People live on and steward these lands.

The purchases categorize the community as a settlement rather than a government-allocated reserve. Despite Oneida's distinct legal situation, the settlement is improperly classified as Reserve No. 41 by the Canadian government due to the imposition of the Indian Act on the community and disregard for the purchases.

### 02. Research Questions

- (How) can legal geographies support Indigenous land claims?
- What are the ownership and relationship histories of the John's Homestead?

### 03. Methodology

- Archival Research
- Literature Review
- Critical Reflection

### 04. Archival Sources

- ONLAND (Teranet Express)
- Archives of Ontario
- Library and Archives Canada
- Middlesex County Archives
- Elgin County Archives

### 05. About the John's Homestead

- A parcel of land adjacent to the Oneida Nation of the Thames
- Concession D, Lot 14 and 15 in the Delaware Township
- Fee simple LT Conversion Qualified
- The community has place-based oral histories and relationships to the John's Homestead, but it is not formally recognized within the boundaries of the settlement.



**In the archives, the ownership history of the John's Homestead** starts as Crown land. In 1798, the Crown transferred all or part of lot 14 to John Hutchins. In 1802, the Crown transferred Lot 15 to David Crandall. Crandall sold Lot 15 as two individual parcels in 1832. Subsequent land transfers divided these lots into various parcels. It is complex to analyze the ownership history of this area due to the division of land, and the logistical constraints of the archival records. However, today the John's Homestead is divided into two parcels: Lot 15 and part of Lot 14 (09717-0050) which was last sold in 1967, and the remaining part of Lot 14 (09717-0049) which was last sold in 2016.

- There are discrepancies in the linearity of grantor and grantee transfers in the historical parcel register
- Before 1847, registration of land transactions was not mandatory (Archives of Ontario, 2023)
- Some property transactions were registered years or decades after they happened (Archives of Ontario, 2023)

### 06. The Legal Geographies Framework

Legal geographies is a theoretical and analytical approach that bridges law and space. This project is framed within the context of critical legal geographies which explores the spatial-legal manifestations of power and injustices and how they can be specifically addressed (Delaney, 2016).

### 07. Key Insights

#### Archival Research

- Further research should do a context analysis of individual instruments of land transfers for Con D, Lot 14 and 15 (Delaware Twp)
- There are financial, epistemic, logistic, and physical barriers to accessing the archives.
- The inaccessibility of the archives perpetuates the displacement of Indigenous knowledge systems by privileging colonial legal systems and narratives.
- Archival research seeking to document settler land grabs from Indigenous Nations should center community oral histories.

#### Legal Geographies as a Framework

- *Critical* legal geographies provide a productive analytical framework due to its orientation, questions, and terminology.
- Analysis needs to do more than reveal material manifestations of injustices.

### 08. References

- Antone, E. (1990). Oneida historical perspective. In G. Antone, *Oneida 1990 Sesqui centennial: In our stories along the Thames river* (p. 29). <https://oneida.on.ca/wp-content/uploads/2024/04/Oneida-1990-Sesqui-Centennial-Book.pdf>
- Archives of Ontario. (2023). Research guide 231: Land registration records. Government of Ontario. [https://www.archives.gov.on.ca/en/access/documents/research\\_guide\\_231\\_finding\\_land\\_registration\\_records.pdf](https://www.archives.gov.on.ca/en/access/documents/research_guide_231_finding_land_registration_records.pdf)
- Delaney, D. (2016). Legal geography II: Discerning injustice. *Progress in Human Geography*, 40(2), 267-274. <https://doi.org/10.1177/0309132515571725>
- Ontario Land Registry Office #33. Delaware: Concession D (*Book 1, pp. 49 -51*). Government of Ontario.
- Ontario Land Registry Office #33. Parcel register for parcel number 0917-0049 (LT). Government of Ontario.
- Ontario Land Registry Office #33. Parcel register for parcel number 0917-0050 (LT). Government of Ontario.

Explore more of the archival history and documents here!



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