Letter to the Mississaugas of the Credit First Nation

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18 November 2026

Chief Margaret Sault and Councillors
Mississaugas of the Credit First Nation
2789 Mississauga Road, R.R. 6
Hagersville, Ontario N0A 1H0

Re: The Haldimand Tract, the purchase of 1784, and the bills before Parliament and Ontario

Dear Chief Sault and Councillors,

Your people's story and ours meet on this river. The land of the Tract was bought by the Crown from the Mississaugas in May 1784, in the purchase between the lakes confirmed in 1792, and that October the Crown set apart six miles on each side of the Grand for the Mohawk who had adhered to the King. In 1847 the Mississaugas of the Credit came to the Grand River themselves, to land offered by the Six Nations chiefs, and New Credit has been your home since. Measured six statute miles on the ground from the river, the line takes in about 7 of the reserve's 25 square kilometres, its northern part.

In brief. The Haldimand Tract carries a Crown interest that has never been discharged. It belongs to the Loyalist Mohawk posterity of the three villages. We have asked Parliament and the Legislature to settle it, without dispossessing anyone. We ask the Council four things, at the end of this letter.

THE PURCHASE AND THE GRANT

We call the Tract acquired territory because of your ancestors' bargain. The Crown could grant the six miles only because it had first bought them from the Mississaugas. Your treaty is the root of the Crown's title; the Proclamation is what the Crown then did with it. We do not question your treaties, your claims or your territory beyond the six miles. What we ask is that the grant the Crown made out of your purchase be observed as it was made: to the Mohawk of three villages and their posterity, for their exclusive use and enjoyment.

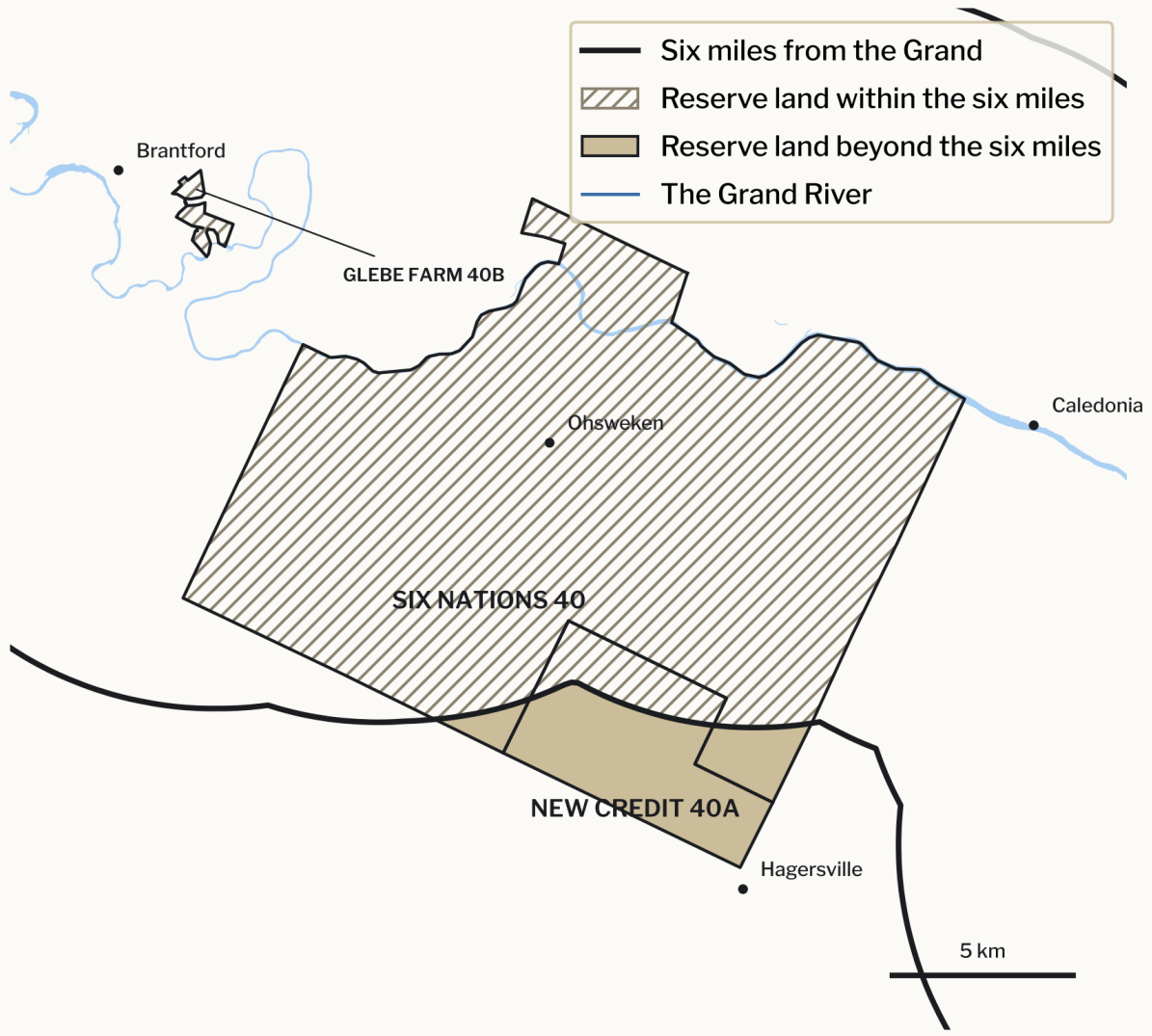
EXCLUSIVE USE, AND WHERE A RESERVE CAN LIE

The Proclamation set the six miles apart for the Mohawk, “which them and their posterity are to enjoy for ever,” and in 1791 the Crown confirmed it. Land the Crown had already set apart for that exclusive use and enjoyment was no longer the Crown's to set apart again for another purpose, however generously the Six Nations chiefs offered it in 1847. On that footing, the land Canada can hold as New Credit 40A without conflicting with the grant is the part beyond the six miles: about 18 of its 25 square kilometres, the southern part, shown on the enclosed map. The northern 7 square kilometres are Tract lands in the exclusive use of the posterity, whatever the *Indian Act* now calls them.

This is a question of what the Crown can claim, not of who may live there. No family at New Credit is asked to leave, and the enclosed bills take nothing from anyone. But the line matters, because the Crown and the municipalities deal with the Tract as though it were ordinary land, and it is not.

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The reserves and the six miles



The reserves against the six miles. Drawn from the Register's own data. The black line is six statute miles measured on the ground from the Grand, the river taken from the Grand River Conservation Authority's open data (GRCA Open Data Licence v2); the reserve limits are the mapped municipal and reserve boundaries, cartographic to about 100 metres. Hatched: reserve land within the six miles, set apart in 1784 for the Mohawk's exclusive use and enjoyment. Tan: reserve land beyond them. Any address can be looked up at mohreg.com/is-it-in-the-tract.

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WHAT WE HAVE PUT BEFORE THE CROWN

Our position rests on four Crown instruments and nothing more: the Haldimand Pledge of 7 April 1779 to the Mohawks of Canajoharie, Tikondarago and Aughquaga; the Haldimand Proclamation of 25 October 1784; Lord Dorchester's Order in Council of 9 November 1789, which established the Mark of Honour; and Simcoe's Proclamation of 6 April 1796, which directed that the Loyalists be ascertained on oath before the magistrates. Read together, they describe a Crown-derived interest of exclusive use and enjoyment, hereditary in the posterity of the class. It is not an Aboriginal right under section 35 and it is not land held in trust. At Confederation it passed to Ontario subject to it, as an "interest other than that of the Province" under section 109 of the *Constitution Act, 1867*, and section 52 makes it prevail over any law that conflicts with it.

We have drafted bills for Parliament and for Ontario, and they are enclosed. They ask the Crown to recognise the interest and the Nation's Register as the record of the class; to let surplus Crown land and assets in the Tract return to the Loyalist Mohawk as they fall free; and to arrange an orderly handover, with no one dispossessed. They take no home, no farm and no reserve lot from anyone. We have sent them, with letters, to the candidates in the Brantford–Brant South–Six Nations byelection and to every member of Parliament and of the Legislature whose riding lies on the Tract. We write to you so that you hear it from us directly, as neighbours, and not second hand.

WHO CAN SPEAK FOR THE POSTERITY

Who belongs to the class is a question of descent, and it has to be proved. Lord Dorchester's Order of 9 November 1789 set the Mark of Honour, U.E., to distinguish the Loyalists and their posterity, and Simcoe's Proclamation of 1796 directed that they be ascertained on oath before the magistrates. A hereditary title of that kind can be claimed only with certainty: a line traced, person by person, to a Loyalist Mohawk of Canajoharie, Tikondarago or Aughquaga. Aboriginal title is held in common by a people, and an *Indian Act* membership list records whom the Crown counts as a band member. Neither can tell who is of the class, and neither can stand in for it. That is the difficulty any council meets when it tries to speak for our people: it would have to know, as the Register must, who they are.

Joseph Brant knew the difference. He refused Simcoe's Patent of 1793 because it did not secure the land for the exclusive benefit of the Mohawk, and the Grand River Mohawk never accepted it. Writing of 1803, William L. Stone recorded in his *Life of Joseph Brant* that the grant of the Grand River territory "had been notoriously made for the exclusive benefit of the Mohawk nation," and that when other nations sought to use the Confederacy to take a say over Grand River Mohawk affairs, the league "had never before been construed as clothing them with any such rights or powers." If the Confederacy was never clothed with that authority, no body created under the *Indian Act* since has been either.

WHAT WE HAVE RAISED BEFORE

We have raised the Mississaugas' place in this before, in our filings and in our record. Under the Grand River Notification Agreement of 1996, the Mississaugas of the Credit are notified of development on the Tract alongside the Six Nations, while the Mohawk, to whom the six miles were granted, are left out: the vendors consulted and the grantees passed over. And the Mississaugas have intervened in the Six Nations' action against Canada and Ontario, a proceeding framed as a collective claim that does not include the posterity. We say this without rancour. Your ancestors made their bargain in 1784 and the Crown paid for it; what the Crown then granted out of it was granted to the Mohawk of three villages, and only they can speak for it.

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HOW A SURRENDER WORKS, AND WHY IT MATTERS HERE

The law on this was settled long ago. In *St. Catherine's Milling* (1888) the Privy Council held that, under section 109, the Province's title to its lands is burdened by any Indian interest not yet surrendered, and that the burden is lifted only by surrender. In *Seybold* (1903) it held what follows from that: once an interest is surrendered, the land falls to the Province free of it, and Canada cannot afterwards set apart a reserve there on its own. Surrender is the trigger. Until it is pulled, the interest stands, whoever holds the paper title.

Your ancestors pulled that trigger for their own interest in 1784, when they sold the Grand River lands to the Crown. That was their right, and the Crown paid for it. What the Crown then granted out of the purchase was a new interest, made to the Mohawk of three villages and their posterity, for their exclusive use and enjoyment. It has never been surrendered. ServiceOntario's Director of Land Registry Services confirmed in writing on 13 April 2026 that no surrender of it is recorded. The Mississaugas cannot give it up, because it is not theirs; but the Crown can be invited to treat a release as if it were one.

That is the harm. The Mississaugas now live in part on the six miles, at the northern edge of New Credit, and have entered litigation that stakes an interest in the Tract a second time, more than two centuries after selling it. Any release, settlement or agreement given in that litigation that speaks to the six miles can be offered later as the *Seybold* trigger: proof, Canada and Ontario will say, that the Tract's Indian interest has been surrendered and the land has fallen to the Province. The posterity of the three villages, who are not at the table, would carry the loss. We do not ask you to abandon any claim of your own. We ask only that nothing you sign be made to stand in for a surrender that only the posterity could ever give, and that they have never given.

NEVER DEDICATED

Nor have the Mohawk ever dedicated any part of the six miles to Ontario's public use. Dedication at common law needs an owner's intention to dedicate and the public's acceptance; the class has never shown the first, and those yet unborn could not. In *Hopton v. Pamajewon* (1993) the Court of Appeal for Ontario held that the doctrine of dedication cannot apply to reserve lands, because of the sui generis nature of the interest in them, and so a road across the Shawanaga reserve had not become a public highway. In 2024, in *Chippewas of Saugeen v. South Bruce Peninsula*, the Court of Appeal dismissed Ontario's appeal after the trial judge, relying on *Hopton*, had refused the Province's claim that a beach had been dedicated to the public. The reasoning applies with greater force to land the Crown set apart for the Mohawk's exclusive use and enjoyment: the roads, allowances and public places Ontario now administers in the Tract were never dedicated by the only people who could have dedicated them.

BEFORE THE WORLD

We have carried this question beyond Canada before. In December 1966, through Dr. Omar Ghobashy, the Mohawk applied to the International Court of Justice, whose Registrar acknowledged the application in January 1967. In 1995 the Six Nations Elected Council joined us, by Band Council Resolution No. 17, in work toward the World Court. In November 2024 we placed the Nation's founding instruments before the Chief Justices and Attorneys General of Canada and Ontario; on 1 April 2026 we sent our Representation to His Majesty the King, with notice to the Governor General and the Privy Council Office; and we have asked Canada to consent to put the question to the Permanent Court of Arbitration. A settlement made at home, with a band alone, will not close a question the world has been asked to hear.

WHY WE WRITE TO YOU

Part of New Credit lies within the six miles, and much of what the Crown and the municipalities now do on the Tract reaches your Council too: consultations, land acknowledgements, agreements on development and water. We want you to know that the bills displace no one at New Credit, and that the Nation deals with the Crown directly and does not speak for any band. Where the Crown or a municipality speaks of the Tract in its acknowledgements or agreements, we ask that it name the grant correctly, and we would welcome your voice in asking the same.

WHAT WE ASK

We would be grateful for the Council's answers in writing:

1. Will the Council acknowledge that the Haldimand Proclamation of 1784 granted the six miles on each side of the Grand, out of the Crown's purchase from the Mississaugas, to the Mohawk of the three villages and their posterity?

2. Will the Council, where it is consulted on Tract lands or asked to join a land acknowledgement there, ask that the grant to the Loyalist Mohawk posterity be named, and leave the enclosed bills to pass on their merits?

3. Will the Council make sure that no release, settlement or agreement it gives in its own claims or in the Six Nations action speaks to the six miles, so that nothing it signs can be read as a surrender of the Mohawk grant?

4. Will Chief Sault meet with the Secretariat, nation to nation, to talk about the river we share and the purchase and the grant that bind us to it?

The purchase and the grant are two halves of one story. We would be glad to tell it together.

Yours faithfully,



Benjamin Doolittle UE
Secretary-General
Mohawk Nation of Grand River Secretariat
Grand River Territory, Ohsweken

Enclosures (draft bills): *Haldimand Proclamation Recognition Act*, as a private member's bill, a government bill and a Senate public bill; *Haldimand Proclamation Act, 2026* (Ontario), as a private member's bill and a government bill

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