MOHAWK NATION OF GRAND RIVER SECRETARIAT

Letter to the Six Nations Elected Council

Record Code CORR01-261118-000031

18 November 2026

Elected Chief Sherri-Lyn Hill and Councillors
Six Nations of the Grand River Elected Council
1695 Chiefswood Road, P.O. Box 5000
Ohsweken, Ontario N0A 1M0

Re: The Haldimand Tract, the Loyalist Mohawk posterity, and the bills before Parliament and Ontario

Dear Elected Chief Hill and Councillors,

Almost the whole of your reserve lies within the Tract. Measured six statute miles on the ground from the Grand, the line takes in some 184 of the 190 square kilometres of Six Nations 40, from Ohsweken to the river, and all of Glebe Farm 40B at Brantford. The Secretariat sits in the same territory, and many of the Loyalist Mohawk posterity are your members, your neighbours and your relations. That is why I write to you first among the governments on the river, and plainly.

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.

A RELATIONSHIP OLDER THAN CANADA

The Mohawk alliance with the Crown did not begin in 1784. In 1710 four Mohawk leaders were received by Queen Anne in London, and the Silver Covenant Chain was made between the Mohawk and the Crown directly. In 1779 Governor Haldimand pledged the King's word to the Mohawks of the three villages, on the faith of a Christian and as a soldier, and in 1784 the Crown kept that pledge with the Grand River, for the Mohawk and such others of the Six Nations as wished to settle with them. On 24 December 1791 the Crown's committee pledged the faith of government to the Mohawk chiefs. That word was given to the Mohawk of three villages and their posterity, and it is theirs to hold.

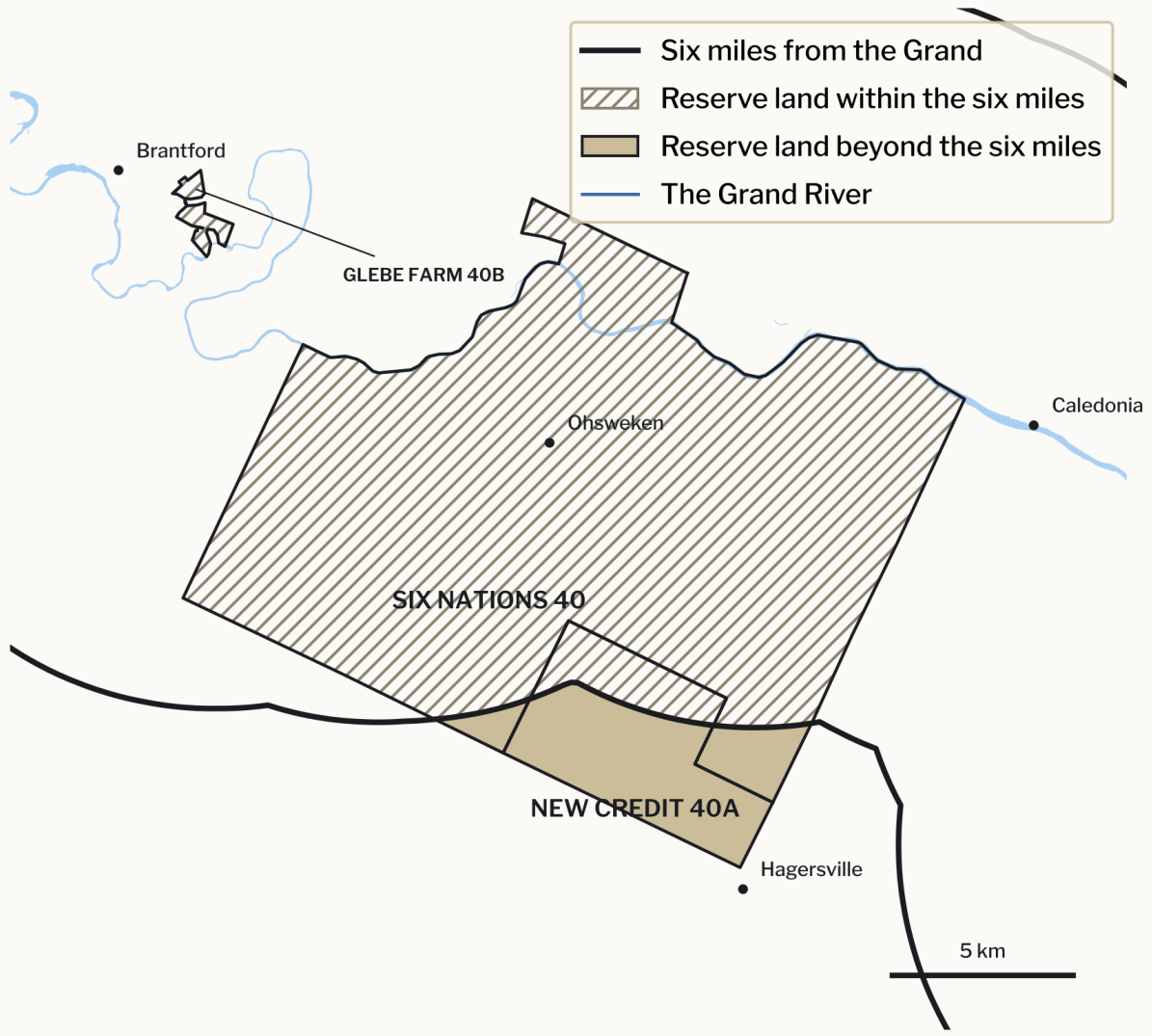
EXCLUSIVE USE, AND WHERE A RESERVE CAN LIE

The Proclamation did not open the six miles to all comers. It set them 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. On that footing, the only land Canada can hold as a reserve under the *Indian Act* without conflicting with the grant lies beyond the six miles. For Six Nations 40 that is about 6 of its 190 square kilometres, two strips along its southern edge, shown on the enclosed map. The rest of the reserve, and Glebe Farm 40B, 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. Many of your members are the posterity themselves. No family's home is in question, and the enclosed bills take nothing from anyone. But it is why the Crown cannot settle the Tract with the band alone: most of what is called the reserve is land the Crown had already given.

Made with Flint and Feather

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.

Made with Flint and Feather

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.

NEVER SURRENDERED, NEVER DEDICATED

The Loyalist Mohawk posterity have never surrendered the six miles, and they cannot. The Proclamation gave the land to the Mohawk "and their posterity" to enjoy for ever, so the class includes those not yet born. No one can give what is not theirs to give, and no living generation of the class holds more than its own place in a right that runs to those who come after it. Under *St. Catherine's Milling* (1888) and *Seybold* (1903), only a surrender lifts the burden on the Province's title. A surrender the whole class could never make leaves that burden in place for as long as the class endures.

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

Made with Flint and Feather

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.

WHAT WE HAVE ALREADY TOLD THE COUNCIL

This is not the first time we have written. On 17 December 2020 I wrote to Chief Mark Hill, with the City of Brantford and the County of Brant, setting out the posterity's interest. From May to July 2022 the whole Council received our correspondence on the natural capacity of a band council, and Councillor Helen Miller acknowledged it. On 2 October 2023 we sent the Council a Comprehensive Objection; a year later, on 3 October 2024, it briefed the community on its litigation at a public meeting without mentioning it. On 4 October 2024 we wrote to the band through its counsel at JFK Law and Blake, Cassels & Graydon, naming three risks: that the grant would lose its specificity, that precedents set under a collective banner would bind the Mohawk, and that the exclusive right itself would be lost. On 9 October 2024 I asked its counsel whether the band claims to represent the Mohawk Nation of Grand River. No answer has come.

Meanwhile the harm grows by repetition. Publications built on the Council's own framing, and the land acknowledgements copied from them across the region, now say the six miles were granted to the Six Nations, and the Council has told municipalities that it is the sole representative of the Grand River Territory. Each repetition moves the grant further from the people it was made to, and contradicts the federal plaque the Queen unveiled in 1984.

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 Elected Council itself 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.

TWO BODIES, ONE TERRITORY

The Council and the Nation are not rivals for the same thing. The Council governs a reserve under the *Indian Act*; the Nation keeps the Register of a class to whom the Crown made a grant. The Council itself has recognised the difference. On 12 October 1995, under Band Council Resolution No. 17 of 10 October 1995, it entered a Memorandum of Agreement with the Mohawk People of the Americas as a separate party, for the work toward the World Court. A council does not make an agreement with itself.

That is why we raise the band's action against Canada and Ontario, begun in 1995 and now at trial. The posterity are not party to it. In 2007, when a Mohawk group went to court, Helen Miller, later a councillor, asked what difference it makes who sits at the table as long as the entire community benefits. With respect, it makes every difference. A grant made to the Mohawk of the three villages and their posterity, for their exclusive use and enjoyment, cannot be settled as a collective interest of the band without the exclusive right being lost. The same holds for any agreement over Tract lands off the reserve, such as the Boundary Lands Memorandum of Understanding the Council signed with the City of Brantford and clarified on 20 August 2026.

On 27 October 1984 Queen Elizabeth II unveiled the federal plaque at Her Majesty's Chapel of the Mohawks, in English, French and Mohawk on one stone. It records the grant to the Mohawks. We do not ask the Council to give up anything it holds. We ask only that it not dispose of what it does not.

WHAT WE ASK

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

1. Will the Council confirm in writing, as Band Council Resolution No. 17 of 1995 recognised, that it does not hold or represent the interest of the Loyalist Mohawk posterity under the Haldimand Proclamation?

2. Will the Council ensure that no settlement of its 1995 action, and no agreement with Canada, Ontario or a municipality over Tract lands, purports to release, surrender or exercise that interest?

3. Will the Council leave the enclosed bills to pass on their merits, and tell its members that they take no home, farm or reserve lot from anyone?

4. Will the Elected Chief meet with the Secretariat, neighbour to neighbour, to talk about how the two bodies can stand side by side on the Tract?

Our door in Ohsweken is open. Many of us are your members, and we would rather walk this road with you than past you.

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

Made with Flint and Feather