

Do we have any responsibility to Six Nations for Land in the Haldimand Tract?

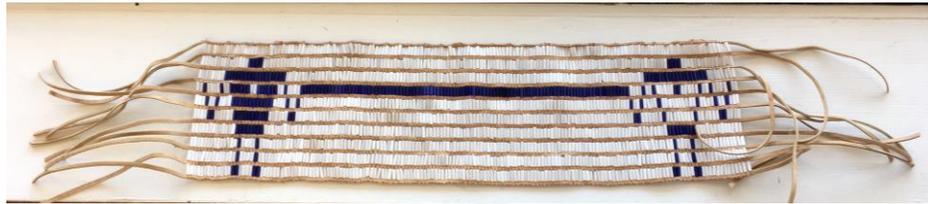
(Frequently used arguments that we don't owe them anything)

- This not their ancestral land. They are from New York State.
- They received the Haldimand Tract as a grant, just like other Loyalists.
- The land was freely sold by Six Nations, not stolen.
- The incoming Mennonite Settlers paid for the land in good faith.
- In fact, with the Richard Beasley affair, they paid for it twice! Or did they?

A Long History of Treaties and Alliances



1613

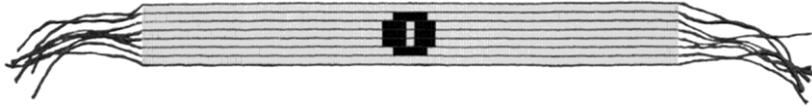


1677

Two Row Wampum 1613 and the Covenant Chain 1677

- peace, friendship and perpetuity.
- Would travel together through time, side by side
- non interference, but close enough to assist

These treaties were binding documents. Made us family.



1701

- The Dish with One Spoon
- The Nanfan Treaty
- The Great Peace of Montreal

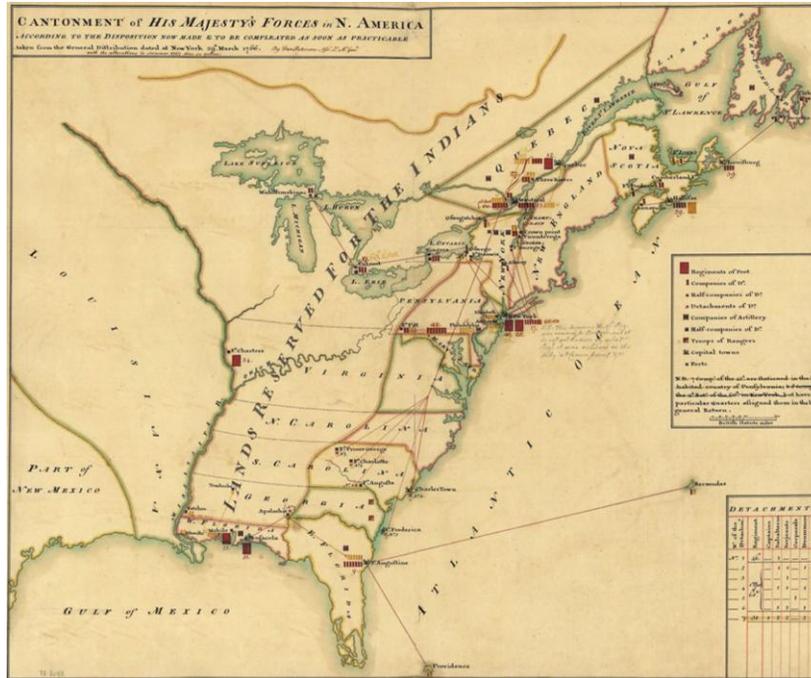
The Nanfan Treaty and Dish with One Spoon

These are important regarding the Haudenosaunee (and others) Beaver Hunting Grounds. Recognition of Haudenosaunee rights and interest over a large swath of land. "By conquest" Adoption and amalgamation of their opponents. In essence, they became one. Senecas, keepers of the western door, are known to be largely integrated with what was the Neutral. So, one could easily argue that this land is included as the Haudenosaunee's "ancestral land".

Asked for British "protection" in the free use of this territory. (British see it as a land session?) Haudenosaunee do not.

Dish with One Spoon, peace and sharing agreement. All have the right to use this land

Great Peace of Montreal made at Montreal with the French



American Revolution
1775- 1783

Map image courtesy of History.com

Royal Proclamation of 1763 and Treaty of Niagara was 1764

The recognition of indigenous rights over land west of the “proclamation line” to the Mississippi. One of the grievances of the American Revolution.

American Revolution – 1765 to 1783 –American colonies wanted free access to Indigenous lands west to the Mississippi.

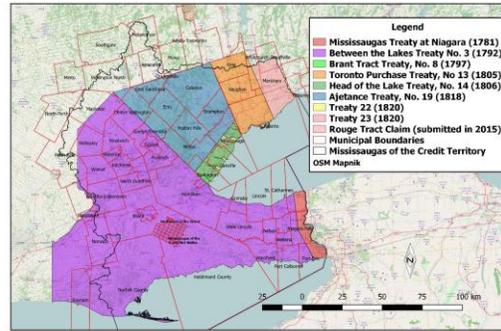
- Four of Six Nations fight for Britain in the American Revolution (1765-1783) – Seneca, Cayuga, Onondaga and Mohawks
- Some Oneidas and Tuscaroras serve as scouts for the Americans but primarily remain neutral.
- Sullivan Campaign 1779 – lays waste to Haudenosaunee homeland in the finger lakes region of New York State. Scorched earth campaign burns all villages and crops in storage and in the field. Massacres of the population.



Haldimand Proclamation
 ..."Six Miles deep from each side of the River beginning at Lake Erie and extending in the proportion to the Head of said River, which Them and Their Posterity are to enjoy forever."

1784

- Britain negotiates with Mississaugas to allow Six Nations (and others) to settle on the Grand River
- Mississauga welcome their brethren to share territory on the Grand (under the Dish with one Spoon) but continue to use the land as well ("We are not the owners of all that land...")
- Between the Lakes Treaty of 1784/1792 with Mississauga
- Governor Frederick Haldimand issues the Haldimand Proclamation.



Municipal Boundaries Related to the Between the Lakes Treaty, No. 3 (1792)

- Many of Six Nations become refugees and endure brutal winter and starvation outside Fort Niagara.
- Treaty of Paris 1783 ends American Revolution and cedes Indigenous lands south of the lakes to the Mississippi River. Haudenosaunee are outraged and request compensation for losses of land, within their traditional hunting grounds.
- Brant as a military ally leader, who fought with Butler's Rangers, and as spokesman lobbies heavily for settlement on Grand River, as it is Haudenosaunee traditional hunting territory. The Beaver Hunting Grounds and shared with the Mississauga.
- In compensation General (and Governor) Frederick Haldimand issues the Haldimand Proclamation which guarantees the Haudenosaunee 6 miles deep on either side of the Grand from Source to Mouth – forever.

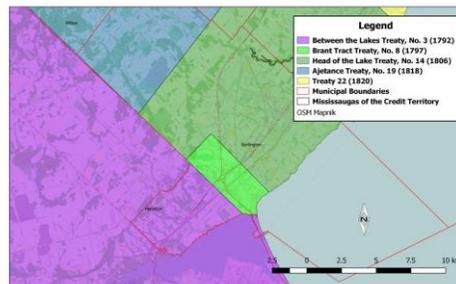
1,843 Haudenosaunee (Six Nations) plus some Delaware (Lenape), Nanticokes, Creeks and Cherokee move to the Haldimand Tract under Joseph Brant

Some Mohawk also follow War Chief John Deseronto and settle at Tyendenaga on the Bay of Quinte.

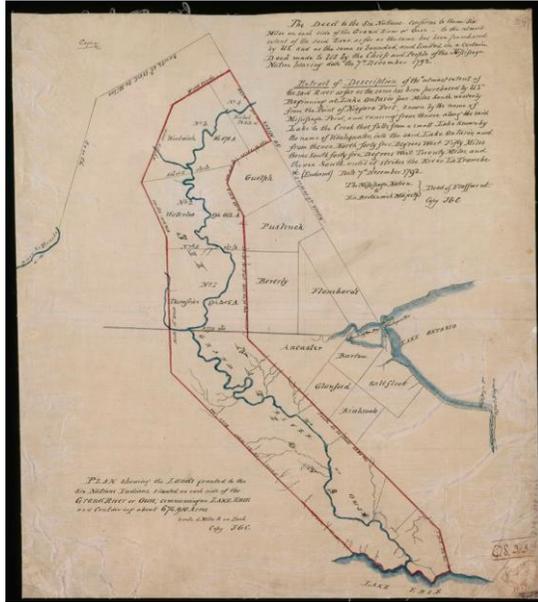


Joseph Brant

A controversial figure



1. Brant was not a “chief” of the Haudenosaunee. He was a war leader or captain and respected as a leader by his people but also by the British. He spoke and wrote English well and the Confederacy Council recognized his good standing with the British. He was allowed to be their “mouthpiece” for the confederacy.
2. He helped negotiate the Haldimand Treaty and the move to the Grand River. He states many times that his and the Confederacy council’s intent was that their standing on the Grand River was to be the same as in their homeland in New York. As in, this was now their “ancestral land”, and had been so recognized under the Nanfan Treaty as their Beaver Hunting Territory.
3. The Haudenosaunee were impoverished, an abundance of widows and children from the losses in the Revolutionary war.
3. Nov 2, 1796 - Brant is given a limited Power of Attorney to negotiate land “leases” or sales to secure an annuity or an ongoing stream of income, for the support of the Haudenosaunee People. “mouthpiece” for confederacy.
4. Brant disputed with Governor Simcoe and many other government officials on the process for alienating land. The dispute is really over the sovereignty of the Haudenosaunee of their own land

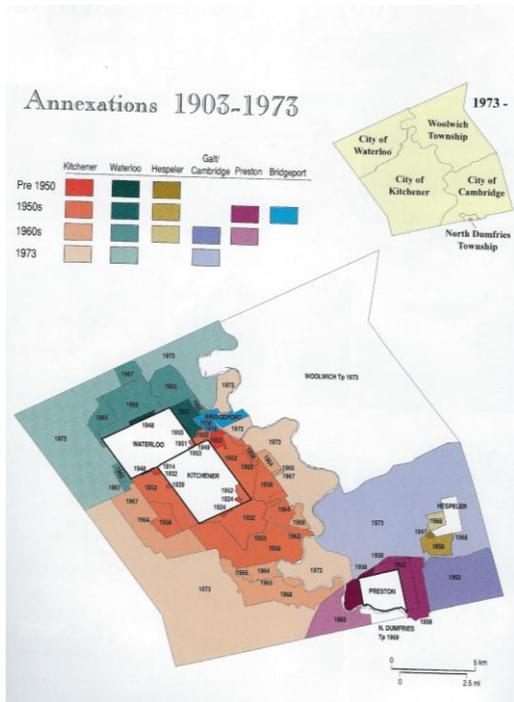


Forever?

- Simcoe Patent of 1793 eliminates the source. (275,000 acres)
- Haudenosaunee wish to invite settlers onto the tract to provide an ongoing annuity for the “perpetual care and maintenance” of Six Nations
- Dispute with the Crown over process – argument is really over the question of sovereignty – whose land ?
- Blocks 1-4 are made available – sold or 999 year lease?
- Intent was to secure steady stream of payments to Six Nations
- Brant exceeds his “Power of Attorney” and is dismissed in 1801.

Thomas Ridout Survey, courtesy of Archives of Canada

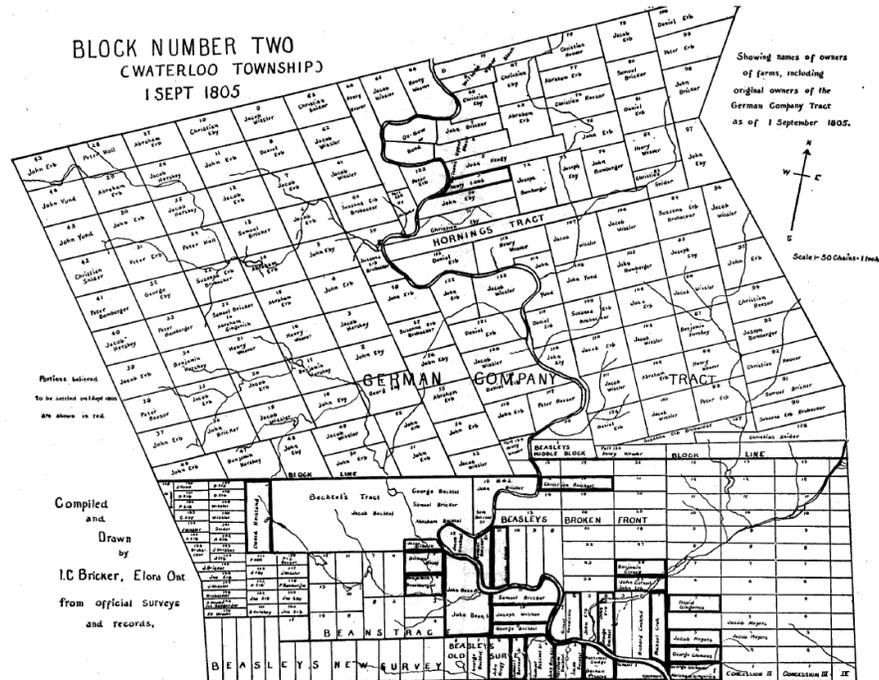
- Source 275,000 acres – Source never received. Augustus Jones survey and Jones Patent, as pushed by Simcoe, eliminates the Source from the survey.
- Governor Simcoe did not want to allow leases, Brant wanted to sell the land to invest the proceeds. Royal Proclamation issues. POT authorized Brant to surrender “in Trust”, 310,000 acres. (Blocks 1-4) He sold 352,000 acres, (also sold blocks 5 and 6) to secure an annuity, or 999 year payments for Six Nation perpetual care and maintenance.
- British recognize the sale of blocks 5 and 6 as having been negligence on Brant’s part as he did not have Six Nations Council approval to do so, but do not overturn the sales.
- Big problem with settler squatters moving onto the tract with no deeds. Government almost never removes the squatters.
- Brant also looked out for his own interests,. took kick backs and also received his own personal grant of land at Dundas. - Brant Tract 3500 acres in 1797.
- In some instances was given payments by purchasers, in others was given a percentage share of land for personal use- received land in blocks 1, 2 & 3.
- Block 1, Brant received a full 1,000 acres for personal use.
- Brant also gave/sold land to personal friends from the war.- Nelles, Dochsteder etc.
- In the end Brant was dismissed from this role in 1801, but not before negotiating the block sales in the 1790s.



Block 2 Image for Reference

**Note locations of Cambridge,
Kitchener and Waterloo
as well as the Grand River**

Image courtesy of Elizabeth Bloomfield, "Waterloo Township through Two Centuries"



In 1796 Richard Beasley, James Wilson, Jean Baptiste Rousseaux purchased block 2 from Brant via the British Indian Department. Money from the land sale was to be paid to the several individuals in the Indian Department “in Trust” for Six Nations. Very messy process. Brant had to argue and threaten officials that the Six Nations would withdraw loyalty to Britain to get this to happen.

Richard Beasley lived at Dundurn Castle and was well placed and known in Government circles. Beasley made no down payment but attempted to pay interest. Proviso was that no deeds would be issued until full purchase price was paid.

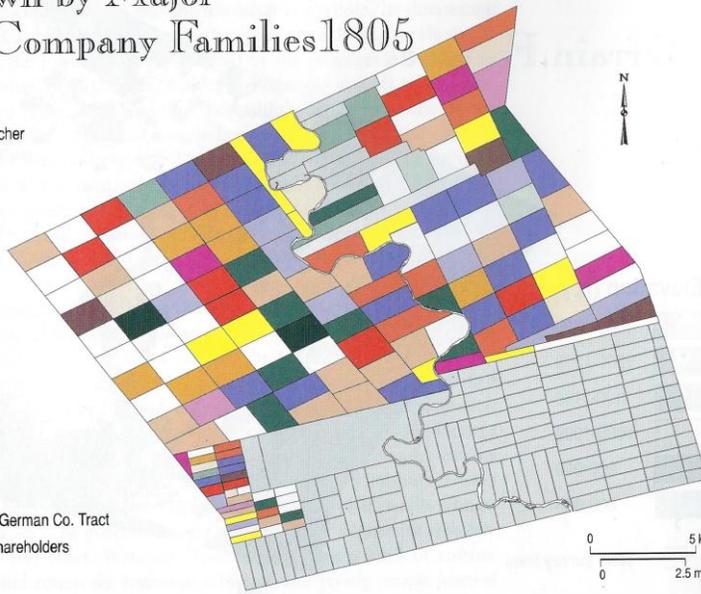
Beasley proceeded to sell lots in an attempt to make mortgage payments, which he could not. Betzner, Schoerg, Bechtel, Bricker, Biehn purchased land, but became uneasy when they heard there was an outstanding mortgage on the entire block.

Look carefully at the map. Bechtel’s Tract as well as Biehn’s and the properties of Betzner and Schoerg were all below, or south of the “Block Line”, or the lower third of the Block.

The Indian Department pressured Beasley and he was in danger of losing his investment in the Block. So, Brant and Beasley appealed to Mennonites already in place to bail him out. They worked out a deal with Brant and gov’t officials to sell the Northern two thirds of Block two in one piece to cover the mortgage and therefore clear title and allow deeds to be issued. Some Mennonite representatives actually travelled with Beasley to speak to the Executive Council of Upper Canada to persuade them to accept this plan.

Lots Drawn by Major German Company Families 1805

- Susannah Erb Brubacher
- Abraham Erb
- Daniel Erb
- John Erb
- Peter Erb
- Jacob Erb
- Jacob Wissler
- Henry Weber
- George Eby
- John Eby
- Christian Eby
- Joseph Eby
- John Bricker
- Sam Bricker
- Christian Schneider
- Land not included in German Co. Tract
- Other German Co. shareholders



Noone paid for the Land twice!

Image courtesy of Elizabeth Bloomfield, "Waterloo Township through Two Centuries"

The purchase plan was accepted, however the full price of 10,000 British Pounds had to be fully paid by one year later. The land was fully paid for in two installments by the deadline.

So in 1803 -Group of Mennonites (rep by Sam Bricker and Daniel Erb) formed a loose "company" of mostly family members to purchase the northern two thirds or 60,000 acres outright to pay off the mortgage.

The German Block was surveyed and divided into 126, 448 acre blocks. (small area in lower left of block included in compensation for lots already sold or gifted in the Northern two thirds (shaded grey)

The various shareholders drew lots for the blocks randomly based on their investment. Some immigrated and settled in Canada, some did not, and most subdivided and sold their lots to other immigrants at a profit. Beasley continued to sell lots in the southern third of Block two.

Noone paid for any land twice, and in fact, many investors became wealthy.

In negotiations to find investors for the German Company, Hannes Eby notably said, "They should not look upon this matter as mere speculation to enrich themselves, which in all likelihood it would do, but rather as their Christian duty to assist if possible, their brethren in distress"



Block 3 – Woolwich
Township
1861 Tremaine Map

In Woolwich Township, or Block 3, story is not very different. Block 3 was approximately 86,000 acres. (boundaries of Woolwich have shifted over the years and now also includes some of Block two to the east of Waterloo.

So, in 1798, all of the land in Block 3 is “sold” to William Wallace, a builder from Niagara. He was a friend/acquainted with Brant.

Wallace could not pay, so the land was forfeited in pieces (all of it by 1821). Initially, Brant lobbied and Wallace was allowed to retain 7,000 acres, but this was also forfeited after War of 1812, as Wallace had sided with the Americans. The Haudenosaunee requested the return of the 7,000 acres but were ignored. The 7,000 acre lot was then sold/given to William Crooks in 1821. He later sold to William Allan (this is most of the southeast corner and includes Winterbourne. Settled mainly by Scots)

The greater part of western half, 45,185 acres was sold to the German Company. Assisted by Augustus Jones, the representatives were John and Jacob Erb. This section of the block was divided into 160 lots of 350 acres each. These sold quickly, both locally, and in Pennsylvania. Some investors bought multiple lots, some for their children or to hold for speculation.

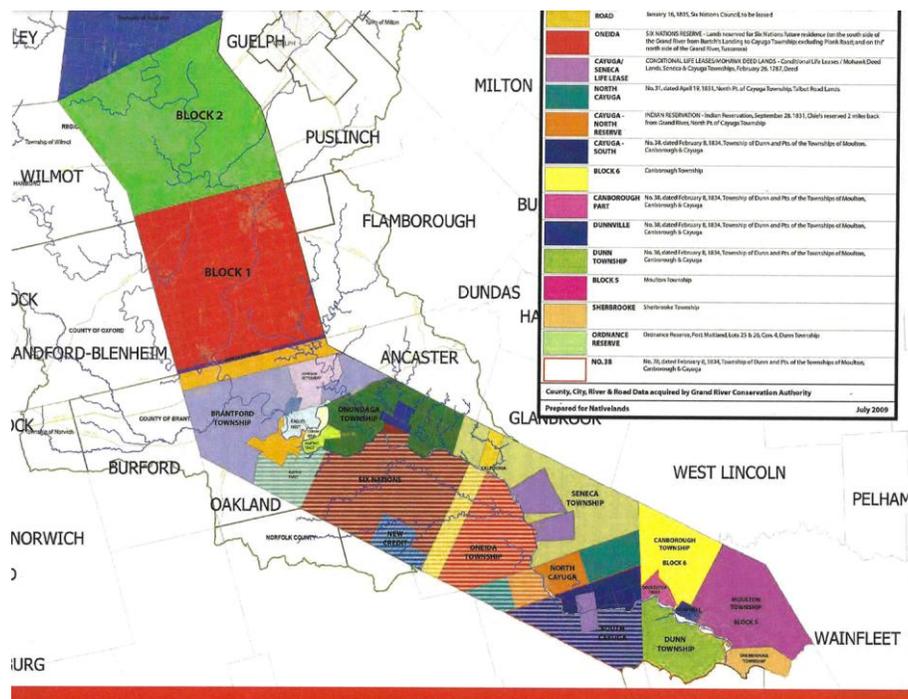


Waterloo North sits on Lot 18 of Block 3, Woolwich Township

Waterloo North sits on lot 18, German Co. Lands in Block 3. Lot 18 had been purchased by Peter Martin and Anna Zimmerman Martin sometime around 1820/21. (Peter and Anna had arrived in 1819) The Peter Martin Farm was directly south of Waterloo North Church and also includes the land used for Martin's Meeting House.

In 1823, **Daniel Z Martin** (son of Peter Martin & Anna Zimmerman) married **Veronica Schneider** (daughter of Joseph Schneider of Berlin) and settled on Woolwich, German Company lot 18.

This farm is an irregular plot northeast of his father's farm, running across both King and Weber Streets north of the Waterloo line, and up as far as Wagner's Corners. The St Jacobs Farmers Market and the Hotels and big box stores sit on this lot.



- To restate. The Haudenosaunee intent was to share this land with incoming settlers. They realized that they could not hold all of the land in the face of settler squatters etc.
- So, in 1796, Blocks 1, 2, 3 and 4 were to be shared with settlers on condition that a continual stream of income be derived from the sales of these lands for “perpetual care and maintenance”. Originally wanted to lease but this was denied.
- Monies realized from the sales of these lands were supposed to be invested by Government Trustees, on behalf of, and managed for the benefit of, Six Nations for “perpetual care and maintenance.”
- Monies were invested by the Trustees in various British Banking and Financial Institutions. Notably Coutts and Co. and the Bank of Scotland both of which still exist.

LAND RIGHTS

A GLOBAL SOLUTION

FOR THE SIX NATIONS OF THE GRAND RIVER

43

*... Six Miles deep from each side of the River beginning at Lake Erie and extending in the proportion to the head of said River which them and their Posterity are to enjoy forever. -
Treaty of 1763, October 23, 1763*

Examples of CROWN'S use of SIX NATIONS Trust Funds

Six Nations monies were used by the Crown for the following purposes:

- In 1820, £187.10.0 (\$750.00) invested in Upper Canada Bank Stock; increased in 1859 to £200 (\$800.00)
- In 1834, £1,000 (\$4,000.00) used to offset the Government's debt; no record of repayment
- In 1835, £300 (\$1,200.00) loaned to Brantford Episcopal Church; no record of repayment
- In 1836, £600 (\$2,400.00) used by Cayuga Bridge Company; no record of repayment
- In 1845, £3,679.7.9 (\$14,717.58) used to cover the Government's debt; no record of repayment
- Between, 1845-1847, £4,200 (\$16,800.00) used to cover the Country's war loss debt; no record of repayment
- In 1846, £200 (\$800.00) used by Desjardin Canal Company; no record of repayment
- In 1846, £2,000 (\$8,000.00) used by Erie & Ontario Railroad Company; no record of
- 0 (\$800.00) transferred to the Simcoe District; no record of repayment
- 412.10.0 (\$17,650.00) transferred to City of Toronto; no record of repayment
- 1847, £2,900 (\$13,100.00) used to build roads in York; no record of repayment



Six Nations Lands and Resources has done extensive research

- Coutts and Co. allowed access to their archives, Bank of Scotland did not.
- Plus Six Nations researchers had access to the National Archives of Canada.
- Records show the Crown used funds and revenues from those funds to finance operations in developing Canada with little or no return to Six Nations.
- Money trail which can be found shows that funds were used for Canada's infrastructure and to pay debts, such as of the War of 1812.
- This can be proven using Canada's own records.
- In the last 10 Years, Phil Montour, (pictured lower left) who spent his life as a researcher at Six Nations Lands and Resources has made a speaking tour to raise awareness on this injustice.

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"Six Miles deep from each side of the River beginning at Lake Erie and extending to the proportion to the Head of said River, which 'Them and Their Posterity are to enjoy forever.'"
Haldimand Procl. 1784

CROWN'S use of SIX NATIONS Trust Funds, continued

- In 1847, £2,250 (\$9,000.00) used by Welland Canal Company; no record of repayment
- In 1847, £250 (\$1,000.00) transferred to Law Society of Upper Canada; no record of repayment
- In 1847, £2,000 (\$8,000.00) transferred to McGill College; with no record record of repayment
- In 1849, £3,900 (\$15,600.00) transferred for debts of Public Works (9 Vic c.66) again in 1858, £11,000 (\$44,000.00) was transferred to Public Works; no record of repayment
- Between 1849-1851, £15,600 (\$62,400.00) transferred to address the Public Debt; no record of repayment
- In 1851, £2,000 (\$8,000.00) used by Municipal Council of Haldimand; no record of repayment
- In 1852, £7,000 (\$28,800.00) invested in Upper Canada Building Fund; no record of repayment
- Between 1853 and 1857, £77,531.13.4 (\$310,124.68) used to operate Upper Canada. was assumed by the Province in 1861 with no record of repayment
- £28,400 (\$113,600.00) invested in Montreal Turnpike Trust Bonds; with no repayment
- £1,782 (\$7,128.00) used by the District of Niagara; no record of repayment

Page 2 – the list of uses of Six Nations funds by Upper Canada and later the Dominion of Canada is huge!



Block 3 findings in WoolwichTownship:

- 7,000 acres not returned to Six Nations as requested in 1821 (Crooks Tract)
- Principal and interest paid for 16,000 acres was never credited to Six Nations Trust accounts.
- Some 15,000 and 3,000 chunks are not fully accounted for.
- Six Nations has been unable to locate any records of any payments made for the 45,185 acres purchased by the German Company. This includes the land occupied by Waterloo North. This does not mean the money was not paid by the German Company, just that there is no paper trail yet found.

Current Litigation Efforts



- Six Nations is seeking compensation as well as an accounting of what happened to their property, money and other assets in Ontario, from the date of the Haldimand agreement.
- Between 1980 and 1995 , Six Nations Elected Council (SNEC) submitted 29 claims to Canada under the Specific Claims Policy (so far only one has been resolved)
- In 1995 SNEC commenced litigation against Canada and Ontario for the above claims.
- These claims were placed in abeyance in 2004 (in hopes of a negotiated Large Claims Process and settlement)
- 2006 was the Caledonia protests regarding development on disputed lands. For the next number of years SNEC and the Traditional Council negotiated with Canada as one unified block. (this split in Six Nations Government is a separate issues and too long to deal with here. Suffice to say, that Canada and the Indian Department created this division and dispute).

In 2009 SNEC re-activated the litigation against Canada and Ontario due to no progress in negotiations

Our Land Acknowledgement

- Waterloo North Mennonite Church acknowledges that we are worshipping on the ancestral and treaty territory of the Original Peoples of the Neutral Nation, the Haudenosaunee of the Grand River and the Anishnaabeg People of the Mississaugas of the Credit. We recognize today that we have benefitted from the colonial violence that has sought to erase Indigenous histories, the breaking of treaties and the theft of land and funds. We pledge to work for justice and reconciliation and to uphold our responsibilities within the Haldimand Proclamation of 1784 and the Between the Lakes Treaty of 1792. (do we mean this?)

- Global Settlement Idea?
- Value of these claims is in the Trillions.
- SNEC knows Canada cannot afford this.
- Canada has insisted on a one-time settlement principle, and extinguishment of indigenous title to achieve “certainty”.
- This is in the face of perpetual care and maintenance principle. (And the Indigenous understanding of Land/Dish with One Spoon) The Haudenosaunee will never relinquish interest in their ancestral land.
- SNEC proposes a revenue sharing model for a flow of income from the Haldimand Tract of taxation, development charges etc. for an “ongoing relationship” in good faith with Canada.
- Plus a duty to consult on development within the tract on all development into the future.

Do we have any responsibility to Six Nations for Land in the Haldimand Tract?

(Frequently used arguments that we don't owe them anything)

- This not their ancestral land. They are from New York State.
- They received the Haldimand Tract as a grant, just like other Loyalists.
- The land was freely sold by Six Nations, not stolen.
- The incoming Mennonite Settlers paid for the land in good faith.
- In fact, with the Richard Beasley affair, they paid for it twice! Or did they?

In summary:

The Land in the Haldimand Tract could be argued to be the ancestral land of the Haudenosaunee or Six Nations, and also the Mississauga Nation, shared under the Dish with One Spoon.

The Haldimand Tract could be seen as a "Treaty" or binding proclamation recognizing that this is their land, as reparation for the loss of their "homeland" in New York State.

Parts of the Tract were to be shared with European Settlers and "sold", however, under the Dish with One Spoon, Six Nations and the Mississauga have never relinquished ancestral title or interest in the land. Monies were paid in good faith by the Mennonites and other settlers. Noone paid for any land twice. Monies were to be invested and managed for the ongoing benefit of Six Nations.

Instead, monies were invested and proceeds used by the government of Canada for debt repayment and infrastructure projects, which we as settlers have all benefitted from, at the expense of Six Nations, whose money it is.