MOHAWK NATION OF GRAND RIVER

Acquired Territory

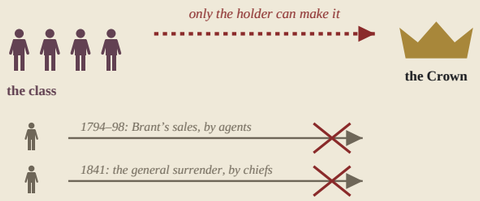
Four words decide whose land it is. Learn to tell them apart, and the Tract makes sense.

Surrender, dedication, occupation and enjoyment: who acts, which way the land moves, what proves it, what undoes it, and what each one asks of you

Surrender

1 OF 4

The holder gives the land up to the Crown.

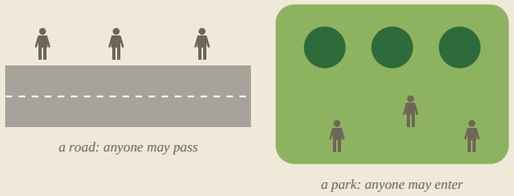


0 surrenders by the class, 1784 to now. Made by others, of no effect against it.

Dedication

2 OF 4

An owner sets land apart for the public.



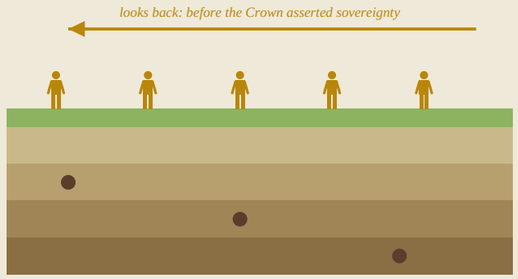
Once a highway, always a highway. But what only a surrender can give up, a dedication cannot take: *Hopton v. Pamajewon, 1993.*

Dedicated to public use by the class: none.

Occupation

3 OF 4

A people held the land before the Crown came.

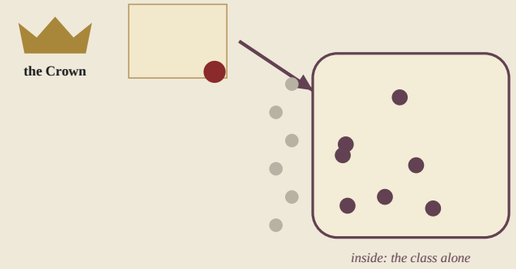


Exclusive use and occupation: the test for Aboriginal title (Delgamuukw, 1997; Tsilhqot'in, 2014). Proven by the past, held by a collective, under s. 35; the Crown may infringe it if it can justify it.

Enjoyment

4 OF 4

The Crown gives the land, by its own words, for ever.

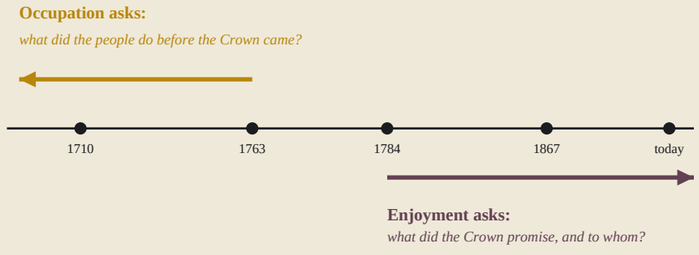


"which them and their posterity are to enjoy for ever": the Crown's own words of 1784. Proven by the documents and descent on oath; heritable, person by person; held under s. 109, protected by s. 52.

Lost by: nothing. No diminution; only the class could give it up.

TWO QUESTIONS, FACING OPPOSITE WAYS

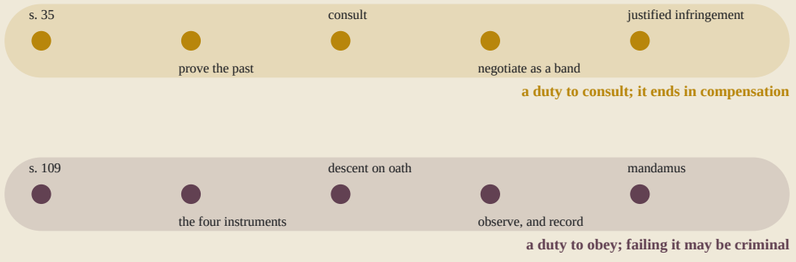
How to read it: *one line of time. Occupation stands at the Crown's arrival and looks back; enjoyment stands at 1784 and looks forward, for ever.*



So: a court could find a people never held land exclusively, and still be bound by the Crown's promise; the promise does not depend on occupation.

WHICH WORD YOU CHOOSE DECIDES THE ROAD

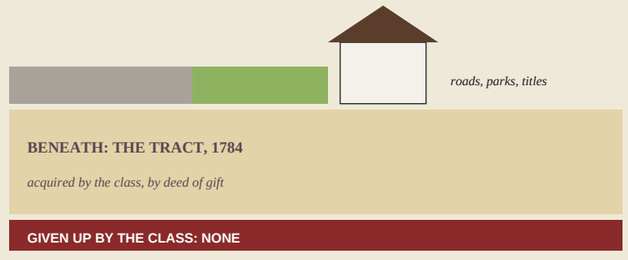
How to read it: *two roads from the same land. The upper one is the road of occupation, the lower the road of enjoyment; follow each to where it ends.*



Consultation would concede the claim is unproven. On the road of enjoyment nothing is left to prove about the past: the Crown owes observance, a duty imposed by law; an official who fails it commits, as the Nation holds, a breach of trust (Criminal Code, s. 122).

OVER, NOT INSTEAD OF

How to read it: *a slice through the ground. What the province and the towns laid down sits above; the Tract, acquired in 1784, lies beneath; the red band counts what the class has given up.*



Ontario took its lands in 1867 subject to it (s. 109): an encumbrance, a latent defect in every title above.

The companion to Book II, The Acquired Territory Doctrine, and to the book Acquired Territory by Benjamin Doolittle UE; see also The Four Instruments, The Tract and The Grand.

This poster states the Nation's position. Authorities: the Proclamation, 1784; Hopton v. Pamajewon (1993 ONCA); Delgamuukw (1997); Tsilhqot'in (2014); Ontario Mining v. Seybold (1903); the Constitution Act, 1867, s. 109; 1982, s. 52.

MOHAWK NATION OF GRAND RIVER
SECRETARIAT

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