MIDDLE SCHOOL · AGES 11 TO 14

Exclusive Use and Enjoyment

An interest held person by person, locked to the land until the class itself surrenders it.

Read

To use land “exclusively” means you decide who is on it and what is done with it, and everyone else is kept out. To “enjoy” land means you keep its fruits: the crops, the rent, and what is built on it.

The Mohawk Nation of Grand River says the Crown gave the class this kind of interest in 1784, to “enjoy for ever”. It says each person of the class holds a share, and so do their children not yet born.

The Nation explains how the interest was locked in place, step by step: the Pledge in 1779; the land in 1784; the faith of the Government “pledged” in 1791; and section 109 of the Constitution in 1867, which says Ontario took its lands subject to “any interest other than that of the Province”. Only the class could unlock it, by surrendering it. The Nation says it never has.

Look

How to read it: each step locks the interest more firmly; only the class holds the key.



the key: a surrender by the class, never made

Words to know

Word	What it means here
Exclusive	Only you, and no one else.
Use	Deciding who is on the land and what is done there.
Enjoyment	Keeping the land’s fruits and what is built on it.
Interest	A legal right in land.
Surrender	Giving land up to the Crown.
Section 109	The part of the Constitution that says Ontario took its lands subject to others’ interests.
Collective	A group that holds something together.

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Work with a primary source

> *"... subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same."*
>
> Constitution Act, 1867, s. 109 (the end of the section).

Ask the source	Your answer
What did the Provinces take "subject to"?	
What is "any Interest other than that of the Province"?	
Why might this matter for land on the Grand River?	
What can the source not tell us?	

Three points of view

What kind of right is on the Grand River, described three ways. Read each, then explain why they differ.

Who	What kind of right
Canada and the courts, for the Six Nations	An Aboriginal or treaty right under section 35, held by the community; the Crown must consult.
Ontario	Private land under Ontario law, with the reserve held by the Crown for the Six Nations.
The Mohawk Nation of Grand River	A Crown-given interest under section 109, held person by person; the Crown must observe it.

Claim, evidence, reasoning

Choose one claim the poster makes, for example "consult, or obey?" or "only a surrender by the class unlocks it". Then fill in the table.

Claim	Evidence	Reasoning

Answer

1. **Historical significance.** Why does the Nation call section 109 "the lock"?

2. **Evidence.** Which words in the source protect an interest that is not Ontario's?

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3. **Cause and consequence.** What would have to happen to end the class's interest, on the Nation's reading?

4. **Continuity and change.** What has changed on the land since 1784? What does the Nation say has not changed?

5. **Historical perspective.** Why might the courts treat Grand River rights under section 35 instead?

6. **Ethical dimension.** Is it fair to build on land whose holders never agreed? What would make it fair?

> **Think about it.** What is something that is yours alone? What would it mean if someone else used it without asking?

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Performance task: Consult, or obey? Explain the difference to a city council.

Show what you have learned by explaining it to someone else. Your work should help a reader who has never seen the poster understand it.

Choose one

A letter	Write a one-page letter to your Member of Parliament or to the King explaining what “exclusive use and enjoyment” means, and how the Nation says the interest was locked to the land.
An infographic	Design a one-page poster that explains what “exclusive use and enjoyment” means, and how the Nation says the interest was locked to the land, with a drawing that puts a person in the picture.
A short talk or podcast	Record or give a two-to-three-minute talk explaining what “exclusive use and enjoyment” means, and how the Nation says the interest was locked to the land to someone your age.

What your work must include

- At least three facts with their dates.
- One quotation from the primary source, Constitution Act, 1867, s. 109, in quotation marks.
- At least three of the “Words to know”, used correctly.
- One point of view other than the Mohawk Nation of Grand River’s, explained fairly (Canada and the courts, for the Six Nations, Ontario).
- Your own claim, with the evidence and reasoning behind it.
- A list of the sources you used.

Steps

- Day 1: reread the poster and this sheet; choose your format; write your claim in one sentence.
- Day 2: gather your facts, your quotation and the other point of view; plan your work.
- Day 3: make a first draft; trade with a partner and give each other one compliment and one suggestion.
- Day 4: improve your draft, check the success criteria, and hand it in.

Success criteria: check before you hand it in

☐	My claim is clear.
☐	My facts and dates are correct.
☐	I quoted the source exactly and said where it is from.
☐	I explained another point of view fairly.
☐	I used at least three new words correctly.
☐	I listed my sources.

Due: About four class days from the start. Marked with the Achievement Chart on the teacher’s page.

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For the teacher: standards met

Universal competencies	Identify key facts and claims; Understand perspective and point of view; Make connections, personal to community to larger systems; Analyse and evaluate evidence. The same everywhere, whatever the curriculum.
Curriculum	Ontario History, Grade 8, Strand A (the Indian Act and land), and Grade 10 Civics (CHV2O): rights, the Constitution and the courts.
Specific expectations	Teachers choose which specific expectations to assess. The sheet supports the overall expectations named above.
Historical thinking	Each question names its concept: significance, evidence, cause and consequence, continuity and change, perspective, ethical dimension.
Reading level	Flesch–Kincaid grade 7.6 (reading ease 78)
Plain language	Written to ISO 24495-1; new words taught in “Words to know”.
Balance	Three readings of the right, side by side.
Time and materials	Two periods of 40 to 50 minutes.
Accommodations	Read aloud or in pairs; use the gate example from the junior sheet to explain “exclusive”.

Assessment: the Achievement Chart

	Level 1	Level 2	Level 3	Level 4
Knowledge and Understanding	Names some facts with help	Names the main facts and dates	Explains them accurately	Explains them and how they connect
Thinking	Answers with little use of the source	Uses the source in part	Uses the source to support answers	Weighs the points of view against the source
Communication	Ideas are unclear	Some ideas are clear	Clear, with the new words	Clear, precise, new words used well
Application	Makes few connections	A simple connection to today	Connects the past to today	Explains why it still matters

Answer key

	A good answer includes
1	It keeps the interest in place against the Province: Ontario took its lands subject to it.
2	“any Interest other than that of the Province in the same”.
3	A surrender by the class itself; the Nation says none was made.
4	Towns, roads and farms were built; the Nation says the interest is unchanged.
5	Because the courts usually treat Indigenous land rights as Aboriginal or treaty rights.
6	A reasoned view: for example, asking the holders, licensing the use, and sharing the rent.

Sources: the Haldimand Pledge, 1779; the Haldimand Proclamation, 1784; the minute of 24 December 1791; Constitution Act, 1867, s. 109; Constitution Act, 1982, s. 52. This sheet explains the Mohawk Nation of Grand River’s position beside others.

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