MOHAWK NATION OF GRAND RIVER

# The Four Instruments

*A promise made in war, kept in land, marked on a people, and sworn before a magistrate.*

The Pledge of 1779 · the Proclamation of 1784 · Dorchester's Order of 1789 · Simcoe's Register Proclamation of 1796 · From Books I and II of the National Books

not to scale

1775 — *Carleton's promise*
**1779** — **THE PLEDGE**
1783 — *the peace*
**1784** — **THE PROCLAMATION**
**1789** — **THE ORDER**
1793 — *the Simcoe Patent never accepted*
**1796** — **THE OATH**
1841 — *a "surrender" the class never made*
1867 — *s. 109: the grant preserved*
**Today** — *the Register*

## I — 7 APRIL 1779 — The Haldimand Pledge

*Frederick Haldimand, Governor of Quebec, under his hand and seal at Quebec*

*"The Mohawks of the villages of* **Canojaharie, Tikondarago and Aughuago**, *whose settlements there had been, upon account of their steady attachment to the King's service and the interest of the Government,* **ruined by the Rebels**; *having informed me that my predecessor, Sir Guy Carleton, was pleased to promise, as soon as the present troubles were at an end, the same should be* **restored at the expense of the Government, to the state they were in before** *these broke out, and said promise appearing to me just, I do hereby ratify the same, and assure them the said promise, as far as in me lies, shall be faithfully executed, as soon as that happy time comes."*

**What it did.** Ratifies Carleton's promise of 1775 to "some of the Mohawks" of three named villages: their settlements are to be restored, at the Crown's expense, to what they were before the war.

**The Nation's reading.** The class is defined here, by village and by adherence: not by clan, custom or band. It speaks of no Indigenous right. It is a promise owed by the Crown to named people and their posterity.

*Fred: Haldimand*

*Given under my hand and seal at Quebec*

*Haldimand Papers; as transcribed in the Register's Treaty and Instrument Library*

## II — 25 OCTOBER 1784 — The Haldimand Proclamation

*Frederick Haldimand, under his hand and seal at arms, at the Castle of St Lewis, Quebec*

*"Whereas His Majesty having been pleased to direct that in consideration of the early attachment to his cause manifested by the Mohawk Indians, and of the loss of their settlement which they thereby sustained … I do hereby in His Majesty's name authorize and permit the said* **Mohawk Nation and such others of the Six Nation Indians as wish to settle in that quarter** *to take possession of and settle upon the banks of the river commonly called Ouse or Grand River … allotting to them for that purpose* **six miles deep from each side of the river beginning at Lake Erie and extending in that proportion to the head of the said river**, *which* **them and their posterity are to enjoy for ever**."

**What it did.** Keeps the Pledge in land: the Crown buys the Tract from the Mississaugas and sets it apart, six miles each side of the Grand River, mouth to source, for them and their posterity.

**The Nation's reading.** A deed of gift of acquired territory, Crown-derived: preserved by section 109 and protected by section 52. Not trust land, not a section 35 right. The class has never surrendered it.



*The Tract, from the Register's land map, every layer*

*Fred: Haldimand*

*Given under my hand and seal at arms at the Castle of St Lewis, Quebec*

*The Crown's printed text; the Register's certified extract*

## III — 9 NOVEMBER 1789 — Lord Dorchester's Order in Council

*Guy Carleton, Lord Dorchester, Governor General, in Council at Quebec*

*It was his wish* **"to put a Mark of Honour upon the families who had adhered to the Unity of the Empire"**; *the land boards were to keep a registry of them,* **"to the end that their posterity may be discriminated from future settlers"**, *and to grant their sons and daughters two hundred acres each on coming of age. The note:* **"Those Loyalists who have adhered to the Unity of the Empire, and joined the Royal Standard in America before the Treaty of Separation in the year 1783, and all their children and their descendants by either sex, are to be distinguished by the following Capitals, affixed to their names: UE"**.

**What it did.** Marks the people: every family that adhered, and all their descendants by either sex, carry the Crown's mark, UE, and are to be registered so that their posterity can be told from later settlers.

**The Nation's reading.** The mark is the Crown's, not any society's courtesy. It is hereditary and individual: by either sex, and by customary adoption, outside clan and band registers. The Loyalist Mohawks of the three villages are Loyalists under it.

*Dorchester*

*By order of His Excellency in Council*

*Library and Archives Canada, RG1 L1, vol. 18, p. 110; as transcribed by the UELAC*

## IV — 6 APRIL 1796 — Simcoe's Register Proclamation

*John Graves Simcoe, Lieutenant Governor of Upper Canada, under his hand and seal at arms, at York*

*The registry Dorchester ordered* **"has not been generally made"**; *so he directs all persons* **"who adhered to the unity of the empire and joined the royal standard in America before the treaty of separation in the year 1783, to ascertain the same upon oath before the magistrates in the Michaelmas quarter sessions"**, *in such manner and form as the magistrates are directed to receive it; and those who neglect to do so* **"will not be considered as entitled … to the benefit of having adhered to the unity of the empire"**.

**What it did.** Supplies the procedure: who is of the class is ascertained one by one, on oath, before a magistrate, and registered. The Old U.E. List was compiled from those oaths and the rolls.

**The Nation's reading.** The magistrate is the officer the Crown named to receive the oath. The Nation's position: that oath was never taken for the class, which is the missing link; its Register takes it now, before a justice of the peace, line by line.

*J. Graves Simcoe*

*Given under my hand and seal at arms at the Government House at York*

*As printed in the Niagara and Long Point settlers' records*

## WHAT THE FOUR DO TOGETHER

**1775 The promise** — Carleton, at Montreal: losses in the war to be replaced

→ **1779 The Pledge** — restores the three villages, at the Crown's expense

→ **1784 The Proclamation** — delivers the land: the Tract, to them and their posterity, for ever

→ **1789 The Order** — marks the people: UE, by either sex, and a registry of them

→ **1796 The oath** — ascertains each one, on oath before a magistrate

→ **Today The Register** — records each line to a Loyalist ancestor, and takes the oath the Crown designed

## DELIBERATELY OUTSIDE THE FOUR

**The Simcoe Patent, 14 January 1793:** never accepted by the Grand River Mohawk.
**The "surrender" of 1841:** a class that never surrendered cannot have surrendered.
**The Indian Act:** the Nation is not a band, and its land is not trust land. *The four speak of no Indigenous right or custom. They define a class by adherence and three villages, and a territory acquired by deed of gift: so there is no duty to consult, only a duty to observe.*

*Four instruments, one line: the promise, the land, the mark and the oath, and the Register that keeps them.*

*The story of the three villages is in The Three Villages; the mark and the climb in The Mark of Honour and The Line of Honour: the companion posters, from Mohawk's Printer.*

Sources: Haldimand's Pledge, 7 April 1779 (Haldimand Papers, Library and Archives Canada MG 21†); the Haldimand Proclamation, 25 October 1784 (the Crown's printed text); Lord Dorchester's Order in Council, 9 November 1789 (Library and Archives Canada, RG1 L1, vol. 18, p. 110; W. S. Wallace, The United Empire Loyalists, 1914); Simcoe's Register Proclamation, 6 April 1796 (as printed in the Niagara and Long Point settlers' records†). The Nation's readings are its positions, as Books I and II state them. † to be confirmed against the originals by the Attorney General.

MOHAWK NATION OF GRAND RIVER
SECRETARIAT

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