UNIVERSITY AND ACADEMIC

The So-Called Reserves: a Study Brief

How a reserve is made, and why the Nation says it cannot be made inside the Tract.

Learning outcomes

By the end, a student will be able to	Level (Bloom)
State the Indian Act's definition of a reserve	Remember
Explain why the Crown can set apart only land it holds	Understand
Analyse the reserves' acreage inside and outside the six-mile line	Analyze
Compare the three roads from 1784: the Bay of Quinte, the Six Nations and the Mohawk class	Analyze
Evaluate the claim that a reserve can lie only outside the Tract	Evaluate

Overview

The Indian Act of 1876 defined a reserve as land "of which the legal title is in the Crown" set apart for a band. The Nation argues that in 1784 the Crown gave the Tract to the class and its posterity, so it did not hold it to set apart; and that the class is not a band. On Canada's own limits most of the Six Nations Reserve lies inside the six miles. At the Bay of Quinte the deed of 1793 was accepted and a band formed; at the Grand, the Six Nations took up the Simcoe Patent, while the Mohawk class refused it.

Primary sources

Indian Act, S.C. 1876, c. 18, s. 3(6)

"of which the legal title is in the Crown, but which is unsurrendered"

For the use or benefit of "any particular band of Indians".

The Haldimand Proclamation, 25 October 1784

"which them and their posterity are to enjoy for ever"

The minute of 24 December 1791

"the faith of Government is pledged to the Mohawk chiefs for the two tracts"

Canadian Archives, Series Q, vol. 329, p. 12.

Natural Resources Canada, Aboriginal Lands of Canada Legislative Boundaries, v. 2.189

"Six Nations IR 40 … New Credit IR 40A"

The reserve limits used for the acreage.

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Three readings

	Canada and the courts	The Six Nations of the Grand River	The Mohawk Nation of Grand River
The reserve	Set apart for the band; Crown title	The community's land, with claims beyond	So-called: inside the Tract, the land was already given
The class	Not a legal category	Part of the Six Nations	Not a band; holds the Tract in right
The line	Of survey interest	Of claim interest	The edge of what the Crown could set apart

Historiography

Histories of the Grand River treat the reserve as what remained after sales and surrenders. The Nation's reading starts from the definition: a reserve presupposes Crown title. If the Crown gave the Tract away in 1784, a reserve inside it is a contradiction in terms, and only the part outside the line can be a reserve in the Act's sense.

Discussion questions

1. Why does a reserve require the Crown to hold legal title?
2. Did the Crown still hold the Tract after 1784? What would decide it?
3. Why did the Bay of Quinte become a band, and the Mohawk class at the Grand not?
4. What does the acreage inside and outside the line show?
5. Can the same land be both a reserve and the class's interest at once?
6. **Apply.** A band by-law is applied to land inside the six miles. On each reading, does it bind a member of the class?

Further reading

In Chicago style (17th ed.), bibliography form.

Mohawk Nation of Grand River. *The Indian Act and the Loyalist Mohawk Posterity*. National Books III. 2026.

Mohawk Nation of Grand River. *Lands and the Tract*. National Books IV. 2026.

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Assignment brief

Choose one prompt

A	In 1,500 words, assess whether a reserve in the Indian Act's sense can lie inside the Tract. Quote at least three sources and answer the strongest objection.
B	Why did the Bay of Quinte become a band, and the Mohawk class at the Grand not? Answer in an argued essay.
C	Apply. A band by-law is applied to land inside the six miles. On each reading, does it bind a member of the class? Write it as an argued essay that applies the readings.

Requirements

- An argument: a thesis stated in the first paragraph and defended throughout.
- At least three primary sources from the list below, quoted precisely and read in their context.
- At least two secondary sources, one of them from outside the Nation's own books.
- The strongest objection to your thesis, stated fairly, and your answer to it.
- Footnotes and a bibliography in Chicago style (17th ed.).
- 1,500 words, 10 per cent either way, not counting notes and bibliography.

Sources you must use

- Indian Act, S.C. 1876, c. 18, s. 3(6)
- The Haldimand Proclamation, 25 October 1784
- The minute of 24 December 1791
- Natural Resources Canada, Aboriginal Lands of Canada Legislative Boundaries, v. 2.189

A suggested structure

- Introduction: the question, why it matters, and your thesis.
- Context: the instruments and events, briefly, in order.
- Analysis: the sources, read closely, one claim at a time.
- The objection: the best case against you, and your reply.
- Conclusion: what follows, and what remains open.

Timeline

- Week 1: choose a prompt; read the primary sources; write a one-paragraph proposal.
- Week 2: research the secondary sources; draft an outline with your thesis and the objection.
- Week 3: write the full draft; exchange with a peer for written comments.
- Week 4: revise and submit.

Format and submission

Twelve-point type, double-spaced, page numbers, your name and the prompt on the first page. Submit as your instructor directs; this sheet can also be filled in online for the discussion questions.

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Integrity

Your work must be your own. Quote and cite every source. If you use an AI tool for any part of the work, say which and how, in a note at the end.

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For the instructor: standards met

Universal competencies	Identify key facts and claims; Understand perspective and point of view; Analyse and evaluate evidence; Apply: what does this mean for us?. The same everywhere, whatever the curriculum.
Learning outcomes	Five outcomes with Bloom’s verbs, each matched to an activity.
Reconciliation	TRC Calls to Action 62 and 63.
Rights in education	UNDRIP arts. 14 and 15; art. 26 on lands “otherwise used or acquired”.
Primary-source practice	Each instrument and statute quoted and attributed; readings tested against them.
Citation	Chicago Manual of Style, 17th edition.
Balance	Three readings side by side; the brief names its own position.
Time	One seminar of about two hours; the assignment over a week.

Assessment: the assignment

	Excellent	Good	Adequate	Needs work
Use of sources	Three or more primary sources, quoted precisely and read in context	Three, quoted accurately	Fewer, or quoted loosely	Missing or misread
Analysis	Weighs the readings against the documents and shows what turns on the difference	Compares the readings clearly	Describes them	Restates one
Argument	A clear judgment that answers the strongest objection	A clear, supported judgment	Thinly supported	No clear judgment
Writing and citation	Precise; Chicago style throughout	Clear; minor slips	Some unclear passages	Hard to follow

This brief states the Mohawk Nation of Grand River’s position alongside others. It is for study, not legal advice.

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