



THE HALDIMAND PRESS



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Police forcibly remove demonstrators, they return within hours



By Haldimand Press Staff

CALEDONIA—While police forcibly removed and arrested a number of self-titled “land defenders” from the McKenzie Road housing development on August 5, 2020, those involved remain undeterred and have since reclaimed their position on the site, along with creating three blockades in the town.

A court had ordered the demonstrators to leave the site by granting an injunction to developer Foxgate Developments Inc., a partnership between Losani Homes and Ballantry Homes. The injunction was read to those at the site on July 31, and police returned on August 5 to enforce it.

Demonstrators have claimed the OPP fired rubber bullets while the protest was still peaceful. One such land defender

is Skyler Williams, who stated in an interview with The Press: “When you come in shooting rubber bullets at our people, our people feel threatened.... When the OPP came in, it was violent. It was a crying scene to see these police officers come in using force on these young men and women, older men and women. There were children here that had to be removed out of sight as quickly as we possibly could. People were scared.”

OPP Media Relations Officer Rod LeClair refuted the claim that demonstrators remained peaceful, claiming instead, “The situation escalated as demonstrators at the site failed to comply with the injunction and reacted by throwing large rocks at police, which struck several officers. For their personal safety, OPP members were required to use appropriate, non-lethal force in response. A single round from an ARWEN device (rub-



Skyler Williams, self-titled “land defender”, was arrested on August 5, 2020 for failing to vacate the McKenzie Meadows development site. Once released, Williams returned to the site to continue protesting its development.
—Haldimand Press photo by Jillian Zynomirski.

In response to demonstrators being arrested, blockades were set up on the Highway 6 bypass, on a CN rail line near Sixth Line, and on Argyle Street South (left).
—Photo courtesy of @russdiabo (Twitter).

ber bullet) was deployed, and no injuries were sustained by demonstrators.... Police are required to respond to the behaviour presented to them in the safest manner possible, and the use of force is always a last resort.”

Williams said in response to LeClair's comments in interviews, “The cop said that there was one rubber bullet fired but I heard three go whizzing by my head and saw one hit the truck behind me about a foot and a half away from me.”

The OPP arrested nine people at the site that day, who were later released. LeClair said that those arrested have been charged. Specific information on the charges laid was unavailable as of press time, but is expected to be released in a future update from the OPP.

Continued on Pages 12 & 13

Hagersville's All Saints Church to close its doors after 155 years

Members share cherished memories

By Sheila Phibbs
The Haldimand Press

HAGERSVILLE—It was a reportedly stormy day when All Saints Anglican Church first opened its doors on March 19, 1870. It became the gathering place for Hagersville's “Church of England people” and home to generations of families who shared fellowship while worshipping together and serving the community. This September, after 155 years, the congregation of All Saints will gather once more before the doors close for the last time.

Since 1958, All Saints has been served by 39 Rectors, the most recent being Arch Deacon Valerie Kerr, who is also Arch Deacon of Indigenous Ministries for the Niagara Diocese. Sandra Tobicoe is the Rector's Warden and, in that capacity, she assists and works with the Rector. She explains that discussions to close the church began last fall

due to several issues of concern, including low attendance, aging parishioners, and an aging building.

With the church soon closing, long-time members share a sense of nostalgia as they look back on the history of All Saints. The founding families included Almas', Lindsays, Seymours, Doughertys, Catherwoods, Uttons, Howards, and Barkers. The church was built on land owned by David Almas Sr. and the timber used came from woods also owned by Almas.

That wood, and other materials, was transformed into what congregation member Janice Schweder describes as, “One of the most spectacular churches in the province, especially for a smaller church.”

While in the sanctuary, one cannot help but admire the craftsmanship including two chairs, the lectern, and all the pews which were handmade by Joseph Seymour. Stunning stained-

glass windows placed as memorials through the years contribute to the beauty of the building. Schweder is the fourth generation in a family of parishioners that began with her great-grandparents Reuben and Sarah Mattice. She joined other members of All Saints to reminisce and share favourite memories.

Schweder and Tobicoe recall with much amusement the time when the Right Reverend Ralph Spence (a former Bishop) used a live donkey, courtesy of Richard Anderson, as part of a sermon entitled “We Fail to See the Signs”. Bringing the donkey into the sanctuary, he pointed out that there is a marking resembling a cross on the back of every donkey. Schweder appreciates the symbolism as she says, “The lowly donkey performed one of the most important acts in Christianity by carrying Mary.”

Continued on Page 8

INSIDE THE PRESS

OPINION	PAGE 5
LIFE ANNOUNCEMENTS	PAGE 6
EXTRA	PAGE 9
FARM	PAGE 11
CALEDONIA DEMONSTRATION	PAGE 12

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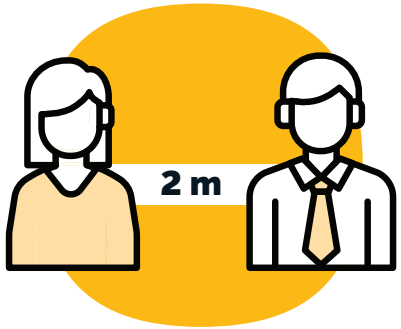
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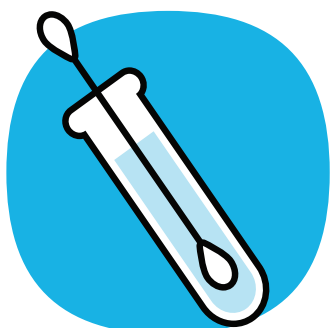
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Get tested if you are worried you may have COVID-19, or have been exposed to the virus.

Inside or out, stay safe. Save lives.

Self-titled land defenders maintain position at McKenzie site

Continued from Page 1

“The criminalization of us defending our territory is a very real thing. These are very real things that have very real consequences. I’m fully expecting in the next little bit that I’m going to be sitting in a jail cell for quite some time,” said Williams, adding that he was arrested on charges of mischief and contempt.

Within hours of these arrests, supporters of the protest erected three blockades in Caledonia: on the Highway 6 bypass, on Argyle Street South, and on a CN railway line near Sixth Line. By the following day, demonstrators had returned to the development site, where they remained as of press time. Blockades began as a pile of wood, tires, and other debris being set on fire; later, more materials like tires were brought across the roads to make a wall, along with larger items such as vehicles and an enclosed trailer.

The situation returned to the courts on August 7. Superior Court Justice John Harper made the existing interim order permanent, which requires demonstrators to remove all banners, flags, tents, structures, vehicles, and barricades and to leave the site. Additionally, Haldimand County was granted an order for demonstrators to “tear down and remove” the road blockades and to vacate the area, with a prohibition placed on obstructing all roads in the area. As of press time, Highway 6 was closed between Fourth Line and Greens Road, and Argyle Street was closed between Highway 6 and Braemar Avenue due to the blockades. Road closure updates are to be posted on Twitter @OPP_WR twice daily, once in the morning and once in the afternoon.

“Court injunctions are delivered and served by the Court Sheriff. We would assist with a court injunction enforcement when the Court Sheriff requests. I do not have any timeline as to when that would happen,” said LeClair. “Open dialogue continues today in an effort toward a peaceful resolution. Safety for the demonstrators, the public, and the police is

paramount and continues to be our key role.”

Allegations have been made that the OPP are interfering with communication lines in an attempt to impede protestors’ efforts, but LeClair stated that this allegation “is false”.

Demonstrators first entered the site on July 19, which they renamed 1492 Land Back Lane. While some have suggested that the demonstrators are seeking greater payment for the lands, Williams said it is about the land itself: “We are absolutely not okay with the development of our lands, certainly not on the doorstep of our reserve.... It’s never been about money. It’s never been about third party interests that see dollars and cents rolling towards them, and generally its cents in comparison to anywhere else.”

Williams made a call for others to join them on the site or to bring donations, although he warned that those who attend could potentially face mischief charges. Along with accepting e-trasfers, the group has set up a GoFundMe, which had raised over \$5,500 of a \$200,000 goal in one day.

The Press interviewed Williams on August 10. He noted that support has come from as far away as Quebec and British Columbia, calling it “a pretty amazing thing”. He said there has been some positive responses from Caledonia residents, such as a one nearby neighbor who would be happy to see the land remain undeveloped: “He said I support you guys 100% and gave this massive plate of food.”

However, Williams said they have also been faced with racist incidents: “For every one of those you’ve got four or five that drive down the road saying, ‘F—k all you dirty Indians.’”

The demonstrators also discovered a sign posted along one of the police barriers near a blockade that read, “Never forget. You will always bow to the white man! Indian scum!”

When asked if this would be a hate crime and if the OPP had any further information about it, LeClair stated, “We are aware of the sign ... and we are investigating.”

Statement from MP Diane Finley

The Press reached out to MP Diane Finley to ask what she thinks of the current situation, and what she believes needs to be done to find a resolution. She provided the following statement:

“Every single person in this country has the right to freedom of expression, and civil, lawful protest is an important part of being a Canadian. But, the unlawful use of violence and intimidation in the pursuit of a political agenda is not acceptable.

“I’ve been in contact with the Haldimand OPP on the recent blockades. I offer them my

full support as they work to enforce the law and bring order back to our communities. I’ve also been in direct contact with the Minister of Crown-Indigenous Relations informing her of the protests. I urge the Minister to work with her provincial counterparts to address this matter quickly.

“Most importantly, I stand in support of the families and small businesses in Haldimand Norfolk who have been affected by these blockades. It’s essential that law enforcement preserve the peace and maintain a safe and free community for all people.”

Haldimand County Council Statement

Haldimand Council released a statement on August 7, written by Mayor Ken Hewitt but signed by all councillors.

“For the record, I do not support this protest, the people involved and their behaviour. I truly believe that they do not reflect all the people of Six Nations,” said Hewitt. “They are bringing harm to the good spirited and natured people of Six Nations with their demonstrations.”

Haldimand Council claims that the consultation process took place “many years ago” and included both notification to “members of the Confederacy” and public meetings in Six Nations held by the elected council.

“If these individuals did not like the arrangement it was at that

time to make it known to Band Council for accepting it. If the Confederacy felt the same, it was at that time to discuss it further,” said the statement. “If that divide continues then it should be within Six Nations that they debate and discuss these concerns, not on McKenzie Meadows.”

The statement also called out the higher level governments for the delay in resolving the outstanding land disputes: “Why does it take 27 years to hear a claim, let alone settle one? ... Every member of Six Nations deserves to be angry with this process and each one of us should be asking our federal government, why?”

Hewitt does not “condone the methods by which they (the

demonstrators) are exercising that frustration and anger. It is deplorable that our governments have treated our Indigenous friends in this matter but wronging a wrong is not the solution and hurting your neighbours is not the path to success.”

Hewitt said he intends to continue helping “push the local outstanding claim forward” and working with Six Nations, but added, “I will NOT work with and/or support anyone who thinks that acts of civil disobedience are an appropriate way to make their point. I will push for the OPP to apply the injunctions on those breaking the judge’s orders and I will look to our judicial system to apply the law on those that so just deserve it.”

Statement from Six Nations Elected Council

The Six Nations Elected Council made an agreement with Foxgate for 42.3 acres of land and \$352,000 in exchange for their support of the development. Six Nations Council released a statement on July 24, which said, “There is no legal obligation upon any third-party owner of lands to accommodate for land that is under claim against the Crown and which land change goes back to the 1800s.”

The statement noted that the Chippewas of Samia court case in 2000 determined they “could not have the land returned from innocent third parties from an illegal surrender in the 1830s because of the passage of time. However, the court did say that the Chippewas did have a valid claim against Canada and Ontario for Breach of Fiduciary Duty because of the illegal surrender.”

The statement continued on to say that Ballantry Homes

(Foxgate), despite not being legally required as a third-party landowner, did “accommodate Six Nations ... because it is aware of the claims by Six Nations against Crown Canada and Crown Ontario. This is in line with what Empire Homes did in 2016 for its development along McClung Road in Seneca Township in Caledonia when it purchased 200 acres in Oneida Township and agreed to transfer it in stages to Six Nations. Presently Six Nations has received 75 acres from that agreement and will receive the remainder as development progresses at McClung Road.”

Further to this, the statement noted that Six Nations commenced legal action against the federal and provincial governments in 1995 for various land disputes, and a trial has been scheduled for October 2022.

The claim states that the governments breached their fiduciary duty and is asking for the

governments, as Trustees of the funds, to account for all the land and money taken, to be restored if it cannot be accounted for.

Finally, the statement spoke to the collaboration between Six Nations and Haldimand councils, noting that both councils are working towards a new water line to service Caledonia and Six Nations, along with extending Sixth Line to McKenzie Road to alleviate traffic on Argyle Street: “The Councils are committed to working collaboratively on future projects that would benefit both communities.”

Despite this agreement from Six Nations Elected Council, many Six Nations members do not believe the elected council has the authority to make these agreements with developers as they are an extension of the Canadian government. Instead, they assert that the authority sits with their traditional government, such as the Haudenosaunee Confederacy Chiefs.



This sign was erected near the road at the site of the demonstration on McKenzie.

—Haldimand Press photo by Jillian Zynomirski.

Statement from demonstrators on site at McKenzie

Land defender Myka, who did not provide her last name to maintain anonymity, stated, “The process in which the government and Haldimand County go about transferring and selling land and granting permission to developers is a fraudulent process. Going back to Kanonhstaton (Douglas Creek Estates), they’re aware of the position of elected council and the confederacy. You’d think that by this time they’d be well aware of meaningful consultation and what that looks like.”

Land defender Skyler Williams released a statement online on August 7. On the injunctions granted he stated, “These injunctions only serve as a colonial mechanism to dispossess us of our lands and resources, which fundamentally violates our rights as sovereign Indigenous people.”

“We would like to thank our community for the patience and support during this very stressful time for everyone,” said Williams, encouraging Six Nations members to stand united. “The government has found every crack possible to drive wedges in our community and are exploiting those divisions at every

turn. Divided there is nothing we can do to stop the theft of our lands.”

Williams outlined the limited consultation that occurred with Six Nations residents on the development. He stated that across three meetings in 2013 a total of 79 people attended, with 54 opposing development at the site and only 12 voicing approval. Two more meetings took place in 2018 after Foxgate Developments took over the property, but Williams says less than 20 people were in attendance.

“The deal made by former Elected Band Council Chief Ava Hill for McKenzie Meadows trades 252 acres of healthy, usable lands for 43 acres of land adjacent to the deplorable Hagersville dump and just under \$400,000—less than the cost of one home at McKenzie Meadows,” said Williams.

In an interview with The Press on August 10, he added, “When our community says no and the band council gets the ultimatum—take the money and we build it or take nothing and we build it anyway—the dilemma that we’re facing.... Canada isn’t going into Russia trying to build houses, they

aren’t going into the US and reaching into their borders to build houses, because they’d get their asses kicked. Now they’re reaching into our borders because it’s easier to beat up on the Indigenous population of our country.”

Williams said he doesn’t agree with the road blocks, which were never intended originally, but that, “This was a reaction from our community standing up to say we’re not going to tolerate violence. The violence was brought to us.... The fact that the OPP came in and shot rubber bullets, tasered people, arrested people, and dragged people away from their own territory for the sake of the developer is horrible.”

“For developers and governments, it’s all about dollars and cents. For us Haudenosaunee people, we have a connection to the land and that connection is a very meaningful and powerful thing. When you try to disrupt that connection to the land by pouring concrete and asphalt over 98% of it, that’s when you see these people like myself willing to put their bodies, their lives, and their freedom on the line to do what it is that we’re doing.”



Dr. David Faux of Caledonia stood at the edge of the Argyle Street South blockade with the below sign. He stated, “This has been the story of our life, at least since 2006.... I may be part of them to a small degree; some of my ancestors were Haudenosaunee, but I couldn’t be further apart from them on this issue.... Unless the hereditary council and the elected council are willing to get together and resolve their differences, this will keep happening over and over again.”

—Haldimand Press photo by Jillian Zynomirski.

In response to demonstrators being arrested, blockades were set up on the Highway 6 bypass (below), on a CN rail line near Sixth Line, and on Argyle Street South (above). The blockades began as small piles of debris, such as wooden pallets and tires, being set on fire. Later, additional materials were brought in to strengthen the blockades, such as vehicles.

—Photos courtesy of @rusdiabo (Twitter).



A timeline of Caledonia land disputes

Note: History between First Nations people and colonial governments is long and complex. While this article attempts to cover many significant points affecting the local area, space limitations make a completely comprehensive list impossible. We encourage readers to do further research.

1763: King George III issues a royal proclamation which defines land west of established colonies as “Indian Territories” where the “Indian Department” would be the primary liaison between First Nations people and the Crown. Additionally, a set of procedures is developed for purchasing First Nations land, creating the basis for future treaties. Today, Canada recognizes 70 historic treaties made between 1701 and 1923. Ontario recognizes 46 treaties and other agreements.

1773: Over 150 years of European conflict in North America ends with the Treaty of Paris, which sees France cede much of its North American territory to the United Kingdom.

1778: Mohawk, Onondaga, Cayuga, and Seneca nations enter an alliance with the British Empire in the American War of Independence, in exchange for a guarantee of sovereign territory. They appoint Chief Thayendanegea (Joseph Brant) as their War Chief. Oneida and Tuscarora nations negotiate a similar arrangement with rebel colonies.

1783: Britain enters into the Treaty of Paris with the United States. Six Nations member states are not parties to this treaty. However, Great Britain unilaterally cedes these nations’ territory south of the Great Lakes to the United States.

1784: Pressured by Thayendanegea and other representatives of the Six Nations Confederacy, and in return for their military support in the American Revolution, Sir Frederick Haldimand purchases land along the Grand River from the Mississauga nation to replace the lands ceded south of the Great Lakes. The nations’ new, shared, territory extends six miles (9.7 km) from either side of the Grand River, from its source to its termination at Lake Erie, totaling about 385,000 hectares (about 951,000 acres). The Crown asserts that the Haudenosaunee can only lease or sell the land to the Crown, but Thayendanegea asserts Haldimand promised them a freehold land tenure. Thayendanegea also asserts that Six Nations should be recognized as autonomous allies, not British subjects, while the Crown sees Six Nations as a group under their control to receive special consideration.

1791: Upon review, it is found that Haldimand had included lands along the northern border of the Haldimand Tract that had not actually been purchased. The tract boundaries were reduced to match the initially purchased land. The Crown purchases the missing territory in 1792, but refuses to include it in the tract as it could not have been legally transferred at the time of the original agreement.

1792: Thayendanegea petitions Lt.-Governor John Graves Simcoe for control of the Haldimand Tract. Instead, Simcoe clarifies new boundaries, limiting the Haldimand Tract to 111,000 hectares (about 274,000 acres) for exclusive use of Six Nations, with the remainder to be leased, surrendered, or sold by the Haudenosaunee to the Crown. Any land transactions of Six Nations are still to be approved by the Crown. Thayendanegea and other Grand River chiefs reject the Simcoe Patent, asserting that it was not binding to them.

1796: Six Nations begins selling and leasing land to settlers. Thayendanegea reaches an agreement with Simcoe’s successor, Peter Russell, allowing Haudenosaunee to sell or lease the land so long as it is offered to the Crown first. About 350,000 acres is sold to the Crown, who distribute it to private owners and form the basis of Haldimand County’s towns today.

1828: By this time, nearly two-thirds of the original Grand River territory has been sold, leased, or occupied by squatters.

1840: The Province of Canada suggests Six Nations sell their remaining acres to the Crown as protection from squatters. The government recommends that a reserve of 8,000 hectares (about 20,000 acres) be established on the southside of the Grand River and the rest sold, with Six Nations receiving money from the sales.

1841: On January 18, according to the Crown, the Six Nations council agrees to surrender for sale all the lands outside those set aside for a reserve, on the agreement that the government would sell the land and invest the money for them. On February 4, again on July 7, and then again two years later in 1843, Six Nations petitions against the surrender, saying they had agreed only to lease the land.

1843: A petition to the Crown says Six Nations needs a 22,000-hectare (about 54,000 acres) reserve and wants to keep and lease a tier of lots on each side of Plank Road (Highway 6) and several other tracts of land in Haldimand. In 1850 the Crown passes a proclamation setting the extent of reserve lands to about 19,000 hectares (about 47,000 acres), which was agreed to by the Six Nations chiefs.

1844: A document signed by 47 Six Nations chiefs appears to authorize the sale of land to build Plank Road.

1876: The Indian Act is created as a consolidation of previous colonial ordinances. The Act has been amended many times since, most significantly in 1951 and 1985, with changes mainly focusing on the removal of particularly discriminatory sections.

1924: Under the Indian Act, the Government of Canada establishes an elected government on the Six Nations reserve.

1931: The United Kingdom relinquishes the ability to legislate on behalf of Canada. All Canadian First Nations affairs are now fully within the jurisdiction of the Canadian Crown.

1974: The Six Nations Land Claims Research Office is created to contest land claims, submitting 29 claims. One is settled in 1987, but the remainder remain unresolved.

1995: Six Nations brings legal action against the federal and provincial governments over disputed lands. These lands include both the Douglas Creek Estate lands, known as Kanonhstaton in Six Nations (“the Protected Place”), and the lands at McKenzie Meadows (renamed 1492 Land Back Lane by demonstrators).

2006: Henco Industries has planned the Douglas Creek Estates housing development on 40 acres of land on the south end of Caledonia. Demonstrators erect tents and other structures beginning February 28. In March, injunctions are granted. Over three weeks later, on April 20, OPP enter the site and arrest 21 people. Hundreds more join the protest, prompting police to retreat. That night tires are strewn across the highway and set on fire, along with a wooden bridge over railway tracks. Blockades are in place on Argyle Street and the bypass. Negotiations continue, along with various altercations and rallies between demonstrators, residents, and police. On May 22, a truck is set on fire at a hydro substation, destroying it and causing a multi-day blackout and \$1 million in damages. Altercations continue, resulting in injuries and arrests. On June 12 a class action lawsuit is filed by 440 residents and about 400 businesses alleging the OPP failed to properly protect them, which would eventually be awarded \$20 million. On June 16 the Province announces it has purchased the lands from Henco, to be held in trust until negotiations are settled. Barricades are later dismantled, although the dispute continues.

2015: Foxgate Developments purchases the McKenzie Road lands and re-initiates development plans for the site, which first had approvals in 2003. The redesigned residential project is to consist of 218 units (single detached homes and townhouses).

2018: Foxgate commences its’ consultation and negotiation with Six Nations Elected Council in May. In October, a term sheet is presented to the elected council.

2019-20: A written agreement is reached between Foxgate and the elected council in May. In late 2019 and early 2020, Foxgate obtains certain approvals and starts construction.

2020: On July 19, demonstrators erect tents and later other structures on the McKenzie development site. July 31 an injunction is read to those on site, demanding they vacate. Nine people are arrested August 5 for remaining, and in response three barricades are constructed in Caledonia. Demonstrators return to the development site later that day.