

# RETURN

(20b)

To an ORDER of the HOUSE OF COMMONS, dated the 2nd May, 1887;—For copies of all title deeds, patents, correspondence, and all documents respecting the claim of the Six Nation Indians, as set forth in their Petition presented to this House on the 18th April, 1887.

By Command.

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 15th June, 1887.

*Secretary of State.*

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DEPARTMENT OF AGRICULTURE, OTTAWA, 31st May, 1887.

SIR,—I have to acknowledge your letter of the 30th instant, in which you request to be furnished with certain information respecting Indian Lands contained in the Archives Branch of this Department, and in accordance with your request, I enclose to you the accompanying memorandum by Mr. Douglas Brymner, Historical Archivist, together with the accompanying copies of documents.

I have the honor to be, Sir, your obedient servant,

J. LOWE, *Secretary Department of Agriculture.*

L. VANKOUGHNET, Esq., Deputy Minister of Indian Affairs, Ottawa.

DEPARTMENT OF AGRICULTURE, ARCHIVES BRANCH, OTTAWA, 31st May, 1887.

*Memorandum—Indian Lands on the Ouse or Grand River.*

SIR,—I have the honor to submit the following statement and accompanying documents in relation to the claims of the Six Nation Indians, to the lands on the Grand River from its mouth to its source. These are taken from the Historical Archives, and the letters and figures given as references indicate the shelf marks of the volumes and the pages from which the statements are drawn. I have thought it desirable to give in a few words, the facts relating to the purchase of the land on the Bay of Quinté, as it immediately preceded that of the land on the Grand River, and with the same object in view.

Immediately on the cessation by the preliminary articles of peace of hostilities between Great Britain and the thirteen colonies, General Haldimand, then Governor and Commander-in-Chief of Canada, gave instructions on the 15th of September, 1783, to Sir John Johnson, Superintendent General of Indian Affairs, to treat if necessary with the Mississaga Indians for land on the north side of Lake Ontario. The land in question was that on the Bay of Quinté (B. 126, p. 47).

On the 15th of October, 1783, Major Ross, commanding at Cataraqui (Kingston), reported that a survey had been made and the purchase effected (B. 126, p. 62), and on the 3rd of November, he again reported that when the purchase of land extending up the lake about 45 miles was concluded, further surveying parties had been sent out. (B. 126, p. 70.)

There was, however, a division of opinion in the tribe; one party, under John the Mohawk, wished to settle at the Bay of Quinté; the other, under Joseph Brant, preferred the situation on the Grand River, a preference shared by General Haldimand, who, however, desired that the Six Nations should be together, on whatever lands they decided to settle. On the 15th of March, 1784, the General wrote to Sir

John Johnson, that, after consulting with Captain Brant and David, he thought it desirable to purchase the lands on the Grand River from the Mississagas, on which to settle the Mohawks. (B. 63, pp. 128-9.)

On the 23rd of March he again wrote to Sir John Johnson, enclosing a memorandum of Brant's demands and the answers to them (Document A, attached hereto, B. 169, p. 131), and desiring him to authorize Butler to purchase from the Mississagas the land on the Grand River. (B. 63, p. 143.) On the 8th of April, the General wrote to Brant that he was anxious the Six Nations should all settle on the Grand River, but that lands had been reserved on the Bay of Quinté for John's band. (B. 63, p. 190.)

On the 8th of May, Colonel John Butler, Deputy Superintendent General of Indian Affairs, wrote to Major Mathews, Military Secretary: "I have received His Excellency's speech through Sir John Johnson, which I have delivered to the Indians. I also received orders to purchase all the lands between the three lakes, Huron, Erie and Ontario, in consequence of which I have sent for the Mississagas and Chippewas. A few of the former are already here, and the chiefs of them tell me that a part of the tract only belongs to the two Nations, that the other part is the property of the Hurons, Ottawas and a few Chippewas near Detroit, and to some that are further west than Michillimakinak, and to the northwards; a part belongs to the Indians that hunt near Cataragui. (B. 105, p. 414.)

On the 18th September, Mr. John Dease, the other Deputy Superintendent-General, wrote to Sir John Johnson: "I have had some messages from the Mississagas respecting the sale of their lands, and I understand that there were some geographical errors happened on that occasion, by running the line further north-west than they intended. (B. 103, p. 460.)

On the 25th of October, 1784, a deed was granted by General Haldimand for the land on the Ouse or Grand River. (Document B, attached.)

On the 14th January, 1793, Lieutenant Governor Simcoe, after the division of the old Province into Lower and Upper Canada, made a grant, apparently a renewal of the original deed, with restrictions as to alienations by the grantees, &c., the effect of any violation of which would be the resumption of the lands by the Crown. The two deeds, as well as the decision of Lord Bathurst in 1821, must be read in the light of the preceding reports by Butler and Dease. The deed of purchase referred to in Simcoe's deed of 1793 (Document C, attached) is not among the papers in the Archives, and it may not be improper to say here, that the Indian records appear to have been very carelessly kept, there being complaints of the absence of documents to be found from a very early date. In a letter from Lieutenant Governor Simcoe, dated Navy Hall, 17th June, 1793 (C. 247, p. 31), he complains of the carelessness of the officials in the Indian Department, and the same complaint occurs constantly. On the 13th March, 1830, in a letter dated from Mount Johnson, Mr. A. Kennedy Johnson, son of Sir John, says that no letter book was kept in the office, nor proper registers; that in 1821, when Sir John took a less active part in the duties of the office, copies of letters were kept for his private information. (C. 269, p. 258.) There can be little doubt, however, that many of these documents, certainly the most important, will be found in the Record Office, London, among the State papers.

In October, 1795, a piece of land near Burlington Bay was ordered to be bought from the Mississagas for Joseph Brant (C. 248, p. 408), and the opportunity appears to have been used by Lieutenant Governor Simcoe to frame a new form of deed, with fresh conditions. (Document D, attached; C. 249, p. 87.) It was not, however, till the following September (1796) that a preliminary agreement for the purchase was executed (C. 249, p. 418), Brant having demurred to the terms of the deed proposed by Simcoe. On the 10th of December, 1797, Brant wrote to Captain Green, Military Secretary, complaining of the grant being curtailed, and of restrictions being placed on the Indians with respect to the lands. (Document E, attached, C. 250, p. 382.)

Brant's letter and the speeches made at a council with the Six Nations, held on the 4th of July, 1819 (Document F., attached, M. C. 13, p. 143) are given in full, to show the arguments used by the Indians from an early date, in support of their claim to the lands and as evidence that the decision of the Imperial Government



contained in Lord Bathurst's letter (Document C. attached, M. C. 13, p. 205) was only reached after the case of the Grand River Indians had been fully before the administration, deputies having been sent to London to support the Indian demands.

In a report dated 21st May, 1829, by Colonel D. C. Napier, Indian Agent, giving a tabulated account of the lands of the different tribes in Lower and Upper Canada (C. 268, p. 288) those of the Six Nations on the Grand River are thus described: "The lands belonging to the Six Nations of Indians are situated on the Ouse or Grand River, in the Niagara and Gore Districts and amount to about 264,864 acres, not including 35,000 acres leased to white people. These lands extend about six miles on each side of the Grand River, and in that proportion from its mouth to Dundas Street, the distance in a straight line being nearly 50 miles." A map published by W. Fader, London, in 1813, from the surveys in the Surveyor General's office, shows the limits at that date to have been the same as those given in Colonel Napier's report in 1829.

An original map dated at York, 1st July, 1819, signed "T. Ridout, Surveyor General," (M. C. 13, p. 122) corroborates these documents. It extends from the mouth of the Grand River to Dundas Street, and was probably produced at the Council held on the 4th of July, already referred to.

The whole respectfully submitted.

DOUGLAS BRYMNER, *Archivist.*

HON. JOHN CARLING, Minister of Agriculture.

#### A.

SUBSTANCE of Captain Brant's wishes respecting forming a settlement of the Mohawk and others of the Six Nation Indians upon the Grand River Reserve, &c.

That His Excellency the Commander-in-Chief should give the Superintendent and Inspector General of Indian Affairs instructions and empower Lieutenant-Colonel Butler to purchase from the Mississagua, or proprietors, a tract of land consisting of about six miles on each side of the Grand River called Oswego running from the River La Tranche into Lake Erie, for the use of the Mohawks and such of the Six Nations as are inclined to join them in that settlement. Colonel Butler is fully acquainted with the views and inclinations of Captain Brant and the Mohawks respecting this settlement, and only waits the General's approbation to make the purchase, the sooner this can be done the better, as they would remove at this spring. Time enough to plant corn, &c., and Captain Grant would propose that some of his party be sent off upon this business to Colonel Butler as soon as he returns to Montreal.

The above-mentioned limits are only meant for the Indians of the Six Nations who may settle there, but a more considerable tract of land may at the same time be purchased on very reasonable terms whereon to settle loyalists, or for any future purpose.

Sir John Johnson will be instructed to purchase the tract of country between the three Lakes, Ontario, Erie and Huron, out of which the tract required by the Mohawks for the Six Nations will be granted to them by deed.

The rest will be reserved for Loyalists or any other future purpose.

[Archives, series B, vol. 169, p. 131. Apparently endorsed in a letter from Haldimand and Sir John Johnson dated 23rd March, 1784. See B. 63, p. 143.]

## B.

FREDERICK HALDIMAND, Captain-General and Governor-in-Chief of the Province of Quebec and Territories depending thereon, &c., &c., &c, General and Commander-in-Chief of His Majesty's Forces in said Province and the Frontiers thereof, &c., &c., &c.

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, that a convenient tract of land, under his protection, should be chosen as a safe and comfortable retreat for them and others of the Six Nations, who have either lost their settlement within the Territory of the American States, or wish to retire from them to the British. I have, at the earnest desire of many of these His Majesty's faithful allies, purchased a tract of land from the Indians, situated between the Lakes Ontario, Erie and Huron, and I do hereby, in His Majesty's name, authorize and permit the said Mohawk Nation, and such others of the Six Nations 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, running into Lake Erie, 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.

Given under my hand and seal at arms, at the Castle of St. Louis, at Quebec, this twenty-fifth day of October, one thousand seven hundred and eighty-four, and in the twenty-fifth year of the reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth.

FREDERICK HALDIMAND.

Registered 20th March, '95,

WM. JARVIS.

By His Excellency's command.

## C.

*COPY of a Grant to the Six Nations Indians of a Tract of Land on the Grand River.*

J. GRAVES SIMCOE.

George the Third, by the Grace of God, of Britain, France and Ireland, King, Defender of the Faith, and so forth.

To all to whom these presents shall come,

GREETING :

Know ye, that whereas the attachment and fidelity of the chiefs, warriors and people of the Six Nations, to us and our Government, has been made manifest on divers occasions by their spirited and zealous exertions made by the bravery of their conduct, and we being desirous of shewing our approbation of the same, and in recompense of the losses they have sustained, of providing a convenient tract of land under our protection for a safe and comfortable retreat for them and their posterity, have, of our special grace, certain knowledge and mere motion, given and granted, and by these presents do give and grant, to the chiefs, warriors, women and children of the said Six Nations and their heirs for ever, all that district or territory of land, being parcel of a certain district lately purchased by us of the Mississagua Nation, lying and being in the home district of our Province of Upper Canada, beginning at the mouth of a certain river formerly known by the name of the Ouse or Grand River, now called the River Ouse, where it empties itself into Lake Erie, and running along the banks of the same for the space of six miles on each side of the river, or a space co-extensive therewith, conformably to a certain survey made of the said tract of land, and annexed to those presents, and continuing along the said river to a place called or known by the name of 'the Forks, and from thence along the main stream of the said river for the space of six miles on each side of the said stream, or for a space equally extensive therewith, as shall be set out by a survey to be made of the same, to the utmost extent of the said river, as far as the same has been purchased by us, and as the same is bounded and limited in a certain deed made to

us by the chiefs and people of the said Mississagua Nation, bearing date the 7th day of December, in the year of our Lord one thousand seven hundred and ninety-two, to have and to hold the said district or territory of land so bounded as aforesaid, of us, our heirs and successors, to them, the chiefs, warriors, women and people of the Six Nations, and to and for the sole use and behalf of them and their heirs for ever, freely and clearly of and from all and all manner of rents, fines and services whatever, to be rendered by the same; and of and from all conditions, stipulations and agreements whatever, except as hereinafter by us expressed and declared. Giving and granting and by these presents confirming to the said chiefs, warriors, women and people of the said Six Nations and their heirs, the full and entire possession, use, benefit and advantage of the said district or territory, to be held and enjoyed by them in the most free and ample manner, and according to the several customs and usages of them the said chiefs, warriors, women and people of the said Six Nations: Provided always, and be it understood to be the true extent and meaning of these presents, that, for the purpose of assuring the said lands, as aforesaid to the said chiefs, warriors, women and people of the Six Nations, and their heirs, and of securing to them the free and undisturbed possession and enjoyment of the same, it is our royal will and pleasure that no transfer, alienation, conveyance, sale, gift, exchange, lease, property or possession, shall at any time be had, made, or given of the said district or territory, or any part or parcel thereof, by any of the said chiefs, warriors, women or people, to any other nation or body of people, person or persons whatever, other than among themselves the said chiefs, warriors, women and people, but that any such transfer, alienation, conveyance, sale, gift, exchange, lease or possession shall be null and void, and of no effect whatever, and that no person or persons shall possess or occupy the said district or territory or any part or parcel thereof, by or under pretence of any such alienation, title or conveyance as aforesaid, or by or under any pretence whatever, under pain of our severe displeasure. And that in case any person or persons other than them, the said chiefs, warriors, women and people of the said Six Nations, shall under pretence of any such title as aforesaid presume to possess or occupy the said district or territory or any part or parcel thereof, that it shall and may be lawful for us, our heirs and successors, at any time hereafter, to enter upon the lands so occupied and possessed by any person or persons other than the people of the said Six Nations, and them the said intruders thereof and therefrom, wholly to dispossess and evict, and to resume the part or parcel so occupied to ourselves, our heirs and successors: Provided always, that if at any time the said chiefs, warriors, women and people of the said Six Nations should be inclined to dispose of and surrender their use and interest in the said district or territory or any part thereof, the same shall be purchased for us, our heirs, and successors at some public meeting or assembly of the chiefs, warriors and people of the said Six Nations, to be holden for that purpose by the Governor, Lieutenant Governor, or person administering our Government in our Province of Upper Canada.

In testimony whereof, we have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed. Witness, His Excellency John Graves Simcoe, Esquire, Lieutenant Governor and Colonel commanding our Forces in our said Province. Given at our Government House, at Navy Hall, this fourteenth day of January, in the year of Our Lord one thousand seven hundred and ninety-three, in the thirty-third year of Our Reign.

J. G. S.

WM. JARVIS, Secretary.

D.

Province of Upper Canada, }  
To Wit: }

GEORGE THE THIRD, &c.

To all to whom these presents shall come,

GREETING:

Know ye that we of our special grace, certain knowledge, and mere motion, have given and granted, &c:

To have and to hold the said tract of land, and all and singular, other the premises hereby granted unto the said Indian Nations, commonly called the Six Nations, and to their heirs and descendants for ever, with full power to use, occupy, cultivate, and enjoy the said tract of land hereby to them granted, in any manner which they shall think fit, by cutting down the trees growing thereon, by cultivating the surface of the ground thereof, or by any other method of improvement whatever, to apply the profits and produce thereof to their own use and benefit, and from time to time to make any lease or leases of the said tract hereby granted, or any part thereof, or other transfer for their interest therein, subject to the proviso, hereinafter contained, that is to say : Provided always, that if at any time hereafter the said Six Nations shall be disposed to set or let the said tract or any part thereof, then and in such case the chiefs of the said Six Nations shall give notice in writing of such their intention to our Governor of our said Province, or to our Lieutenant Governor, or person administering the Government of our said Province for the time being, and if upon such notice so given our said Governor, Lieutenant Governor, or person administering the Government of our said Province within from the delivery of such notice, shall signify to the said Six Nations or to the chiefs of the said Six Nations, on behalf of us, our heirs, and successors, the intentions of them to become lessees of the said tract, or such part thereof as aforesaid, at and upon terms proposed by the said Six Nations, by any person or persons wishing to become lessees of the said tract, or such part thereof as aforesaid, as shall happen then, and in such case, it shall not be lawful for the said Six Nations to lease the said tract, or such part thereof as aforesaid, to any person or persons whatever, except unto us, our heirs and successors.

And if the said Six Nations or chiefs of the said Six Nations shall make default herein, and shall at any time hereafter lease the said tract hereby granted, without such person's notice to our said Governor, Lieutenant Governor, or person administering the Government of our said Province, lease the said tract or any such part of the said tract as aforesaid, then and in either of these cases, this present grant, so far as the same doth or shall in anywise respect the said tract, or any part thereof so leased, as the case may be, shall become void, and the said tract or such part of the said tract so leased, as the case may be, shall revert and escheat to us, our heirs and successors, and shall thereupon become the absolute property of us and them, in the same manner as if the present had never been made, anything herein contained to the contrary thereof in any wise notwithstanding.

1796

J. G. S.

[Canadian Archives, C. 249, p. 87.]

## E.

GRAND RIVER, 10th December, 1797.

DEAR SIR—Our former acquaintance encourages me to take the freedom of writing to you ; but, knowing the multiplicity of business you have on your hands, I would not trouble you with this, did not the particular situation of our affairs seem to require it, thinking it necessary for me candidly to acquaint my friends with the feelings of my mind.

I presume that you are well acquainted with the long difficulties we had concerning the lands on this river. These difficulties we had not the least idea of when we first settled here, looking on them as granted to us to be indisputably our own ; otherwise we would never have accepted the lands. Yet afterwards it seemed a little odd to us, that the writings Governor Haldimand gave us, after our settling on the lands, were not so complete as the strong assurances and promises he had made us at first. But this made no great impression on our minds, still confiding in the goodness of His Majesty's intentions, and in the weight we expected our former services would have with him. Had it not been for this confidence and affection we bore the king, we still had opportunities left, after the war, of providing for ourselves, in the free and independent manner natural to Indians. Unhappily for us, we have been made acquainted, too late, with the first real intentions of the Ministry ; that is,

that they never intended us to have it in our power to alienate any part of the lands. And here we have even been prohibited from taking tenants on them, it having been represented as inconsistent for us, being but king's allies, to have king's subjects as tenants; consequently, I suppose their real meaning was, we should, in a manner, be but tenants ourselves. As for me, I see no difference in it, any further than that we are, as yet, rent free, they seemingly intending to forbid us any other use of the lands than that of sitting down or walking on them. It plainly appears by this that their motives can be no other than to tie us down in such a manner as to have us entirely at their disposal, for what service they may in future want from us, and that in case we should be worried out and obliged to remove, the lands would then fall to them, with our improvements and labor.

Sir, I hope I shall not tire your patience, in making a few remarks on what I suppose may naturally be the thought of Government on our conduct—with respect to myself they might say he has half pay and yet talks so much on these matters. It is very true I enjoy that bounty of His Majesty, as many worthless like me do, that have never risked their property or any thing else in his cause, but am I for this entirely to forsake the interests of my people, that put their dependence on me; besides my family which is very numerous cannot be benefited by my half-pay when I am no more, which at my time of life, I have reason to look on as a period not so very distant. I think it therefore incumbent on me to secure what they must look to for a future support. With respect to the nation they may also say that they have received their losses, I confess that, but it was only in part, we did not wish to put our friends to too great an expense, and it was me that was the very cause of the many things they omitted in the account of losses, for instance our hunting grounds that were very extensive, besides several other tracts of land were never mentioned. The miller, blacksmith and schoolmaster, that is allowed us by Government' may also be spoken of—we are indeed very thankful for it; but we look upon this as all temporary and the continuance of it to be uncertain—it may likewise be said they receive annual presents, what do they want more. We gratefully thank His Majesty for his bounty in this respect, but I am sorry to have to observe that this goes very little way in clothing the poor and helpless, and the country is so much changed that hunting is of very little account to the young and robust.

I beg leave to say a few words more on this subject. The movements of Governor Simcoe in attempting to curtail our lands to one-half of the river, and recollecting our deed from Governor Haldimand to be unequal to his first promises, caused us to make such a large sale at once that the matter might come to a point, and we might know whether the land was ours or not; the next reason was, that the lands all round us being given away to different people, some of them those that had even engaged in war against us, we found it necessary to sell some land, that we might have an income, the hunting being entirely destroyed. We now learn that the Ministry never intended we should alienate the lands, alleging, that by doing so, disaffected people might be introduced into the country that might injure the Government.

The people we have sold the lands to are loyalists, and we expect that as other people settled in the Province they will become subjects to His Majesty, the same as if Governor Simcoe had himself curtailed the land from us and given it to them, as he has done with the adjacent lands. I am sorry for having taken up so much of your time with so tedious a letter, but I assure you my present disagreeable situation affects my feelings so much that I cannot avoid expressing it rather fully, especially as I think this shall be the last time I will trouble you on the subject.

Sir, I am your most obedient humble servant,

JOS. BRANT.

To Captain GREEN.

## F.

*MINUTES of a Council held at Hamilton, near Burlington Heights, on the 4th July, 1819, with the Six Nations of Indians residing on the Grand River.*

## PRESENT:

The Honorable W. Claus, Deputy Superintendent General of Indian Affairs.

Lieutenant Colonel Hawkins, Lieutenant Archibald, 68th Regiment.

Alexander McDonell, Assistant Secretary Indian Affairs.

Robert Kerr, Surgeon, Indian Department.

J. B. Clench, Clerk, Indian Department.

Mr. Walker, Storekeeper, General's Department.

Benjamin Fairchild, Alex. Ferguson, George Martin, Interpreters, Indian Department.

After the customary ceremonies had been performed, the Deputy Superintendent General addressed the assembled chiefs as follows. Having referred to other questions, he said:

BROTHERS,—I lost no time after I parted with you last March, to lay your proceedings before the Superintendent General, Sir John Johnson, who transmitted the same to His Grace the Commander of the Forces; and the proposal you made for the surrender of the land on the upper part of the Grand River, I forwarded to His Excellency Lieutenant Governor Sir Peregrine Maitland. Answers from both I now communicate to you.

On examining documents at York respecting the Grand River lands, it appears that in the year 1790 a survey was made by Mr. Jones, and at a Land Board at Niagara in 1791, of which Lieutenant Colonel Butler, Mr. Hamilton and Colonel Lew Brook were members, it was agreed on by them and Captain Brant, Ojagethe, Coughsemyoute, Atmouvot, Aghsett, and Kayoudodethou, that certain lines that had been run by Mr. Jones were to be the Indian boundary, and it appearing to the Government that the Six Nations have misconceived the extent of their land, I am commanded to undeceive them by informing them that the Government from these documents conceives that the grounds above Block Nichol, known as Block No. 4, is now in the Crown by a recent purchase from the Mississaguas, for beyond that the King had not purchased from those Indians, at the time of Sir Frederick Haldimand's gift, consequently, Sir Frederick, in behalf of the Crown, had no land to grant.

I have now, my brothers, communicated the answer which I have received to your speeches, and shall be ready patiently to hear whatever you may have to say in reply.

Tekanhoga, a Mohawk Chief, then spoke:

Brother, we are happy that the great Spirit has preserved us to meet you here, I salute you and the officers with you in the name of the great Spirit. Brother, we spoke to you agreeably to our wishes when we met at Ancaster in the month of March, that is well enough. What was then proposed was right, we will not go back to our first troubles, we will only recur to what happened in General Haldimand's time. Brother, after the American war, we were at Niagara and did not know where to go. In our distress the Senecas offered us lands on the Genesee River, but we did not wish to be near the Americans, as they might again distress us, and some of our people got land on the Bay of Quinté. Captain Brant then went to Quebec to see General Haldimand, who told him that he would give us lands on the Grand River, from its mouth to its spring. During the administration of General Simcoe he wished to obtain from us three miles on each side of Dundas Street, on both sides of the river. We replied that we would let him have the quantity required, but that it should be for our benefit, he declined the offer and the matter dropt. Sir John Johnson also wished us to surrender six miles on each side of the river at the mouth, we complied with his request, provided it was for our benefit, but that also dropt without anything being done. I remember very well before the lands were purchased by Colonel Butler, that the Mississaguas said: "We do not wish to sell the lands from the Grand River to the River Thames down to Lake



Erie." The Government lessened the gift to six miles on each side of the Grand River, from its mouth to its spring, yet we replied to the Mississaguas: "Since you have been so kind to us, we each divide our presents with you." We are surprised to find that Government says, that we own the lands to the falls only, as we have writings to prove otherwise, we have them here and are ready to produce them.

The original deed from General Haldimand produced by John Brant. Tekanhoga then turning to the Indians, addressed them, saying: It is reported that I have sold lands. Let any man step forward and say so; the superintendent knows whether I have sold lands or not.

Little Peter, of the Lower Mohawks, then got up and said: Brother, I was always present at different meetings, and though I did not interfere, I listened to what was passing. When I came to see the land settling by white people, it disturbed my peace. I am a Lower Mohawk, and belong to the Six Nations. The land is a thing that concerns us all, and our posterity. I have heard my cousin (Tekanhoga) say that a stop will be put to the sale of land. I am very glad of it, it is a custom among us to have land all in common. We do not wish it to run out in lots to be settled by the white people, which is the only thing that confuses us, by mixing with us. When I look around me, above and below, I see nothing but whites around me, and we have nothing left but a spot to stand upon, and what is to be the next event? Are we to be shoved off altogether? I am surprised to see so many settlers on different parts of the river. We deny having sold any land to them.

Brother, I belong to the Lower Mohawks, and never disturbed the peace either among my own people or among the whites. I have never sold or leased any of our lands, and never will; my grand-children shall not say when I am gone, that I have left them destitute of a habitation.

It appears that my name is classed with another man who is my cousin, to be in partnership with him in selling land. I know nothing of it. Those who lease the land, of course, receive the rents, but I receive no rents from any one, never expect and never will receive any. We do not lease our land, because we do not know how to do it. If we were to require our rents, they would laugh at us.

Here the Deputy Superintendent General explained a part of his speech at the opening of the council.

I do not say that those chiefs whose names appear in the proceedings of the Land Board have sold the land, what I meant to convey was, that they had assented to the lines which had been proposed to them by that Board as their boundary. Little Peter continued addressing himself to Tekanhoga: You say that you never sold any land? How does it appear that white people are settled above and below us? It is you that have sold it.

Then addressing himself to the Deputy Superintendent General and the officers he said: I am very sorry to observe that you are now claiming a great part of our land. What are we to expect? Are we to be driven off our land? Shall I point back to my ancestors when they first took you by the hand, did they deceive you? Or have any of us? When we agree to anything in Council we expect it to be confirmed, because it is in the presence of all. The Council fire is the place to establish the truth.

Brothers with the red coats and Colonel Claus, this I wish to have continued when we meet again in Council. It is customary with us to talk with temper and do nothing rash. Whenever you call another Council, I will continue my subject.

Echo, Onondaga speaker, after having spoken to the assembled Nations generally, said:

Brother, I receive your salute with friendship and satisfaction. I am happy that you and the gentlemen of the garrison, and those with you, are well. I return your salute.

Brother, we have just been informed that you had sent down the proceedings of the Council at Ancaster, and it seems that Sir John Johnson immediately sent them down to the Commander of the Forces, and you have got an answer. There are only two subjects on which anything is to be done: The school master and the blacksmith.

Brother, we will now communicate our sentiments, and endeavor to be as brief as possible. We thought then that we had given you the lands you asked for in a proper way.

Brother, there is one part of your communication which gives us pain. We were surprised very much when we heard what had been done at York. We never thought that the King would take from us what we considered as his gift. What is it? It seems that the King is going to take our land from us.

Brother, we wish to know if our Great Father, who we are told is coming up, would grant us a meeting with him; we would be glad that you would ask him when and where we could meet him, and that you would inform us.

Brother, the reason that we wish to communicate with our Great Father, that is coming up, is because we know that he could inform us of everything we wish. Our Great Father at York we suppose has so much to do with his white children that he could not attend to our affairs. This is all I am going to say.

He then addressed the Six Nations, recommending union and friendship, as he had done frequently on former occasions, telling them to look at the Deputy Superintendent General, the officers and the gentlemen with him, and take example by them.

Oneida Joseph next spoke: Brother, I remember very well what passed from the beginning of the settlement on the Grand River. I have gone through two wars, and must therefore have a recollection of what happened first about our settlement. It was granted to us from the mouth to the spring, six miles on each side of the Grand River. It may be supposed that we did not claim it, because it was neither surveyed nor sold, but we claim that, as well as the rest.

Brother, we were told by our chiefs that whenever the land was purchased from the Mississaguas, the line would run to the spring.

If the commander of the forces will permit us to see him when he comes up, he will let us know how far we have a right to claim, agreeably to the paper which we hold as our title. I recollect that when the chiefs of the Six Nations requested of Colonel Butler to pay for the land which Mississaguas had given them, they afterwards regretted having done so, because the Government, by paying for it, might hereafter claim and take it from us.

"Clear Sky's" eldest son then addressed himself to John Brant, saying that as he held the deed from General Haldimand in his possession, they hoped he would go with them, in the event of their being enabled to see the commander of the forces.

To which John Brant replied that he would cheerfully. He was then asked by him, whether, in the event of his being sick, he would allow the paper to be taken down. He said he would readily.

Clear Sky's eldest son addressed himself to the Deputy Superintendent General, said that they had nothing more to say.

Reply of the Deputy Superintendent General:—

My brethren, the officers and myself have sat patiently to hear what you had to say in your several addresses, as well to us as to your own people. I called you together to communicate to you the answer to your speech of last winter. Had the King conceived that the land he claims above the falls did not belong to him, he never would have directed me to communicate to you what I have on that subject. I shall see both your Great Fathers at York, and shall lay before them the proceedings of this day, and receive their orders thereon. If His Grace the Commander of the Forces is pleased to see you, I will inform you of the time and place. The advice given you by the chief who spoke last but one is what I have always recommended when we parted. I now repeat my advice, and particularly to the young men, to look up to their sachems and chiefs, and to pay attention to their advice and counsel.

In the name of the officers and myself I bid you good bye. I remove all briars and roots from the road, that no obstructions should interrupt you on your way to your homes.

Clear Sky's eldest son again rose and said:—

Brother, I salute you, the officers and gentlemen with you, and hope that the Great Spirit will protect you all on your return.

## G.

DOWNING STREET, 28th September, 1821.

GENTLEMEN,—I have the honor to acknowledge the receipt of the letter which you addressed to me on the 7th instant, transmitting an official note in which you complain of a decision of the Colonial Government of Upper Canada, with respect to the extent of the lands which ought to be permanently reserved for the Five Indian Nations who settled in the Province at the close of the first American war.

As the Indian nations rest their claim entirely upon the terms used by General Haldimand in his proclamation of the 25th October, 1784, I shall confine myself to a statement of the reasons which convince me that it was never the intention of that officer to grant them the extent of territory to which they now lay claim, of six miles on each side of the Ouse or Grand River, from its mouth to its source, and that the proclamation does not warrant such a claim.

It is evident, from the proclamation annexed to your note, that the land which General Haldimand intended to assign to the Indian nations was that which the Colonial Government had a few months before purchased from other Indian nations resident within the Province of Canada, and that whatever disposition he may be presumed to have had to confer advantages on the Five Nations by giving them lands belonging to His Majesty, he could not intend (for he had not the power) to make over any Indian lands to which His Majesty had not then acquired a title. The description, therefore, of the land which is given in the close of the proclamation must be taken with reference to what the king had at the time a power to grant. It must be considered with reference to the general inaccuracy and contradictions of all geographical descriptions of America at that time, when the country was unsurveyed and unknown, and when information as to the course of rivers was derived either from reports of individuals or from the sources which afterwards proved altogether incorrect.

As the course of the Ouse or Grand River became known, it was found that the head of the river was not within the purchase made from the Chippewas in 1784, and that that purchase, therefore, did not comprise the lands to which the Five Nations now lay claim. I do not find indeed that any claim of the nature now advanced by the Five Nations to this land, until the Colonial Government had many years afterwards, with a view to the settlement of emigrants, made a further purchase from these Indians which put His Majesty in possession of the land lying between the head of the Grand River and that purchased in 1784, which is the subject of your present application.

Under these circumstances His Majesty cannot but consider the Colonial Government justified in allotting to settlers, instead of reserving for your use, such part of the land now claimed by you as was not purchased in 1784 from the Chippewas.

That the Indian nations never had originally in contemplation any grant so extensive as that for which you now contend, is evident from the proceedings which took place in the colony in 1791, respecting the limits of the Indian lands, and the agreement signed by Captain Brant and the other chiefs.

The intention of General Haldimand must have been at that time perfectly well known; the extent of the grant was then the subject of discussion, and the chiefs of the Nations voluntarily acquiesced in an arrangement which excluded the claim now under consideration. I have only further to add that in coming to a decision upon this claim, adverse to the views which appear now to be entertained by the chiefs of the Five Nations, His Majesty does not in any degree undervalue either the original services which led to the settlement of these Nations in the British Province, or those which they have subsequently rendered. The present question (as you have correctly stated in your interview with Mr. Goulburn) depends entirely upon the true meaning of General Haldimand's proclamation. For the reasons I have stated, and others arising out of contemporary documents, to which I have not adverted, that proclamation cannot warrant the claim which has been advanced, and His

Majesty has only, without reference to the merits of the parties, to approve of the decision upon this point, to which the Governor of Canada has already come.

I have the honor to be, Sir,

BATHURST.

MESSRS. ROBERT J. KERR and JOHN BRANT.

DEPARTMENT OF CROWN LANDS, SURVEYS BRANCH,  
TORONTO, 22nd February, 1882.

SIR,—In reply to your letter of the 18th instant, asking what the distance is from the north boundary of Nichol to the source of the Grand River, and the approximate length of the whole river, I have to inform you that it appears from the maps in this office that the Grand River takes its rise in the 4th concession of the township of Melancthon, distant by a rough measurement on the maps of the several intervening townships, about 40 miles from the north boundary of the township of Nichol, and giving a total length from its source to its mouth of about 160 miles.

Your obedient servant,

THOS. H. JOHNSON, *Assistant Commissioner*.

A. G. SMITH, Esq., Brantford, Ont.

(Received on the 26th February, 1882.—A. G. SMITH.)

40 miles long.

12 do wide.

480 square miles.

640 acres in one square mile.

19200

2880

307,200 acres, more or less, according to the computation herein contained from the Survey Branch of the Crown Lands Department.

A. G. S.

Clergy Reserve.—PETER SMITH.

HOWE—If you investigate I'll help.—SIMCOE KERR.

GILKINSON—Source established by Government.—A. G. SMITH.

OSHWOKEN COUNCIL HOUSE, 31st March, 1882.

To the Right Honorable Sir JOHN A. MACDONALD,  
Chief Superintendent General of Indian Affairs, Ottawa.

DEAR SIR,—The following is to certify that the Council decided to vote a grant of ninety dollars to defray the expenses of three deputations to Ottawa and back.

Signed in full Council,

CHIEF N. H. BURNING, Speaker,

do DAVID <sup>his</sup> × HILL, Seneca,

do JOHN <sup>mark</sup> × BUCK,

do HENRY <sup>his</sup> × CLENCH,

do JACOB <sup>mark</sup> + JAMIESON,

do MOSES HILL.

Signed in presence of  
JOHN CARPENTER,  
JOHN HILL,  
RICHARD HILL.

15th April, 1882.

MEMORANDUM.—The deputation above referred to, having explained that they were ignorant of the regulation requiring the authority of the Superintendent General to be obtained previous to a deputation visiting the seat of Government, and said deputation having asserted that they were under the impression that the authority of the Indian Council was all that was required, the Department has consented to pass this Requisition, on the distinct understanding, however, that hereafter the authority of the Superintendent General shall be invariably obtained before a deputation visits Ottawa.

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

17th April, 1882.

SIR,—With reference to the enclosed copy of a requisition, signed by the speaker of the Six Nation Council and five chiefs, and handed into this Department by a deputation of three chiefs from the Six Nation reserve, by which the Department is asked to advance a sum to defray the expenses of the said deputation to Ottawa and back, I have to inform you that the chiefs comprising the deputation in question explained to me that they were ignorant of the regulation which requires the authority of the Superintendent General of Indian Affairs to be obtained previous to, and to admit of a deputation of Indians visiting the seat of Government, and that they were under the impression that the authority of the Indian Council was all they would require. In consequence of this statement on their part, the Department consented to pass the requisition on the distinct understanding, however, that hereafter the authority of the Superintendent General shall be invariably obtained before a deputation shall visit Ottawa.

I cannot but express my surprise at the assertion made by this deputation of their ignorance of this long established and recognized rule of the Department, and I have to request that you will read this letter to the full council of chiefs and inform them that hereafter the Department will positively decline to pay under any circumstance whatever the expenses of a deputation to Ottawa, which has not been previously authorized by the Superintendent General of Indian Affairs.

I am, Sir, your obedient servant,

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

J. T. GILKISON, Esq., Indian Superintendent, Brantford, Ont.

INDIAN OFFICE, BRANTFORD, 22nd April, 1882.

SIR,—I am in receipt of your letter of the 17th instant, 36539, and much surprised the recent deputation should express ignorance of your rule prohibiting such delegations, unless with your authority, for I have repeatedly made it known, both in and out of Council.

On reference, I find your circulars of 22nd June, 1874, read in Council 17th July following; also your letter of 21st March, 1879, 12029, read in Council 25th March; while the Deputy Superintendent General, Mr. Vankoughnet, on 23rd May, 1878, in Council house, warned all against coming to Ottawa without permission, and if any did so, their expenses would not be paid, but would have to foot it every inch of the road. Notwithstanding, deputations persist in appearing before you.

In the present case, the Council, as per minutes of 1415, with my letter of 20th ultimo, named the deputation, and asked for \$90 to pay expenses; but I took no notice of it, thinking, when they again alluded to it, I would then give them my views upon the object of the deputation, while pointing out your required authority to go; but they did not afford me the opportunity, nor did they tell me the deputation were going, though I otherwise heard they were about to borrow money for the purpose.

Their going, I presume, was a waste of time and money, while intruding upon you; their application having been answered long ago by, I have heard, both Imperial and Provincial authorities.

Chief Josiah Hill came here to-day and having handed him your letter for perusal, asked how he could profess ignorance of your rule, and were he spokesman, to which he said yes, but it was one of the Smiths who said he did not know of such rule. I remarked he should have corrected Smith, and better have been candid and not left an erroneous impression with you. I will read your letter to the Council on Tuesday next.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. S. & C.*

The Hon. the Superintendent General of Indian Affairs.

1st May, 1882.

SIR,—I beg to acknowledge the receipt of your letter of the 22nd instant relative to the recent unauthorized deputation of chiefs of the Six Nations to the Department and in connection with the matter brought before the Department by them on that occasion, namely, the claim of the Six Nations to a greater quantity of land than is included in the deed to them from Governor Simcoe. I shall be obliged if you will ascertain and inform me at your early convenience of the answer stated by you to have been made long ago by both Imperial and Provincial authority to the application made in their behalf by the Six Nations.

I have the honor to be, Sir, your obedient servant,

L. VANKOUGHNET, *Deputy of the Supt.-Gen. of Indian Affairs.*

J. T. GILKISON, Esq., Indian Supt. and Commissioner, Brantford, Ont.

INDIAN OFFICE, BRANTFORD, 25th May, 1882.

SIR,—I have to acknowledge your letter of the 1st instant, and beg leave, in reply, to state my impressions, and what I have heard relative to the Six Nation claim for more land.

The original grant from the Crown, of 25th October, 1784, expresses: "To take possession of, and settle upon the banks of the River Ouse or Grand River running into Lake Erie, six miles deep from each side of river, beginning at Lake Erie, and extending in that proportion to the head of the said river."

It is said a patent or deed was issued to the Six Nations by Governor Simcoe, but I have no copy of such instrument. I have a copy of the plan (without date), showing the lands to be on each side of river, from Lake Erie to the line, between Nichol and Garafraxa, which line or north boundary appears to have been fixed upon as "the head of the river," though it takes its rise in the swamps of Garafraxa and Luther some miles beyond.

As Brant in 1796 received a power of attorney from the chiefs and warriors to surrender for sale certain tracts of land, and sales were made; while in 1798 such surrender is given by Brant to the Government, extending from the said north boundary line down south to and including the township of Dumfries.

Thus the presumption is reasonable that Brant and the Six Nations had accepted the said north boundary as the "head of said river;" and advanced no claim for lands beyond.

The best of the lands were sold at about 40 cents per acre, and, of course, swamp lands were of little or no value.

I was told, I think by the late Peter Smith, interpreter, that after the war of 1812 to 14, the late Captain John Brant and William Johnson Kerr, of the Six Nations, while in London, England, applied to the British Government for land extending to the source of the river, but failed, as the grant given was considered final; also that at a later period, application was made to the Governor General with the same result.

I regret not being able to give more positive information, but I purpose seeing Chief John Smoke Johnson, whose age and acquaintance with the Brants may enable him to give some facts bearing upon the matter.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. S. & C.*

The Hon. the Superintendent General of Indian Affairs.



INDIAN OFFICE, BRANTFORD, 22nd July, 1882.

SIR,—Referring to the Six Nations' land claim, to beyond what was determined as the "head waters of the Grand River," in the patent from the Crown to the Six Nations (and alluded to in your letter of the 21st instant, 38,215, upon the application of the council for \$500 to prosecute the said claim), I think it well to invite your attention to the power of attorney from twenty-seven chiefs to Captain Joseph Brant, dated the 10th October, 1804, which, to my mind, established the fact that the head waters, as designated in the map of the grant, was not only decided upon by the Governor in Council, but so accepted by Brant and his chiefs, as blocks 1, 2, 3 and 4 (since named Dumfries, Waterloo, Woolwich and Nichol), disposed of by Brant, and patents issued to purchasers; but in said power of attorney, block 4 (Nichol) is described on the second page thereof as the north-east boundary or the line between the now townships of Nichol and Garafraxa, beyond which the lands, for most part, were swamps, then of little or no value.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. S. & C.*

The Hon. Superintendent General of Indian Affairs.

INDIAN OFFICE, BRANTFORD, 25th July, 1882.

SIR,—While the old Chief John Smoke Johnson was here yesterday, I took occasion to ask him some questions relative to his recollection of Brant and in regard to the original grant of lands to the Six Nations, situated on the Grand River.

Though he was only a lad, he knew Captain Brant well, relating various incidents, one of which, Brant took him and others to Montreal to see the Governor, travelling nearly all the way by water.

He remembers hearing of the manner in which the Governor purchased the lands lying between the lakes from the Chippewas, out of which Governor Haldimand granted to the Six Nations six miles on either side of the Grand River.

He also knew of the original survey of the line, north by west, from Burlington Bay outlet to near the upper falls of the Grand River (such line forming, in part, the subsequent boundary between Nichol and Garafraxa); never heard of any objection, but that Brant and the chiefs accepted the said line as the head waters, and were satisfied.

On asking the chief if he knew for what purpose John Brant and William Johnson Kerr visited England, after the war, he said:—

They went to try and induce the Government to give their people deeds for the lands they individually occupied, but the Colonial Minister, while refusing to do so, referred their application to the Governor General, who transferred it to Colonel Clause, local superintendent, who called a council of the chiefs, when, after due deliberation, a vote was taken by division, the large majority being against the granting of deeds as proposed.

He never heard of any complaint against the said line as laid down for the head waters, until recently, claiming lands to its source.

The chiefs' statements impresses me with the conviction that the head waters, as designated upon the survey and plan for the purpose, was accepted by the chiefs of the Six Nations as fair and proper, while it is reasonable to suppose, had they demurred and desired the lands from the source, they would have been conceded.

Looking at the map of Garafraxa it there appears a short distance from the boundary line, the stream divides the larger branch extending through Garafraxa into Amaranth or Luther.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. S. & C.*

The Honorable the Superintendent General of Indian Affairs.

OTTAWA, 11th November, 1882.

SIR,—I have the honor to enclose herewith copy of a petition addressed by the chiefs of the Six Nation Indians residing on the Grand River, Ontario, calling atten-

tion to a special matter in connection with the patent deed issued for their lands. I have also the honor to enclose copy of the deed covering the lands of these Indians issued by Sir Frederick Haldimand and dated the 25th of October, 1784, and copy of the deed issued by Lieutenant Governor Simcoe and dated 14th January, 1793.

The contention of the Indians is that in the latter deed they were not granted the full quantity of land guaranteed them under the former deed.

The records of this Department having been searched in vain for explanations of the apparent discrepancy between the two deeds, I have the honor to request that the copies of the documents now enclosed be forwarded to His Honor the Lieutenant Governor of Ontario, and that His Honor be moved to cause search to be made among the records of His Government with a view, if possible, of eliciting information upon the point at issue.

This Department will be glad to be advised of the result of the search.

I am, Sir, your obedient servant,

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

E. J. LANGEVIN, Esq., Under Secretary of State, Ottawa.

*To His Excellency the Right Honorable Sir John Douglass Sutherland Campbell, Marquis of Lorne, K.T., G.C.M.G., P.C., Governor General of Canada and Vice Admiral of the same, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY :—

We, the chiefs of the Six Confederate Nations of Indians, faithful allies of Her Majesty, residing on the Grand River, in the Dominion of Canada, desire to draw your attention to a special point in our affairs, regarding the patent deed of our lands.

That whereas it appears there are two deeds in existence, the first of which we recognize, and a copy of the same we have in our possession, was issued by Sir Frederick Haldimand under the Great Seal, dated 25th day of October, 1784, and registered in the Secretary's Office, Upper Canada, on the 20th March, 1795.

But the second deed was issued by Lieutenant Governor Simcoe, which bears date the 14th day of January, 1793, which covers only 694,910 acres, as it appeared in one of the Indian Department's Reports.

Therefore we took the matter into our full Council of chiefs, and agreed unanimously to bring the matter under the notice of the Government, as we have every confidence that the Government will always deal with the Indians honestly and justly, more especially with the Six Nation Indians, who have suffered, not only for the loss of their settlements in the United States during the revolutionary war, but that they have spilt their blood in the cause of Great Britain, and always supported its Crown in time of trouble.

And further, we agreed in council to send a deputation to Ottawa in order to have an interview with Your Excellency regarding the matter, with full authority to act for the Council of the Six Nation Indians.

And we now beg to assure you that the feelings of loyalty to the British Crown are as deep, as sincere, and as true in us at this day as they were in our forefathers of old, and we feel certain that they will always continue so.

We have the honor to be Your Excellency's devoted friends,

Chiefs and deputation. { WILLIAM SMITH,  
A. G. SMITH.  
JOSIAH HILL.

We desire to inform Your Excellency that on account of your absence we have placed our case in the hands of the Superintendent General of Indian Affairs, and therefore it will not be necessary to trouble Your Excellency with our affairs; but should the Government not feel inclined to give us our rights, then we would beg to ask Your Excellency to be so kind as to assist us in appealing our case to the Imperial Government.

W. S.  
A. G. S.  
J. H.

*The Right Honorable Sir John A. Macdonald, K.C.B., P.C., Premier of Canada, Minister of the Interior and Superintendent General of Indian Affairs.*

HONORABLE SIR,—We, the undersigned deputation of the Six Nation Indians of Grand River, had the honor to be requested by you to state our business in writing, and also to state our reasons for taking the step we have taken, now beg leave to make the following statements and our reasons for them :—

Firstly.—According to the deed in our possession, issued by Sir Frederick Haldimand, dated at the Castle of St. Louis, Quebec, the 25th day of October, 1784, and which was registered in Lib. A, fol. 8th, on the 20th day of March, 1795, in the secretary's office, Upper Canada, we claim that we are the only proper and rightful owners of a tract of land lying from the north boundary of the township of Nichol to the head or source of the Grand River, a distance of forty miles, inasmuch as it has never been ceded to the Crown by us.

And according to the Royal Proclamation by His late Majesty King George the Third, dated the 24th day of December, 1763, no one other than the Six Nation Indians shall have a right to settle upon such lands on any pretence whatever.

Secondly.—That whereas it may be argued that the people now occupying the said lands have established their right to the said lands by lapse of time,

We would say that the Six Nations had established their pre-emption right to the said lands long before any white man settled on the said lands by occupation. Our forefathers have occupied the lands in question as their hunting grounds, and have always lived within the limits mentioned in the deed above referred to, and therefore they have been in occupation before and ever since the deed was issued.

Thirdly.—It may be asked why the Six Nations did not make a strong protest against the fact of people taking their lands and settling thereon. The answer to that is, that it was the opinion entertained by the chiefs, that it was the duty of the Indian Department as our guardians to protect our rights in that respect.

And now Honorable Sir, we desire to thank you warmly for the kind manner in which you received us, and for the kind assurance you have given us of giving our case a careful consideration, and we hope that we may before long be able to state the result of the same to our people of the Six Nation Indians.

We have the honor to be, Sir, your most obedient servants.

Chiefs { A. G. SMITH,  
WILLIAM SMITH,  
JOSIAH HILL.

FREDERICK HALDIMAND, Captain General and Governor-in-Chief of the Province of Quebec and Territories depending thereon, &c., &c., &c., General and Commander-in-Chief of His Majesty's Forces in said Province and the Frontiers thereof, &c., &c., &c.

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 that a convenient tract of land under his protection should be chosen as a safe and comfortable retreat for them and others of the Six Nations who have either lost their settlements within the territory of the American States, or wish to retire from them to the British. I have, at the earnest desire of many of these, His Majesty's faithful allies, purchased a tract of land from the Indians situated between the Lakes Ontario, Erie and Huron, and 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 call Ouse or Grand River, running into Lake Erie, 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.

Given under my hand and seal at arms at the Castle Louis at Quebec, this twenty-fifth day of October, one thousand seven hundred and eighty-four, and in the

twenty-fifth year of the reign of our sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith and so forth.

By His Excellency's command,

FRED. HALDIMAND,  
R. MATHEWS.

DEPARTMENT OF CROWN LANDS, SURVEYS BRANCH,  
TORONTO, 1st December, 1882.

DEAR SIR,—Relative to the petition of the Six Nations Indians about lands on Grand River.

In the above case a careful search will be made among the records of the Department, but owing to the great pressure of work some time may elapse before an answer can be sent.

Yours truly,

THOS. H. JOHNSON, *Assistant Commissioner*.

LAURENCE VANKOUGHNET, Esq., Deputy Minister of Indian Affairs, Ottawa.

9th December, 1882.

SIR,—With reference to previous correspondence relative to the petition of the Six Nations Indians calling attention to a special matter in connection with the patent deed issued for their lands, I enclose herewith copy of a letter from the Assistant Commissioner of Crown Lands, Toronto. I sent this in order that you may be in a position to inform the Six Nation Council, in case the matter is referred to by them or any member thereof, that the Department is having the search prosecuted.

I am, Sir, your obedient servant,

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs*.

J. T. GILKISON, Indian Superintendent and Commissioner, Brantford, Ont.

GRAND RIVER RESERVE, 9th December, 1882.

SIR,—I beg leave to remind you the case we have laid before you last April 13th, 1882, regarding our land to the source of the Grand River, of which you promised us to look into it carefully as soon as the Session of Parliament is over. And now we have exercised patience, this last eight months waiting to hear from you upon the subject. Therefore I now ask you personally if you will be so kind to answer me the question, at an early date as possible, as I am authorized by the Council of the Six Nations to act upon the subject.

I am your obedient servant,

CHIEF WILLIAM SMITH.

To the Right Hon. Sir JOHN A. MACDONALD, Chief Supt. Gen. of Indian Affairs.

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 18th December, 1882.

MEMORANDUM.—With reference to Chief William Smith's letter of the 9th instant, enquiring about the memorial of the Six Nations dated the 13th of April last, relative to a certain tract of land claimed by them under the deed from Sir Frederick Haldimand dated 25th of October, 1784, and which was not covered by the deed issued by Governor Simcoe, dated 14th of January, 1793, which purport to include all their lands,—the undersigned begs to state that a careful search was up to last fall prosecuted among the old records of this Department, with a view, if possible, to elicit information relative to the apparent discrepancy between these two deeds, but the search failed to supply the required information, and in November last the Department of the Secretary of State was requested to communicate with the Government of Ontario asking to have a search made among the records of that Government. By semi-official letter of the 1st instant, from the Assistant Commissioner of Crown Lands, the Minister will observe that careful search is promised; and Mr. Superin-

tendent Gilkison was advised by letter of the 9th instant, that the search was being prosecuted.

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

To the Right Hon. Sir JOHN A. MACDONALD, P.C., K.C.B., G.C.M.G.,  
Superintendent General of Indian Affairs.

31st May, 1883.

SIR,—I have the honor to invite your attention to my letter addressed to your predecessor, on the 11th November last, enclosing the documents described therein relative to a certain tract of land claimed by the Six Nations Indians under patent from Sir Frederick Haldimand dated 25th October, 1784; and to request that you will be so good as to inform His Honor the Lieutenant Governor of Ontario, that this Department is yet without advice as to the result of the search which was promised by the Assistant Commissioner of Crown Lands for that Province in a letter addressed to me on the 1st December last.

I have the honor to be, Sir, your obedient servant,

R. SINCLAIR, *for Deputy Supt. of Indian Affairs.*

GRANT POWELL, Esq., Under Secretary of State for Canada, Ottawa.

CROWN LANDS DEPARTMENT, ONTARIO,  
SURVEYS BRANCH, TORONTO, 27th June, 1883.

SIR,—Adverting to the despatch from the Honorable the Secretary of State of the 16th November last, wherewith he enclosed a copy of a petition from the chiefs of the Six Nations Indians on the Grand River, Province of Ontario, and also a copy of two deeds by which the Indians hold their lands, one issued by Sir Frederick Haldimand under date 25th October, 1784, and the other by Lieutenant Governor Simcoe under date 14th January, 1793, and requested that search might be made among the records of the Government of Ontario with a view of discovering an explanation for the apparent discrepancy in the two deeds.

I have to request that you will cause the following information to be transmitted through the Honorable the Secretary of State to the Department of Indian Affairs.

A thorough search has been made among the records of this Department, without eliciting any explanation regarding the cause for the issue of the two deeds in question.

The following résumé, however, may throw some light on various points, all tending to show that the various transactions in the matter of the Six Nations, lands at the Grand River had the sanction and approbation of Captain Joseph Brant and the other chiefs of the Six Nations Indians.

It appears that on or about 23rd March, 1784, General Haldimand in a letter to Sir John Johnson informed him of Joseph Brant's desire to settle the Six Nations Indians on a tract of land to be purchased from the Mississaguas, consisting of about six miles on each side of the Grand River, called Oswego, running from the River La Tranche (now Thames) into Lake Erie; he also authorized him to give directions to Lieutenant Colonel Baker, who was fully acquainted with the views of Captain Brant and the Mohawks, to purchase the tract of country between Lakes Ontario, Erie and Huron.

It appears that on 22nd May, 1784, a surrender to the Crown was made by the Mississagua Indians of certain lands, bounded on the east by a line running north-west from the Little Lake at the head of Lake Ontario and that the deed was witnessed to by Captain Brant.

On the 25th October, 1784, General Haldimand's grant to the Six Nations Indians of lands on the Grand River was made.

It appears that on or about 20th December, 1790, the Land Board of Nassau first moved in the matter of the survey of the boundaries of the Indian lands at Grand River.

It also appears from the same book that on 3rd January, 1791, Augustus Jones, the surveyor to the land board, was instructed by the said board to survey the boundaries of these Indian lands, also that on 1st February, 1791, Captain Brant and the Indians agreed as to the manner by which the course of the boundary lines should be arrived at, also that on 4th April, 1791, D. S. A. Jones laid before the land board a survey of Indian lands on the Grand River from the mouth to about thirty miles above the Mohawk Village, also account for expenses incurred in ascertaining where a north-west line from mouth of Little Lake at head of Lake Ontario would intersect the Grand River.

It appears that on 4th of January, 1791, Lord Dorchester, Governor of the Province of Quebec, appointed a committee to report on the claims of certain Indians to lands assigned them on the Grand River. This committee, under John Collins, Deputy Surveyor General, as chairman, reported to His Excellency Lieutenant Governor Alured Clarke, on 24th December, 1791, enclosing a copy of the journal of their proceedings, from which it appears that all information in the possession of the Land Board of Nassau was placed at the disposal of said committee, as likewise a copy of the surrender from the Mississagua Indians, dated 22nd May, 1784; also copy of a letter from the Land Board of Nassau to Mr. Secretary Motz, of date 26th February, 1791, in which the following words occur:—

“The grant of lands to the Indians of the Grand River extends to six miles on each side of that river, from its mouth till a line running north-west from the mouth of the little lake at the west end of Lake Ontario, shall traverse it.”

It also appears, from said journal, that said committee met on 24th December, 1791, and the chairman presented Mr. Jones' survey of the lands on the Grand River promised to the Indians of the Mohawk Nation. The committee were of opinion that “every precaution should be taken to preserve them in quiet possession and property of them, and submit that an Act of the Provincial Legislature, or a grant under the Great Seal of the Province of Canada, be made in favor of the principal chiefs, on behalf of their nation, or persons in trust for them, for ever.” Endorsed on the back of the report of John Collins, as chairman of said committee, is a note to the following effect: “A copy of this sent the 21st April, to Mr. Williams, with two plans referred to in this report, 1792.”

(This Mr. Williams was Clerk of the Executive Council. One of the two plans referred to was that of D. S. Jones' survey, and it is possible that said plan, which is not of record in this Department may still be among the records of the Privy Council at Ottawa along with the above report.) It further appears that a grant was made to the Six Nations Indians by Lieutenant Governor Simcoe on 14th January, 1793, of lands on the Grand River, “in conformity with a certain survey made of the said tract and annexed to these presents” \* \* “extending up the Grand River as far as the limit of the purchase from the Mississagua Nation.”

It further appears that the boundaries of the Indian lands on the Grand River were, at the request of Captain Brant, completed in survey by D. S. Thomas Welsh and A. Jones, under instructions from the Surveyor General dated 1st June, 1796. Mr. Welsh was told in said instructions to consult with Captain Brant in order that the survey might be executed to his satisfaction and that of the Indians. In his field notes and diary of said survey Mr. Welsh records that he was accompanied by Captain Brant in his operations.

It further appears that on 10th March, 1798, the Honorable Peter Russell, President, wrote to D. W. Smith, Surveyor General, *re* Indian lands at the Grand River, “that the courses of the boundaries had long since been determined with Captain Brant and other chiefs in council, afterwards agreed upon and settled between General Simcoe and that chief, and were again surveyed during his (Mr. Russell's) administration, at the particular request of Captain Brant by two surveyors, chosen by himself, for which assistance he (Mr. Russell) had received Captain Brant's unqualified thanks.”

It further appears from the journals of the House, 1836-7, page 485, that on 16th February, 1837, an address was passed for the trust deed, or copy thereof, of the



Indian lands of the Six Nations Indians, or any paper or title by which the lands of the Six Nations Indians are held, and that in reply to that address a copy of the two deeds was presented, viz.:—That by General Haldimand, dated 25th October, 1784, and that by Lieutenant Governor Simcoe, dated 14th January, 1799.

It further appears that on 24th June, 1847, a report of the affairs of the Indians in Canada was made, accompanied by a map showing the different surrenders made by the Indians from time to time with the respective dates of such surrenders, from which map it appears that the lands to the east and north of the purchase line alluded to above were not ceded by the Indians until the year 1818.

It does not appear that the original maps by D. S. Jones or Welsh are of record in this Department, but some very old maps are of record showing the surveys made by these surveyors, though not signed by them. There is also of record a map prepared in this Department in 1843 and signed by Thomas Parke, Surveyor General, showing in colors the Indian lands on the Grand River originally granted to the Six Nations Indians.

On all these maps the Indian lands do not appear to extend beyond the purchase line run from the outlet of the Little Lake at the head of Lake Ontario by D. S. Augustus Jones about the year 1791.

It appears from the foregoing that from the first the intention was to limit the Six Nations Indian lands on Grand River to said purchase line, as witness Joseph Brant's signature as witness to the deed of surrender by the Mississagua Indians several months prior to the date of the deed by General Haldimand, and that the same was acquiesced in by Captain Joseph Brant and the other chiefs of the Six Nations Indians several different times subsequently. It also appears reasonable to conclude that at the time the proposal to locate the Six Nations Indians on the Grand River was made all parties believed that the Grand River took its rise near the Thames and that the grant made by General Haldimand was believed both by himself and by the Indians to be covered by said surrender; that the subject of the Indian lands at the Grand River has engaged the attention of the Government at different times during the last as well as the present century; that it is likely all information possible was obtained on the subject of the two deeds at those periods when persons cognizant to the facts were living; that the boundaries of said tract were run out at the request and with the knowledge of Captain Brant and the other chiefs, and that said boundaries never extended beyond said purchase line as a matter of fact, the land beyond said purchase line was not purchased until the year 1818, and one purchase was made not from the Mississagua at all but from the Chippewa Indians. It therefore appears to the undersigned that the discrepancy between the two deeds is only imaginary, as it does not appear that there was ever any intention to grant them more than they have already got and have enjoyed possession of for nearly a century.

T. S. B. PARDEE, *Commissioner of Crown Lands.*

The Honorable the Provincial Secretary, Toronto.

OTTAWA, 18th July, 1883.

SIR,—With reference to your letter of the 11th November last, covering a petition from the chiefs of the Six Nations Indians, residing on the Grand River, Ontario, calling attention to a special matter in connection with the patent deed issued for their lands, and to subsequent correspondence on the same subject, I now have the honor to transmit to you herewith, a copy of a report from the Honorable the Commissioner of Crown Lands of Ontario, on the subject of the apparent discrepancy alleged to exist in the two deeds covering the lands of the Indians in question, copies of which accompanied their petition.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State*

L. VANKOUGHNET, Esq., Deputy of the Supt. Gen. of Indian Affairs, Ottawa.

31st July, 1883.

SIR,—Referring to my letter to you of the 17th of April, 1882, and subsequent correspondence relative to the alleged claim of the Six Nations Indians to an additional area of territory to that accorded to them by the deed issued by Lieutenant Governor Simcoe, on the 14th of January, 1793, in consequence of the discrepancy between the land described in the latter instrument and that described in the previous deed, issued by Sir Frederick Haldimand, of date the 25th of October, 1784, I have to inform you that, as stated in my letter of the 9th of December last, this Department was in communication with the Crown Lands Department of Ontario on the subject of said claim; and I have now to enclose herewith, copy of a despatch, of the 27th ultimo, from the Commissioner of Crown Lands from that Province, relative to the supposed discrepancy between the two deeds above mentioned and of said despatch, you will have the goodness to give the Six Nations Council communication.

I have the honor to be, Sir, your obedient servant,  
L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*  
J. T. GILKISON, Esq., Indian Supt. and Comr., Brantford.

HAMILTON, 18th October, 1882.

DEAR SIR,—Will you be good enough to send me a certified copy of the patent from Governor Haldimand to Captain Joseph Brant and the Five Nation Indians, of a reserve on the Grand River, Ont., dated about the 25th October, 1784, and recorded in Liber A, folio 8. I understand Indian affairs are in your Department. Governor Haldimand was Governor General of the old Province of Quebec. If not in your office, perhaps you can suggest where it might be found. An early reply will oblige

Yours respectfully,  
THOS. C. HASLETT.

The Minister of the Interior, Ottawa.

27th October, 1883.

SIR,—I beg to acknowledge the receipt of your letter of the 18th inst., asking to be furnished with a certified copy of the patent from Governor Haldimand to Captain Joseph Brant, dated 25th October, 1784.

A copy of the patent in question is enclosed herewith, for which you will be good enough to deposit in the Bank of Montreal, to the credit of the Receiver General, on account of casual revenue, the sum of \$1.25, and transmit the bank certificates of deposit and draft therefor to this Department.

I have the honor to be, Sir,  
W. PLUMMER, *for Deputy Minister of Indian Affairs.*  
THOS. C. HASLETT, Esq., Barrister, &c., Hamilton, Ont.

MIDDLEBURY, VERMONT, U. S., 4th November, 1883.

DEAR SIR,—I have before me a copy of a grant of land to the Six Nations of Indians, made by Governor Haldimand under authority of the Crown, which grant bears date the 25th day of October, 1784, and is recorded in lib. A., folio 8, of the Records of the Province of Quebec, which copy is certified to by yours under date of 26th October, 1883 (without seal of office). I now am informed that there is a subsequent grant of the same land or a part of the same tract to other parties, by a subsequent Governor of Canada. If this is so, I wish you would have the kindness to inform me of the fact, and the expense of a certified copy of the same. In your reply please give the date of the second grant and the name of the Governor by whom it was made. Also please state in what way you will have the fee for the copy sent to you.

Very respectfully yours,  
THOMAS H. McLEOD.

ROBERT SINCLAIR, Esq.

13th November, 1883.

SIR,—I have to acknowledge the receipt of your letter of the 4th inst., asking for a copy of the grant made by Governor Simcoe on the 14th of January, 1793, to the Six Nations Indians, of land on the Grand River in the Province of Ontario; and to inform you that the expenses of making a certified copy of the grant and of the tracing attached thereto will be \$5.00. The documents will be prepared and forwarded to you upon receipt of that amount, together with \$1.25 for the copy of patent which you state you have already received, and which was sent Mr. J. C. Haslett, of Hamilton, Ontario, under cover of my letter of the 27th ultimo; in all \$6.25.

I am, Sir, your obedient servant,

R. SINCLAIR, *for Deputy of the Supt. General of Indian Affairs.*

THOMAS McLEOD, Esq., Middlebury, Vermont, U. S.

14th January, 1884.

SIR,—I have the honor to request that you will be good enough to inform me, if among the records of the Privy Council Office can be found a deed of surrender, dated the 22nd of May, 1784, made to the Crown by the Mississagua Indians, embracing certain lands "bounded on the east by a line running north-west from the little lake at the head of Lake Ontario."

It is thought that the surrender in question may have been submitted to Council for approval, and it is desirable, if such surrender or a copy thereof is among the records of your Department, that this Department should be furnished with a certified copy of the same with as little delay as possible.

To assist you in the search, I beg to state that from a document of record in this Department, it would appear that a report of the committee appointed to investigate the title to some lands covered by this deed of surrender—of which committee Mr. John Collins, Deputy Surveyor General was chairman, and by whom said report was drawn up—was sent to the clerk of the Executive Council on the 21st of April, 1792, and a copy of the surrender referred to is said to have been placed with that report.

I have the honor to be, Sir, your obedient servant,

L. VANKOUGHNET, *Deputy of the Supt. Genl. of Indian Affairs.*

J. J. McGEE, Esq., Clerk of the Privy Council, Ottawa.

MIDDLEBURY, VERMONT, U. S., 18th April, 1884.

DEAR SIR,—Your favor of 13th November, 1883 was duly received, for which please accept my hearty thanks. I suppose you have been paid the \$1 for copy of the grant, referred to in your letter by the number 36,539, as I have been so informed; if you have not, be so kind as to inform me and you shall be paid. I wish the copy of the plot on map of the grant referred to, and write for the purpose of being informed in whose name I can send a postal order for the amount of the fees for it (\$5). I had sent your communication, above referred to, away, and was not able in consequence to write you properly for the plot until it was returned to me.

Very respectfully yours,

THOMAS H. McLEOD.

ROBERT SINCLAIR, Esq.

6th May, 1884.

SIR,—In reply to your letter of the 18th ultimo, I have to inform you that the Department has not been paid for the copy of patent to which you refer; and with regard to the copy of grant asked for by you from Governor Simcoe to the Six Nations Indians, dated the 14th January, 1793, I have to refer you to my letter of the 13th January last.

Any remittance by money order or otherwise to the Department should be in favor of L. Vankoughnet, Esq., Deputy Minister.

I am, Sir, your obedient servant,

R. SINCLAIR, *for Deputy Minister of Indian Affairs.*

Mr. THOS. McLEOD, Middlebury, Vermont, U.S.

MIDDLEBURY, VERMONT, U.S., 8th May, 1884.

DEAR SIR,—Your favor of 6th May, 1884, is at hand. Please find enclosed postal order for \$1.25 in payment for copy of patent referred to in No. 36,539 of above date.

Allow me to thank you for your courtesy of the 13th January, 1884.

Very respectfully,

THOMAS H. McLEOD.

ROBERT SINCLAIR, Esq.

20th January, 1885.

SIR,—I have the honor to inform you that after diligent search, which involved a great deal of labor and time, I cannot find any deed of surrender dated 22nd of May, 1784, made to the Crown by the Mississagua Indians, embracing certain lands "bounded on the east by a line running north-west from Little Lake, at the head of Lake Ontario," referred to in your communication of the 14th instant, in any of the books or papers of record in this office.

I find only that the Executive Council of Upper Canada do not appear to have transacted any business until July, 1792, though that Province was created in December, 1791.

Our records are very incomplete prior to the Union, as some were lost in the great fire at Montreal in 1849, and others have been seized on by some of the Departments.

I am, Sir, your obedient servant,

JOHN J. McGEE, *Clerk Privy Council.*

L. VANKOUGHNET, Esq., Deputy of the Supt.-Genl. of Indian Affairs.

GOVERNMENT HOUSE, OTTAWA, 27th March, 1885.

In transmitting to the Right Honorable the Superintendent General of Indian Affairs the accompanying copy of a despatch of the 29th November, 1884, from the Secretary of State for the Colonies, with its enclosures, as well as the memorials dated 29th January and 12th March last, and an address of 20th September, 1783, concerning the alleged grievance of the Six Nation Indians, the undersigned has the honor, by desire of His Excellency the Governor General, to state that His Excellency will be glad to be furnished with the information necessary to enable him to give a reply to the petitions in question.

By Command,

CHARLES J. JONES, *for the Governor General's Secretary.*

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 15th April, 1885.

MEMORANDUM.—The following is a history of the matter of the title of the Six Nation Indians to lands on the Grand River, in the Province of Ontario, in so far as the records of the Department of Indian Affairs at Ottawa and those of the Crown Lands Department at Toronto afford information on the subject.

By a proclamation, dated at Quebec on the 25th of October, 1784, Sir Frederick Haldimand, Governor of the Province of Quebec, in pursuance of His Majesty's directions, 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, a convenient tract of land under his protection should be chosen as a safe and comfortable retreat for them, declared that he had purchased a tract of land from the

Indians, situated between the "Lakes Ontario, Huron and Erie," and that "he authorized and permitted the said Mohawk Nation and such other 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, running into Lake Erie, 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 they and their posterity are to enjoy for ever."

The land above described as having been purchased from the Indians and situated between Lakes Ontario, Huron and Erie, is stated to have been bought from the Mississagua Indians, and the deed of surrender of the same, which, however, is not of record in this Department, signed by those Indians, was dated on the 22nd May, 1784, and the lands covered by the same are said to be described therein as bounded on the east by a line running north-west from the little lake, now known as Burlington Bay, at the head of Lake Ontario, and the deed was witnessed by Captain Brant, of the Six Nations.

The execution of this surrender was preceded by a letter from Sir Frederick Haldimand, dated on or about 23rd March, 1784, to Sir John Johnson, informing him of Joseph Brant's desire to settle the Six Nation Indians on a tract of land to be purchased from the Mississaguas consisting of about six miles on each side of the Grand River called Oswego, running from the River La Tranche (now Thames) into Lake Erie. In that letter Sir Frederick Haldimand authorized Sir John Johnson to give directions to Lieut. Colonel Baker, who was fully acquainted with the views of Captain Brant and the Mohawks, to purchase the tract of country between Lakes Ontario, Erie and Huron. No survey of the lands thus surrendered, nor of the tract covered by the proclamation of Sir Frederick Haldimand, was made previous to the execution of the surrender or the issue of the proclamation; and it was not until the 20th December, 1790, that the Land Board of Nassau first moved in the matter of the survey of the boundaries of the Indians' lands on the Grand River; and on the 3rd January following the surveyor to the Land Board was instructed to survey them; and on the 1st February, 1791, Captain Brant and the Indians agreed as to the manner by which the course of the boundary lines should be arrived at; and on the 4th of April, 1791, the surveyor laid before the said Land Board a survey of Indian lands on the Grand River from the mouth to about thirty miles above the Mohawk Village; also accounts for expenses incurred in ascertaining where a north-west line from the mouth of the little lake at the head of Lake Ontario would intersect the Grand River. This "little lake," it will be noted, is mentioned in the deed of surrender by the Mississaguas as that from which a line running north-west was to be the eastern boundary of the track surrendered.

On the 4th January, 1791, Lord Dorchester, Governor of the Province of Quebec, appointed a committee to report on the claims of certain Indians to lands assigned them on the Grand River. On the 24th December, 1791, this committee reported, and from the journal of their proceedings which accompanied their report, it appears that all information in the possession of the Land Board was placed at the disposal of the committee, as well as a copy of the surrender by the Mississagua Indians of 22nd May, 1784, and a copy of a letter from the said board to Mr. Secretary Motz, dated 26th February, 1791, in which the following words appear:—

"The grant of lands to the Indians of the Grand River extends to six miles on each side of that river from its mouth till a line running north-west from the mouth of the little lake at the west end of Lake Ontario shall traverse it." From the said journal it appears that the committee met on the 24th December, 1791, and the chairman presented Mr. Jones' survey of the lands on the Grand River promised to the Indians of the Mohawk Nation; the committee were of opinion that every precaution should be taken to preserve them in quiet possession and property of them; and submit that an Act of the Provincial Legislature, or a grant under the Great Seal of the Province of Canada be made in favor of the principal chiefs on behalf of their nation, or persons in trust for them for ever."

On the 14th of January, 1793, a grant—copy herewith—under the Great Seal was made to the Six Nation Indians, by Lieutenant Governor Simcoe, of lands on the

Grand River "in conformity with a certain survey made of the said tract and annexed to these presents \* \* \* extending up the Grand River as far as the limit of the purchase from the Mississagua Nation." At the request of Capt. Joseph Brant, the survey of the boundaries of the Indian lands on the Grand River was completed by Deputy Surveyor Thos. Welsh and A. Jones, under instructions from the Surveyor General, dated 1st June, 1796; and in those instructions, Mr. Welsh was told to consult with Captain Brant, that the survey might be executed to his satisfaction; and in his field notes and diary of the survey, Mr. Welsh states that he was accompanied by Captain Brant in his operations.

On the 10th of March, 1798, the Hon. Peter Russell, President, wrote to Mr. D. W. Smith, Surveyor General, respecting the Indian lands at the Grand River, "that the courses of the boundaries had long since been determined with Captain Brant and other chiefs in Council, afterwards agreed upon and settled between General Simcoe and that chief, and were again surveyed during his (Mr. Russell's) administration, at the particular request of Captain Brant, by the surveyors chosen by himself, for which assistance he had received Captain Brant's unqualified thanks." From a report of the affairs of the Indians of Canada, made 24th June, 1847, it appears that the lands to the east and north of the purchase line of the Mississagua tract before referred to were not ceded to the Crown by the Indians until the year 1818, being some years after the date of the surrender made by the Mississagua Indians, and after the date of the proclamation of Sir Frederick Haldimand, and after the date of the surveys of the lands intended for the Six Nations, and after the date of the grant thereof by Lieutenant Governor Simcoe. On all the old maps in the Crown Lands Department the Indian lands referred to do not appear to extend beyond the purchase line run from the outlet of the little lake at the head of Lake Ontario by Deputy Surveyor Jones about the year 1791.

The Hon. the Commissioner of Crown Lands for the Province of Ontario, from whose report upon this matter the above facts are for the most part gleaned, concludes his report in the following words:—

"It appears from the foregoing that from the first the intention was to limit the Six Nations Indians' lands on Grand River to said purchase line, as witness Joseph Brant's signature as witness to the deed of surrender by the Mississagua Indians several months prior to the date of the deed by General Haldimand, and that the same was acquiesced in by Captain Joseph Brant and the other chiefs of the Six Nations Indians several different times subsequently. It also appears reasonable to conclude that at the time the proposal to locate the Six Nations Indians on the Grand River was made, all parties believed that the Grand River took its rise near the Thames, and that the grant made by General Haldimand was believed, both by himself and by the Indians, to be covered by said surrender; that the subject of the Indian lands at the Grand River has engaged the attention of the Government at different times during the last as well as the present century; that it is likely all information possible was obtained on the subject of the two deeds at those periods, when persons cognizant to the facts were living; that the boundaries of said tract were run out at the request and with the knowledge of Capt. Brant and the other chiefs; and that said boundaries never extended beyond said purchase line. As a matter of fact, the land beyond said purchase line was not purchased until the year 1818, and the purchase was made, not from the Mississaguas at all, but from the Chippewa Indians.

"It therefore appears to the undersigned that the discrepancy between the two deeds is only imaginary, as it does not appear that there was ever any intention to grant them more than they have already got and have enjoyed possession of for nearly a century.

"T. B. PARDEE, *Commissioner of Crown Lands.*"

It should be added that the Six Nation Council was fully informed of the facts above narrated by letter addressed to their superintendent on the 31st July, 1883. With reference to the other matter referred to in the memorial from the chiefs and other members of the Six Nation Indians dated 12th March, 1885, presented to His



Excellency by a deputation from their people, the burthen of which is set forth in the following terms :—

“ We refer to the Canadian Government, which does not recognize fully and looks upon the Six Nations as minors, and treats them as such, forming laws which apply to us, and which deprive us of the maintenance of our own constitution and the management of our own local affairs. This we believe to be at variance with our treaty rights.”

It appears from what was stated verbally by the speaker of the Six Nation Council on the occasion of the presentation of the petition to His Excellency that what the petitioners specially refer to in the above connection is the “Indian Advancement Act, 1884.” But the Department of Indian Affairs in recommending, through its agents, the adoption of the Act in question by any of the more advanced tribes and bands of Indians was most careful to avoid any expression that would lead the Indians to conclude that the provisions of the Act were to be applied to them *volentes* and *volentes*. In fact it was left to themselves to adopt it or not as they might think proper.

All respectfully submitted,

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

GRAND RIVER RESERVATION, 21st April, 1885.

RIGHT HON. SIR,—On the 24th of March a delegation of chiefs (having been authorized by the Six Nations Council) proceeded to Ottawa to present a petition of right (pertaining to land belonging to the Six Nations Indians in the Township of Melancthon, &c.,) to His Excellency Lord Lansdowne, Warrior Peter Hill accompanied this delegation merely as an attaché, having no authority or power given him from the Council of the Six Nations. He appeared before you on the 26th of March, when the chiefs composing the delegation were returning from their interview with His Excellency, and took upon himself the liberty of stating to you, certain things relative to the government of the Six Nations Indians (the forming of by-laws, &c.). We would therefore request you not to pay any attention to his statements as he had no authority from either the Six Nations Council or the Indians. We further beg leave to request you to consider that whenever a delegation is appointed by the Council to proceed to Ottawa, on any specific business, relative to the Six Nations Indians, that the members of that delegation are invariably chosen from among the chiefs of the Council, and not from the warriors.

I am, Right Honorable Sir, your humble servant,

Signed on behalf of the Six Nations Indians,

PHILIP C. GARLOW.

To the Right Hon. Sir JOHN A. MACDONALD, K.C.B., Premier of Canada.

APRIL 25th, 1885.

MY LORD,—In compliance with the command of His Excellency contained in a memorandum from your office of the 27th ultimo, with which were transmitted a copy of a despatch of the 29th of November, 1884, from the Secretary of State for the Colonies with its enclosures as well as memorials, dated respectively the 29th of June last, from the Six Nation Indians, and the 12th of March last from the chiefs and deputation of the Six Nations concerning certain alleged grievances of the Six Nation Indians, also copy of a document purporting to have been signed by Lord Dorchester and dated 20th September, 1788, relative to the right of the Six Nations to the lands covered by the grant from Sir Frederick Haldimand to them—all of which documents are returned herewith. I have the honor to forward a memorandum in respect to the grievances referred to in the memorials from the Six Nation Indians, also a copy of the grant under the Great Seal, dated the 14th of January, 1793, to the Six Nation Indians, by Lieutenant Governor Simcoe, of lands on the

Grand River which grant is *inter alia* referred to in the memorandum which I have prepared on the subject of the grievances aforesaid.

I have, &c.,

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

The Right Honorable VISCOUNT MELGUND, Governor General's Secretary.

GOVERNMENT HOUSE, OTTAWA, 29th April, 1885.

SIR,—I am desired by His Excellency the Governor General to acknowledge the receipt of your letter of the 25th of April instant, and the enclosed memorandum dated 15th of April, upon the subject of the petitions recently presented to His Excellency by the Six Nation Indians on the occasion of the interview of their deputation with him.

His Excellency would be glad to know from you whether in your opinion it would be advisable that the reply should be sent from his office or from your Department, to which it is obvious that the petition of the deputation would be referred.

The memorandum which His Excellency has read with much interest, seems to him to establish beyond all question that the memorialists are under a misapprehension with regard to the extent of their rights to land on the banks of the Grand River.

The whole of the documents referred to in the memorandum tend to show that the territory originally ceded to the Six Nations, and purchased for that express purpose from the Mississagua Indians, although originally described in language which obviously stood in need of subsequent definition as including an area of six miles deep from each side of the river up to its head, was in reality bounded by a line running from the mouth of Burlington Bay in a north-westerly direction until it intersected the Grand River.

It is clearly established by documentary evidence that Capt. Brant, who represented the interests of the Indians in these transactions, was aware that this was the extent of the lands transferred to the Six Nations, and that in point of fact the lands beyond the line in question were not ceded to the Crown until a date long subsequent to that of Sir Frederick Haldimand's proclamation, upon the wording of which the Six Nations now profess to rely.

The quotations given at page 9 of the memorandum from the report of the Commissioners of Crown Lands for the Province of Ontario, contains a perfectly clear and unanswerable recapitulation of the facts.

With regard to the other grievances set forth by the deputation, upon which, however, they do not appear to lay very great stress, it would probably be sufficient to point out to them, as you have done in the memorandum, that the Indian Advancement Act passed last year, to which it is presumed that their memorial points, would not be applied to the Six Nations in opposition to their clearly expressed wish to the contrary.

Perhaps as this matter is one immediately concerning your Department, you will have the goodness to prepare a draft of a reply which could be signed either by yourself or by the Governor General's Secretary as you might think best.

His Excellency thinks that it would be sufficient if the draft embodied a clear statement of the above propositions, and he would in any case be glad to see it before it is sent out.

I have the honor to be, Sir, your obedient servant,

CHARLES JONES, *for Governor General's Secretary.*

L. VANKOUGHNET, Esq., Deputy of the Superintendent General of Indian Affairs.

5th May, 1885.

SIR,—I beg to acknowledge the receipt of your letter of the 29th acknowledging the receipt of my letter of the 25th ultimo, and of the memorandum which accompanied it upon the subject of the petitions recently presented to His Excellency the

Governor General by the Six Nations Indians upon the occasion of an interview accorded a deputation from their Council by His Excellency.

In compliance with the command of His Excellency, I have prepared a draft of a reply to the memorials aforesaid, which I herewith enclose and I would respectfully submit that the letter based upon this draft or upon any other of which His Excellency may approve, should be signed by the Governor General's Secretary, as it would doubtless have more effect if sent direct from the Governor General's Office than were it to be dispatched from this Department, whence I may state a letter containing full information on this subject was forwarded on the 31st of July, 1883, to the Six Nations through their Superintendent.

I have, &c.,

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*

CHAS. J. JONES, Esq., for Governor General's Secretary, Ottawa.

MIDDLEBURY, VERMONT, U. S., 3rd July, 1885.

DEAR SIR,—Herewith please find post office order for the sum of \$3.25 in payment for a second copy of "a patent from Governor Haldimand to Capt. Joseph Brant dated 25th October, 1784," the same grant as patent referred to in your communication to me bearing date 16th May, 1884, Form "E," File No. 36,539. I shall also esteem it a favor if you will have the kindness to inform me how and for what consideration the Six Nations of Indians made their several "Surrenders" of portions of the lands secured to them by this patent, back to the Crown. Also if there is any record in your office of a conveyance of any portion of this tract from Capt. Joseph Brant to one, Joshua G. Cozzens, of York, on or about the year 1796.

If the enclosed does not cover the expense, please inform me and I will remit the balance.

I am, very respectfully, your obedient servant,

THOS. H. McLEOD.

ROBERT SINCLAIR, Esq., Acting Deputy Superintendent of Indian Affairs.

20th July, 1885.

SIR,—In reply to your letter of the 3rd inst., enclosing the sum of \$3.25 for an additional copy of a patent from Governor Haldimand to Capt. Joseph Brant, dated 25th October, 1784, I now beg to enclose the copy asked for.

With regard to your application regarding the surrender of various portions of land secured to the Six Nations by the above mentioned grant I have to inform you that records in this Department show that the following surrenders have been made to the Crown by the Six Nations:—

15th January, 1798—381,400 acres to the Crown in trust to be sold for their benefit, executed by Joseph Brant for £44,867.

3rd August, 1826—15,360 acres to Hon. W. Claus in consideration or regard and affection.

19th April, 1830—807 acres absolute surrender to the Crown for 5s.

19th April, 1831—20,690<sup>8</sup>/<sub>10</sub> acres absolute surrender to the Crown, 5s.

8th February, 1834—850,212 acres in trust to be sold for their benefit.

26th March, 1836. Confirmation deed of all the foregoing.

2nd April, 1835—48,000 in trust to be sold for their benefit.

18th January, 1841—All available land except farms and 20,000 to be sold for their benefit.

There is no record in the Department of a conveyance of any portion of the tract referred to by Captain Joseph Brant to one Joshua G. Cozzens, of York, in the year 1769.

The sum of \$6.25 should have been sent by you instead of \$3.25 as you were advised by my letter of the 13th November, 1883.

R. SINCLAIR, *for Deputy Minister of Indian Affairs.*

THOS. H. McLEOD, Esq., Middlebury, Vermont, U. S.

## SIX NATIONS.

*Surrenders to the Crown.*

1798, 15th January.—No. 9, of 331,400 acres in trust to be sold for their benefit, executed by Joseph Brant, for £14,867, and duly witnessed on behalf Six Nations. Witnesses, Lieut. Colonel McLeod, Captain H. McDowell, W. Claus, Jas. Davidson, A. Cameron and W. Johnson.

1830, 19th April.—No. 51, of 807 absolute acres executed by Chief and Warriors. Witnesses, J. Brant, W. Holme and Jas. Racey.

1831, 19th April.—Of 20,670 $\frac{3}{10}$  acres executed by Chief and Warriors, duly witnessed by J. Brant, W. Holme and Lewis Bunnell.

1834, 8th February.—No. 38, of 50,212 in trust to be sold, executed by Chiefs and Warriors, and duly witnessed by Jas. Wimitte, Lewis Bunnell and A. Farriant.

1835, 26th March.—Confirmation of these several surrenders by deeds executed by Chiefs and Warriors, and witnessed by W. R. Smith, Peter Smith and James Wimetite, Superintendent Indian Affairs.

1835, 2nd April.—Of 48,000 acres in trust to be sold for their benefit.

1841, 18th January.—Of all available lands except farms and 20,000 acres in trust to be sold for their benefit.

1826, 3rd August.—Of 15,360 to Honorable Wm. Claus without money consideration.

MIDDLEBURY, VERMONT, U. S., 24th July, 1885.

SIR,—Referring to your letter bearing date the 20th of July, 1885, No. 36,539, enclosing copy of grant by Governor Haldimand to Capt. Joseph Brant and the Six Nations of Indians, with the dates and considerations of the several surrenders of the same.

I thank you for your kindness in sending me the information respecting these surrenders, it being the very thing I wanted, but I am sorry to inform you that the copy was not of the grant I desired, though the one I did receive is important to me as establishing an historical fact. The copy I wanted was of the royal patent issued by Governor Haldimand to Capt. Joseph Brant and the Five Nations of Indians, bearing, I think, the same date as the above, though in this I may be mistaken, and recorded in liber A., folio 8 of royal land grants in Quebec, a certified record copy of which was sent up to your office where it now is, and from which the former copy I received and referred to in your communication of the 13th of October, 1883, was taken. This copy having passed out of my hands, I preferred to obtain a second copy rather than to wait the necessary time to have the first returned to me. If you will have the kindness to furnish me with this second copy, I shall esteem it a favor and cheerfully remit the necessary fees as well as the balance due for the last one you sent. By some oversight I supposed that \$3.25 was the fees paid for the first copy.

Respectfully yours,

THOS. H. McLEOD.

L. VANKOUGHNET, Esq., Deputy of the Supt. Gen. of Indian Affairs.

14th August, 1885.

SIR,—I have to acknowledge the receipt of your letter of the 24th ult., and in reply to inform you that a copy of the grant from Governor Simeoe to the Six Nation Indians is enclosed herewith, as it is of that deed you evidently want a copy, and not of the grant from Governor Haldimand, as there was only one grant from the latter Governor, a copy of which was sent you on the 20th ult.

R. SINCLAIR, for Deputy Supt.-Gen. of Indian Affairs.

THOS. H. McLEOD, Esq., Middlebury, Vermont, U.S.

*Earl Granville to the Governor General.*

DOWNING STREET, 3rd May, 1886.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch, No. 66, of the 9th of March, transmitting a copy of a letter, addressed by your direction to the chiefs of the Six Nation Indians, with one which they have addressed to me through the chief, William Smith, of Brantford, in connection with their claim to certain land on the banks of the Grand River, alleged to have been ceded to them in 1784.

Your Government will, no doubt, agree with me that it will be for the general advantage that this claim of the Indians, which, from their point of view, involves a sense of injustice at the hands of the Dominion Government, should be openly investigated, and that a decision should be arrived at upon it, in order that the matter may be finally set at rest. The Indians, in fact, desire that such an enquiry should be held, for they request that their claim may be submitted to the Privy Council.

I do not feel able to advise Her Majesty to exercise her power under the Act 3 and 4 William IV, cap. 41, and to refer this matter to the Judicial Committee of the Privy Council, seeing that the request is made only at the instance of one party to the dispute, and that there is no statement of ascertained facts upon which that tribunal could come to a decision. I shall, however, be prepared to advise Her Majesty so to refer the matter, if such is also the desire of the Dominion Government, and if both parties will agree upon a statement of the facts, in the form of a special case, which can be argued by counsel before the Judicial Committee.

At the same time I would suggest, for the consideration of both the Dominion Government and of the Indians, whether a decision might not be equally well obtained by the arbitration of three independent and impartial persons, of whom one might be selected by the Governor General, and one by the Indians, the third being chosen either by both parties conjointly, or if so desired, nominated by the Secretary of State; and in that case it would be possible to send some one from this country, if such a course were thought desirable and provided Her Majesty's Government were not put to expense in the matter. A board of arbitration of this nature might assemble and dispose of the matter before the end of the coming autumn and probably at less expense than would be involved in a hearing before a Judicial Committee of the Privy Council.

I have, &amp;c.,

GRANVILLE.

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 29th May, 1886.

MEMORANDUM.—With reference to the despatch from the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor General, of date the 3rd instant, respecting the alleged claim of the Six Nation Indians to certain lands which would appear to be covered by the grant made to them by Sir Frederick Haldimand, Governor of the Province of Quebec, on the 25th of October, 1784, but which were not included in the subsequent grant of land made to those Indians by Lieutenant Governor Simcoe, on the 14th of January, 1793, the undersigned begs to refer the Superintendent General to a memorandum, which will be found among the papers on this file, dated the 15th of April, 1885, which gives a history of the matter of the title of the Six Nation Indians to their lands on the Grand River in the Province of Ontario, also to a letter from the Crown Lands Department of Ontario, dated the 27th of June, 1883, in respect to the territory in dispute; likewise to a despatch from the Governor General's Office, dated the 29th of April, 1885, which contains His Excellency's views in respect to the claim aforesaid of the Six Nations.

It will be for the Superintendent General to decide after reading these documents whether a recommendation should be made that the Government consent as suggested by the Colonial Secretary to a special case being prepared for argument by counsel before the Judicial Committee of the Privy Council, or for the arbitration of three

independent and impartial persons to be selected in the manner suggested in the despatch from the Colonial Secretary.

L. VANKOUGHNET, *Deputy of the Supt. Gen. of Indian Affairs.*  
To the Right Hon. Sir JOHN MACDONALD, G.C.B., Supt. Gen. of Indian Affairs.

### THE SIX NATIONS IN COUNCIL.

6th July, 1886.

#### PRESENT :

The Visiting Superintendent, Interpreter and forty chiefs.

Council opened by Chief John Buck, who reports all is well upon the reserve.

The superintendent expressed his pleasure upon again being with them, and congratulated all upon the fine weather, and favorable harvest prospects.

He will be pleased to receive any announcements of decisions since he was last here.

The Speaker announces the desire of the Council to send a deputation of three of its members to England to communicate with the Imperial Government in respect to the claim of the Six Nations to lands to the north of the Township of Nichol, as satisfaction cannot be obtained from the Dominion Government; that such deputation shall consist of Chiefs John Buck, William Smith, and the Interpreter, Chief J. G. Smith, and that the sum of \$300 be granted for their expenses.

The above minute having been read, it is approved.

The superintendent expressed his regret they should give such an opinion of the Dominion Government, when they so well knew the interest and care of that Government in their behalf, while they also know that the present Minister of Indian Affairs, Sir John Macdonald, will do all in his power for them; but with regard to this land question, the matter has been long since settled, and he feels quite certain a deputation to England would not be attended with any other result, other than again referring them to the Dominion Government.

He knew the history of the grant of their lands, and he would be pleased if he could hold out any hope of adding some thousands of acres to their estate.

He will, of course, send and draw attention to their minute, and inform them of the reply.

A long discussion took place with regard to the application of Mrs. F. O. Dee for a small piece of land opposite her farm in Onondaga, across the road upon the river bank, now in the occupation of a white named Young, Mrs. Dee representing it belongs to her lot, No. 61.

The Superintendent took occasion to observe that the piece of land referred to he understands was claimed by the Grand River Navigation Company, as within the tow-path limits, and that the company have received rent for the same. Not long ago he had again written the Department in respect to the removal of the Caledonia dam, and in connection to the fairness of a return to the Six Nations of all unused lands, obtained by the said company from the Six Nations, the object of the company having failed. Difficulties are in the way which might not be overcome.

The speaker reports that in accordance with a previous minute of council, plans and specifications were prepared by their instructor, for ditching and grading the road in front of lots 13, 14 and 15, 2nd concession, Tuscorora; that tenders for the work were invited and nine received, ranging from \$300 to \$725. That of the two for \$300, Isaac Dunlop's accepted.

The superintendent explained the action of the school board in regard to the application for a supply of firewood for the Methodist Red Line School, declining to do so until some more satisfactory arrangement is arrived at in regard to schools and sections, and that the Wesleyan Conference may be induced to join the school board, that the school system may be uniform, the sections to be such that the convenience of the people and children may be studied.

He applied to those of the Methodist schools to give their influence that the committee of conference may be induced to act with the school board.



He had visited both schools, which are without locks, and all exposed to any mischievous visitor.

The speaker reports the decision of the Council, that in consequence of improper conduct in connection with the wife of another, and in the use of intoxicating liquor, by Josiah Hill, he be deposed from the position of chief, and that his services as secretary of the Council of chiefs be dispensed with.

The speaker reports that a Mrs. David Macdonald and family are a nuisance upon the reserve, in the dwelling occupied by Mrs. Joseph Murdock on s $\frac{1}{2}$  lot 19, 1st concession, Tuscorora, and the Council desires the superintendent will be pleased to remove the said family off the reserve.

J. T. GILKISON, *I. S. & C.*

BURTON P. O., 7th July, 1886.

HON. SIR,—I have the honor to inform you that at a meeting of the Six Nation Indians in Council held yesterday, it was resolved to ask the Superintendent General for the sum of \$300 of the General Fund, for the purpose of defraying the expenses of a deputation to England to present the claim to certain lands on the Grand River, to which we are entitled under the grant of Sir Frederick Haldimand in 1784. The visiting superintendent, Mr. Gilkison, was present at the meeting and was informed of the decision of the Council, which, no doubt, he will duly forward to the Department, but the Council were anxious that the matter should be brought to your attention without delay, and that action should be taken at once.

The deputation so appointed were Chief John Buck, A. G. Smith, and myself, and we would wish to know the answer to the request as early as convenient so as to make the necessary preparation.

Your obedient servant,

WILLIAM SMITH, *Mohawk Chief.*

To the Superintendent General of Indian Affairs, Ottawa.

INDIAN OFFICE, BRANTFORD, 8th July, 1886.

SIR,—Attached are these minutes of council, referring to which :

1st. All is well upon the reserve, and the crops prospect are promising.

2nd. The council desire to have a deputation from their number to proceed to England and wait upon Her Majesty's Government in respect to their claim for lands north of those which were granted them by the Imperial Government, and they desire your assent, together with the money for the expenses of the deputation.

3rd. The question as to a small piece of land upon the river bank, claimed by Mrs. F. O. Dee, as part of river lot 61, Onondaga; but on the other hand claimed within the tow-path of the once Grand River Navigation Company.

4th. A tender accepted for ditching and grading, plans, &c., to be forwarded to you.

5th. Some remark as to schools.

6th. The council have deposed and dispensed with the services of their secretary, Chief Josiah Hill, a serious loss to him, and a loss to the chiefs, as an efficient and useful officer.

7th. A Mrs. David Macdonald and family having become a nuisance to a Mrs. Murdock, and as they won't leave, the Council desire my authority, and probably a written notice will have the desired effect.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. Supt. & Commissioner.*

The Hon. the Supt. Gen. of Indian Affairs.

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 9th July, 1886.

MY DEAR SIR JOHN,—I forward you a letter received this morning from Chief William Smith of the Six Nation Indian Council, in which he states that the Council

have voted \$300 out of the Six Nation funds to defray the expenses of a deputation to England relative to their claim to a quantity of land under the grant by Governor Haldimand. You have all the papers before you in this matter. They were sent to you on the 29th May last, and the file number is 36,539.

It appears to me that it would be useless for a deputation of chiefs to visit England on such a mission, as the Imperial Government have, you will observe from the correspondence, virtually declined to give a decision respecting the same, and they have all the facts before them.

Faithfully yours,

L. VANKOUGHNET.

The Right Honorable Sir JOHN A. MACDONALD, G.C.B., Earnscliffe.

14th July, 1886.

DEAR CHIEF,—I am directed by the Superintendent General of Indian Affairs to acknowledge the receipt of your letter to him of the 7th instant, relative to the resolution passed by the Six Nations for the purpose of defraying the expenses of a deputation to England to present the claim to certain lands on the Grand River to which they claim to be entitled under the grant of Sir Frederick Haldimand. The Superintendent General desires me to say, in reply to your communication, that the Imperial Government has been in communication with the Dominion Government on the subject of said claim, and that the Imperial Government transferred the matter to the Dominion Government for settlement; that as soon as he returns from the North-West Territories he will give the question full consideration, that it would be useless at the present time for a deputation from the Six Nations to visit England in the matter, for, amongst other reasons, that it is not known what Government will likely be in power in England, and it will not be known for some time to come, that consequently there would be no action taken in England on the representations of any deputation.

I am, Sir, your obedient servant,

L. VANKOUGHNET, *for Supt. Gen. of Indian Affairs.*

Chief WILLIAM SMITH, Burch P. O., Ont.

INDIAN OFFICE, BRANTFORD, 21st July, 1886.

SIR,—Respectfully referring you to the minutes of the 6th and 20th instant, I am requested by the Council of the Six Nations to ask of you a reply to their request for \$300 to defray the expenses of a deputation of three members of the council to London, England, and they are anxious to learn as soon as possible—by telegram.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. S. & C.*

The Hon. the Superintendent General of Indian Affairs.

3rd July, 1886.

SIR,—In reply to your letter of the 21st instant, with reference to the application of the Six Nation Council for the sum of \$300 to defray the expenses of a deputation of three members of the council to England, I have to refer you to official letter of the 23rd instant, informing you of the reasons why a deputation should not go to England in regard to the alleged claim of the Six Nation Indians to certain lands on the Grand River.

I am, yours, &c.,

W. A. AUSTEN.

J. T. GILKISON, Esq., Indian Superintendent, Brantford, Ont.

23rd July, 1886.

SIR,—I have to acknowledge the receipt of your letter of the 8th instant with minutes of the Six Nation Council held on the 6th instant, and in reply I have to

inform you that as regards the desire of the Council to have a deputation sent to England to present their claims to certain lands on the Grand River to which they allege they are entitled under the grant from Sir Frederick Haldimand, I informed Chief William Smith on the 14th instant of the decision of the Superintendent General in regard to this matter, which was to the effect that the Imperial Government are in communication with the Dominion Government of the subject of said claim, the Imperial Government having transferred the matter to the Dominion Government for settlement, and that as soon as the Superintendent General returns from the North-West he would give the question full consideration and that it would be useless at the present time for a deputation from the Six Nations to visit England in the matter, for amongst other reasons that it is not known what Government will likely be in power in England, and it will not be known for some time to come, and that consequently there would be no action taken on the representations of any deputation.

You will please report fully on the charges against chief and secretary Josiah Smith.

\* L. VANKOUGHNET, *Deputy Supt. Gen. of Indian Affairs.*  
J. T. GILKISON, Esq., Indian Superintendent, Brantford, Ont.

INDIAN OFFICE, BRANTFORD, 28th July, 1886.

SIR,—I acknowledge both of your letters of the 23rd instant, which I will read to the Six Nations Council on Tuesday next.

I am, Sir, your obedient servant,

J. T. GILKISON, *I. S. & C.*

The Hon. the Supt. Genl. Indian Affairs.

DEPARTMENT OF INDIAN AFFAIRS, Ottawa, 2nd August, 1886.

MEMORANDUM,—The attached memorandum from the Governor General's Secretary, dated the 23rd ult., calls the attention of the Privy Council, by direction of His Excellency the Governor General, to a letter dated the 7th ult., informing His Excellency that Chief Wm. Smith, Chief John Buck, and A. G. Smith had been appointed a deputation to proceed to England in connection with the claim of the Six Nation Indians to certain lands on the banks of the Grand River, alleged to have been ceded to them in 1784, and requesting an introduction to the Secretary of State for the Colonies. The Governor General's Secretary further states that His Excellency, before encouraging the deputation to proceed to England and giving them a recommendation to the Secretary of State, would like to know the opinion of his advisers in regard to the suggestion contained in Lord Granville's despatch, No. 120, of the 3rd May last, a copy of which was communicated to the Privy Council on the 22nd of the same month, and it is also transcribed in the memorandum from the Governor General's Secretary now under consideration, from which it appears to His Excellency that, if such arbitration as that proposed in the despatch from the Colonial Secretary were resorted to, there would be no occasion for the visit of a deputation to England.

Attention is drawn to a letter written by His Excellency's direction to the Chiefs of the Six Nation Indians, dated the 11th May, 1885, a copy of which is appended to the memorandum from the Governor General's Secretary wherein the facts of the case in regard to the supposed claim of their people to the land in question were fully set out.

His Excellency invites the early attention of Council to this matter, as he has deferred answering the applicants pending its decision.

The undersigned begs to report that he is informed that previously to the departure of the Superintendent General of Indian Affairs for the North-West Territories and British Columbia, the Superintendent General received a letter from Chief William Smith, reporting that a resolution had been passed by the Six Nation Indians' Council, that the deputation referred to in the memorandum from the Governor General's Secretary should proceed to England on the mission described in

the memorandum, and asking that an amount to defray the expenses of the deputation might be contributed from the Six Nation Indian Fund.

The Superintendent General directed a reply to be sent to Chief William Smith to the effect that the Imperial Government had been in communication with the Dominion Government on the subject of said claim, and that the Imperial Government had transferred the matter to the Dominion Government for settlement, and that as soon as he (the Superintendent General) should return to Ottawa he would give the question full consideration; that it would be useless at the present time for a deputation from the Six Nations to visit England in the matter, for among other reasons the probability of a change of Government in that country and the consequent delay that must ensue would prevent action being taken in England on the representations of a deputation. The Indian Superintendent at Brantford was also instructed to inform the Six Nation Indian Council to the same effect.

The undersigned is further advised with reference to the despatch No. 120, of the 3rd May last, from the Colonial Secretary, referred to in the memorandum from the Governor General's Secretary, that the same was referred by the Honorable the Privy Council to the Superintendent General of Indian Affairs and that it was under the consideration of the Superintendent General up to the time that he left for the North-West, and as stated above, further consideration of the question was postponed by the Superintendent General until his return to Ottawa.

In view of the facts above described the undersigned respectfully recommends that further action in this matter be deferred until the return of the Superintendent General.

L. VANKOUGHNET, *for Supt. Gen. of Indian Affairs.*

To the Hon. the Privy Council of Canada.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator in Council on the 14th August, 1886.*

On a memorandum, dated 2nd August, 1886, from Sir Hector Langevin for the Superintendent General of Indian Affairs, with respect to a letter dated the 7th ultimo from Chief William Smith of the Six Nations Indians, stating that a deputation had been appointed to proceed to England in connection with the claim of those Indians to certain lands on the banks of the Grand River alleged to have been ceded to them in 1784.

In view of the fact that the above matter was under the consideration of the Superintendent General of Indian Affairs up to the time he left for the North-West, Sir Hector Langevin recommends that further action be deferred until the return of the Superintendent General of Indian Affairs to Ottawa.

The Committee submit the above for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

To the Honorable the Superintendent General of Indian Affairs.

DEPARTMENT OF INDIAN AFFAIRS, Ottawa, 28th August, 1886.

MEMORANDUM.—The undersigned begs to submit herewith correspondence which has taken place between the Department and its superintendent at Brantford, relative to the proposed delegation of Six Nation Indians to England, with the object of urging upon the Imperial Government their claim to additional land, under the deed from Sir Frederick Haldimand; also an Order in Council, of the 14th instant, on a memorandum from the Governor General's Secretary, relative to a despatch received by His Excellency from the Colonial Secretary on the same subject.

The said Order in Council recommends that further action in the matter be deferred until the return of the Superintendent General of Indian Affairs to Ottawa.

The undersigned begs to state that the papers upon which the correspondence originated are before the Superintendent General, being contained in the file 36,539.

L. VANKOUGHNET, *Deputy Supt. Gen. of Indian Affairs.*

To the Right Honorable Sir JOHN MACDONALD, G.C.B.,  
Superintendent General of Indian Affairs.

EARNSLIFFE, OTTAWA, 9th December, 1886.

DEAR MR. VANKOUGHNET,—Sir John wishes to know if you have the despatch from Lord Granville relative to the petition or claim of the Six Nation Indians.

Yours very truly,

JOSEPH POPE.

L. VANKOUGHNET, Esq.

3rd January, 1887.

MEMORANDUM.—With reference to a despatch from the Right Hon. Earl Granville, Secretary of State for the Colonies, dated 3rd May, 1886, on the subject of a claim preferred by the Six Nations Indians to certain lands on the banks of the Grand River, which claim they desire to be submitted by Her Majesty to the Judicial Committee of the Privy Council, the undersigned has the honor to state that as Lord Granville had informed Your Excellency that he was not prepared to advise such submission, the Indian Department did not consider any action on the despatch necessary.

The undersigned however having had his attention called to the subject by Your Excellency begs leave to report that in his opinion,

1. It is extremely inexpedient to deal with the Indian bands in the Dominion (except those inhabiting the territories acquired from the Hudson's Bay Company) as being in any way separate nations. They are governed by Canadian statutes, and for any wrongs or grievances have the right of recourse to the legal tribunals of the country as fully and readily as their white fellow-subjects, which right they do not hesitate to exercise.

2. As Indians are inveterate grumblers, if it were once known that this application had been granted there would be no end of similar demands by other bands, a refusal of which would cause much discontent. It would be difficult, if not impossible to make another tribe understand why it should not receive the same consideration as the Six Nations, and great consequent jealousies and heart-burnings ensue.

3. Should the Six Nations be dissatisfied with the judgment of a Canadian court, they have the right to appeal to the Judicial Committee of the Privy Council, according to the practice of that court.

4. As the claim of the Six Nations rests on legal considerations and affects the title to land, it can more properly be determined by a court of law than by arbitration, and they are well able to bear the expense of the necessary litigation, which need not be more costly than a reference, and would be much more satisfactory.

5. The introduction of a new practice of submitting Indian claims in the first instance to the Judicial Committee would operate as a complete change in the manner in which the Indian races have hitherto been dealt with, and would establish a distinction between them and the other inhabitants of Canada. This is very objectionable, as the great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion, as speedily as they are fit for the change.

6. The present claim of the Six Nations has no merits, and does not deserve any exceptional consideration.

All which is respectfully submitted.

J. A. MACDONALD.

To the Hon. the Privy Council of Canada.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th January, 1887.*

The Committee of the Privy Council have had under consideration a despatch, dated 3rd May, 1886, from the Secretary of State for the Colonies on the subject of a claim preferred by the Six Nation Indians to certain lands on the banks of the Grand River, which claim they desire to be submitted by Her Majesty to the Judicial Committee of the Privy Council.

The Right Honorable the Superintendent General of Indian Affairs states that as Lord Granville had informed Your Excellency that he was not prepared to advise such submission, he did not consider any action on the despatch necessary.

The Superintendent General of Indian Affairs, however, having had his attention called to the subject by Your Excellency, is of opinion :

1. It is extremely inexpedient to deal with the Indian bands in the Dominion (except those inhabiting the territories acquired from the Hudson's Bay Company) as being in any way separate nations. They are governed by Canadian statutes, and for any wrongs or grievances have the right of recourse to the legal tribunals of the country as fully and readily as their white fellow subjects, which right they do not hesitate to exercise.

2. As Indians are exceedingly persistent in asserting their real or supposed rights, if it were once known that this application had been granted, there would be no end of similar demands by other bands, a refusal of which would cause much discontent. It would be difficult, if not impossible, to make another tribe understand why it should not receive the same consideration as the Six Nation Indians and great consequent jealousies and heart-burnings would ensue.

3. Should the Six Nation be dissatisfied with the judgment of a Canadian court, they have the right to appeal to the Judicial Committee of the Privy Council, according to the practice of that court.

4. As the claim of the Six Nations rests on legal considerations and affects the title to land, it can more properly be determined by a court of law than by arbitration, and they are well able to bear the expense of the necessary litigation which need not be more costly than a reference and would be much more satisfactory.

5. The introduction of a new practice of submitting Indian claims in the first instance to the Judicial Committee would operate as a complete change in the manner in which the Indian races have hitherto been dealt with and would establish a distinction between them and the other inhabitants of Canada. This is very objectionable, as the great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit for the change.

6. The present claim of the Six Nations has no merits and does not deserve any exceptional consideration.

The Committee concurring in the above recommendation, submit the same for Your Excellency's information.

JOHN J. MCGEE, *Clerk Privy Council.*

To the Right Hon. the Superintendent General of Indian Affairs.

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1st Session, 6th Parliament, 50 Victoria, 1887.

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