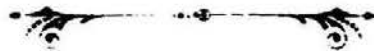


THE REDMAN'S APPEAL FOR JUSTICE



The Position of the
Six Nations that they Constitute
an Independent State



By The Six Nations

—MARCH, 1924—

Arthur Anderson

R. R. 6

Hagersville

Ont. Can.

Memorandum

IN SUPPORT OF THE POSITION OF THE SIX NATIONS THAT THEY CONSTITUTE AN INDEPENDENT STATE.

By Six Nations

February 22nd, 1924

The term "Six Nations" will be used here to designate the Iroquois people who are domiciled on the banks of the Grand River flowing into Lake Erie from the north—one of the Great Lakes of North America. These people settled there under the arrangement evidenced by the Haldimand Treaty, so-called, negotiated between them and the British Crown and bearing date October 25th, 1784, and in the reign of the British King George III. The establishing of that settlement commenced immediately thereafter, but was a gradual process, and it was about fifteen years before it took permanent form in the re-establishment of the Great Council Fire at the Grand River, by which name the federal government of these separate nations was known.

The separate nations constituting the confederacy were the Mohawks, the Oneidas, the Cayugas, the Onondagas, the Senecas and the Tuscaroras.

The separate bodies of American aborigines have in the language of European peoples been called "tribes", probably because in many instances their governments were rudimentary or non-existent, or their numbers very small, and in some parts of America the separate bodies had no permanent location, being nomadic and following the migration of their game food supplies.

The Iroquois, however, as the ancestors of the Six Nation peoples as known to the French, were, at the time of the discovery of America, the most resourceful, highly organized and powerful of all the red aborigines in the eastern part of the continent. If the term "Nation" was not accurately descriptive of their status, the mistaken application of it was the fault of the British, who applied that name to each of the six separate peoples, and they have been known by it in history and in common speech for two hundred and fifty years. In English speech no essential difference is intended whether the word "State" or "Nation" is used. They are equivalents. The Covenant of the League of Nations does indeed speak of the members of "States," but it speaks at the same time of the superior law which constrains their behaviour as International law. It does no violence to propriety to say that a body of American aborigines who constitute a nation constitute equally a State.

This inquiry must commence with the period of contact with Europeans which, in the case of the Six Nations, commenced about the year 1610. At that time the Six Nation home territory extended from the Hudson River on the east to the Niagara River on the west, wherein were domiciled in permanent settlements and dwellings, called "castles" by the British, the Mohawks on the east, and next westerly the Oneidas, next westerly the Onondagas, next westerly the Cayugas, next westerly the Senecas—the Tuscaroras at that time not yet having been added to the confederacy, but were accepted as the sixth member in 1722. These separate peoples each maintained their separate governmental structure constituted of chiefs so-called in English, chosen upon the basis of clans by the mothers, and serving for life if not deposed for misconduct.

The territory of each people was well defined and respected by the neighbors. A map of these separate territories (Exhibit A, annexed) as they existed in 1600, prepared by one of the celebrated students of Six Nation history, Doctor William Beauchamp, published in 1899, may be found as the frontispiece of volume 2 of the "League of the Iroquois," by Morgan, who was the most celebrated authority on Six Nation history. This work was published by Dodd, Meade & Co., New York, 1901.

By the year 1720, the Senecas had pushed their dominion westerly to the Niagara River, and these separate territories

as they existed are delineated in a map made in 1851, by Morgan, which is the frontispiece of volume 1 of the publication last referred to.

In 1720, therefore, these separate peoples possessed the three essential elements constituting a state, according to the definition thereof given by Temperly (History of Peace Conference V. 5, London), viz., first, a separate territory with a defined boundary second, a population therein. Third, internal government of law not prevented by any external power. At that date the ancient unwritten constitution of the Five Nations was the foundation of their government. A description of the nature of that constitution is set forth in a monograph published by the University of the State of New York as Bulletin 184 of April 1st, 1916, the author being Dr. Arthur C. Parker, Archaeologist of the University and himself of Seneca descent. According to that constitution all public affairs of these peoples were conducted upon the basis of fixed laws of long standing, and through the instrumentality of separate tribal councils, and of a federal council in respect to federal affairs, and with an order, decorum and dignity that has challenged the admiration of European travellers and students.

By means of the confederation between these separate peoples, who were akin in their Iroquoisian blood, they maintained peace between themselves, and by the year 1720 enjoyed that degree of power which enabled them to dominate the territory of North America from the ocean on the east to the Mississippi River on the west, and from the St. Laurence River on the north to the Potomac River on the south.

The first contact of the Six Nations peoples with colonizers from Europe was in the case of the Dutch, who in the early part of the seventeenth century established their frontier settlement on the banks of the Hudson as immediate neighbors of the Mohawks. The Dutch officials established friendly relations evidenced by treaties, first with the Mohawks, and later, with the Six Nations, whereby the status of the latter as independent, self-governing peoples was formally recognized and by the terms of the treaties the Six Nations became allies of the Dutch in the case of hostilities. These treaties with the Dutch were very informal, and if evidenced at the time in writing, the documents are not accessible in America at this time. Dutch official records, however, of the transactions nevertheless exist and have been copied in Holland and

published by the State of New York in English about 1858, under the title of Documents Relating to the Colonial History of the State of New York, and these records we set forth as Exhibit A. 2, annexed hereto.

On various occasions subsequent to contact with the Dutch the Six Nations who had been brought into conflict with the French Colony established on the north side of the Great Lakes, since known as Canada, several temporary truces or terms of peace were arranged by treaties with the French Colonial Government, but those negotiations were informal, and if reduced to writing at the time, neither the originals nor copies are available in America for citation here.

In the year 1664, the British took possession of the Dutch Colony and forthwith established friendly relations with the Six Nations by formal treaty, which friendship was ratified by a series of successive treaties, records of which are appended as Exhibit B. x B. 2. Under those treaties the British recognized the Six Nations as sovereign States and courted friendship with them, which was pledged, and in turn promised protection over the Six Nations as against Six Nation enemies. These enemies were to be the French, and the enmity was to arise in consequence of the alliance with the British, and as a necessary result of the rivalry between the British and the French in respect to domination in North America.

Throughout the existence of this alliance the British spared no pains to emphasize their recognition of the power and the sovereignty of the Six Nation people. British travellers and historians lauded the Six Nation peoples as the Romans of America, and in their writings described the Six Nation leaders as kings and princes. It was by means of this alliance that the British succeeded eventually in overcoming the French at the Fall of Quebec in 1759. That the British success would not have occurred except for that alliance is the unanimous testimony of British writers set forth in quotations

hereto annexed as Exhibit C.

The firm establishment of British colonies east of the Mississippi led to fear on the part of the Six Nations of the consequent power of the British, with the result that a general treaty was entered into in 1768 between the British and the principal Indian peoples occupying the territory reaching from the Great Lakes far to the south (Exhibit B, 2), where

by the colonizing ambitions of the British were territorially limited by a frontier line following in the main the then westerly frontier of the British settlements. The Six Nation peoples figured prominently in that transaction. The treaty fixed not only a property line but a political frontier between the British colonies and the respective dominions of these powerful native peoples. It was negotiated on the part of the British by the direct representative of the Crown called the Superintendent of Indian Affairs, an office held at the time by Sir William Johnson. In inviting the Six Nations to that treaty he promised that the British Crown would agree upon a frontier line across which no white man would dare go. (N. Y. Docs. re Colonial History, V, VII, p. 711.)

These aboriginal peoples had no written language, but they had their own symbolic records of great events and their understanding of their own relations with European neighbors. These records were designs worked in shell beads called wampum. Deskaheh brings two with him to the League of Nations. These two belts are at least two hundred and fifty years old, for no handwrought belts from shells have been made by Iroquois at any later period. These belts were always produced on the occasion of important conferences with British officials. One of them means by its two parallel dark lines that the government and law of the red man is independent of the government and law of the white man. The other means, by the chain grasped at one end by the white man, and at the other end by the red man, that they are independent of each other but related by friendship.

The revolution of the British colonies in America against British rule involved the Six Nation people more closely than any other of the aboriginal peoples. The British colony of Canada on the north of the Lakes remained loyal to the Crown, while those on the south revolted. The Six Nation domain lay between them and strife to secure Six Nations friendship immediately began between the contestants. In the end the more powerful of the Six Nation people became active allies of the British against the revolting colonies.

The Mohawks, being nearest the colonial frontiers, were the earliest to be involved, and took the initiative to secure guarantees from the British as a protection against eventualities. The Mohawks applied, accordingly, to Sir Guy Carlton, commander of the British forces in Canada, and was assured by him that the British would make good any losses that the Mohawks and their friends might sustain. Feeling

secure in that promise, the Mohawks and others of the Six Nations joined heartily on the British side. Later they felt it prudent to have that promise reduced to writing, and this was done by Governor Haldimand, successor to Carlton, by written pledge in the following terms:—

ON THE 7th APRIL, 1779, GOVERNOR HALDIMAND had delivered to SIX NATIONS the following document:

By His Excellency General Haldimand, Esqre., Captain General and Commander in Chief of the Province of Quebec, and upon the frontiers of Quebec, &c.

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

Given under my hand and seal at Quebec the 7th April, 1779.

(Signed) FRED. HALDIMAND.

"When the pledge was made good by the Haldimand cession of 1784, the pledge parchment was no doubt surrendered to the British, for it has long been in the British Museum in London."

The war closed with, the Six Nation people were all driven from their homelands to the cover of British forts along the shore of the Great Lake, Ontario. The Treaty of Paris between the British and United States of America of 1783 contained no stipulations covering the rights and interests of these Six Nation allies of the British, to the amazement and consternation of the latter. The Six Nations promptly called upon the British to carry out the crown pledge, with the result that the demand was met by Governor Haldimand in the following written terms, since known as the Haldimand Treaty:—

(Royal
Seal.)

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. Lewis 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 soforth.

By His Excellency Command,

(Signed) R. MATHEWS.

(Signed) FRED. HALDIMAND.

That document was thereupon delivered into the hands of Captain Brant, the principal chief of the Mohawks and the leader of the Six Nation allies of the British during that revol-

utionary war. It has ever since been in the custody of the principal chiefs of the Six Nations, and is now in the custody of Deskaheh who has produced it at Geneva.

Contemporaneously with the efforts of the British to satisfy and retain the friendship of the Six Nations, General Washington, the Commander-in-Chief of the confederation of the new States established by the British Colonists, offered peace to the Six Nations and a restoration of their home-lands. Three days before Governor Haldimand subscribed the document of October 25th, 1784, at Quebec, the Six Nation people, excepting the Mohawks, who were too violently Pro-British to participate, met the plenipotentiaries from the Continental Congress of the new States at Ft. Stanwix in the old Oneida country near the Great Lake Ontario, and there concluded a preliminary peace in 1784. This was followed by a confirmatory treaty at Ft. Harmer in 1789, and that in turn by a modified and final treaty with the United States at Canandaigua in 1794. These three treaties are annexed hereto as Exhibit D.

During this period of ten years and upwards subsequent to the Peace of Paris, the various Six Nations and membership of each were deliberating as to whether they should join with the Mohawks and accept the offer of Governor Haldimand, or join with the Senecas, who were extremely anti-British, and accept the peace offered by Washington. The final movements back and forth did not cease until about the year 1800, at which time all had practically cast their final lots. The Mohawks, the great majority of the Cayugas, a number of Oneidas, a number of Onondagas, a few Senecas and a few Tuscaroras, united in establishing themselves on the Grand River under the terms of the Haldimand offer. The great majority of the Senecas with the minorities of the other nation, had decided to return and re-establish themselves in their old homes. The British on the north promised those who settled at the Grand River to extend their protection. In like manner the Congress of the United States promised those who returned to their old homes its protection; the situation thus arising has ever since remained unaltered. The United States treaties remain unabrogated as does the pledge of the Haldimand promise to endure "for ever" by its terms.

During the previous ten or fifteen years' period of uncertainty the whole of the Six Nation peoples ignored the new British-United States boundary line and held their Council Fire at Buffalo Creek, on the south side of it. But about the year 1800 the old Council Fire was removed to the Grand River

where all those who had established themselves re-inaugurated their separate and their federal governments under the old constitution, and relighted the old Council Fire, and it has ever since been held there.

The Senecas and their Six Nation brethren who returned to their old home-lands have maintained their separate governments within the remnants of their respective domains, but have not succeeded in continuing or re-establishing the old constitutional federation as between themselves. Great Britain has, ever since 1800, recognized that the Six Nation people of the Grand River are legitimate inheritors of the ancient sovereignty of the Six Nations, and have so declared in a memorial filed by the Imperial Government in 1912, in the presentation of a pecuniary claim against the United States for the benefit of the Cayugas of the Grand River, and in the following language, referring to the time of the settlement at the Grand River:—

"The Six Nations were recognized as independent nations and allies of the Dutch, and afterwards by the English to whom the Dutch surrendered their possessions in 1664."

Also:—

"These confederate Nations have ever since resided upon the Grand River where they have been domiciled and established, maintaining their cohesion and ancient constitution and method of government."

(From British Memorial V.I.p.1. printed at Ottawa, Dominion of Canada.)

It was not long before the war of 1812 broke out between Great Britain and the United States. Counting upon and deeply desiring the assistance of the Six Nations of the Grand River in that contest, the British, under General Brock, their commander, did not regard the Grand River people as the subjects of the British Crown to be drafted or coerced into his service, but addressed them as independent people and solicited and finally secured their participation as allies of the British.

No war occurred from that time until the recent World War, in which the Grand River People participated in any way. Soon after they effected their settlement at the Grand River, British emigrants from Europe began to cluster about

them, and the game upon which they had relied as hunters began to disappear. The necessity for a change in the basis of their life to agriculture being too plain for doubt, they began to divide the Grand River lands between themselves into private holdings for farming purposes. They built their houses and their other buildings after the pattern of their neighbours from Europe, and have ever since maintained themselves as an agricultural people, dressing, living, going and coming in their daily life in all respects as their neighbors under the British flag.

They soon discovered that their Grand River territory exceeded their probable needs as an agricultural people and sold off a major part to the Crown, which in turn devoted it to the use of British settlers. The purchase money from these sales under the terms thereof was to be held as a trust fund for the Six Nations, and the income paid to them annually. Out of that income the Six Nations built roads and bridges, school houses and a capital building at a settlement in the centre of their territory, called Ohsweken. Abandoning the open Council Fire in the forest their federal government has been conducted within this capital building after the fashion of the practices of their white neighbors in such cases. Here their council has acted as their legislature, their judiciary, and their executive with no departmental division in performing such functions.

It has become fashionable with the Dominion authorities of Canada, represented by its Indian office, **to call the Haldimand agreement no longer a treaty.** The document itself is unilateral but is a most solemn offer in the name of the British Crown to the Mohawks and all others of the Six Nations who may accept the same to take possession of the Grand River lands which had been acquired by the Crown for the purpose of the offer, and remove thereto and found a new Six Nation home where they may live for ever as allies of the British and under the promise of the British Crown to protect them. If not acted upon by the Six Nations the document would never have had vitality, but under the fundamental principles of law, if and when accepted, it became the uncontrovertible evidence of a contract. The offer was open for acceptance by as many of the separate nations of the Six Nations as chose to accept, and by such portions of each as should choose to accept. The point has never been made by Great Britain that because certain of the Six Nation people did not accept, it was not binding according to its terms as to those who did. The Six Nation people have always called

the arrangement a treaty, and they have been right. A treaty is a compact between separate peoples, and the British and the Six Nations were separate in 1784.

There is no rule of international law that a treaty must be reduced to writing if it is actually concluded between competent parties. There is no rule of international law that an unilateral document containing an offer by one people should not, when accepted by the other, be the indisputable evidence of a binding contract. Such a contract is a treaty, and the arrangement ultimately concluded in this case was founded in treaty.

The boundaries of the Six Nations lands at Grand River have always been definite. The boundaries have been modified to accord with the various and successive cessions made since by the Six Nations to the British Crown. There remains about 50,000 acres upon which are settled the forty-five hundred souls constituting the six different nations making up the confederacy.

These cessions to the Crown were made in the name of the Six Nation confederacy and executed by the authorized officials thereof. The several documents covering these cessions, so far as available, are set forth in copies attached hereto as Exhibit E., being taken from the official Canadian publication entitled "Indian Treaties and Surrenders, vol. 2," published by the Dominion Government at Ottawa.

It will be noted that these documents phrased, no doubt by British officials, all refer to the Haldimand Treaty, called "Grant" for that purpose, as the foundation of the right and title of the Six Nations to the land being ceded. It was more than an Indian grant, for it carried a Crown pledge of protection.

From the day the Grand River people settled themselves on its banks, neither Great Britain nor the Dominion of Canada has ever attempted, under claim of British sovereignty to impose any taxation upon the Grand River land or the Grand River People.

During all this time the Six Nation people, through their own government, have administered all their internal and domestic concerns according to their own customs, and on the foundation of their own constitution. They have always

claimed sovereignty to that extent, and, until some three years ago their claim never has been denied by or in the name of the British people or interfered with by one act of the British

Canadian officials, during the late war, undertook to conscript Six Nation men into the British service, but the attempt was met with the determined opposition of the Six Nation Council with the result that the attempt was abandoned and the want of right in the Canadian Government thereby conceded.

Representatives from the Dominion Parliament thereupon addressed the Six Nation people and warned them that if the German Kaiser succeeded, their treaty (meaning the Haldimand Treaty) would be no longer good, for he was no respecter of treaties. Thereupon three hundred Six Nation men volunteered in the British forces and took part in the war—a number in excess of the proportion furnished by any of the allies in that conflict.

The continuous increase in the population of the Dominion of Canada surrounding the Grand River Lands has witnessed the growing disposition in the Dominion Indian Office to impose its will upon the Grand River people. The paternalistic policy which has caused the attitude of the Dominion toward scattering handfuls of aborigines of North America, north of the Great Lakes having been yielded to or welcomed, the Indian office has become impatient at the exception presented in the case of the Six Nations, and has supposed the time had come when the Six Nation people should be coerced into obedience to its will. Never, however, until the year 1922, has the Dominion Indian Office resorted to force for that purpose. The former policy of that department down to 1909 is officially set forth in a letter from the head of the Department hereto annexed as Exhibit D. 2.

The patience with which the Six Nations have endured the increasingly contemptuous attitude of the Dominion Indian Office has gone far to invite a continuance of the contempt, but every official manifestation of such contempt by way of action has been met with formal protests on every occasion, and their right of home rule and independence boldly asserted. The status of the Six Nations on the Grand River is summed up in an official report of the Education Department of the Province of Ontario for 1909, in which the following appears:

By Dr. R. B. Orr, Archaeologist (1919, p. 55).

"The Six Nations of Ontario to-day present an instance of how a smaller people, though totally sur-

rounded by whites, may govern themselves and preserve their tribal and national independence with the dominant power faithfully observing its treaties, instead of disregarding them because it has the power to do so," and (p. 40)—

"The Six Nations hold their land under the Haldimand Grant 'to this day.' . . . In this manner. His Majesty's faithful allies took possession of and occupied the Grand River tract. . . . Their sovereignty and identity were two things that were conserved.

In December, 1922, the Canadian Indian Office, in apparent retaliation for the more determined attitude on the part of the Six Nation Council in defence of the Six Nation People, caused the Six Nation country to be invaded by officials with writs issued from Canadian courts for the seizure and arrest of Six Nation people, accompanied by men under arms. Instead of meeting this aggression by force the Council determined to appeal for the protection of the League of Nations, and immediately presented to the representatives of the Netherlands Government at Washington a petition to the Netherlands Government to bring their situation to the notice of the League of Nations, and Holland did so in April, 1923. This situation was recognized by the Dominion Government as involving a question which ought in justice to have consideration, and a formal offer (Ex. F, attached) was made that the issue of the status of the Six Nations be taken up for judicial determination. Since the tribunal proposed by Canada was to be brought into being as a British body under Canadian legislation and compensated by the Canadian Government, the offer was rejected on the ground that such a tribunal would not be a true international tribunal nor unprejudiced. That Negotiation recognized the Grand River Council on the **de facto and de jure** government of the Six Nations.

As a consummation of the determination of the Dominion Government to subjugate the Six Nations, an armed force was quartered in their midst about the first of the present year 1923, and has ever since been maintained there, but inasmuch as that measure was taken in face of the protest of the Six Nation Council, and while its appeal for protection by the League of Nations was pending, Canada is estopped to claim that the resulting and existing situation is the proper test of the question whether the Six Nations constitute an independent self-governing State.

In connection with this question of status it has been contended by the Canadian Government that the Haldimand Treaty was superceded in the year 1793 by what has been known as the Simcoe Deed, and may no longer be regarded in support of the claim of Six Nation sovereignty. The Simcoe Deed was prepared at the time of negotiations between the Six Nations people for the sale of or cession of parts of their domain. Offers to purchase had been made by private speculators who demurred at accepting a direct cession or conveyance by the Six Nation Council, considering that such title would not be a merchantable title in the hands of private British speculators. Many propositions were made in connection with that situation, one by British officials, being that a document such as the Simcoe Deed should be executed by the Crown in place of the Haldimand Treaty; such deed, so-called, being prepared, it was tendered to Captain Joseph Brant, who retained it only long enough to read its terms and instantly rejected it. The unaccepted document itself has ever since remained in the custody of British or Canadian officials, and at the present time is supposed to be among the archives of the Canadian Government. (Ex. G, attached.)

Although subscribed by Governor Simcoe, the proposed deed never in fact passed the formalities of British law respecting land grants from the Crown, and was never registered, and never became effective on its face (See despatch Gov. Maitland to Lord Bathurst of Feb. 22, 1821, "Canadian Archs." Series Q, v. 32, p. 47.)

Sir Peregrine Maitland to Earl Bathurst pointing out that the document, though bearing the seal of the Province and signed by Governor Simcoe, was never registered nor audited, and never delivered. (Canadian Archs., Series Q, 329, p. 47.)

"In 1793, the date of the Simcoe Deed, Simcoe addressing the Six Nations at Niagara, said: 'No King of Great Britain ever claimed absolute power or sovereignty over any of your lands or territories' (See Vol. 3, British Memorial in Claim against U. S. A., p. 833). In 1837, and 44 years after the date of the Simcoe Deed, it was in the hands of British officials, for it was then indorsed by one of them as having been recorded in their records, but that act gave the document no validity for it did not bind the Six Nations in any manner."

In none of the subsequent cessions made of the Six Nation territory is the Simcoe Deed referred to or mentioned

as the source of, or as a document qualifying or bearing in any respect upon the Six Nation title, or modifying or limiting the rights of the Six Nation people within their domain the manifest reason for rejection of it by Brant was the limitation which it would impose upon the Six Nation tenure of the territory. The document, nevertheless, contains the confession that the Six Nations have the right as against Great Britain to occupy the Grand River lands as an independent people under their own customs. The document is set forth in Exhibit G, annexed hereto.

The Canadian Government makes their pretention of sovereignty over the Six Nations by reason of the extensive home rule rights granted by the Imperial Parliament under the British North American Act creating the Dominion of Canada in 1868. By that Act the Dominion Parliament is vested among other powers with the power to legislate in respect to Indians. That meant power to legislate for Canada in respect to **relations with** Indians. The Imperial Parliament, up to that time never having pretended to possess sovereign right to legislate **over** the Six Nations, cannot be deemed to have intended to bestow a **greater** right upon the Parliament of the Dominion of Canada. Neither can that act by the language used be deemed to authorize the Dominion of Canada to ignore the obligations of the Imperial Government **outstanding** under a **prior** treaty with the Six Nations.

The next year after establishment of the Dominion, the Dominion Parliament began its paternalistic legislation, since enlarged into the code called the "Indian Act". Realizing that the Dominion Government was without sovereign authority over these aborigines, the Indian Department called a meeting of the representatives of various tribes to be held at Sarnia in June, 1871, at which the formal acquiescence of the various tribes in that Dominion legislation was sought. The congress was duly attended, including delegates from the Six Nations, but when the latter learned of the proposal that the congress should consider for approval the adoption of that legislation, the Six Nation delegates immediately withdrew.

In general the policy and experience of the United States of America with the neighboring Indian nations has been in all respects like that which has occurred since 1784 on the north of the Lakes with the British and their Indian neighbors. The experience of the United States led to the consideration by the United States Supreme Court in the year 1831, in a suit brought before it, of the status of the Cherokees who by treaty with the United States, had been recognized

as independent and were promised protection, as had the Six Nations been recognized and promised protection by Great Britain. In that case Chief Justice Marshall, who is recognized as the greatest jurist ever produced in the United States, said of the Cherokees, who while more numerous than the Six Nations, had not attained an equal self-development in the structure of their government (quoted from the case of Worcester vs. The State of Georgia reported in United States Supreme Court Reports for 1832 (Peters, Vol. VI, p. 515) :—

“Discovery could not affect the rights of those already in possession as original occupants.”

“The extravagant and absurd idea that the feeble settlements made on the sea coast, or the companies under whom they were made, acquired legitimate power by them to govern the people or occupy the lands from sea to sea, did not enter the mind of any man.”

“The Crown could not be understood to grant what the Crown did not affect to claim, nor was it so understood.”

“These grants by European Crowns asserted a title against other Europeans only and were considered as blank paper so far as the rights of the natives were concerned.”

“Our history furnishes no example from the first settlement of the country or of any attempt on the part of the Crown, to interfere with the internal affairs of Indians.”

“The protection promised by the Crown involved practically no claim to their lands, no dominion over their persons. It merely bound the (Indian) nation to the British Crown as a dependant ally claiming the protection of a powerful friend and neighbor and receiving the advantages of that protection with out involving a surrender of their national character.”

“The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the States, and provide that all intercourse with them shall be carried on exclusively by the Government of the Union.”

“Our treaties recognize their (Indian) title to self-government. The very fact of repeated treaties with them recognizes it and the settled doctrine of the Law

of Nations is that a weaker Power does not surrender its independence, its right to self-government by associating with a stronger and taking its protection.

“The Cherokee nation is a distinct community occupying its own territory with boundaries accurately described in which the law of Georgia can have no force and in which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves.”

In that case the State of Georgia, successor of a British colony, had based her claim to sovereignty over the Cherokees on the terms of British Crown charters granted to a company of British colonizers. Canada's resentment to the act of the British Parliament of 1868 rests in no better foundation if its meaning is to be interpreted as she seeks to do.

The Dominion of Canada, like the Government at Washington, nevertheless, adopted a policy since about the year 1870, when their own man-power had made it prudent, to construe the obligation to protect against aggression into a paternalistic right to govern aborigines in their home affairs, with a view of ultimate coerced absorption into the body politic of the European settlements. That imperialistic policy nevertheless, has not only never received the support of all the great men in the United States, but has been expressly rejected by many of them.

President Washington in his annual message of December 8th, 1795 (Richardson Messages of the Presidents, Vol. I, p. 183, Government Printing Office, Washington, 1896), refer to aborigines as “neighbors” of the United States.

President Jefferson, who succeeded Washington, in his Annual Message of October 17th, 1803 (Do., p. 358), referring to the cession of Louisiana to the United States by France, recommended to Congress that it confirm by legislation “the Indian inhabitants in their occupancy and self-government, establishing friendly and commercial relations with them.”

President Cleveland, by proclamation of April 17th, 1885 (Do., VIII, p. 305) revoked an order of his predecessor presuming to open tribal Indian land to settlements by outsiders, on the ground that the prior order was void and inoperative as in violation of treaties with the occupant aborigines.

President Cleveland, by message of February 23rd, 1895 (Do., p. 576), vetoed an Act of Congress presuming to authorize invasion of the territory of an aboriginal people, saying “There is no provision for obtaining the consent of the Indians through whose territory and reservations the railroad may be

located . . . These provisions permit the subordination of the jurisdiction of Indian courts which we are bound by treaty to protect, to the provisions of this Act. " He therefore vetoed the measure.

Those positions of Presidents were firmly supported by the terms of the United States Constitution of 1789 which in providing the basis for federal taxation (Article I, sec. 2, subd. 3) directed that Indians be excluded from consideration in determining population in respect to representation and taxation, and investing Congress with powers of legislation, provided (Article I, sec 8, subd. 3) that it should have the power to regulate commerce **with** (not over) "foreign nations and among the several States **with** the Indian tribes," and in confirming the outstanding engagements entered into by the revolting colonies, provided (Article VI, subd. 1) that "all engagements entered into before the adoption of this Constitution shall be valid." (Many treaties with aborigines had come within that description, including treaties with the Six Nations negotiated by Washington), and in the measure to extend citizenship to negroes in 1868, provided (Article XIV, Sec. 1): All persons born or naturalized in the United States **and subject to the jurisdiction thereof**, are citizens of the United States and of the States wherein they reside.

This qualification, "subject to the jurisdiction thereof," was required by and fitted the case of the aboriginal peoples found within the exterior boundaries of the United States as fixed by her treaties with European Powers which were of no force as against these aborigines, and therefore left those outside the lawful jurisdiction of the United States.

Both Great Britain and the United States recognized, after the Treaty of Paris (December 1783) that they were left by it in an utterly untenable position in respect to these aboriginal peoples, many nations of whom had participated in that war on one side or the other. The international boundary laid down by Great Britain and the United States actually cut through the Great Lakes and upland territory which was the domain of Six Nation people, and the occupants were under no sort of obligation to recognize that line.

These two Powers, therefore, came together in 1796, in a new treaty intended to perfect peace between themselves, and then took cognizance of the rights of these aboriginal nations and agreed upon an article which recited their right to freedom of movement as though the British-American boundary did not exist. It is Article III of the Jay Treaty, so

called (Malloy's Treaties and Conventions, Vol. I, p. 590, Government Printing Office, Washington, 1910):—

"It is agreed that it shall, at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land, inland navigation, into the respective territories and countries of the two parties, on the Continent of America (the country within the limits of the Hudson's Bay Company only excepted), and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other."

"No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages unusual among Indians, shall not be considered as goods belonging bona fide to Indians."

That article was supplemented under date of May 4th, 1796 (Do., p. 607), by an explanatory article declaring:—

" . . . that no stipulation in any treaty subsequently concluded by either of the contracting parties, with any other State or Nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of His Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation"

Those special provisions were provoked on account of the Six Nation peoples whose domain lay, in general, between the new United States of America and the British Colony of Canada.

While the article does not refer in terms to the Six Nations, it was the status of the Six Nations which went far to compel these Powers to that step. It is untenable in face of that provision for either Great Britain or the United

States to assert, now, that these people are the subjects of either—neither is warranted in making the contention that the Six Nations are not an independent confederacy.

Following the war known as the War of 1812, between Great Britain and the United States of America, peace was reached between them by the Treaty of Ghent in the year 1814 which is set forth on page 612 of Malloy's Treaties and Conventions of the United States, Vol. I, Government Printing Office, Washington, 1912. Article IX of that treaty reads as follows:—

ARTICLE IX

"The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

That article does not in terms name the nations of aborigine which the parties had in mind. Great Britain, nevertheless, by her own act in presenting the claim hereinbefore referred to in behalf of the Cayugas of the Grand River before an international Arbitration against the United States, expressly based upon Article IX above quoted, committed herself irrevocably to the admission **that in 1814 she had the Six Nations of the Grand River in mind.** That act of Great Britain so interpreted constituted a recognition of the highest

order that the Six Nations were apart from the body of British citizenship or British subjects, and a separate independent people capable of acting as her allies and entitled as such to protection in any treaty she should conclude in the settlement of peace at the end of that war. One of the rights and privileges within the language of that article which these Six Nation people enjoyed at the commencement of that war, was the status of an independent people in whom was vested as such, certain treaty rights under various treaties by which their ancient homeland had been ceded to New York State in consideration of pecuniary annuities to be paid forever. It was because these several nations still survived with that status that Great Britain in the year 1912, in recognition of that fact, began the prosecution (under her obligation of protection by the Haldimand Treaty) of the claim of the Grand River Cayugas against the United States under the guarantee of the latter undertaken in Article IX above quoted.

Until the League of Nations was organized there was no international body or tribunal concerned with international relations and devoted to the securing of international justice to whom these Six Nation people might appeal for protection against aggression committed or suffered by Great Britain be committed by the Dominion of Canada in violation of its own protective obligation of 1784. The Six Nations could not appeal with hope to the United States, for the United States has been as contemptuous of late of its own treaty obligations of a similar character pledged to red men as has Great Britain.

The failure of these Six Nation people to resort to arms against the aggression of Canada in 1923 and invite the inevitable slaughter which would have ensued had they done so cannot be taken against them by the League of Nations in the consideration of their case. The covenant of that League declares that the purpose of its signatory members is the avoidance of war and to encourage appeals to the League of Nations in lieu of war by oppressed peoples. The position of Great Britain and of Canada, parties to that covenant, in their pretense of sovereignty over the Grand River people, harks back to the Sixteenth Century, when it was the policy of European powers to appropriate any distant territory where the inhabitants were unable to defend themselves, recognizing a priority of right in that regard as between European powers in the first of them to discover any such hapless aborigines.

The covenant of the League of Nations is a repudiation of that policy, and however long that policy has been honored by the great powers of Europe and the colonies founded by

these powers and by the States of North America which have succeeded these colonies, the covenant requires that the policy be repudiated now for the relief of any aboriginal peoples of North America who may yet survive and who may appeal to the League to apply the new principle, especially as members of the League of Nations who would ignore the spirit of that covenant.

The Imperial Government of Great Britain has apparently repudiated its responsibility under the imperial pledge of protection given these people in 1784. That repudiation was announced in a letter from the Secretary of State for the Colonies to the Governor General of Canada under date of September 23rd, 1921, from Downing Street, which was written in response to the appeal of the Six Nations in August 1921, to the British Crown to fulfil its obligation of protection and intervene to prevent the violation thereof by the Dominion of Canada. The letter says:—

My Lord,

I have the honor to transmit to your Excellency, to be laid before your Ministers, a letter from Chief Deskaheh enclosing a petition to His Majesty the King, from the Six Nations of the Grand River regarding their position in the Dominion of Canada, together with a copy of a memorandum on the relation of the Dominion of Canada with the Six Nations of the Grand River.

The petition together with the memorandum and letter have been submitted to His Majesty, who commanded me to request that the Chief Deskaheh may be informed that the petition concerning the position of the Six Nations of the Grand River together with the letter to the Secretary of State and of the Colonies, and the memorandum, have been laid before the King; that His Majesty has been pleased to command that as the matters submitted within the petition lie within the exclusive competency of the Canadian Government, it should be referred to them, and that the petition with copies of the letter and memorandum have accordingly been sent to the Governor General of Canada.

I have the honor to be, my Lord, your Lordship's most obedient, humble servant.

WINSTON CHURCHILL.

His Excellency the Governor General,
The Right Honorable Lord Byng of Vimy, G. C. B., etc.

The Imperial Government well knew that in shifting its responsibility to the Dominion Government that the Dominion Government was determined to **disrespect** the protection obligation of the Crown and assert its self-conceived sovereignty to the limit. The Dominion assured that the Imperial Government would not interfere, proceeded forthwith to despatch armed men within the Grand River country to enforce Canadian laws and measures upon the Grand River people.

The only process known to international law whereby an independent people may yield their sovereignty is either by defeat in war or voluntary abandonment of it formally evidenced. The Grand River people have never yielded their sovereignty by any formal abandonment of it, and they have never been conquered in war by any power on earth of which there is either record or tradition. **They are by right a sovereign and independent Nation or State.** They have never concluded any treaty with Canada, **nor have they ever agreed to accept the Dominion of Canada** in place of Great Britain as the party responsible under the British obligation to protect them.

If the Haldimand promise of protection had not been made the many prior promises of earlier British treaties herein set forth are still in force and establish the status of the Six Nations as against Great Britain and her Colonies. The League of Nations must take notice of that status because Great Britain and the Dominion of Canada are members of that League.

The covenants of the British Crown to hold in trust for the Six Nations the purchase moneys for the cessions of parts of the Grand River lands to the Crown (see Exhibits I, and 1-2 from pages 96 and 243 of Indian Treaties and Surrenders Vol. 1, published at Ottawa) became likewise treaty obligations because they were agreements between separate governments, and the breach of those obligations of the British Crown in transferring those funds without the consent of the Six Nations, over to the Dominion of Canada, and in permitting the Dominion to withhold the income, as it is doing today, in permitting the Dominion to misapply that income, are breaches of treaty, for which both powers should be answerable to the League of Nations as parties to its covenant. It is assumed that the covenant is not to be interpreted to mean that the misappropriation of trust funds held by member nations and belonging to a little people of independent status is no concern of the League of Nations.

John Graves Simcoe was Lieut.-Governor of Upper Canada (now the Province of Ontario) in 1793. The story of his life has been written by Duncan Campbell Scott, now and for several years incumbent of the office of Deputy Superintendent General of the Dominion Indian Office, and the practical head thereof for that period. In that Life, written in the year 1905, and before the author had found the Dominion policies represented by him opposed by the manhood of the Grand River Council and the Six Nations people, he wrote: p. 74. Edition of Morang & Co., Toronto, 1912):—

The confederated tribes of the Six Nations settled on the Grand River upon lands set apart by Haldimand. And (page 128):—

The Six Nations were allies and comrades in arms of the British. And (page 75):—

There was at the heart of this alliance a principle that has been carried out without cessation and with increased vigilance to the present day (1905): The principle of sacredness of treaty promises. Whatever had once been written down and signed by the King and chief both will be bound by so long as the sun shines and the water runs.

The Six Nations are a dependency of Great Britain, not by virtue of subjugating act of the British, but by voluntary and sovereign act of the Six Nations in accepting the unconditional promise of the British Crown to protect the Six Nations. That promise applies as against all enemies and all encroachments. The Six Nations remain a people politically sovereign and independent in their right as against Great Britain and her Dominion of Canada and the world outside to administer over their own domestic concerns, with the special right under the covenant of the League of Nations to call the Government of Great Britain to account, through friendly members of the League, that the League may enforce respect for these treaty obligations.

EXHIBIT A.

(From V. 2, Documents re Colonial History of N. Y., p. 712, printed by N. Y. State in 1858. This treaty occurred during the temporary restorations of the Colony to the Dutch. The earliest treaty had occurred in 1645 with the Maquas (Mohawks) according to New York State Museum Bulletin 78 of University of State of N. Y.)

At a Council in Fort Willem Hendrick. 19th May, 1674.

PRESENT—Governor-General Anthony Colve.
Councillor Cornelis Steenwyck, and
Secretary Nicolaes Bayard, assumed
Councillor.

* * * * *

Propositions made to the Governor-General of New Netherland by the Mohawk chiefs of the nearest castles situate beyond Fort Nassou, the first called Kagenewage and the second, Kanagaro; interpreted by Jan Janse Bleycker and Hendrick Lantsingh.

First.—Say that they have come here as to their brethren, for the Dutch both at Nassou and here have been always one flesh with them, and state that they are going to Four Nations to renew Peace with them, and thereupon present a belt of Wampum.

Ans. of the Hon. the Governor to the first point.—As they say that they come here as to their brethren who are one flesh with them, they are received as such and are accordingly wished a welcome.

2.

Say they concluded a new bond of peace last harvest with the Dutch at Nassou, which they now come to confirm; and thereupon present a belt of Wampum.

2.

Ans.—The Governor is well pleased at the renewal of the peace last harvest at Nassou, and will take care that said treaty shall be strictly kept by the Dutch.

3.

Say, that if the French, as is reported, should come to injure the Dutch, they intend then to side with the Dutch and to live and die with them; thereupon present a belt of Wampum.

3.

Ans.—Are thanked for the offer of assistance against the French and other Indians, and are promised in like manner, in just cause, protection against the exactions of their enemies.

4.

Say, they are glad that the Governor hath built so strong a fortress here, hoping that this country will be defended by

him against all enemies, and that no other nation will ever master it; thereupon present a belt of Wampum.

4.

Ans.—are answered, that the Governor hath expressly caused the fort and fortifications to be built in order to be able to repel all enemies; however, thanks them for their affection and good wishes.

5.

Say, that they are deputed to some other nations to renew peace with them, and that they intend on their return to pass through here, request, therefore, that they may be allowed to do so; and thereupon present a belt of Wampum.

5.

Ans.—As they are sent and are going to other nations, the Governor wished them a safe journey and good luck in their renewal of the peace with those nations, and were allowed freely to return hither.

6.

Say, that at Nassou they had requested to be sent down in a sloop, but there were not any up there, and therefore request (as they are aged people) that on their return they may be conveyed in a sloop thereupon present a belt of Wampum.

6.

Ans.—The Governor is of the opinion that there were no sloops at Willemstadt, when they were coming down, to convey them hither; but whenever they will have concluded their business with the other nations and be back here, a friendly present shall be given them, and they shall be conveyed to Willemstadt free of expense. Thus done in Fort Willem Hendrick, in New Netherland, this 22nd May, 1674.

(NOTE—Between the dates of these two treaties several intervening treaties occurred between the British and certain separate Nations assuring protection by the British Crown.)

ARTICLES BETWEEN COL. CARTWRIGHT AND THE NEW YORK INDIANS

(New England, 1, 207.)

Articles made and agreed upon the 24th day of September, 1664, in Fort Albany, between Ohgehando, Shana-

rage, Soachoenighta, Sachamackas of ye Maques; Anaweed, Conkeeherat, Tewasserany, Aschanoondah, Sachamakas of the Synicks, on the one part; and Colonell George Cartwright, in the behalf of Colonell Nicholls, Governour under his Royall Highnesse, the Duke of Yorke of all his territories in America, on the other part, as followeth, viz:—

1. Imprimis. It is agreed that the Indian Princes above named and their subjects, shall have all such wares and commodities from the English for the future, as heretofore they had from the Dutch.

2. That if any Dutch or Indian (under protection of the English) do any wrong injury or violence to any of ye said Princes or their subjects in any sort whatever, if they complain to the Governor at New Yorke, or to the Officer in Chiefe at Albany, if the person so offending can be discovered, that person shall condign punishment and all due satisfaction shall be given; and the like shall be done for all other English Plantations.

3. That if any Indian belonging to any of the Sachims aforesaid do any wrong, injury or damage to the English, Dutch or Indians under the protection of the English, if complaint be made to ye Sachims and the person be discovered who did the injury, then the person so offending shall be punished and all just satisfaction shall be given to any of His Ma'ties subject in any Colony or other English Plantation in America.

4. The Indians at Wamping and Espachomy and all below the Manhatans, as also all those that have submitted themselves under the proteccion of His Ma'ties, are included in these Articles of Agreement and Peace.

In confirmaccon whereof the partyes above mentioned have hereunto sett their hands the day and years above written

GEORGE CARTWRIGHT,
Cawyugo.

In the presence of

T. WILLETT.
JOHN MANNING.
THO. BREEDON
DAN. BROADHEAD
(SMITH JOHN
his marke.)
(STEPHEN and Indian
his marke.)

The
Totem
Marks
of
Eight
Chiefs.

EXHIBIT B-2

Note: This document, by means of the line fixed, operated to transfer not only sovereignty but property in additional territory to the British and occasioned the payment of considerable moneys to the Indian Nations and has been called deed oftener than a treaty of National boundary. (Ex. B. 2).

To all to whom. These presents shall come or may concern We the Sachems and Chiefs of the Six confederate Nations, and of the Shawnees, Delawares, Mingoes of Ohio and other Dependent Tribes on behalf of ourselves and of the rest of our Several Nations the Chiefs and Warriors of whom are now here convened by Sir William Johnson, Baronet, his Majesty's Superintendent of our affairs send GREETING. Whereas his Majesty was graciously pleased to propose to us in the year one thousand seven hundred and sixty-five that a Boundary Line should be fixed between the English and us to ascertain and establish our Limits and prevent those intrusions & encroachments of which we had so long and loudly complained and to put a stop to the many fraudulent advantages which had been so often taken of us in Land affairs which Boundary appearing to us a wise and good measure we did then agree to part of a Line and promised to settle the whole finally whensoever Sir William Johnson should be fully empowered to treat with us for that purpose. AND WHEREAS His said Majesty has at length given Sir William Johnson orders to compleat the said boundary Line between the Provinces and Indians in conformity to which orders Sir William Johnson has convened the Chiefs and Warriors of our respective Nations who are the true and absolute Proprietors of the Lands in question and who are here now to a very considerable Number. AND WHEREAS many uneasiness and doubts have arisen amongst us which have given rise to an apprehension that the Line may not be strictly observed on the part of the English in which case matters may be worse than before which apprehension together with the dependent state of some of our Tribes and other circumstances which retarded the Settlement and became the subject of some debate, Sir William Johnson has at length so far satisfied us upon as to induce us to come to an agreement concerning the Line which is now brought to a conclusion the whole being fully explained to us in a large Assembly of our People before Sir William Johnson and in the presence of His Excellency the Governor of New Jersey the Commissioners from the Provinces of Virginia and Pensilvania and sundry other Gentlemen by which Line so agreed upon a considerable Tract of Country along

several Provinces is by us ceded to His said Majesty which we are induced to and do hereby ratify & confirm to His said Majesty from the expectation and confidence we place in His royal Goodness that he will graciously comply with our humble requests as the same are expressed in the speech of the several Nations addressed to His Majesty through Sir William Johnson on Tuesday the first of the Present Month of November wherein we have declared our expectation of the continuance of His Majesty's Favour and our desire that our ancient Engagements be observed and our affairs attended to by the officer who has the management there enabling him to discharge all these matters properly for our Interest. That the Lands occupied by the Mohocks around their villages as well as by any other Nation affected by this our Cession may effectually remain to them and to their Posterity and that any engagements regarding Property which they may now be under may be prosecuted and our present Grants deemed valid on our parts with the several other humble request contained in our said Speech. AND WHEREAS at the settling of the said Line it appeared that the Line described by His Majesty's order was not extended to the Northward of Oswego or to the Southward of Great Kanhawa river. We have agreed to and continued the Line to the Northward on a supposition that it was omitted by reason of our not having come to any determination concerning its course at the Congress held in one thousand seven hundred and sixty five and in as much as the Line to the Northward became the most necessary of any for preventing encroachments at our very Towns and Residences. We have given the Line more favourably to Pensilvania for the reasons and considerations mentioned in the Treaty, we have likewise continued it south to Cherokee River because the same is and we do declare it to be our true Bounds with the Southern Indians and that we have an undoubted right to the Country as far South as that River which makes our Cession to His Majesty much more advantageous than that proposed. NOW THEREFORE KNOW YE that we the Sachems and Chiefs aforementioned Native Indians and Proprietors of the Lands hereinafter described for and in behalf of ourselves and the whole of our Confederacy for the considerations hereinbefore mentioned and also for and in such considerations of a valuable Present of the several articles in use amongst Indians which together with a large sum of money amounts in the whole to the sum of Ten thousand and four hundred and sixty pounds, seven shillings and three pence sterling, to us now delivered and paid by Sir William Johnson, Baronet, His Majesty's sole Agent and superintendent of Indian affairs for the Northern department of America

in the Name and on behalf of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King Defender of the Faith, the receipt whereof we do hereby acknowledge. We, the said Indians, Have for us and our Heirs and Successors granted bargain, sell release and confirmed and by these presents Do Grant bargain, sell release and confirm unto our said Sovereign Lord King George the third, All that Tract of Land situate in North America at the Back of the British Settlements bounded by a Line which we have now agreed upon and do hereby establish as the Boundary between us and the British Colonies in America beginning at the Mouth of Cherokee or Hogohege River where it empties into the River Ohio and running from thence upwards along the South side of said River to Kittaning which is above Fort Pitt from thence by a direct Line to the nearest Fork of the west branch of Susquehanna thence through the Allegany Mountains along the South side of the said West Branch until it comes opposite to the mouth of a Creek called Tidaghton thence across the West Branch and along the South Side of that Creek and along the North Side of Burnetts Hills to a Creek called Awandae thence down the same to the East Branch of Susquehanna and across the same and up the East side of that River to Oswego from thence East to Delaware River and up that River to opposite where Tianaderha falls into Susquehanna thence to Tianaderha and up the West Side if its West Branch to the head thereof and thence by a direct Line to Canada Creek where it empties into the wood Creek at the West of the Carrying Place beyond Fort Stanwix and extending Eastward from every part of the said Line as far as the Lands formerly purchased so as to comprehend the whole of the Lands between the said Line and the purchased Lands or settlements, except what is within the Province of Pensilvania, together with all the Hereditaments and Appurtenances to the same belonging and appertaining in the fullest and most ample manner and all the Estate Right, Title, interest, Property, Possession, Benefit, Claim and Demand either in any part thereof To have and to hold the whole Lands and Premises hereby granted, bargained, sold, released and confirmed as aforesaid with the Hereditments and appurtenances thereunto belonging under the reservations made in the Treaty unto our said Sovereign Lord King George the third his Heirs and Successors to and for his and their own proper use and behoof for ever. IN WITNESS whereof, We, the Chiefs of the Confederacy have hereunto set our marks and seals at For Stanwix the fifth day of November one thousand seven hundred and sixty-eight in the ninth year of His Majesty's Reign.

TYORHANSERE	for the Mohocks	(L. S.)
ALS ABRAHAM		
CANAGHQUIESON	for the Oneidas	(L. S.)
SEQUARUSERA	for the Tuscaroras	(L. S.)
OTSINOOGHIYATA	for the Onondagas	(L. S.)
ALS BUNT		
TEGAAIA	for the Cayugas	(L. S.)
GUASTRAX	for the Senecas	(L. S.)

Sealed and delivered and the consideration paid in the presence of

WM FRANKLIN, Governor of New Jersey
FRE. SMYTH, Chief Justice of New Jersey
THOMAS WALKER, Commissioner for Virginia
RICHARD PETERS {
JAMES TILGHMAN { of the Council of Pensylvania

The above Deed was executed in my presence at Fort Stanwix the day and year above Written

W. JOHNSON.

(NOTE: Attached is a map and the line described as "the **frontiers** of the northern colonies.")

EXHIBIT C.

(From N. Y. Docs. re Colonial History Vol. IV, p. 478, the Lords of British Trade to Secretary Vernon, Feb. 17. 1698.)

"The five nations have been always and are still the best defence against the encroachments and invasions of the French."

(From Sir William Johnson Papers published by University of the State of New York. 1921.)

Sir William Johnson to William Pitt, October 24, 1760. Vol. III, p. 271:—

"I persuaded the whole confederacy to agree to join and go with us against Niagara (the French fort at Niagara) and assist us in the reduction thereof . . . I was joined at Oswego with seven hundred fighting men which number was afterwards augmented to nine

hundred. These Indians performed their part so well and kept our designs so secret that we disembarked our artillery and remained a night at Niagara before the enemy had any notice of our arrival."

Ditto, Vol. III, p. 119; General Amherst to Sir William Johnson, August 6, 1759:—

"Procure if possible with all convenient speed such a body of Indians as you shall be able to collect to act in conjunction with His Majesty's troops in such further attempts upon the enemy as are pointed out to Brigr. Gage in which I am confident the Indians will not only be of great use but likewise insure success the consequence of which will be the entire reduction of Canada."

Ditto, Vol. III, p. 272; Sir William Johnson to William Pitt, October 24, 1760:—

"I was able to proceed from Oswego with upwards of six hundred warriors."

Ditto, Vol. 2, p. 8; Sir William Johnson at Lake George to Colonial Governor Delancey, September 4, 1755:—

"I have with me or at least there has joined me about two hundred and fifty Indians."

EXHIBIT C-2

From Sir William Johnson Papers published by University of the State of New York, 1922, Vol. V, p. 30. Witham Marsh to Sir William Johnson, November 8, 1762:—

"The Indians are not absolutely our subjects."

Ditto, Vol. III, p. 539; Conference between British Agent Balfour with Indian tribes at Fort Macinac, September 29, 1769, recently taken from the French:—

"By this belt I renew and confirm all the treaties of peace and alliance which formerly subsisted between your ancestors and ours and which have been lately renewed by your chiefs or their deputies at Detroit and at Niagara."

Ditto, Vol. III, p. 599; Sir William Johnson to General Amherst:—

"I was sensible that in case I did not appear there (at Detroit) with a present adequate to the importance

of the embassy matters would not be smoothly carried on and amicably accomodated."

Ditto, Vol. VIII, p. 662; George Croghan at Fort Pitt to Sir William Johnson:—

"The Senecas are a very bad people, proud and mischievous, and look on themselves as the absolute lords of the soil."

Ditto, Vol. II, p. 413; General Shirley in speech to the Six Nations, January, 1756:—

"Brethren, the Great King of England, your father, having committed to me the command of all his forces raised and to be raised upon the continent of North America, and in a particular manner commanded me to protect your country and the lands which your forefathers have conquered and are of right your territories against all violence and attempts of the French, our common enemy, and to cultivate a spirit of friendship and alliance between him and you, I take the first opportunity of communicating this to you by Major General Johnson whom I have now ordered to visit you and take care of your interests."

In the first Treaty with our people in 1664, and then evidenced in writing ("N. Y. Docs.," v. 5, p. 67), our Chiefs are referred to as Indian Princes, and our people as subjects of such Princes, although our Chiefs were never, in fact, Princes or Sovereigns over our people, but we were a democracy.

In 1686 our Chiefs requested Governor Dongin, of New York, to tell the King that we were a free people. The year before the Onondagas had declared to Governor Dongin that neither Onontio or Corlear is our Master, and that no man has the right to command us." (See Wynne's "British Empire in America" p. 404)

Colonial Governor Clinton, of New York, addressing our people in June, 1744, said: "You are a free people enjoying liberty under protection of the King." ("N. Y. Docs." v. 6, p. 252.)

In 1749 Governor Clinton wrote Colonel William Johnson to let our people know that "If he called us subjects of the King he meant only brothers of the English and children of the King." (Ditto, v. 6, p. 507.)

Colonel Johnson himself at that time had written Governor Clinton that our people were "a foreign people, to be dealt with as such." (Ditto, v. 6, p. 540.)

In 1754 the English publicist, Thomas Pownall, wrote that our people "constituted a State." (Ditto, v. 6, p. 893.)

In 1763, Sir William Johnson in a despatch to the Lords of Trade under date of September 25th, said: "It would have startled the Six Nation people had any interpreter pronounced the word 'subject' as applicable to them."

By Art. 40 of the Capitulation of Montreal it was provided that the French who remained in their habitations should become British subjects, but the native Indians were not so dealt with. ("Canadian Archs. Reports," 1907, p. 69.)

In 1767, Sir William Johnson, writing to Earl Shelburne on September 22nd, said: "One who would call the Six Nations our subjects needs a good army at his back." (N. Y. Docs., v. 7, pp. 953-8.)

Sir William, in 1763, writing to the Lords of Trade, said: "The English never conquered the Six Nations, nor subjected them to English laws." (N. Y. Docs., v. 7, p. 573)

Sir William, in 1765, in a Council with our people on May 2nd, said: "The King will agree to a boundary between his province and you which no white man will ever dare to invade." ("N. Y. Docs.," v. 7, p. 711.)

Sir Guy Johnson, succeeding Sir William, was authorized by Lord Dartmouth, under date of July 5th, 1775, to tell our people that "if the King asked our assistance against the rebels of his Colonies, he would preserve us in all our rights." (N. Y. Docs., v. 8, p. 592.)

After the Treaty of Peace in 1783, General McLean, on May 28th, wrote Governor Haldimand saying that we were "a free people subject to no power on earth." Canadian Archs., Series B. 103, p. 175.)

At Niagara, on the 2nd of the following October, we told General McLean that we were a free people, and he replied: "You certainly are free, and it is our earnest wish that you remain so."

On November 27th, 1783, Governor Haldimand, writing to Lord North, said that our people had as enlightened ideas of the nature and obligations of treaties as the most civilized nations have, and know that no infringements of those treaties

bind us, and that we intend to defend our country against all invaders. ("Canadian Archs.," Series Q., v. 23, p. 46.)

On April 12th, 1784, Governor Haldimand, writing to Sir John Johnson, successor to Sir Guy, said: "If the Americans will not permit them (the Six Nations) to remain on their own lands, I will most readily receive them within our lines and give them the best equivalent I can for the country they leave." ("Canadian Archs.," Series B. 63, p. 203.)

He further directed Sir John to urge our people "as soon as possible to form a Treaty of Peace with the American States." (Ditto.)

Lord Sydney, on April 6th, 1786, addressing our Great Chief, Capt. Brant, then in London as our delegate, said: "His Majesty has ordered payment of the losses of your people incurred in the late war and he will at all times be ready to attend to your future welfare. (Canadian Archs., Q. 26, p. 80.)

On July 3rd, 1794, Governor Simcoe wrote to the Home Secretary of State, Lord Dundas: "The Treaty of Utrecht considers the Indian Nations as entirely independent." And, on December 22nd, 1795, he wrote Lord Dorchester: "The Government ought to make such terms (by treaty?) with them as would ensure the delivery of all murderers who might seek asylum with them." (Canadian Archs., Colonial Office Record, Q., v. 280-1, pp. 201-7

On September 26th, 1796, the Attorney-General reported to the Canadian Council advising an arrangement (treaty?) in respect to extradition of murderers, because, as he said "The British Government could not wish to enforce its laws on a separate people."

On January 28th, 1797 the Administrator of Upper Canada, the Hon. Peter Russell, writing to the Duke of Portland in reference to our Grand River Lands, recognized that they would present a bar across which the Government might not pass in the regulation of its own police. ("Canadian Archs., Q. 283, p. 87.)

On April 30th, 1860, Governor Sir Edward Head, consulted the Imperial Government, which, he wrote, "makes no change whatever in the rights of Indian tribes." (Despatch of April 30th, 1860, No. 36.)

EXHIBIT D.

Articles concluded at Fort Stanwix, on the twenty-second

day of October, one thousand seven hundred and eighty-four, between Oliver Woolcott, Richard Butler, and Arthur Lee, Commissioners Plenipotentiary from the United States, in Congress assembled, on the one part, and the Sachems and Warriors of the Six Nations, on the other.

The United States of America give peace to the Senecas, Mohawks, Onondagas and Cayugas, and receive them into their protection upon the following conditions:—

ARTICLE I.

Six hostages shall be immediately delivered to the commissioners by the said nations to remain in possession of the United States, till all the prisoners, white and black, which were taken by the said Senecas, Mohawks, Onondagas, or by any of them, in the late war, from among the people of the United States, shall be delivered up.

ARTICLE II.

The Oneida and Tuscarora nations shall be secured in the possession of the lands on which they are settled.

ARTICLE III.

A line shall be drawn, beginning at the mouth of a creek about four miles east of Niagara, called Oyonwayea, or Johnston's Landing-place, upon the lake named by the Indians Oswego, and by us Ontario from thence southerly in a direction always four miles east of the carrying path, between Lake Erie and Ontario to the mouth of Tehoseroron or Buffalo Creek on Lake Erie; thence south to the north boundary of the state of Pennsylvania; thence west to the end of the said north boundary; thence south along the west boundary of the said state, to the river Ohio; the said line from the mouth of the Oyonwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States, all claims to the country west of the said boundary, and then they shall be secured in the peaceful possession of the lands they inhabit east and north of the same, reserving only six miles square round the fort of Oswego, to the United States, for the support of the same.

ARTICLE IV

The Commissioners of the United States, in consideration of the present circumstances of the Six Nations, and in execu-

tion of the humane and liberal views of the United States upon the signing of the above articles, will order goods to be delivered to the said Six Nations for their use and comfort.

(Signed by

OLIVER WOLCOTTETAL,
and 14 Chiefs)

Witnesses:

SAM. JO. ATLEE
and 12 other persons.

TREATY WITH SIX NATIONS. 1789

Articles of a treaty made at Fort Harmar, the ninth day of January, in the year of our Lord, one thousand, seven hundred and eighty-nine, between Arthur St. Claire, esquire, governor of the territory of the United States of America north-west of the river Ohio, and commissioner plenipotentiary of the United States, for removing all causes of controversy, regulating trade, and settling boundaries, between the Indian Nations in the northern department and the said United States, of the one part, and the Sachems and warriors of the Six Nations, of the other part:—

ART. 1. WHEREAS the United States, in congress assembled, did, by their commissioners, Oliver Wolcott, Richard Butler, and Arthur Lee, esquires, duly appointed for that purpose, at a treaty held with the said Six Nations, viz.: with the Mohawks, Oneidas, Onondagas, Tuscaroras, Cayugas, and Senecas, at Fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eight-four give peace to the said nations, and receive them into their friendship and protection: And whereas the said nations have now agreed to and with the said Arthur St. Clair, to renew and confirm all the engagements and stipulations entered into at the beforementioned treaty at Fort Stanwix: and whereas it was then and there agreed, between the United States of America and the said Six Nations, that a boundary line should be fixed between the lands of the said Six Nations and the territory of the said United States which boundary line is as follows, viz.: beginning at the mouth of a creek, about four miles east of Niagara, called Ononwayea, or Johnston's Landing Place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly, in a direction always four miles east of the carrying place between Lake Erie and Lake Ontario to the mouth of the Tehoseroton, or Buffalo Creek, upon Lake Erie; thence south, to the northern boundary of the state of

Pennsylvania, thence west, to the end of the said north boundary; thence south, along the west boundary of the said state to the river Ohio. The said line, from the mouth of Ononwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States, all claim to the country west of the said boundary; and then they shall be secured in the possession of the lands they inhabit east, north and south of the same, reserving only six miles square, round the fort of Oswego, for the support of the same. The said Six Nations, except the Mohawks, none of whom have attended at this time, for and in consideration of the peace then granted to them, the presents they then received, as well as in consideration of a quantity of goods, to the value of three thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt, whereof they do hereby acknowledge, do hereby renew and confirm the said boundary line in the words beforementioned to the end that it may be and remain as a division line between the lands of the said Six Nations and the territory of the United States, forever. And the undersigned Indians, as well in their own names as in the name of their respective tribes and nations, their heirs and descendants, for the considerations beforementioned do release, quit claim, relinquish, and cede to the United States of America all the lands west of the said boundary or division line, and between the said line and the strait, from the mouth of Ononwayea and Buffalo Creek, for them, the said United States of America, to have and to hold the same, in true and absolute propriety, forever.

ART. 2. The United States of America confirm to the Six Nations, all the lands which they inhabit, lying east and north of the beforementioned boundary line, and relinquish and quit claim to the same and every part thereof, excepting only six miles square round the fort of Oswego, which six miles square round said fort is again reserved to the United States by these presents.

ART. 3. The Oneida and Tuscarora nations are also again secured and confirmed in the possession of their respective lands.

ART. 4. The United States of America renew and confirm the peace and friendship entered into with the Six Nations (Except the Mohawks) at the treaty beforementioned held at Fort Stanwix, declaring the same to be perpetual. And if the Mohawks shall within six months, declare their assent to the same, they shall be considered as included.

Done at Fort Harmar, on the Muskingum, the day and year, first above written.

In witness Whereof, the parties have hereunto, interchangeably, set their hands and seals.

Signed by
AR. ST. CLAIR,
and 24 Chiefs.

TREATY WITH THE SIX NATIONS, 1794.

A Treaty between the United States of America and the Tribes of Indians called the Six Nations.

The President of the United States having determined to hold a conference with the Six Nations of Indians, for the purpose of removing from their minds all causes of complaint, and establishing a firm and permanent friendship with them: and Timothy Pickering being appointed sole agent for that purpose; and the agent having met and conferred with the Sachems, Chiefs and Warriors of the Six Nations, in a general Council: Now, in order to accomplish the good design of this conference, the parties have agreed on the following articles; which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the Six Nations.

ARTICLE I.

Peace and friendship are hereby firmly established, and shall be perpetual, between the United States and the Six Nations.

The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

ARTICLE III.

The land of the Seneca nation is bounded as follows:—Beginning on Lake Ontario, at the north-west corner of the land they sold to Oliver Phelps, the line runs westerly along the lake as far as O-yong-wong-yeh Creek, at Johnston's Landing-Place, about four miles eastward from the fort Niagara; then southerly up that creek to its main fork, then straight to the main fork of Stedman's creek, which empties into the river at Niagara above fort Schlosser, and then on-

ward, from that fork, concluding the same straight course, to that river; (this line from the mouth of O-yong-wong-yeh creek to the river Niagara, above for Schlosser, being the eastern boundary of a strip of land, extending from the same line to Niagara River, which the Seneka nation ceded to the King of Great Britain, at a treaty held about thirty years ago, with Sir William Johnson;) then the line runs along the river Niagara to Lake Erie; then along Lake Erie to the north-east corner of a triangular piece of land which the United States conveyed to the state of Pennsylvania, as by the President's patent, dated the third day of March, 1792; then due south to the northern boundary of that state; then due east to the south-west corner of the land sold by the Seneka nation to Oliver Phelps; and then north and northerly, along Phelps's line to the place of beginning on Lake Ontario. Now the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka Nation; and the United States will never claim the same nor disturb the Seneka Nation, nor any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

ARTICLE IV

The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas and Senekas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; Now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof.

ARTICLE V.

The Seneka nation, all others of the Six Nations concurring, cede to the United States the right of making a wagon road from Fort Schlosser to Lake Erie, as far south as Buffalo Creek; and the people of the United States shall have the free and undisturbed use of this road, for the purposes of travelling and transportation. And the Six Nations, and each of them, will forever allow to the people of the United States, a free passage through their lands and the free use of the harbors and rivers adjoining and within their respective

tracts of lands, for the passing and securing of vessels and boats, and liberty to land their cargoes where necessary for their safety.

ARTICLE VI.

In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established, strong and perpetual; the United States now deliver to the Six Nations, and the Indians of the other nations residing among and united with them, a quantity of goods of the value of ten thousand dollars. And for the same considerations, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of three thousand dollars to the one thousand five hundred dollars, heretofore allowed them by an article ratified by the President, on the twenty-third day of April, 1792; a making in the whole, four thousand five hundred dollars; which shall be expended yearly for ever, in purchasing, clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit. The immediate application of the whole allowance now stipulated, to be made by the superintendent appointed by the President for the affairs of the Six Nations, and their Indian friends aforesaid.

ARTICLE VII.

Lest the firm peace and friendship now established should be interrupted by misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations or any of them, to the President of the United States, or the Superintendent by him appointed; and by the Superintendent, or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose.

NOTE.—It is clearly understood by the parties to this treaty, that the annuity stipulated in the sixth article, is to be

applied to the benefit of such of the Six Nations and of their Indian friends united with them as aforesaid, as do or shall reside within the boundaries of the United States; For the United States do not interfere with nations, tribes or families of Indians elsewhere resident.

In witness whereof, the said Timothy Pickering, and the Sachems and war chiefs of the said Six Nations, have hereto set their hands and seals.

Done at Konondaugua, in the State of New York, the eleventh day of November, in the year one thousand seven hundred and ninety-four.

(Signed)

TIMOTHY PICKERING,
and 59 Chiefs.

TREATY WITH THE MOHAWK, 1797.

Relinquishment to New York, by the Mohawk nation of Indians, under the sanction of the United States of America of all claim to lands in that state.

At a treaty held under the authority of the United States, with the Mohawk nation of Indians, residing in the province of Upper Canada, within the dominions of the king of Great Britain, present, the honorable Isaac Smith, commissioner appointed by the United States to hold this treaty; Abraham Ten Broek, Egbert Benson and Ezra L'Hommedieu, agents for the State of New York; Captain Joseph Brandt, and Captain John Deserontyou, two of the said Indians and deputies, to represent the said nation at this treaty.

The said agents having, in the presence, and with the approbation of the said commissioner, proposed to and adjusted with the said deputies, the compensation as hereinafter mentioned to be made to the said nation, for their claim to be extinguished by this treaty, to all lands within the said state; it is thereupon finally agreed and done between the said agents and the said deputies, as follows, that is to say: the said agents do agree to pay to the said deputies, the sum of one thousand dollars, for the use of the said nations, to be by the said deputies paid over to and distributed among, the persons and families of the said nation, according to their usages. The sum of five hundred dollars, for the expenses of the said deputies, during the time they have attended this treaty; the sum of one hundred dollars, for their expenses in returning, and for conveying the said sum of one thousand dollars, to where the said nation resides. And the said agents do accordingly, for and in the name of the people of the state

of New York, pay the said three several sums to the said deputies, in the presence of the said commissioner. And the said deputies do agree to cede and release; and these presents witness, that they accordingly do, for and in the name of the said nation, in consideration of the said compensation, cede and release to the people of the state of New York, forever, all the right or title of the said nation to lands within the said state; and the claim of the said nation to lands within the said state, is hereby wholly and finally extinguished.

In testimony whereof, the said commissioner, the said agents, and the said deputies, have hereunto and to two other acts of the same tenor and date, one to remain with the United States, one to remain with the said State, and one to be delivered to the said deputies, to remain with the said nation, set their hands and seals, at the city of Albany, in the State, the twenty-ninth day of March, in the year one thousand seven hundred and ninety-seven.

Witness:

ROBERT YATES,	ISAAC SMITH,	(L.S.)
JOHN TAYLOR,	ABM. TEN BROECK,	(L.S.)
CHAS. WILLIAMSON,	EGBT. BENSON,	(L.S.)
THOMAS MORRIS,	EZRA L' HOMMEDIEU,	(L.S.)
	JOS. BRANDT,	(L.S.)
	JOHN DESERONTYOU,	(L.S.)

The mark of (X) JOHN ABEEL, alias the Cornplanter, a chief of the Senekas.

EXHIBIT D-2

(Letter from Minister of the Interior of Canada, addressed to Deputy Speaker Six Nation Council, April 5, 1909.)
"Dear Sir,

The letter of the Council of the Six Nation, dated February 23, 1909, which was read to me in the presence of the Deputy Superintendent-General on March 25th, by Chief A. G. Smith, is before me, and I beg to reply may be on record.

It is the policy of the Canadian Government, as I understand, to recognize its relations with the Six Nations, Indians of the Grand River as being on a different footing from those of any of the other Indians of Canada. **The Six Nation Indians of the Grand River came to Canada under special treaty as the allies of Great Britain**, and the policy of the Canadian Government is to deal with them having that fact always in view.

The system of tribal government which prevailed amongst the Six Nations on their coming to Canada was satisfactory to

the Government at that time, and so long as it is satisfactory to the Six Nations themselves, so long it will remain satisfactory to the Government of Canada.

Yours very truly,

FRANK OLIVER

Chief J. S. Johnston.

Deputy Speaker, Six Nation Council.

EXHIBIT E-1.

To His Honor Peter Russell, President and administering the Government of His Majesty's Province of Upper Canada:—

We, the Chiefs, Warriors and people of the Mohawk or Five Nations, settled under his Majesty's authority upon the Ouse or Grand River in the said Province, these our several and respective bequests to His Honor the said Peter Russell as His Majesty's representative in the said Province by and thro' our attorney Captain Joseph Brant, our brother, duly constituted and appointed in and by virtue of the annexed instrument of power of attorney by us for the special purpose made, Present.

WHEREAS it pleased His said Majesty by a certain instrument under the hand and Seal at Arms of Sir Frederick Haldimand, sometime His Majesty's Captain General and Governor in Chief of the Province of Quebec and territories (now the Provinces of Upper and Lower Canada) dated at Quebec the twenty-fifth day of October, in the year of our Lord one thousand seven hundred and eight-four, and in the twenty-fifth year of His said Majesty's Reign, to authorize and permit us, the said Mohawk Nation and others of the Six Nations of Indians as might desire so to do, to take possession of and settle on the banks of the said river, which said instrument follows in these words to wit: "Frederick Haldimand, Captain General and Governor in Chief of Quebec and Territories depending thereon, etc., etc., etc., General and Commander in Chief of His Majesty's Forces in the said Province, and the Territories thereof, etc., etc., etc., WHEREAS HIS MAJESTY having been pleased to direct 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 United States or wish to retire from them to the British; I have at the desire of many of these His Majesty's faithful allies, purchased a tract of land from the Indians situated between the Lakes Ontario

Huron and Erie. And I do hereby in His Majesty's name authorize and permit the said Mohawk Nation, and such other 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 the 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 forever. Given under my hand and seal at arms at the Castle of St. Lewis at Quebec, the 25th day of October, 1784, and in the 25th year, etc., etc.,

Signed FREDERICK HALDIMAND.

(Countersigned by

H. E. COMMAND.

R. MATHEWS.

AND WHEREAS, by the settling of the lands near to and round about the said River by His Majesty's subjects our hunting grounds now scarcely afford us the means of support and are likely to be more and more contracted by an increase of people. And whereas we, the said Chiefs, warriors and people of the Mohawk or Five Nations being well assured of His Majesty's benevolent intention towards us and our posterity having now an opportunity of obtaining by way of annuity a more certain and permanent means of support by a sale of such parts of the said lands as are now, as hunting grounds, entirely useless, do humbly beseech His said Majesty to permit us to dispose of the same. And for that purpose we the said Chiefs, warriors and people of the Mohawk or Five Nations are solicitous and desirous of surrendering, relinquishing and quitting claim and by this instrument signed and sealed for himself and for us by our said Attorney do hereby for ourselves and our posterity, surrender, relinquish and quit claim to our possession of such parts of the said lands as are mentioned in the schedule to this instrument annexed which we hold of His said Majesty by the authority aforesaid; and do beseech His said Majesty to grant the same in fee to the persons in the said schedule mentioned for the several and respective considerations to the said lands conveyed which we are to receive from the said persons as an equivalent for the same.

In testimony of which said bequest being made by us the said Chiefs, warriors and people of the Mohawk or Five Nations for us and our posterity, our said attorney Captain Joseph Brant for himself as well as for us and our posterity hath hereunto affixed his hand and seal in virtue of our power

aforesaid, this fifth day of February, in the 38th year of His Majesty's reign, at York, in the the Province of Upper Canada.

Signed (sealed and delivered for the purpose therein mentioned in the presence of His Majesty's Executive Council of the Province of Upper Canada.

JOS. BRANT. (L.S.)

Witness:

JOHN SMALL,

Clerk of the Council.

EXHIBIT E-2

To all to whom these presents shall come:

We, the Sachems and Chief Warriors of the Six Nations of Indians, inhabiting and owning the lands situate, lying and being on the Grand or River Ouse, in the County of Haldimand, in the Province of Upper Canada, send greeting.

Whereas, His late Majesty did by a certain instrument, bearing date the twenty-fifth day of October, in the year of our Lord one thousand seven hundred and eighty-four, under the hand and seal of Sir Frederick Haldimand, then Governor of Quebec, allot and grant unto us upon the banks of the said river running into Lake Erie six miles deep from each side of the said river, beginning at Lake Erie and extending in that proportion to the head of the said river.

And whereas our brother, the late Captain Joseph Brant, Thayendaneaga, Sachem and Chief Warrior of the Six Nations our true and lawful attorney, did, by an indenture of lease, secure unto Jemima Stewart, of the town of Niagara, in the district of Niagara, widow, and Sarah Ruggles, of the County or Haldimand (wife of William Ruggles) daughters of Brant Johnson, our Brother Sachem and Chief Warrior, a certain tract of the said land on the south side of the said river And whereas our said Brother Sachem and Chief Warrior, the said Brant Johnson, served during all the old French War as well as that of the Rebellion, and removed with us to this country, from our lands on the Mohawk River, and continued with us until his death. And we, the said Sachems and Chief Warriors, well knowing his losses and sufferings in common with ourselves, have this day in General Council, as a manifestation of our love and esteem for our departed brother warrior, unanimously determined to surrender to His Majesty the said tract of country, in order that the same may be more effectually secured to his children, the said Jemima Stewart

and Sarah Ruggles, their heirs and assigns, by letters patent under the Great Seal of this Province. Now know ye, that for the said good causes, and of our love and affection for the Children of our said Brother Sachem and Chief Warrior, we, the said Sachems and Chief Warriors in General Council of our Nations, have, and each of us hath, surrendered, relinquished and yielded up, and by these presents do and each of us doth surrender, relinquish and yield up unto our Sovereign Lord the present King's Most Excellent Majesty, His heirs and successors, all that certain parcel or tract of land, situate, lying and being on the south side of the said Grand or River Ouse, in the County of Haldimand, in the District of Gore, in the said Province, and being within the limits of our said grant, containing by as measurement fourteen hundred acres, more or less, and which is butted and bounded as follows, that is to say: Commencing on the south side of the said river at the Easterly angle of lands owned by Elizabeth Clench at the water's edge; then south sixty-five degrees west one hundred and six chains; then south twenty-seven degrees west one hundred and sixty chains; then south sixty-two degrees and thirty minutes east one hundred and twenty chains; then north twenty-seven degrees and thirty minutes east one hundred and sixty chains; then north sixty-five degrees east sixty-two chains, more or less to the said Grand River; then up the said River against the stream, its several courses and windings, to the place of beginning. And also all the estate, right, title, interest, reversion, reminder, property, claim and demand whatsoever of us the said Sachems and Chief Warriors of, in, to, or out of the same or any part thereof or parcel of the same: for the express purpose and to the intent that the same, and every part thereof, may be confirmed by Letters Patent from His Majesty, under the Great Seal of this Province, to the said Jemima Stewart and Sarah Ruggles, their heirs and assigns for ever (as tenants in common and not as joint tenants).

IN WITNESS WHEREOF, we, the said Sachems and Chief Warriors of the Six Nations have in the General Council hereunto set our hands and seals this fourth day of August, in the year of Our Lord one thousand eight hundred and twenty-six.

(Signed by)

OGHNAWERA (L.S.)

and 21 other Chiefs.

Signed, sealed and delivered in presence of:

W. CLAUS, Dy. Supt. Genl. Ind. Affairs.

BENJ. FAIRCHILD, L. D.,

J. B. CLENCH, Clerk of Ind. Affairs,

D. MACKAY, Capt. 70th Foot, Comg.,

THOS. HANDCOCK, Asst. Chap. to the Forces,

A. GARRETT, Lt. H. P. 49th Regt. Bark. Master.

EXHIBIT E-3.

To all whom these presents shall come, we, the Sachems and Chief Warriors of the Six Nations, Indians, inhabiting and owning the lands situate, lying and being on the Grand or River Ouse, in the County of Haldimand, in the Province of Upper Canada, send greeting.

Whereas His late Majesty did a certain instrument bearing date the twenty-fifth day of October, in the year of our Lord one thousand seven hundred and eighty-four, under the hand and seal of Sir Frederick Haldimand, then Governor of Quebec, allot and grant unto us upon the banks of the said river running into Lake Erie, six miles deep from each side of the said river, beginning at Lake Erie and extending in that proportion to the head of the said river. And whereas the Honorable William Claus, of the Town of Niagara, in the District of Niagara, hath been for the last thirty years our trustee, and hath during all that time conducted and managed our affairs with great advantage to our interests, and made profitably available our money without any compensation from us whatever.

And we the said Sachems and Chief Warriors willing to attribute such disinterested conduct to feelings which have characterized his ancestors, Sir William Johnson and Sir John Johnson, towards our nations, besides his father who served with us during the whole of the French war as well as that of the rebellion, and being more particularly able to be our friends from speaking our languages, and who together with himself have resided with and amongst us and guarded our interests with parental solicitude.

Wherefore we, the said Sachems and Chief Warriors, have this day in General Council of our nations taken into consideration the long, arduous and faithful service of our said trustee, and to pay and satisfy his just claim upon us, and as the most convenient to ourselves, and as manifestation of our esteem and gratitude for the services of him and his ancestors, who have always shown themselves our steady friends and best advisers, unanimously determined to surrender to His

Majesty, to and for the use of the said William Claus, his heirs and assigns for ever, the tract of land hereinafter described in order that the same may be confirmed to the said William Claus, his heirs and assigns by Letters Patent under the great seal of this Province. Now know ye that for the said several good causes and weighty considerations of the said claims of the said William Claus upon us, we, the said Sachems and Chief Warriors, have, and each of us hath, surrendered, relinquished and yielded up, and by these presents do, and each of us doth, surrender, relinquish and yield up unto Our Sovereign Lord the present King's Most Excellent Majesty His heirs and successors, all that parcel or tract of land, lying and being on the south side of the said river, and within the limits of our in part recited grant, and in the County of Haldimand, in the District of Niagara, and Province of Upper Canada, containing by admeasurement, fifteen thousand three hundred and sixty acres, more or less, and which is butted and bounded or may be known as follows, that is to say: Commencing at a stake placed on the Indian line between lots twenty-two and twenty-three, in the Township of Walpole, about three chains, more or less, from the house of one Bellows, a settler in Walpole thence along the Indian Line on the said Township of Walpole, and Township of Rainham; south sixty-three degrees east five hundred and eighty chains; thence north twenty-three degrees east or at right angles to the Indian line between the said townships, to the said Grand River, three hundred and twenty chains, more or less; thence up the stream of the Grand River, the several courses and windings, to a stake on the bank of the said river; thence south twenty-seven degrees west extending to the point of commencement. All the estate, right, title, interest, claim, property and demand whatsoever of us, the said Sachems and Chief Warriors, of, in, to, or out of the same or any part or parcel of the same, for the express purpose and to the intent that the same and every part thereof may be confirmed by Letters Patent from His Majesty to the said William Claus, his heirs and assigns for ever.

In Witness Whereof, we, the said Sachems and Chief Warriors of the said Six Nations, have in General Council hereunto set our hands and seals this third day of August, in the year of Our Lord, one thousand eight hundred and twenty-six.

(Signed by) A. CLAUS.

(and 49 Chiefs.)

Signed, sealed and delivered in presence of:

D. Mackay, Capt. 70th Foot.
Comg. James Wickens, Dy.
Asst. Com. G'l. John Munroe.
Asst. Staff Sgn.; A. Garrett,
Lt. H. Co. 49th R. B. M'ter;
Thomas Handcock, a Ch'pn. to
the F.; D. Cameron, Secy and
Registr.; J. B. Clench, Clerk
Indian Affairs; Ben. Fairchild,
Intpr. Indian Dept.; Alex.
Stewart.

A Memorial hereof is registered in the Registry of the Counties of Lincoln and Haldimand the twenty-eighth day of August, one thousand eight hundred and twenty-eight, at 11 o'clock a. m., in book K, Folio 774.

JOHN LYONS,
Registrar.

EXHIBIT F.

COPY.

Ottawa, June 13, 1922.

To the Chiefs and Warriors of the
Six Nations Indians.

Dear Sirs,

I have to inform you that I have given the affairs of the Six Nations Indians the most careful attention, and they have been the subject of consultations between myself and the Deputy Superintendent General. The Department has no other object than to conserve and promote your interests, and our mutual desire has been to take some action now which will result in permanently defining your position, in settling any controversies, in promoting your interests and in ensuring the progress of your people.

We decided that the best method of dealing with your claims, and all questions affecting your past and future interests would be by the appointment of a Commission of Judges, who would be empowered to take evidence, make decisions and recommendations, before whom the Department and the Six Nations could bring anything requiring investigation and settlement. I decided, therefore, to make this recommendation to the Right Honorable, the Prime Minister, and I have pleasure in stating that the Government has agreed to appoint a Royal Commission to inquire into the affairs of the Six Nations Indians, such Commission to consist of

three Judges of the Supreme Court of Ontario, one of whom is to be selected by the Government, one by the Council of the Six Nations, and the third by the Judges selected by the Government and Council. The Government will be bound by the findings of the Commission, and will carry out whatever recommendations are made by the Commission. The appointment of this Commission is contingent upon an undertaking by a majority of the male members of the Six Nations band of the full age of twenty-one years, given in a solemn and binding manner, to accept the findings of this tribunal as a final settlement of all claims of the Six Nations, and to acquiesce in the carrying out of the recommendations made by the Commission. The Indians shall bring before this tribunal the question of their status, and all other causes or matters, financial or otherwise, for determination. The Government shall also submit any questions regarding the Six Nations upon which it is thought advisable to have decisions and recommendations. The Indians shall select as Counsel to represent them a competent and qualified Canadian lawyer, and the Department shall also be represented by Counsel. The cost of the Commission shall be borne by the Government.

I have to request that at as early a date as possible you signify your willingness to accept the above proposal and to concur in the action necessary to obtain the consent of the majority of the Indians as above mentioned.

Yours truly,

(Sgd.) CHAS. STEWART,
Superintendent General of
Indian Affairs.

EXHIBIT G.

J. Graves Simcoe.

(Great Seal of
Canada)

George the Third, by the Grace of God, of Great 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, and by the Bravery of their Conduct, and We being desirous of showing our Approbation of the same and in recompense of the Losses they may have sustained, of providing a convenient Tract of Land under our Protection for a safe and suitable 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 People 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 Mississague 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 said River, or a space co-extensively therewith, conformably to a certain Survey made of the said Tract of Land, and annexed to these 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 by Us by the Chiefs and people of the said Mississague Nation, bearing Date the Seventh Day of December, in the year of Our Lord One Thousand seven hundred and thirty-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 Behoof of them and their Heirs forever, Freely and Clearly of and from all, and all manner of rents, fines, and services whatever to be rendered by them or any of them to Us or Our Successors for 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 Chiefs, warriors, women, and people of the said Six Nations and their Heirs, the full and entire possessions, 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 intent 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, person or persons whatever, other than amongst 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 parcel thereof, by or under any pretense or any such alienation, title or conveyance, as aforesaid, or by or under any pretense whatever, under pain of our severe displeasure.

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 thereafter, 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 by us, our heirs and successors, at some public meeting or assembly of the Chiefs, warriors, women 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,

Recorded 20th Feby., 1837.

Lib. F. Folio 106.

D. Cameron, Sy. and Regr.

EXHIBIT I.

This Indenture, made the second day of April, in the year of Our Lord one thousand eight hundred and thirty-five, between Henry Brant, William Doxtater, Joseph Hess, Jacob Martin, Isaac Lock, John Johnson, Aaron Frashier, Awennaras, Onakaronton, Skanawatih, Oyatajiwak, Ahiron, Asarekrwah, Kahnehtakeh, Kanonheritawi, Peter Green, Joseph Karouhyontye, Shoherese, Tesonareyen, Onahteron, Joseph Doxtater, Otshaton, Tayekawehhe, John Silver, John Obadiah and William Alvis, Sachems or Chiefs and Principal Men of the Six Nation Indians, possessing and residing on the tract of land commonly called the Ouse or Grand River tract, of the one part, and Our Sovereign Lord William the Fourth of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, of the other part.

Whereas, His Late Majesty, King George the Third, of glorious memory, in consideration of the early attachment to his cause manifested by the Chiefs, Warriors and people of the Mohawk Indians and of the loss of their settlement which they thereby sustained, and being desirous of showing his royal approbation of the same and of recompensing the losses which they had sustained, was graciously pleased to authorize and permit the said Mohawk Indians and such other of the Six Nations of Indians as wished to settle in that quarter to take possession of and settle upon the banks of the river commonly called the Ouse or Grand River, running into Lake Erie, allotting to them for that purpose six miles deep from each side of the river, which they and their posterity were to enjoy for ever.

And whereas it hath been resolved by the Indians now inhabiting and residing upon the said tract of land, at a meeting in Council of their Chiefs and Principal Men convened and held at the Mohawk Village, on the twenty-ninth day of January last past, that it would be greatly for the profit of the said Indians and their posterity if certain parcels or tracts of land occupied by them were surrendered to His Majesty, for the purpose of being sold, and the moneys arising therefrom applied to and for the use and benefit of the said Six Nations Indians and their posterity, and by articles of provisional agreement made and entered into at the said meeting in Council on the said twenty-ninth day of January, between James Winniett, Esquire, Superintendent of Indian Affairs, on the part and behalf of His present Majesty, King William the Fourth, of the one part, and the Chiefs and Principal Men of the said Six Nations Indians, residing on the said tract of land on the other part, they, the said Chiefs and Principal Men did

agree, as well on their own behalf as on the behalf of the said Six Nations Indians residing as aforesaid, to surrender to His said Majesty, His heirs and successors, a certain tract or parcel of land hereinafter described, being part and parcel of the said tract of land, possession of which was granted to the said Indians as aforesaid, for the purpose of the same being so sold by His said Majesty in trust for the Indians as aforesaid.

NOW THIS INDENTURE WITNESSETH that the said Henry Brant, William Doxtater, Joseph Hess, Jacob Martin, Isaac Lock, John Johnson, Aaron Frashier, Awennaras, Onakarontan, Skanawatih, Oyatajiwak, Ahiron, Asarekrwah, Kahnehtkeh, Kanonheritawi, Peter Green, Joseph Karoukyontye, Shoherese, Tesonarenyen, Onahtron, Joseph Doxtater, Ohshaton, Tayekawehhe, John Silver, John Obadiah, and William Alvis, Sachems or Chiefs and Principal Men of the Six Nations Indians residing on the said tract of land commonly called the Ouse or Grand River tract in pursuance of the said resolution and agreement in Council as aforesaid, have and each of them hath, as well on their own behalf as also on the behalf of the Mohawk or Six Nations Indians residing on the tract aforesaid, surrendered and yielded up and by these presents do and each of them doth surrender and yield up unto Our Sovereign Lord the King's Most Excellent Majesty, His heirs and successors, all and singular that parcel or tract of land, being parcel of the tract originally given to the said Mohawk or Six Nations Indians on the Ouse of Grand Rier as aforesaid containing by admeasurement forty-eight thousand acres or thereabouts, and butted and bounded or otherwise known as follows, that is to say:

(Description of land follows.)

together with all woods, underwoods, ways, watercourse, improvements, profits, commodities, hereditaments and appurtenances thereon lying and being or thereto belonging, or in any wise appertaining; and all reversion and reversions, remainder and remainders, rents, issues and profits thereof, with their and every of their appurtenances; and all the estate, right, title, interest, property, claim and demand whatsoever, both at law and in equity, of them the said Chiefs and Principal Men and of the said People of the Mohawks or Six Nations Indians and their posterity for ever, of, in, to or out of the said parcel or tract of land hereby surrendered, with their appurtenances, to the end, intent and purpose that the said parcel or tract of land hereby surrendered as aforesaid shall and may with all convenient speed, be sold by His Majesty, His heirs and successors, and the proceeds thereof be applied to and for the use and benefit of the said Six Nations Indians.

In Witness Whereof, the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Reserving, nevertheless, from the above surrender and the description of the lands and premises therein described, all the lands embraced in the second concession of the said Township of Brantford between lots number thirty-four and fifty-two; also all the lands embraced in the third and fourth concessions of the said Township of Brantford lying west of a line run from the north-east angle of lot number fifty-one in the said third concession, south thirty degrees west of seventy-nine chains, to Fairchild's Creek, west of the said Fairchild's Creek north of the aforesaid public highway or road, east of the town plot of Brantford and east of the lands of William Kennedy Smith.

(Signed by) HENRY BRANT.
(and 26 other Chiefs)

Signed, sealed and delivered in the presence of

W. K. SMITH,
LEWIS BURWELL.

EXHIBIT B.

SURRENDER by the Six Nations Indians of the Grand River, in the Province of Canada, to Her Majesty, Queen Victoria, of their lands in the Township of Townsend, as described below, to be sold for their benefit.

Know All Men by These Presents that we, the undersigned Chiefs of the Six Nations Indians, living upon lands in the Counties of Brant and Haldimand, and Province of Canada, for and acting on behalf of our whole people, do hereby demise, release, surrender, quit-claim, and yield up unto Our Sovereign Lady the Queen, Her heirs and successors for ever, all and singular those certain parcels or tracts of land situated in the Province of Canada aforesaid, and in that part of the said Province known as the Township of Townsend, in the County of Norfolk, being composed of part of lot twenty-one, containing one hundred and seventy-three acres, more or less, and north-east part of lot number twenty-two, containing sixty-two acres, more or less, in all two hundred and forty-seven acres, more or less, in the second concession of the said Township of Townsend.

To have and to hold the same unto Her said Majesty the Queen, Her heirs and successors for ever, in trust to sell and convey the same to such person or persons, and upon such

terms, as the same Government of this said Province shall or may deem most conducive to the interests of us, the said Chiefs and our people in all time to come; and upon the further condition, that one half of the moneys received for the sale thereof shall, when paid, be added to the distribution moneys to be divided among our people, and the other one-half to be placed at interest, and that the interest money so accruing from such investment shall be paid semi-annually to us and our descendants, less the proportion of expense for management.

And we the said Chiefs of the Six Nations Tribes of Indians aforesaid, do, on behalf of our people, and for ourselves, hereby ratify and confirm and promise to ratify and confirm whatsoever the Government of this Province may do, or cause to be done in connection with the disposal and sale of the said lands.

In Witness Whereof the said Chiefs have set our hands and affixed our seals unto this instrument, in the township of Tuscarora, in the County of Brant aforesaid.

Done at our Council House this twenty-sixth day of March, in the year of Our Lord one thousand eight hundred and sixty-seven.

(Signed) NICHOLAS BURNING,
and 30 other Chiefs.

Signed, sealed and delivered in the presence of

J. G. STANTON,
Dy. Judge of the Co. Court of the Co.
Norfolk, and of
JASPER T. GILKINSON,
Visiting Superintendent and Commissioner of
Indian Affairs.

D. WILSON MOORE, LTD.

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