

That in the year 1847 a committee of the Provincial Legislature reported upon a petition, recommending that as the settlers had been guided by representations made by the Government, they be paid a full remuneration for improvements before removal.

That the only remuneration offered is eight dollars per acre, the valuator, James Kirkpatrick, on oath, has stated that the improvements could not be made for less than 1 l. per acre more, and that he had taken no admeasurement.

That the Government, after allowing the settlers to be harassed by prosecutions, fines, and imprisonments, for the space of five or six years, came at last to the conclusion that the acts of the officers of the Indian Department were illegal, as they passed an *ex post facto* law, 12 Vict. c. 9, giving authority to the Governor-general to appoint officers to turn off the settlers, notwithstanding that many of them had been on the land for eight or ten years, and had made large improvements thereon, on the faith of the said Orders in Council, pledges of the officers of Government, and the surrender, survey, and appraisement of the said lands.

That another Act was passed with the view of giving increased authority to the said officers to effect the removal of the settlers, and that the said officers are proceeding under 14 Vict. c. 74. That no less than 17 families were turned out of house and home during the recent severe snow-storm, men, women, and children thrown out on the highway, with nearly five feet of snow on the ground, and without any shelter for their heads.

That the outrages and cruelty which the settlers on these lands have suffered, and continue to suffer, demand the most instant and searching investigation of the Government, and in order to this your memorialists earnestly pray that all further proceedings be stopped against the settlers, and an impartial inquiry made in reference to the whole question.

And your petitioners, as in duty bound, will ever pray.

(signed) Allan N. Macnab, and others.

Encl. 2, in No. 2.

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Sir,

Indian Department, Quebec, 10 July 1851.

I AM directed by the Governor-general to acknowledge the receipt of a numerous signed memorial, headed by you, and addressed to his Excellency, complaining of the course pursued towards the squatters on the Grand River Indian Reserve, and praying that further proceedings against them may be stayed, and an impartial inquiry made into the whole question.

Under ordinary circumstances, it might be sufficient to state, in reply, that the measures complained of were taken under the authority of Orders in Council, or of Acts of the Legislature specially passed for the protection of Indian property and rights, and that when appealed against, they have been sustained by the highest judicial and constitutional authorities; and further, that the parties on whose behalf these representations are submitted, have for a long period openly set the laws and the authorities at defiance.

But having very carefully examined the several allegations of this petition, and knowing the high character and respectability of many of the memorialists, his Excellency is satisfied that they labour under an entire misconception of the history of these transactions, and he therefore considers that it is due to them, to the Government, and, above all, to the Indians, that upon the present occasion I should enter into a full explanation of the facts and merits of the case.

Before touching upon the details connected with the subject, his Excellency directs me to remark that the Government and Legislature of Canada have always been honourably distinguished for their humane and liberal policy towards the Indians. Its uniform aim has been not to expel them from the settled portions of the province, but rather by means of exceptional laws, to guard them against the arts of speculators and other interested persons. With that view, agreements with Indians involving the alienation of their lands have always been held to be void, unless expressly ratified by the Governor in Council, and in no single instance have they been compulsorily removed from the spot that they have selected as their place of residence. But apart from these considerations of general policy, it is to be observed that the Six Nation Indians have strong and peculiar claims to the protection of the Government, and that their property is not held in virtue of undefined territorial right as Indians, but upon a different and a far more solid tenure. Owing to their steadfast adherence to British rule during the revolutionary struggle, they forfeited large and valuable possessions in the United States and the Grand River tract, of which the present reserve is but a very small remnant, and which extended from the shores of Lake Erie to the neighbourhood of Galt, was conferred upon them by the Crown, not only as a merited reward for their gallant services in the field, but as a compensation for the actual losses which they had sustained in the conflict. It is manifest, therefore, that the Government is bound by every consideration of honour, as well as of justice and humanity, to secure them, to the best of its ability, in the undisturbed enjoyment of their property; and the following narrative, drawn from official records, will satisfactorily show that it has, throughout the proceedings complained of, been solely actuated by a desire to maintain their just rights.

In order that the origin of these transactions may be clearly understood, I have to state, in the first place, that the attention of Government having been repeatedly called to the number and depredations of the intruders upon the Indian lands, the chap. 15 Vict. 2 was enacted for the protection from trespass and injury. Although its provisions embraced the

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