the record the proclamation of 1763. What I shall read will be found at page 54 of the minutes of evidence of the committee, No. 2, 1946. I shall read this statement:—

> So, what has been recognized as Indian aboriginal interests in the soil is not ownership of the land in its entirety but usufructuary and roving rights over it.

He also wrote into the record the proclamation of 1763. I think you gentlemen are well enough versed in law to realize that a proclamation issued by a sovereign can only have authority within the confines of the dominions of that sovereign and covers only the people who are subjects of that sovereign. The Six Nations being an independent people on their own land owned the title to the soil, the fee simple or allodial title, which is actually higher than the fee simple to the soil. There was an explanation that this had a tendency to make the Indians subjects of Great Britain. The Six Nations refute that argument strongly. Possession rests with the first occupant. Grotius asserts that corporeal possession entails title; Vattel tells us that possession rests with the first occupant; Puffendorf states that title rests in him first to occupy, not first to see it. Blackstone, the British authority on internaional law, explains that allodial title is higher than fee simple and it is that which a man owns in his own right without owing any rent or service for it, wholly independent being held to no superior at all. So I would like to make it clear that the Indians were owners of the land and they held the fee simple and allodial title. That is important because all Indian treaties are based on the principles of 1763.

Now, the Six Nations Confederacy became involved in the wars between the different contestants in early colonial days. First there was difficulty with the Dutch, later with the French and still later with Great Britain and the revolting colonies. As a result of the Six Nations allying themselves with the British in the American revolution they migrated to lands on the Grand river under the Haldimand Treaty. This was in fulfilment of Sir Guy Carleton's pledge. Under the establishment of the Six Nations along the Grand river on lands allotted to them under the Haldimand Treaty which was a direct cession from the Crown, the Crown at that time attempted to make replacement with a simple deed. The Six Nations under the leadership of Captain Joseph Brant refused to accept the exchange and refused to confirm the Simcoe deed. The Simcoe deed was made in 1793. As a result of that the Haldimand deed was registered in 1795.

Now, the basis of all the land deals between the Six Nations and outsiders had been based on the Simcoe deed. The basis of the Indian Act is laid on the Simcoe deed, followed up by the British North America Act. In 1867 there was, through the joining of the four provinces here, the Union of Canada. Under the British North America Act Queen Victoria through Her Majesty's government transferred to the Canadian government authority to legislate for Indians. The Imperial government at that time exercised no authority over the Six Nations. Therefore it was impossible to transfer to another party obligations which they never had. Only last August the Imperial government in preparing a memorandum on India dealing with paramountcy there made this startling declaration, that it is impossible to transfer treaty obligations to a third party without the full consent and knowledge of the second party. Now, that is the position of the Six Nations. They had no knowledge and never consented to this transfer. Shortly after confederation there was a bill passed in the House of Commons called the Indian Act. I believe at the beginning this Act contained only eight sections. The eight sections did not harm the Indians very much, but it was the amendments and additions and other later introductions that became harmful to the Six Nations and other Indians in Canada. The Six