

— No. 2. —

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Governor General
Sir E. Head, Bart.,
to the Right Hon.
H. Labouchere,
M.P.
4 November 1856.

(No. 152.)

COPY of a DESPATCH from Governor General Sir *Edmund Head*, Bart.,
to the Right Honourable *H. Labouchere*, M. P.

Government House, Toronto, C. W., 4 November, 1856.

(Received, 24 November 1856.)

Sir,

(Answered, No. 181, 8 December 1856, page 39.)

I HAVE the honour to enclose a copy of a report made to me by the Commissioners appointed in pursuance of the Order in Council, of which a copy was contained in my despatch of the 22d July last (No. 112.)*

This report relates to the Moravian Reserve, as it is called, in Western Canada, a tract of land situated in a country which is rapidly advancing in population and wealth, but which is thus unfortunately retained in a state of wilderness, to the loss and injury of the Indians themselves as well as to that of the province.

In my opinion, the Moravians have no right or title of any kind to the land in question. They were originally nothing but trustees, and their position and title as trustees was never completed. The fee of the land is still in the Crown, and if the Crown applies the property for the benefit of the Indians—the real *cestui que trust*—the Moravians can have no just cause of complaint.

I recommend, therefore, that the advice of the Commissioners be acted upon, and that the lands be brought into the market with a view of applying the proceeds to the benefit of the Indians interested therein.

The forcible retention of large uncultivated tracts of land in a country rapidly settling and increasing in value, is detrimental to the material interests of the Indians themselves, and must inevitably provoke remonstrances, if not Legislative action, on the part of the white population whose progress it impedes.

If permission be granted to deal with the lands in question, I shall endeavour to consult the wishes of the Indians themselves, and obtain a regular surrender of the land. I confess, however, it appears to me that the Crown holding the fee for the benefit of them in a state of pupillage, might at all events properly and conscientiously act for the best on behalf of its wards according to its own discretion.

I have, &c.

(signed) *Edmund Head.*

Enclosure in No. 2.

MEMORANDUM on the Indian Reserves at New Fairfield, or Moravian Town.

Encl. in No. 2.

THE tract of land occupied by the Lower Delawares in the valley of the Thames, is peculiar in the tenure by which it is held. In 1798 the soil, by an order of the Executive Council of Upper Canada, was vested in certain gentlemen residing in England, belonging to the Moravian Brethren's Society, for the use of their Indian converts.

The Surveyor General was directed to have a survey made of the tract, in order that a patent might issue in accordance with the above trust.

The patent was not made out; but, though their legal title was thus incomplete, the rights of the trustees were respected by the Government, except on two occasions, in 1819 and 1836. In the latter year, Sir F. B. Head obtained from the Indians themselves the cession of a large portion of the reserve, in consideration of a small annuity.

This elicited such strong remonstrances from the Moravian Society, that Lord Glenelg in his despatch, No. 130, of the 22d August 1838, directed that, "except on the express authority of Her Majesty's Government, no future negotiations should be set on foot respecting this land otherwise than through the Moravian Mission."

The decision of the Secretary of State would seem in a great measure to have been arrived at in consequence of a representation made to him by the Rev. Mr. Latrobe, dated 29th September 1837.

The Commissioners respectfully submit that this representation, however consistent with the facts at the time, is by no means borne out by the present condition of things.

The majority of the Indians on the reserve now belong to the Methodist persuasion, and are at complete variance with the resident Moravian missionary. The village does not now contain two-thirds of the number stated by Mr. Latrobe, most of the seceders having settled in other parts of the reserve. Instead of 600, there are now only about 350 acres in good cultivation by the Indians, with the exception of the land personally occupied by the missionary. No trades are taught to them, nor is there any school permanently open in the reserve, situated as the tract is, more than 60 miles from the visiting superintendent, it