

4th. In the year 1838, the Government again purchased cedar and other timber—which they well knew to have been cut on the said island—from the said William McCormick, deceased, to a large amount, for the repairs of Fort Malden aforesaid.

That Your Excellency's Memorialists respectfully submit, that in consequence of the great lapse of time since the execution of the said Lease, they could hardly be expected to adduce proof of knowledge, on the part of the Government, during the earlier period of the existence of the said Lease, of the facts of its having so existed, and of the occupation of the said island thereunder; living evidence of such facts having had ample time to disappear from the stage, as well as has documentary evidence to become destroyed, lost and mislaid, in the departments of the Government where it might otherwise have been expected to be found.

17. That Your Excellency's Memorialists having learned that it has lately been urged, on the part of the Indian Department, against the validity of the said Lease, under which Your Memorialists so claim, that it had been obtained in violation of express law, respectfully submit, that they are advised that such objection is groundless, inasmuch as no Statute, Imperial or Provincial, Proclamation, Ordinance or Order in Council, prohibiting the acquiring (even by persons, not Indians or half-breeds), by Deed or Lease, from the Indians, lands within the particular territory, in which the Island in question is situate, was passed or made, until many years after the execution of the said Lease, and, in fact, until the passing of the Provincial Act 13 and 14 Vic., cap. 74, in 1850, upwards of sixty years after the execution of the said Lease. Your Excellency's Memorialists beg to submit, with this Memorial, a brief shewing, amongst other things, all the different Acts, Proclamations, and Orders in Council, relating to the subject, passed and made up to, and including the said last mentioned Act; which said brief is marked "N."

18. Your Excellency's Memorialists would respectfully submit, for Your Excellency's consideration, the following circumstances, as, amongst others, further shewing the justice of their claim to have their titles, to their respective portions of the said island, under the said Lease and Will, confirmed by Patents from the Crown, viz:

1st. That a large tract of territory, extending fourteen miles on both banks of the "Ouse" or "Grand River," after having been obtained by the Crown, by cession, was, as Your Memorialists are advised, subsequently given to the Six Nations of Indians, on their arrival in the Province; that the late Colonel Joseph Brant, as their principal chief, and in their name, subsequently re-leased, to the Government, portions of the said territory, from time to time, as it was needed for settlement, the proceeds of which, as sold, having been applied to their use and benefit; that the said Indians, also, in many instances, gave, in some cases by deed, and, in others, by long lease, (known as Brant Deeds and Leases,) portions of the said territory to members of the Indian Department, and others of their friends, which Deeds and Leases (having been given freely and voluntarily) were recognized by the Government, and subsequently confirmed by Patents to such grantees and lessees, and others claiming under them respectively; that Your Excellency's Memorialists would mention, as one instance of the many of such cases, that of one William Dockstader, whose title to fourteen hundred acres, the Government confirmed, by issuing Patents to his several assignees and representatives for their respective proportions.

2nd. That many parties, holding such Deeds and Leases, then unconfirmed by Patents, having turned traitors during the war of 1812, the Government took the necessary steps to confiscate their titles, thereby, as Your Memorialists are advised, fully recognizing the Brant titles in another mode. Your Excellency's Memorialists beg leave to submit the accompanying opinion, on their case, by the Honorable Henry John Boulton, an eminent counsel, upon whose reports, when occupying the position of Attorney General for Upper Canada, Letters Patent were issued for the confirmation of many Indian titles, held under Brant Deeds and Leases, of lands on the Grand River; and who, also, conducted the proceedings for the confiscating of lands, held under such Deeds and Leases, then unconfirmed by Patents, as the property of traitors during the late war with the United States of America; the said opinion is marked "O."

19. Your Excellency's Memorialists further submit, that according to the best information they have been enabled to obtain, the said Thomas McKee, the said lessee, and his son, Alexander, were men of influence among the Indians of Point-au-Pelé Island and its neighbourhood, being half breeds and chiefs, as well as officers of the Indian Department, and were fully as much entitled to the affectionate regard of those Indians as was Colonel Brant to that of the Six Nations of Indians.

In this connection, Your Excellency's Memorialists beg to call your attention to the accompanying copy of a letter, addressed by the late Major General Sir Isaac Brock, to the late Colonel Proctor, as extracted from the life and correspondence of the former, edited by Ferdinand O. Tupper, Esquire; which said extract is marked "P."