

course which your Memorialists believe would most conduce to a satisfactory settlement of this important question, on just and equitable principles, and for the best interests of both the Indians and the Settlers.

On referring to the Provincial Statutes, it will be found that an Act was passed in the second year of Her Majesty's Reign, Cap. 15, for the protection from trespass and injury, lands appropriated for the residence of certain Indian tribes in the Province, as well as the unsurveyed Lands, and Lands of the Crown ungranted, and not under location, &c. By the first clause it is enacted "that it shall be lawful for the Lieutenant Governor from time to time, to appoint two or more Commissioners under the great seal of the Province, to receive information, and enquire into any complaint that may be made to them against any person illegally possessing himself of any of the aforesaid Lands, for the cession of which to Her Majesty no agreement hath been made with the tribes occupying the same, and who may claim title thereto" &c. After the promulgation of the above Act, His Excellency Sir George Arthur, who was then Lieutenant Governor of the Upper Province, appointed a commission to carry out and enforce its provisions, but after the imprisonment of one individual, and others were proceeded against, he was doubtless convinced of the propriety of adopting a totally different course, for your Memorialists find that in August 1841, M. Gwynne, associated with Major Winniett, one of the Commissioners, was directed to proceed to the Grand

first being obtained; Have, and hereby do assent to Her Majesty's Government, disposing of the lands belonging and formerly reserved upon the Grand River for the Six Nations Indians, for the sole benefit of the said Six Nations, and for the full and valuable consideration, according to the best of their judgment, so as to preserve the benefit thereof for the said Six Nations and their posterity, according to the intent and meaning of the said annexed documents, dated the 5th and 15th January, 1841. In testimony whereof, W.E. Moses Walker, John Smoke Johnson, J. Kannawate, Kanakariatirie Peter Green, John Whitecoat, and Jacob Fishcarrier, being deputed by the said Six Nations, in full Council assembled, to assent to the same, in their behalf, have hereunto set our hands and seals, this eighteenth day of January, 1841."

The foregoing document is witnessed by J. Martin, Indian Interpreter; Jas. Winniett, Superintendent Indian Affairs; and John W. Gwynne; and it appears to your Memorialists that if words are to be taken in their plain and obvious signification, they can have no other meaning here than a cession of the Lands occupied by the Indians, for Sale, "and for no other purpose." and consequently do not come under the provisions of the Act, the second Vic. Cap. 15., in part above recited, and indeed this seems to have been the view taken by Sir George Arthur's Government, for on obtaining this instrument of surrender, the Commission at once ceased—the individual imprisoned was immediately liberated, and all prosecution under the

From this letter, which the gentleman to whom it was addressed was directed to make generally known, it is evident to your Memorialists that strong inducement was held out by the Chief Officer of the Indian Department to those in possession of these lands to prosecute their improvements under the pledge that pre-emption right, and peaceable possession, would be assured to them,—but in bad faith to these unfortunate settlers it has now turned out that they are made the victims of the very policy from which that document was designed to exculpate both Mr. Jarvis and the Government, of which, as regarded the Indian Lands, he was the acknowledged organ. Your Memorialists also find that in 1841, and 1842, several letters passed from the Commissioner of Crown Lands to the parties now prosecuted for trespass, all tending in the highest degree to encourage them in the belief that they would be permitted to purchase the lots improved by them, but your Memorialists do not think it necessary to adduce farther evidence, to enable your Excellency to arrive at the conclusion that the Government and the Indian Department were much more blameable in the matter than the unfortunate settlers, who put faith in their acts and promises, and are now suffering for their misplaced credulity.

From a view of the whole case here presented, your Memorialists are indeed unable to reconcile the present harsh and ruinous proceedings against the settlers with strict justice, and that impartiality which it should ever be the character of a Government to maintain; for it is evident

thousand acres, until they sold out or exchanged with the white settlers residing within that block; and the latter should be allowed to hold, under lease at a rental, until such arrangement was effected, which your Memorialists are satisfied would be speedily brought about. The remainder of the land should be sold, giving the parties who have been removed pre-emption right to re-purchase their improvements, by which means they would be able to proceed to raise bread for themselves and the thousands of their famishing brethren at home. The Indian funds would be augmented by the sale of lands which are of no manner of use to them, and reimbursed in the sum of some ten or twelve thousand pounds, paid out for the large number of improved farms which are scattered over the Tract waste and useless; a monument of folly, and a disgrace to the intelligence and civilization of the age.

Failing to convince Your Excellency of the propriety of adopting the course now proposed for a final adjustment of the question; your Memorialists would respectfully, but earnestly entreat Your Excellency would be graciously pleased to take the matter into consideration, and adopt such other mode of relief, as Your Excellency may deem meet; and your Memorialists, as in duty bound, will ever pray.

Respectfully submitted,
JAMES LITTLE, Chairman.
JOHN WHITE.
JOHN MILLER.
JOHN O. HATT.
ROBERT HOLT.