

EARNSLIFFE, OTTAWA, 9th December, 1886.

DEAR MR. VANKOUGHNET,—Sir John wishes to know if you have the despatch from Lord Granville relative to the petition or claim of the Six Nation Indians.

Yours very truly,

JOSEPH POPE.

L. VANKOUGHNET, Esq.

3rd January, 1887.

MEMORANDUM.—With reference to a despatch from the Right Hon. Earl Granville, Secretary of State for the Colonies, dated 3rd May, 1886, on the subject of a claim preferred by the Six Nations Indians to certain lands on the banks of the Grand River, which claim they desire to be submitted by Her Majesty to the Judicial Committee of the Privy Council, the undersigned has the honor to state that as Lord Granville had informed Your Excellency that he was not prepared to advise such submission, the Indian Department did not consider any action on the despatch necessary.

The undersigned however having had his attention called to the subject by Your Excellency begs leave to report that in his opinion,

1. It is extremely inexpedient to deal with the Indian bands in the Dominion (except those inhabiting the territories acquired from the Hudson's Bay Company) as being in any way separate nations. They are governed by Canadian statutes, and for any wrongs or grievances have the right of recourse to the legal tribunals of the country as fully and readily as their white fellow-subjects, which right they do not hesitate to exercise.

2. As Indians are inveterate grumblers, if it were once known that this application had been granted there would be no end of similar demands by other bands, a refusal of which would cause much discontent. It would be difficult, if not impossible to make another tribe understand why it should not receive the same consideration as the Six Nations, and great consequent jealousies and heart-burnings ensue.

3. Should the Six Nations be dissatisfied with the judgment of a Canadian court, they have the right to appeal to the Judicial Committee of the Privy Council, according to the practice of that court.

4. As the claim of the Six Nations rests on legal considerations and affects the title to land, it can more properly be determined by a court of law than by arbitration, and they are well able to bear the expense of the necessary litigation, which need not be more costly than a reference, and would be much more satisfactory.

5. The introduction of a new practice of submitting Indian claims in the first instance to the Judicial Committee would operate as a complete change in the manner in which the Indian races have hitherto been dealt with, and would establish a distinction between them and the other inhabitants of Canada. This is very objectionable, as the great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion, as speedily as they are fit for the change.

6. The present claim of the Six Nations has no merits, and does not deserve any exceptional consideration.

All which is respectfully submitted.

J. A. MACDONALD.

To the Hon. the Privy Council of Canada.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th January, 1887.

The Committee of the Privy Council have had under consideration a despatch, dated 3rd May, 1886, from the Secretary of State for the Colonies on the subject of a claim preferred by the Six Nation Indians to certain lands on the banks of the Grand River, which claim they desire to be submitted by Her Majesty to the Judicial Committee of the Privy Council.