

patrick, who had previously inspected the lands, and in order to give the petitioners the most ample opportunities of personally communicating with him, and substantiating their claims, stationed himself from time to time at different points in the reserve. He stated in his report, which was furnished in April 1846, that the complainants had failed to show that the Government had authorised the occupation of these lands by white settlers; that the only ground upon which they could demand, or the Government be justified in awarding compensation from the Indian funds, consisted in the inference which they might have drawn from the survey of the lands, and allusions contained in certain letters addressed by Mr. Jarvis, and officers of the Crown Land Department to individual applicants for land, to the possible contingency of sales being made at some future period. Under these circumstances he recommended that compensation, to be measured by the increased value which the land had acquired from the labour bestowed upon it, and for which the occupant had received no return in crops or otherwise, should be granted. I may mention that, even in surrendered lands, compensation was strictly confined by Order in Council within these limits. Each occupant had accordingly been required by him, to state the extent and nature of his improvements; the work done was then examined by Mr. Kirkpatrick, who, jointly with Mr. Thorburn, determined the amount of compensation to which the party appeared to be entitled. In Tuscarora 166 cases were reported, of which 31 only were of a date prior to 1841. In Oneida, 74, all of which were subsequent to 1840. The amount of compensation recommended was 8,602 *l.* 5 *s.*

Mr. Secretary Higginson replied, that although the squatters had no legal claim for compensation, the Governor-general was prepared to act upon the recommendation of the report with reference to parties who had settled previous to the issue of the chief superintendent's notice of the 22d January 1844, a reasonable deduction being made for rent during period of occupation. He instructed Mr. Thorburn to place the reserve forthwith at the disposal of the Indians, and to give public notice that all white persons remaining there after the 1st of September would be held to have forfeited all claim for compensation, and the law put in force to compel their removal. A large proportion of the squatters accepted the terms offered by the Government. Lists of those who expressed their willingness to retire were furnished by Mr. Thorburn to the Indian Department; cheques were transmitted to him in favour of the several parties for the amounts respectively awarded to each, and handed to them, on their making affidavit that they had retired from the reserve. On the 28th January 1847, Mr. Thorburn reported, for Earl Cathcart's information, that 127 had actually received payment.

Meanwhile, however, a number of the squatters, headed as it would appear by Mr. Cheshire, who having, by his own showing, not come into the tract until after the publication of the chief superintendent's notice of the 22d January 1844, was debarred, according to the rule laid down by Earl Cathcart, from any claim to compensation, refused to quit the reserve. It became necessary, therefore, to proceed against them as trespassers; and Messrs. Thorburn, Clench and Bain, who had been appointed Commissioners under the 2 Vict., c. 15, held a court in November 1846, for that purpose. On the application of the accused parties, the court was adjourned till the 2d December, in order that they might procure the attendance of Mr. Jarvis as a witness for the defence, and copies of certain documents from the records of the Indian and Crown Land Departments. The trials took place on that day; counsel appeared for the defence; the required documents were produced, and Mr. Jarvis examined; but his evidence was entirely unfavourable to their pretensions. He declared that it had always been intended to locate the reserve on the south side of the Grand River, and that answers to that effect were given whenever parties applied for permission to settle there; also, that such of his letters as might have been susceptible of a different interpretation, could only have reference to the opposite side of the river. Mr. Solicitor Turner watched the proceedings on the part of the Government, and the Court having decided against the defendants in every case, they were served with notices of judgment to retire in 30 days. They gave notice of appeal to the Court of Chancery, and the appeals were heard on the 3d of May 1847. All the documents and evidence on which they relied were produced, and the convictions affirmed with costs. In the year 1847 the squatters petitioned the Legislative Assembly on the subject of their claims and grievances. The report of a Committee which was appointed to investigate the circumstances of the case, declared that the "Petitioners were dispossessed by due course of law of the lands they occupied, and that such lands are in fact Indian Reserves." They also recommend, on grounds similar to those set forth in Mr. Thorburn's report, that a fair and reasonable compensation be allowed to them.

His Excellency does not consider that he is called upon to enter into a vindication of the two Acts which the Legislature has seen fit to pass since that period, for the general purpose of more effectually protecting the Indians. I have merely to state, in continuation of my narrative, that under the provisions of the 12 Vict. c. 9, and the 2 Vict. c. 15, the Commissioners proceeded anew against the squatters, and that on appeal to the remodelled Court of Chancery, their convictions were again affirmed with costs. On this occasion, the Chancellor and the Vice-Chancellor both delivered elaborate judgments in the case. The efforts to get rid of the squatters still proving unsuccessful, the 14 Vict. c. 74, was enacted, giving the Commissioners summary jurisdiction. The trespassers having been convicted under this statute, writs of ejectment were placed in the hands of the Sheriffs of Haldimand and the Gore District, in April 1851. These officers proceeded without delay to serve the writs, and ejected a few of the squatters; but on receiving positive assurances from the remainder, that they would retire after harvesting their growing crops, they suspended further operations, with the full assent of the department. Finding that this pledge remained unfulfilled, and
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