

four miles square, in or near Port Sarnia. Some of them consented, and accordingly took up their occupation in said Reserve, where they now reside. Others declined, preferring to settle on Walpole Island, Kettle Point and Sauble, where they now reside; thus by taking up different locations, they subsequently became separate and distinct tribes. Therefore:—

STATEMENT OF THE CASE.

In the matter of the claim of the Chippeways of Walpole Island, Port Sarnia, Kettle Point and Sauble to a portion of the Eleven hundred-pounds currency:

In the year 1827 the Chippeways ceded to the Crown a certain large tract of land for the sum of £1,100, as a perpetual annuity. At an earlier period the said Chippeways were one band—each and every one having an equal right and title to the tract ceded. In fact, the land was a tribal claim, and the present annuity representing it must, of course, be held in a similar manner by those Indians who originally occupied and held the land, for the following reasons:

The Indians, although occupying and using the country collectively in a nomadic state—like all other wandering tribes of uncivilized nations or bands—never individually reduced any part of it to personal enjoyment as a separate property, and never had, in fact, any individual separate estate or property in the land whatever.

Therefore it was not in the power of any Indian, chief or no chief, to make a title to any portion of land—as property—to anybody, and therefore, when lands were wanted for cultivation, the chiefs or head men of the tribes (according to usages and the custom of savages everywhere in America or Africa) met in Council and negotiated with and the consent or the voice of the tribe, whom the chiefs represent, by treaty for a cession of lands needed.

From the evidence of the Walpole Band, Port Sarnia, Kettle Point and Sauble, I find that the Wawanosh's and few members of the Walpole Island signatures appear on the face of the agreement, and they signed the same without the advice and consent of the Band; therefore the said agreement is defective, and void, for the annuity is held in common by Indians, and any disposal thereof, must be done by the Voice of the Indians through their Chiefs.

(Signed.) ABEL WAUCAUSH, INTERPRETER.

This is to certify that we, the undersigned members of the Sarnia, Walpole Island, Kettle Point and Sauble Bands of Chippewa Indians, were personally acquainted with the following named chiefs of said Sarnia Band, during their life time, who are now deceased, viz:—

Mashkeash, Nimmekance, Negig, Ogedig, Meshebezhe, Petahdick, Wapagace, Quakegwon, Ozanwib, Chekatayaw, Makadakezhego, who were chiefs of said Sarnia Band during reigns of George III., and George IV., Kings of Great Britain and Ireland, that the said above named chiefs were the original owners of said Sarnia Band, and that the above named chiefs, the lineal descendants from Mashkeash, from the year 1780, up to Nagezhigk, the present year 1871, that he, the said Nagezhigk, is lawful chief of said Sarnia Band, by right of descent in regular succession down from his grandfather, the said Mashkeash. That the said above named chief, the lineal descendant from Nimmekance, from the year 1780, up to Nicholas Plain, the present year 1871, that he, the said Nicholas Plain, is law chief of said Sarnia Band, by right of descent in regular succession down from his grandfather, Nimmekance. That the said above named chief, the lineal descendants from Negig, from the year 1827 up to Thomas Nayahnquod and William Isaac, the present year 1871, &c. That the said above named chief, the lineal descendant from Meshebezhe, from the year 1827 up to James Meshebezhe, the