

Ottawa, December 27, 1923.

STATEMENT RESPECTING THE SIX NATIONS APPEAL TO THE LEAGUE OF NATIONS.

The undersigned has the honour to submit herewith a categorical statement respecting the petition to the League of Nations entitled "The Redman's Appeal for Justice" communicated by Levi General, otherwise Chief Deskakeh, on behalf of the Council of the Six Nations of Brantford, to the President of the Assembly on September 4th, 1923, arranged in sections numerated in correspondence with those of the petition, the verbiage of which is quoted in parenthesis at the beginning of each.

- I. "Under the authority vested in the undersigned, the Speaker of the Council and the Sole Deputy by choice of the Council composed of forty-two chiefs, of the Six Nations of the Iroquois, being a state within the purview and meaning of Article 17 of the Covenant of the League of Nations, but not being at present a member of the League, I, the undersigned, pursuant to the said authority, do hereby bring to the notice of the League of Nations that a dispute and disturbance of peace has arisen between the State of the Six Nations of the Iroquois on the one hand and the British Empire and Canada, being members of the League, on the other, the matters in dispute and disturbance of the peace being set out in paragraphs 10 to 17 inclusive hereof.
- 2. The Six Nations of the Iroquois crave therefore invitation to accept the obligations of Membership of the League for the purpose of such dispute; upon such conditions as may be prescribed. "
- I & 2. The Six Nations are not a state within the purview or meaning of Article 17 of the Covenant of the League of Nations, being subjects of the British Crown domiciled within the Dominion of Canada, and owing a natural debt of allegiance to His Majesty's Government thereof, and are therefore not competent to apply for or receive membership in the League.

- 3. "The constituent members of the State of the Six Nations of the Iroquois, that is to say, the Mohawk, the Oneida, the Onondaga, the Cayuga, the Seneca and the Tuscarora, now are, and have been for many centuries, organized and self-governing peoples, respectively, within domains of their own, and united in the oldest League of Nations, the League of the Iroquois, for the maintenance of mutual peace; and that status has been recognized by Great Britain, France and The Netherlands, being European States which established colonies in North America; by the States successor to the British Colonies therein, being the United States of America, and by the Dominion of Canada, with whom the Six Nations have in turn treated, they being justly entitled to the same recognition by all other peoples."
- The Six Nations are not now, and have not been for "many centuries", a recognized or self-governing people but are, as aforesaid, subjects of the British Crown residing within the Dominion of Canada. The statement that the Six Nations have treated with the Dominion of Canada is incorrect. The Dominion of Canada has at no time entered into any treaty with the Six Nations, or recognized them as having any separate or sovereign rights.
 - 4. "Great Britain and the Six Nations of the Iroquois (hereinafter called "The Six Nations") having been in open alliance for upwards of one hundred and twenty years immediately preceding the Peace of Paris of 1783, the British Crowns in succession promised the latter to protect them against encroachments and enemies making no exception whatever, and King George the Third, falling into war with his own colonies in America, promised recompense for all losses which might be sustained by the Six Nations in consequence of their alliance in that war and they remain entitled to such protection as against the Dominion of Canada.
 - Pursuant to such alliance and to his promise of protection and recompense King George the Third, about the year 1784, acquired the territorial rights of the occupants of certain domains bordering the Grand River and Lake Erie, over which the Six Nations had exercised suzerain rights, and lying northerly of the boundary line then recently fixed upon between him and the United States of America, such rights of the occupants being so acquired by His Britannic Majesty to induce the Six Nations to remove to that domain as a common home-land in place of their separate ancient homes on the south of the line. Thereupon the Six Nations (excepting certain numbers of those people who elected to remain), at the invitation of the British Crown and under its express promise of protection, intended as security for their continued independence, moved across the Niagara and thereafter duly established themselves and their league in self-government upon the said Grand River lands, and they have ever since held the unceded remainder thereof as a separate and independent people, established there by sovereign right.

6. The Six Nations crave leave to refer, in support and verification of their status and position as an independent State, and their recognition as such, to (inter alia) the following documents, facts and circumstances:

The Treaties between the Six Nations and the Dutch. The Treaties between the Six Nations and France. The Treaties between the Six Nations and the British and particularly the treaty between the Mohawk and others of the Six Nations electing to become parties thereto, and the British under date of October 25th, 1784.

The Memorial of His Britannic Majesty's Government

The Memorial of His Britannic Majesty's Government in support of the claim of the Cayuga Nation being one of the components of the Six Nations against the United States of America filed the 4th December 1912 in the Arbitration of outstanding Pecuniary Claims between Great Britain and the United States.

In regard to the said Memorial, lastly referred to, the Six Nations desire particularly to note (inter alia) the following passage contained in the said Memorial; "The Six Nations were recognized as independent nations and allies by the Dutch and afterwards by the English to whom the Dutch surrendered their possessions in 1664."

4. 5 & 6. The position of the Dominion Government with regard to the contentions contained in Sections 4, 5 and 6 of the Petition respecting the alleged independent status of the Six Nations was set out in an Order of His Excellency in Council, with reference to previous petitions of a similar nature, approved on November 13, 1890, as follows,-

"The Minister therefore recommends that the petitioners

" be informed, that, while the Government fully recognized

" and appreciates the loyalty of their forefathers and the

" continued loyalty of the present generation of Six

" Nations Indians, it cannot sanction or hold as valid the

" claim put forth in the Petition, on behalf of the Six

" Nations Indians to special exemption from the effect of

" the laws of the land, nor to that community being re
" cognized as other than subjects of Her Majesty the Queen!"

This order of His Excellency in Council has since been supplemented by a subsequent Order dated November 27, 1921 as follows,-

"The Committee of the Privy Council have had before "them a report, dated 15th November, 1920, from the Super-"intendent General of Indian Affairs, stating that the "petition addressed to Your Excellency in Council on the "12th March, 1920, by the Six Nations Indians, reiterating "their claim to special status and rights, was referred to "him on the 25th March, 1920."

"On the 15th July, 1920, the petition - together with "the brief filed by the counsel of the Six Nations and a "copy sery of an Order of Your Excellency in Council of 13 "November, 1890, which disposed of a similar claim made by the Six Nations - was submitted to the Department of "Justice by the Euperintendent General of Indian Affairs "for consideration and advice. The Department of Justice has.....

whas given its opinion, dated 1st September, 1920, that wit would be a hopeless project for the Six Nations Indians to endeavour to judicially establish before the Supreme Court the claim set forth by the petitioners that they constitute an independent, or quasi independent, nation or that in any respect, by reason of their history or circumstances or the treaties which they have made or the concessions which they have received, they are not subject to the legislative authority of the Dominion, or of the province of Ontario in matters which it is competment for the province to legislate upon respecting the property or rights of Indians; that it is considered that there can be no possible doubt that the desired reference if made, would result in a denial of the claims which are suggested on behalf of the Indians, insofar as their legal or constitutional situation is concerned, and that therefore it is not considered that it would be worth while to submit the matter to the Supreme Court, unless the Department of Indian Affairs considers it desirable to do so for the general advantage of the administration of the affairs of the Six Nations.

"The Superintendent General of Indian Affairs concurs
"in the opinion of the Department of Justice and recommends
"that the Indians be so informed, as, after careful consider"ation he has concluded that no general advantage would
"accrue to the administration of the affairs of the Six
"Nations if the prayer of the petitioners were granted.

"The Superintendent General of Indian Affairs further "recommends that the Order in Council of the 13th November, "1890, be affirmed to the effect that, while the loyalty "of their forefathers and the continued loyalty of the "present generation of the Six Nations Indians is fully "recognized and appreciated, their claim to special exmemption from the effect of the laws of the land, or to being recognized as other than subjects of His Majesty, "cannot be sanctioned nor held as valid.

"The Committee advise that Your Excellency be moved "to cause the petitioners to be informed in the above sense "as recommended by the Superintendent General of Indian "Affairs."

The ruling of the Canadian Government is supported by decisions of the Courts. The following excerpt from the judgment recently handed down by the Honourable Mr. Justice Riddell, F.R.S.C., of the Supreme Court of Ontario in the case of Sero (an Iroquois Indian) Versus Gault sets forth a comprehensive review of the legal aspect of the matter,-

"It is well known that claims have been made from the time of Joseph Brant that the Indians were not in reality subjects of the king but an independent people - allies of His Majesty - and in a measure at least exempt from the civil laws governing the true subject. Treaties have been made wherein they are called "faithful allies" and the like and there is extant an (unofficial) opinion of Mr. (afterwards Chief) Justice Powell that the Indians so long as they are within their villages are not subject to the ordinary laws of the Province.

As to the so-called Treaties, John Beverley Robinson, Attorney-General of Upper Canada (afterwards Sir John Beverley Robinson C.J.) in an official letter to Robert Wilmot......

Wilmot Norton, Under Secretary of State for War and Colonies, March 14, 1824, said:

"To talk of Treaties with the Mohawk Indians residing in the heart of one of the most populous districts of Upper Canada upon lands purchased for them and given to them by the British Government is much the same in my humble opinion as to talk of making a treaty of alliance with the Jews in Duke Street or with the French Emigrants who have settled in England" Canadian Archives, Q.337, pt. 11, pp. 367, 368.

I cannot express my own opinion more clearly or convincingly. The unofficial view expressed by Mr. Justice Powell at one time, he did not continue to hold.

The question of the liability of Indians to the general law of the land came up in 1822. of the Ottawa Tribe was convicted at Sandwich of the murder of an Indian woman on the streets of Amherstburgh and sentenced to death. Mr. Justice Campbell respited the sentence as it was contended that Indians in matters between themselves were not subject to white man's law but were by treaty entitled to be governed by their own customs - Canadian Archives, Sundries, U.C., September, 1822. It was said that Chief Justice Powell had in the previous year charged the Grand Jury at Sandwich that the Indians amongst themselves were governed wholly by their own customs: Powell, when applied to by the Lieutenant-Governor, denied this and sent a copy of his charge which was quite contrary - do. do. October, 1822, and all the Judges Powell, C.J., Campbell and Boulton, JJ. disclaimed knowledge of any such treaty, and concurred in the opinion that an Indian was subject to the general law of the Province. The Indian, was, however, respited that the matter might be referred to England, do. do. October, 1822. It was referred to the Law Officers of the Crown who reported in favour of the validity of the conviction: the Lieutenant Governor, Sir Peregrine Maitland was instructed that there was no basis for the Indian's claim to be treated according to his customary law, that the offence was very heinous, the prisoner bore the reputation of great ferocity and there appeared to be no ground for clemency - but as Maitland might be in possession of further facts, he was given discretionary power to mitigate the punishment - the warrant sent distinctly recognized the legality of the conviction and authorized the execution of the sentence, but left the discretion with the Lieutenant-Governor, Canadian Archivem, Q. 342, pp.40, 41, 1826.

The law since 1826 has never been doubtful. I may say that I have myself presided over the trial of an Indian of the Grand River when he was convicted of manslaughter and sentenced. I can find no justification for the supposition that any Indians in the Province are exempt from the general law- or ever were.

But whatever may have been the status of the original Indian population the law as laid down by Blackstone in his Commentaries, Bk. 1, p. 66, has never been doubted:
"Natural-born subjects (as distinguished from aliens) are such as are born within the dominions of the Crown of England ... and aliens, such as are born out of it". He adds (p. 369): "Natural allegiance is therefore a debt of gratitude, which cannot be forfeited, cancelled, or altered by any change of time, place, or circumstance, nor by anything but the united concurrence of the legislature Eyre v. Countess of Shaftsbury (1722) 2 P.W. Ms. 102, at p. 124.

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Halsbury's Laws of England, vol. 1, pp. 302, 303, says: "Persons born within the allegiance of the Crown include everyone who is born within the dominions of the Crown whatever may be the nationality of either or both of his parents." with certain well defined exceptions not of importance here. See the Imperial Acts (1914) 4 and 5 Geo. V. c. 17: (1918) 8 & 9 Geo. V. c. 38: and our Dominion Act (1919) 9 & 10 Geo. V. c. 38; s. 1 (Dom).

Admittedly all parties to this action were born within the allegiance of the Crown: and indeed if they were not they could claim no higher rights than those who were: Blackstone, Comm. Bk. 1, pp. 369, 370: Halsbury's Laws of England, vol. 1, p. 306.

There is no overriding and prohibitive Imperial legislation in the way, and I must hold that the Dominion and the Province have the power to pass such legislation as is here concerned in respect of Indians.

I think, too, that the legislation does apply to Indians, i.e., Indians are not exempt from its operation.

The legislation is general, and there is nothing to indicate any exception in their favour.

The land of this Band was beyond question the property of the King: the only rights the Indians have in the land came through Royal Grant, i.e., the "Simcoe Deed" of April 1, 1793 - a Grant of Special grace ... and mere motion" of certain land "purchased ... of the Mississagua Nation ... bounded in front by the Bay of Quinte ... to be held and enjoyed by them in the most free and ample manner amd according to the several Customs and usages ... with a proviso against alienation, &c. It is plain I think that these words "customs and usages" are words of tenure setting but the estate of the grantees in the land and not indicative of the manner in which they are to use the land. See Battishill v. Reed, (1856) 18 C.B. 696: Onley v. Gardiner (1838), 4 M. & W. 496 E.G. suppose that the custom of the Indians was to grow corn and not wheat, calld it be contended that growing wheat would be beyond their rights under the grant - if to make maple syrup from the sap of the maple, would they be wrong to chop down the trees and form arable land? Or if they were wont to break up land with mattocks or hoes were they precluded from using ploughs?

Moreover, there is no evidence that fishing with a seine was one of the customs of the Indians in 1793.

There is nothing in the Grant suggesting exclusion from the ordinary laws of the land - and I must hold that the Indians are subject to these laws.

7. "The Six Nations have at all times enjoyed recognition by the Imperial Government of Great Britain of their right to independence in home-rule, and to protection therein by the British Crown - the Six Nations on their part having faithfully discharged the obligations of their alliance on all occasions of the need of Great Britain, under the ancient covenant chain of friendship between them, including the occasion of the late World War.

8. Because of the desire of Breat Britain to extend its colonial domain, and of the Six Nations to dispose of domain not deemed by them at the time as of future usefulness, the British Crown, prior to 1867, the year

in which the Dominion of Canada was established, obtained from the Six Nations cessions of certain parts of their Grand River domain for purpose of sale to British subjects, retaining, by consent of the Six Nations, the stipulated sale moneys for the cessions, but in express trust for the use of the Six Nations and the British Crown at the same time promised to pay to the Six Nations the interest moneys annually earned by those funds; but subsequently the Imperial Government of its sole accord handed over to the Dominion Government such funds, but for administration according to the terms of that trust and promise, and the fund is now in the actual possession of the Dominion Government, the beneficial rights remaining as before in the Six Nations.

7 & 8.

All that was promised by Great Britain has been fulfilled. The present reserve of the Six Nations is what remains of a large estate purchased from the Mississaguas Indians for them by the Crown. The losses which the Indians had sustained during the war of 1776 were paid at their own valuation, the amount being £15,000 New York currency.

They were located in 1784 by Sir F. Haldimand, on a tract stretching along the banks of the Ouse or Grand River, and extending six miles deep on either side of the stream. This land was purchased from the Mississaguas and the grant was confirmed by Letters Patent under the Great Seal, in 1793, by Governor Simcoe.

The reserve as originally setapart comprised some 694,910 acres, but the greater portion has from time to time, with the exception of the reserve now occupied, been surrendered by the Indians and sold. A copy of one of these surrenders, of which there are many, is appended hereto. It will be observed that in this surrender the Indian council speaks of the King as "Our Sovereign Lord". The same language is used in other similar documents, and thus the Six Nations, through their Council, have officially recognized their allegiance to the British Crown.

Disposition in all cases was made with the concurrence and consent of the Indians, and the proceeds funded for their benefit.

The present area of the Six Nations reserve is approximately 40,000 acres, inclusive of what is known as the Glebe Lot, which immediately adjoins the City of Brantford, comprising about 183 acres, and the Manual Training Farm comprising

The statement that the Six Nations have at all time enjoyed recognition by the Imperial Government of Great Britain of their right to independence in homerule is incorrect. On the contrary petitioners from the Six Nations have, in every case, been referred by the Imperial Government to the Canadian Government with the express statement that the subject is one that comes wholly within the competence of the latter authority. As a further evidence that the Imperial Government does not, and has not, recognized the aforesaid claims of the Six Nations, it may be pointed out that the various Acts of the Imperial Parliament establishing successive measures of autonomy in Canada, namely, the Constitutional Act of 1791, the Act of Union of 1840 and the British North America Act of 1867, do not exclude the Six Nations or their reserve lands or treat them as in any way otherwise peculiar.

The valour of the three hundred Six Nations soldiers, together with other Indian volunteers, numbering in all more than 4,000, who took part in the Great War, will always be remembered with gratitude and respect by the people of Canada.

9. "The circumstances and causes leading up to the matters in dispute and the said matters in dispute are set out in the next following paragraphs."

There is nothing in Section 9 of the Petition which requires to be commented upon.

10. "The Paliament of the Dominion of Canada, in or about the year 1919, enacted a measure called an Enfranchisement Act amendatory of its Indian Act so-called, imposing or purporting to impose Dominion rule upon neighbouring Red men, and the administrative departments undertook to enforce it upon citizens of the Six Nations, and in the next year those departments undertook to apply Canadian laws for the tenure of private property to the remaining territory of the Six Nations, which had long before been sub-divided by and among the people thereof; and mortgages of proprietary title to those private parcels under those laws have recently been taken by authorised Officials of the Dominion from certain citizens of the Six Nations, tempted by loans of the public funds of Canada and, under cover of Canadian laws, but in violation of Six Nation Laws, administration over such titles and parcels has since been undertaken by various departments of the Dominion Government at the instance of the Mortgagees. "

The enfranchisement provisions of the Indian Act, Sections 107-111, referred to in this Section, provide legislative machinery whereby Indians who so desire, and who are duly qualified, may acquire full Canadian citizenship. This legislation was enacted to stimulate progress among the Indians and afford them an opportunity for self-development and advancement. The statement of the petition respecting mortgages and loans evidently has reference to the Soldier Settlement provisions of the Indian Act, Sections 196-199. This legislation enables the Department to extend to Indians the full benefits of Government assistance as accorded to other returned soldiers. In this way an Indian returned soldier who so desires may apply to the Department for a loan. The amount so loaned to Six Nations returned soldiers is already \$195,134.08. As a guarantee for this loan a mortgage is taken upon the improvements of the mortgagor which are recognized as being his own personal property. The title to the land itself is not affected being vested in the Crown

in trust for the whole band. This point is specifically set out in the Sections of the Act above referred to, It will be observed that the legislation complained of by the petitioners exists solely for the benefit of the Indians themselves and can only be invoked of their own motion.

A copy of the Indian Act is appended hereto.

- 11. "The Dominion Government is now engaged in enforcing upon the people of the Six Nations certain penal laws of Canada, and, under cover thereof, the Dominion Government is violating the Six Nation domain and has wrongfully seized therein many nationals of the Six Nations and cast them into Canadian prisons, where many of them are still held.
- 11. Indians are subject to the laws of the land in the same manner as other of His Majesty's subjects. It is necessary to maintain order and punish offenders for the protection of the Indian community itself. Ever since their arrival in the country they have had the protection of the laws and access to the Courts. They have fully availed themselves of these privileges and have in no way conducted or maintained any separate courts or legal machinery of their own.
 - 12. "Large sums of the Six Nations' fund held by the Dominion Government, have been misappropriated and wasted without consent of the Six Nations and misappropriation thereof is still being practised by the Dominion Government and accountings thereof, asked for by the Six Nations, have never been made.
- 12. The statement that large sums of the Six Nations' fund held by the Dominion Government have been misappropriated and wasted may be categorically denied. The Six Nations' capital fund, which now amounts to \$683,431.69, is administered for their benefit by the Government under the authority of the Indian Act with the utmost care and economy, requisite to the needs of the Indians, and is audited yearly by the Auditor General of Canada, whose report, printed for Parliament, is available to the public and the Indians. In addition to expenditures from their own funds an amount is annually voted from public funds for the requirements of the Six Nations Indians, being for the

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past fiscal year \$19,111.07. A detailed financial statement is appended hereto.

- 13. "All the measures aforesaid have been taken without the consent of the Six Nations, and under protect and continued protest of the duly constituted Council thereof, and with the manifest purpose on the part of the Dominion Government to destroy all de jure government of the Six Nations and of the constituent members thereof, and to fasten Canadian authority over all the Six Nations domain, and to subjugate the Six Nations peoples, and these wrongful acts have resulted in a situation now consituting a menace to international peace."
- 13. No measures have been taken by the Government of Canada for any purpose other than the proper and necessary administration of affairs and having in mind the welfare of the Indians themselves.
 - 14. "The Dominion Government for the manifest purpose of depriving the Six Nations of means for self-defence, has withheld for three years last past moneys earned by the said trust funds, and is now disbursing the principal thereof, together with such earnings, for such objects as it sees fit, and has ignored the request of the Six Nations, recently made upon it, that the said finds in its hands be turned over to the Six Nations; and the Dominion Government, after firm opposition by the Six Nations to these aggressive measures, and for about two years last past, has been using these trust funds to incite rebellion within the Six Nations, to furnish occasion for setting up of a new Government for the Six Nations, tibal in form, but devised by the Dominion Parliament and intended to rest upon Canadian authority under a Dominion Statute known as the "Indian Act". "
- 14. The allegations made in this section of the petition with respect to the administration of the Six Nations funds have been dealt with hereinabove in Section 12.

The Dominion Government has not, as stated by the petitioners, tried to force upon the Six Nations any change in their tribal form of Government. It may here be pointed out, however, that the Council represented by Mr. Levi General is selected by a hereditary system. The method adopted for the selection of Chiefs is a survival of a primitive matriarchal form of Government whereby the voting power rests solely with the oldest women of the clans of which the Six Nations are composed. It is not necessary that the Indians should continue this antiquated form of Government as the Indian Act, Sections 93-96 inclusive, Part I and 177-193 inclusive, Part 2, provides machinery for a simple elective

system on Indian reserves. If the provisions of the Indian Act were applied to the Six Nations the Council would be elected by a majority vote of the whole band. It may here be explained that through their Council, whether chosen by some tribal hereditary system as in the case of the Six Nations, or elected in a democratic manner as provided by the Sections of the Indians Act above referred to, the Indians are given a certain measure of local autonomy. At the meetings of the Council which are usually held once a month the Indian Agent occupies the chair and business is conducted in a regular manner. Resolutions respecting expenditures, by-laws, etc., are passed and the minutes are forwarded to the Department for approval. Thus the Indians themselves, through their Council, take part in the administration and expenditure of their capital and interest funds. The Department leaves decisions with respect to expenditure of band funds to the discretion of the Council, insofar as possible, consistent with proper economy and due regard for the interests of the Indians.

15. "To the manifest end of destroying the Six Nations Government, the Dominion Government did, without just or lawful cause, in or about December of the year 1922, commit an act of war upon the Six Nations by making an hostile invasion of the Six Nations domain, wherein the Dominion Government then established an armed force which it has since maintained therein, and the presence thereof has impeded and impedes the Six Nations Council in the carrying on of the duly constituted Government of the Six Nations people, and is a menace to international peace."

15. It has been necessary, from time to time, to send Dominion Police on the reserve. They are a civil force acting under civil authority. Their presence on the reserve has been for the purpose of suppressing illicit distilling and maintaining law and order generally for the protection of the lawabiding Indian populace. They have in no way impeded the Six Nations Council and their proceedings have no political significance or bearing upon the agitation of the petitioners. Such measures as have been taken are in pursuance of the

regular administration of law, without which the Indians would be deprived of the benefit of police protection. No military force has been used in any way.

16. "The aforesaid acts and measures of the Dominion Government are in violation of the nationality and independence of the Six Nations, and contrary to the successive treaties between the Six Nations and the British Crown, pledging the British Crown to protect the Six Nations; and especially in violation of the treaty pledge of October 25th, of the year 1784, of the same tenor, entered into between King George the Third of Great Britain and the Six Nations, hereinbefore referred to, which, never having been abrogated by either party, remains in full force and effect and all of which were and are binding upon the British Crown and the British Dominion of Canada; and the said acts and measures were and are in violation as well of the recognized law of Nations, the Six Nations never having yielded their right of independence in home-rule to the Dominion of Canada, and never having released the British Crown from the obligation of its said covenants and treaties with them, but they have ever held and still hold the British Crown thereto."

16. It has already been stated herein that there has been no treaty of any kind between His Majesty's Government in Canada and the Six Nations. The document referred to as a treaty under date of October 25, 1784 in the petition is the Haldimand Grant which was confirmed by the Simcoe Deed in 1793. This Deed was simply a grant of land, under certain restrictions, and not involving any political recognition whatsoever. A copy of this grant is appended hereto. It may here be worthy of mention that there are numerous "treaties" between the Canadian Government and other groups and tribes of Indians throughout the Dominion, particularly in the western provinces. The term "treaty", however, in this sense is not used in the meaning comprehended by international law, but denotes the plan of negotiation adopted by the Government in dealing with the usufructuary rights which the aboriginal peoples have been recognized as possessing in the land from the inception of British rule. The British policy with respect to the Indian question was set out in the Broclamation of 1763 immediately after the Conquest of the country from the French in the following terms, -

"And whereas, it is just and reasonable, and essential to our interest, and the security of our Colonies, that the several Nations or Tribes of Indians with whom we are connected, or who live under our protection, should

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not be molested or disturbed in the possession of such parts of our dominions and territories (see not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds.

We do, therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure that no Governor or Commander-in-Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander-in-Chief, in any of our other Colonies or plantations, in America, do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents for any lands, beyond the heads or sources of any of the Rivers which fall into the Atlantic Ocean from the west and north west, or upon any lands whatever; which not having been ceded to, or purchased by us as aforesaid, and reserved to the said Indians, and any of them.

And, we do further declare it to be our Royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new Governments, or within the limits of the territory granted to the Hudson's Bay Company; as also the lands and territories lying to the westward of the sources of the Rivers which fall into the sea, from the west and north west, as aforesaid. And we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from aking any purchases or settlements whatever, or taking possession of the lands above reserved, without our special leave and license for that purpose, first obtained.

The principles enunciated in the Proclamation as above quoted have been followed continuously by the successive forms of Government which have since been established in the country. In pursuance of this policy numerous "treaties", in the sense of the term as herein explained, have been made with divers tribes and groups of Indians in various parts of the Dominion. In these negotiations the Indians cede and relinquish their recognized usufructuary title to the Government and in consideration thereof the Government on its part undertakes to provide for their welfare through cash payments, issue of supplies, educational assistance and so on. It may be interesting to note that one of these "treaties" was negotiated with the inhabitants of the large territory comprised in the Mackenzie River district so recently as the summer of 1921, and within the past few

months

months a "treaty" has been negotiated with tribes of Mississagua and Chippewa Indians resident in the province of Ontario. Naturally and obviously it was not the intention in this or preceding "treaties" to recognize or infer the existence of any independent or sovereign status of the Indians concerned. Such a principle, if admitted, would apply as much, if not more, to these other groups of Indians as to the Six Nations and the entire Dominion would be dotted with independent, or quasi independent Indian states "allied with but not subject to the British Crown". I+ is submitted that such a condition would be untenable and inconceivable. It may here be explained that Indian affairs are administered by a department of the Dominion Government under a special Act of the Canadian Parliament known as the Indian Act, which provides that the Minister of the Interior or the head of any other Department appointed for that purpose by the Governor General in Council, shall be the Superintendent General of Indian Affairs, and shall as such, have the control and management of the lands and property of the Indians of Canada.

The purview of the Act, for convenient illustration, may be categorically explained under certain major headings, as follows:-

(a) Management of Indian Reality and Natural Resources:

Management of Indian Lands, including allocation of reserves, surrender, sale, leasing or any alienation; the sale and management of timber and other natural resources; the erection and maintenance of necessary public buildings, etc., the maintenance of roads, bridges, and drainage, etc., the issuance of patents, location tickets, etc., trespassing.

Note: The sale or leasing of land requires the consent of Indians with the proviso that where Indians refuse to cultivate the lands, such lands may be leased for their benefit but without their consent by the Superintendent General.

- (b) Management of Indian Moneys:-
 - (c) Sociological Supervision:

Sociological supervision, including establishment, membership and constitution of bands, the election of Chiefs and Councillors for the various bands as provided by the Acts the repression of intemperance, immorality, and liquor traffic, the supervision of health conditions, sanitation, standards of living, etc.

Note: Part 2 of the Act provides for a certain measure of municipal self-government in the case of advanced bands.

- (d) Education of Indians:-
- (e) Enfranchisement of Indians:-
- (f) Soldiers Settlement:

Note: Part 3 of the Indian Act provides that the provisions of the Soldiers Settlement Act in their relation to Indian returned soldiers, shall be administered by the Superintendent General of Indian Affairs.

(g) Descent of Property:-

The act is administered by the Superintendent General and under the Interpretation Act, the Deputy Superintendent may exercise all the functions of the Superintendent. The operation of certain provisions of the Act requires the sanction of His Excellency in Council. Notable among the questions that must be submitted to His Excellency in Council are, expenditure from capital Band funds, alienation, surrender, or sale of Indian lands for timber, enfranchisement of Indians, band regulations, regulations for sale or barter of produce, and numerous other questions designated by the Act.

It may be mentioned that the total annual expenditure from public funds for the whole Dominion for Indian administration now averages three and one-half million dollars in round figures, the Indian population being some 105,000. In addition to this the Indians themselves have funds chiefly derived from the sale of lands reserved for them by the Dominion Government, but in excess of the area required for their use. The total amount of these Indians' trust funds which are administered for their benefit by the Department of Indian Affairs now is \$12,888.913.07.

The ultimate aim of the Government is to fit the Indians for full citizenship.

"17. In the month of August of the year 1921, the Six Nations made earnest application to the Imperial Government of Great Britain for the fulfilment on its part of its said promise of protection, and for its intervention thereunder to prevent the continued aggressions upon the Six Nations practised by the Dominion of Canada, but the Imperial Government refused."

The Imperial Government referred the matter to the Canadian Government as being wholly within the competence of the Dominion.

"18. The Six Nations have within the year last past and with the acquiescence of the Imperial Government of Great Britain, negotiated at length bhrough its Council with the Government of the Dominion of Canada for arbitration of all the above-mentioned matters of dispute, when the Six Nations offered to join in submission of the same to impartial arbitration, and offered also to treat for establishing satisfactory relations, but those offers were not accepted. "

On June 13, 1922 the Superintendent General of Indian Affairs submitted a proposal in writing to the Council of the Six Nations offering to appoint a Royal Commission to inquire into the affairs of the Six Nations Indians, such Commission to consist of three Judges of the Supreme Court of Ontario, one to be selected by the Government, one by the Council of the Six Nations, and the third by the Judges selected by the Government and Council. This offer was rejected by the Council. On March 20, 1923 a Commissioner was appointed in the person of Lieutenant-Colonel Andrew T. Thompson, B.A., LL.B., under authority of the Inquiries Act to investigate and inquire generally into the affairs

of the Six Nations. The Commissioner has conducted his investigations but his report is not yet available.

" 19. The Six Nations refrained from engaging the armed Canadian troops, making the invasion aforesaid, in reliance on protectian at the hands of the League of Nations under the peaceful policies of its covenant and they continue so to rely. "

As hereinbefore stated, no troops have been sent upon the Six Nations reserve, or any force other than the Civil Police acting under Civil authority to maintain law and order and to protect the interests of the Indian population on the reserve.

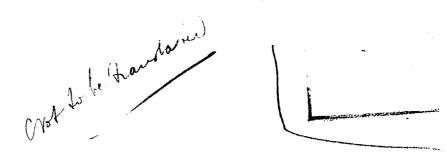
" 20. The Six Nations now invoke the action of the League of Nations to secure :-

- (1) Recognition of their independent right of home-rule.
- (2) Appropriate indemnity for the said aggressions for the benefit of their injured nationals.
- (3) A just accounting by the Imperial Government of Great Britain, and by the Dominion of Canada of the Six Nations trust funds and the interest thereon.
- (4) Adequate provision to cover the right of recovery of the said funds and interest by the Six Nations.
- (5) Freedom of transit for the Six Nations across Canadian territory to and from international waters.
- (6) Protection for the Six Nations hereafter under the League of Nations, if the Imperial Government of Great Britain shall avow its unwillingness to continue to extend adequate protection or withhold guarantees of such protection.

The Six Nations invoke also the action of the League of Nations to secure interim relief as follows :-

- (a) For securing from the Dominion of Canada for unrestricted use by the Six Nations, sufficient funds for the purposes of this application from the moneys of the Six Nations held in trust as aforesaid, the balance of which, as admitted by the Dominion Government, approximates seven hundred thousand dollars, but which in truth largely exceeds that amount.
- (b) For securing suspension of all aggressive practices by the Dominion of Canada upon the Six Nation peoples pending consideration of this application and action taken thereunder. "

In view of the foregoing it is submitted that the prayers set out in the final Section of the petition do not in any wise merit the consideration of the League.



APPENDICES

TO

STATEMENT RESPECTING SIX NATIONS APPEAL TO LEAGUE OF NATIONS

- A FINANCIAL STATEMENT.
- B / COPY OF SINCOE DEED.
- C COPY OF TYPICAL SIX NATIONS LAND SURRENDER.
- D COPY OF THE INDIAN ACT. (WSrn.

To all to whom these presents shall come.

We, the Sachems and Chiefs Warriors of the Six Nations of Indians, inhabiting and owning the lands situate, lying and being on the Grand or River Ouse, in the County of Haldimand, in the Province of Upper Canada, send greeting.

Whereas His late Majesty did by a certain instrument, bearing date the twenty-fifth day of October, in the year of Our Lord one thousand seven hundred and eighty-four, under the hand and seal of Sir Frederick Haldimand, then Governor of Quebec, allot and grant unto us upon the banks of the said river running into Lake Erie six miles deep from each side of the said river, beginning at Lake Erie and extending in that proportion to the head of the said river.

And whereas our brother, the late Captain Joseph Brant, Thayendaneaga, Sachem and Chief Warrier of the said Six Nations, our true and lawful attorney did, by an indenture of lease, secure unto Jemima Stewart of the Town of Niagara, in the district of Niagara, widow, and Sarah Ruggles, of the County of Haldimand (wife of William Ruggles), daughters of Brant Johnson, our Brother Sachem and Chief Warrigr, a certain tract of the said land on the south side of the said And whereas our said Brother Sachem and Chief Warrior the said Brant Johnson, served during all the old French War as well as that of the Rebellion, and removed with us to this country from our lands on the Mohawk River, and continued with us until his death. And we the said Sachems and Chief Warriors well knowing his losses and sufferings in common with ourselves have this day in General Council, as a manifestation of our love and esteem for our departed brother warrior, unanimously determined to surrender to His Majesty the said tract of country, in order that the same may be more effectually secured to his children, the said Jemima Stewart and Sarah Ruggles, their heirs and assigns, by letters patent under the Great Seal of this Province. Now know ye, that for the said good causes, and of our love and affection for the children of our said Brother Sachem and Chief Warrior, we, the said Sachems and Chief: Warriors in General Council of our Nations, have, and each of us hath, surrendered, relinquished and yielded up, and by these presents do and each of us doth surrender, relinquish and yield up unto our Soveriegn Lord the present King's Most Excellent Majesty, His Heirs and successors, all that certain parcel or tract of land, situate, lying and being on the south side of the said Grand or River Ouse, in the County of Haldimand, in the District of Gore, in the said Province, and being within the limits of our said grant, containing by admeasurement fourteen hundred acres more or less, and which is butted and bounded as follows, that is to say: Commencing on the south side of the said river at the easterly angle of lands owned by Elizabeth Clench at the water's edge; then south sixty-five degrees west one hundred and six chains; then south twenty-seven degrees west one hundred and sixty chains; then south sixty-two degrees and thirty minutes east one hundred and twenty chains; then north twenty-seven degrees and thirty minutes east one hundred and sixty chains; then north sixty-five degrees east sixty-two chains, more or less, to the said Grand River; then up the said river against the stream, its several courses and windings, to the place of beginning. And also all the estate, right, title, interest, reversion, remainder, property, claim and demand whatsoever of us the said Sachems and Chief Warriors of, in, to or out of the......

the same of any part thereof or parcel of the same: For the express purpose and to the intent that the same, and every part thereof, may be confirmed by Letters Patent from His Majesty, under the Great Seal of this Province, to the said Jemima Stewart and Sarah Ruggles, their heirs and assigns for ever (as tenants in common and not as joint tenants).

IN WITNESS WHEREOF, we, the said Sachems and Chief Warriors of the Six Nations have, in General Council, hereunto set our hands and seals this fourth day of August, in the year of Our Lord one thousand eight hundred and twenty-six.

Signed, sealed and delivered Oghnawera (L.S.) in presence of: Deyonhehgweh (L.S.) his W. Claus Orehregowah X $(L_{\bullet}S_{\bullet})$ Dy. Supt. Genl. Ind. Affairs, mark Benj. Fairchild, I.D., J.B. Clench, Skayonwiyoh His Clerk of Ind. Affairs. (L.S.) mark D. Mackay, Sakayenkwaraghton Capt. 70th Foot Comg. (L.S.)his Thos. Handcock, X Asst. Chap. to the Forces Awennaras mark A. Garreft his Lt. H.P. 49th Regt. Bark. Master. \mathbf{X} Kaweneaseronton (L.S) mark his Otgodagenton X $(L_{\bullet}S_{\bullet})$ mark his Skanawatih \mathbf{X} (L.S.) mark his Kaneayahreore X mark his Anayeh X (1.5.)mark his (L.S.) Jorohyoron X mark his X Deleanakarine (L.S.) mark his Skariwatih (L.S.) his mark (L.S.) Thanatharea X his mark DekaeayonhX (L.S.) his mark Atyaseronne X (L.S.) Ojakehte X his mark (L.S) mark his his Onwanekorhawih X (LS.) (L.S.) Tharontekha X mark mark his his X Nihahseanaah (L_*S_*) (L.S.) Tsinondaweron X mark mark his Dewadiron X (L_*S_*)

mark

J. Graves Simcoe.
(Great Seal of)
(Canada.)

George the Third, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, and so forth.

To all to whom these presents shall come, Greeting :- KNOW YE, that whereas the attachment and fidelity of the Chiefs, Warriors, and people of the Six Nations, to Us and Our Government has been made manifest on divers Occasions by their spirited and zealous Exertions, and by the Bravery of their Conduct, and We being desirous of showing our Approbation of the same and in recompence of the Losses they may have sustained of providing a convenient Tract of Land under Our protection for a safe and suitable Retreat for them and their Posterity, Have of Our Special Grace, certain Knowledge and mere motion, given and granted and by these Presents
Do Give and Grant to the Chiefs, Warriors, Women and People
of the said Six Nations and their Heirs forever, All that
District or Territory of Land, being Parcel of a certain
District lately purchased by Us of the Mississague Nation,
lying and being in the Home District of Our Province of Juper Canada, beginning at the Mouth of a certain River formerly known by the name of the Ouse or Grand River, now called the River Ouse, where it empties itself into Lake Erie, and running along the Banks of the same for the space of Six Miles on each side of the said River, or a space coextensive therewith, conformably to a certain Survey made of the said Tract of Land, and annexed to these Presents, and continuing along the said River to a Place called or known by the Name of the Forks, and from thence along the main Stream of the said River for the space of Six Miles on each side of the said Stream, or for a space equally extensive therewith, as shall be set out by a Survey to be made of the same to the utmost extent of the said River as far as the same has been purchased by us, and as the same is bounded and limited in a certain Deed made to Us by the Chiefs and People of the said Mississague Nation, bearing Date the Seventh Day of December, in the year of Our Lord One thousand seven Hundred and thirty-two; To Have and to Hold the said District or Territory of Land so bounded as aforesaid of Us, Our Heirs and Successors, to them the Chiefs, Warriors, Women, and people of the Six Nations, and to and for the sole use and Behoof of them and their Heirs for ever, Freely and Clearly of and from, all, and all manner of rents, fines, and services whatever to be rendered by them or any of them to Us or Our Successors for the same, and of and from all conditions, stipulations and agreements whatever, except as hereinafter by us expressed and declared. Giving and granting, and by these Presents confirming to the said Chiefs, warriors, women, and people of the said Six Nations and their Heirs, the full and entire possession, use, benefit and advantage of the said district or territory, to be held and enjoyed by them in the most free and ample manner, and according to the several customs and usages of them the said Chiefs, warriors, women, and people of the said Six Nations; Provided always, and be it understood to be the true intent and meaning of these Presents, that, for the purpose of assuring the said lands, as aforesaid to the said chiefs, warriors, women, and people of the Six Nations, and their heirs, and of securing to them the free and undisturbed possession and enjoyment of the same, it is our royal will and pleasure that no transfer alienation, conveyance,

sale, gift, exchange, lease, property or possession, shall at any time be had, made, or given of the said district or territory, or any part or parcel thereof, by any the said Chiefs, warriors, women or people, to any other nation or body of people, person, or persons whatever, other than among themselves the said Chiefs, warriors, women and people, but that any such transfer, alienation, conveyance, sale gift, exchange, lease or possession shall be null and void, and of no effect whatever, and that no person or persons shall possess or occupy the said district or territory or any part or parcel thereof, by or under pretence or any such alienation, title or conveyance as aforesaid, or by or under any pretence whatever, under pain or our severe displeasure.

And that in case any person or persons other than them, the said Chiefs, warriors, women and people of the said Six Nations, shall under pretence of any such title as aforesaid presume to possess or occupy the said district or territory or any part or parcel thereof, that it shall and may be lawful for us, our heirs and successors, at any time hereafter, to enter upon the lands so occupied and possessed by any person or persons other than the people of the said Six Nations, and them the said intruders thereof and therefrom, wholly to dispossess and evict, and to resume the part or parcel so occupied to ourselves, our heirs and successors; Provided always, that if at any time the said Chiefs, warriors, women and people of the said Six Nations should be inclined to dispose of and surrender their use and interest in the said district or territory or any part thereof, the same shall be purchased for us, our heirs and successors, at some public meeting or assembly of the Chiefs, warriors and people of the said Six Nations, to be holden for that purpose by the Governor, Lieutenant Governor, or person administering our Government in our Province of Upper Canada.

IN TESTIMONY WHEREOF, we have caused these Our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed, Witness, His Excellency John Graves Simcoe, Esquire, Lieutenant Governor and Colonel Commanding our Forces in our said Province. Given at our Government House, at Navy Hall, this fourteenth day of January, in the year of Our Lord one thousand seven hundred and ninety-three, in the thirty-third year of Our Reign.

J.G.S.

Wm. Jarvis, Secretary.
Recorded 20th. Feby. 1837.)
Lib.F., Polio 106)
D. Cameron, Sy. and Regr.

Six Nations Interest 1921 - 1922.

Salaries	6386.04
Pensions & Allowances	1877.17
Arrears Interest	115.50
Compensation & Inspection Losses	1935.68
Expenditure Schools, Wood, Salaries	17791.82
Hospitals & Asylums	1391.95
Legal Expenses	3806.04
Telephone & Calls	37 .77
Council House	123.31
Surveys	80.91
Settlement of Estates	137.43
Medical	216.50
Relief	237.37
Coffins	563.33
Drugs	1081.86
Commutation of Interest	306.00
Refund Bonus (1920-21)	1891.05
Propaganda (news papers)	4.00
Roads and bridges	1522.63
Rentals paid out	2199.84
Medals	7.50
Repairs tractors	49.17
Drains and sewers	270.14
Outstanding cheques (1920-21)	9.46
Quarantine expenses	51.52
Service on Committee	42.00
Supplies Dr. Greenwood	117.78
Insurance Premiums	63.20
Delegates to Ottawa	295.10
Moving Grand Stand	175.00
Material repairs barn, etc.	79.54
Exp. Historical Society Meeting	11.15
	42877.76.

Brought Forward-42877.76

Expenses re entrance exams.	53.00	
Overdraft Mar. 31- 1921	5410.82	
Refund of Cheques		84.77
Rents received		2304.00
Sale used lumber		20.00
Int. Payt. on land		20.00
Int. Payt. on loans		541.63
Refund overpayt. of interest		76.25
Grant from school vote		1100.00
Collections a/c seed		160.85
Government Int. 1921-22		41708.44
Transfer fee		1.00
Payt. on claim Eli Dolson		5.90
Overdraft 1922-23		2318.74
·	48341,58	48341.58.

STATEMENT	showing	in	brief	the	CAPITAL	of	the	SIX	NATIONS.
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#### since 1st April 1916.

		· · · · · · · · · · · · · · · · · · ·	
<u>1916-1</u> 7	Balance 1st April 1916	\$	835.082.90
	Expenditure on land, fencing, drains and culverts\$ 6,846.31 Loans to Indians \$ 1,776.28	₩ <b>8,62</b> 2.59	٠.
	Receipts on loans and grants	3,050.71	<b>5,571.8</b> 8
	Balance 31st March 1917	•••••••	829,511.02
1917-18	Expenditure on drains, culverts, fencing and bridges	8,700.37	
	Receipts from loans and land	2,590.92	6,109,45
	Balance 31st March 1918	<b></b>	823,401,57
<u>1918-19</u>	Expenditure on culverts, roads, bridges and drains	26,774.56	
	Receipts from sales and loans	4.051.50	22,723,06
	Balance 31st March 1919	<b>4</b>	800,678.51
<u>1919-20</u>	Expenditure on drains, culverts and bridges 14,295.65 Paid 191 shares to enfranchised Indians 32,423.56 Paid for Glebe Lot 26,371.23 Loans to Indians 2,720.84  Receipts from payments on loans and land Balance 31st March 1920	75,811.28 6,121.67	69.689.61 730.988.90
1920-21			·
	Expenditure advertising sale of land & valuating 310.91 Roads, surveying, drains and culverts	28,072.35	
	Receipts from land sales and payments on loans	6,272.09	21,800.26
	Balance 31st March 1921		709,188.64

# SIX NATIONS.

## Account 33 - Capital.

	Balance 31st March, 1921	\$	709,188.64
1921-22	Expenditure advertising Glebe Lot \$ 36.60 Roads, bridges and culverts 5,765.03 Drains		
	Receipts from collections on loans and refunds	3,988.76	27,059.47
	Balance on 31st March, 1922	••••••	682.129.17
1922-23	\$651,954.81 at 6% interest		39,117.29 1,392.78 40,510.07
1922-23	Balance 1st April, 1922	\$ 1,470.03 3,179.56	682,129.17 1,302.52
	,	683,431,69 \$	683,431,69

Expenditure from Parliamentary Appropriation on behalf of Six Nations Indians during the fiscal year 1922-23 is approximately:-

Seed -	\$	8,516.35
Prizes- Ploughing match-		20.00
Salaries etc. re Brantford	Office	5,714.02
Tuition fees and grant for	schools	2,670.48
School supplies -		1,050.00
Tubercular Indians -		1,140,22

\$ 19,111.07

### SIX NATIONS * 1921-1922.

## CAPITAL.

Balance March 31, 1921	• •	\$709,188.64
Enfranchisement of Indians	\$14,963.60	
Loans	3,856.46	
Insurance premiums on loans	287.90	
Advertising Glebe Lot	36.60	
Culverts, bridges and roads	5,765.03	
Drains	5,982.99	
Transferred share R. Snake	155,65	
Refunds	• .	1,888.31
Payment on loans		2,100.45
CREDIT BALANCE MARCH 31,1922	682,129.17	
	713,177.40	\$713,177.40.