



Mohawks of the Bay of Quinte

Submission to the

United Nations

Committee on the Elimination of All Forms of Racial Discrimination

January 2012

TABLE OF CONTENTS

Executive Summary1

Introduction.....2

Access to Human Rights Commission.....5

Land Claim Issue8

Conclusions.....11

Appendix A.....12

Executive Summary

The Government of Canada submitted the nineteenth and twentieth reports to the Committee on the Elimination of All Forms of Racial Discrimination. This report prepared by the Mohawks of the Bay of Quinte is submitted in response to Canada's report. This report is not a comprehensive report in that it does not convey all of the concerns of the Mohawks of the Bay of Quinte. The report highlights two of the Mohawks of the Bay of Quinte's main concerns specifically resolution of land claims and access to the domestic human rights tribunal.

This report outlines the land claims challenges that the Mohawks of the Bay of Quinte have faced, specifically dealing with what is known as the Culbertson Tract as well as the difficulty in accessing the Canadian Human Rights Commission to address a funding inequity that impacts the programs and services available to members of the Mohawks of the Bay of Quinte (MBQ). Other Indigenous organizations in Ontario and Canada have prepared separate reports to address other areas in which Canada has failed to meet its obligations under ICERD.

The Mohawks of the Bay of Quinte are a part of the Mohawk Nation within the Six Nations Iroquois Confederacy and has a membership of 8,284 people. The Mohawks of the Bay of Quinte has the third largest membership of all First Nations communities in Ontario and ninth largest membership among over 630 First Nations in Canada.

We extend our thanks and appreciation to the CERD Committee for considering our submission. We hope that the information provided by the Mohawks of the Bay of Quinte is useful and supplements Canada's reports.

Introduction

1. The Government of Canada submitted the nineteenth and twentieth reports to the Committee on the Elimination of All Forms of Racial Discrimination. This report prepared by the Mohawks of the Bay of Quinte is submitted in response to Canada's report. This report is not a comprehensive report in that it does not convey all of the concerns of the Mohawks of the Bay of Quinte. The report highlights two of the Mohawks of the Bay of Quinte's main concerns specifically resolution of land claims and access to the domestic human rights tribunal.
2. Canada ratified the *International Convention on the Elimination on All Forms of Racial Discrimination* (ICERD) on October 14, 1970. However, Canada has failed to meet many of its obligations under ICERD, the General Recommendations XXIII: Indigenous Peoples and the 2007 Concluding Observations of the Committee on the Elimination of All Forms of Racism (CERD).
3. This report outlines the land claims challenges that the Mohawks of the Bay of Quinte have faced, specifically dealing with what is known as the Culbertson Tract as well as the difficulty in accessing the Canadian Human Rights Commission to address a funding inequity that impacts the programs and services available to members of the Mohawks of the Bay of Quinte (MBQ). Other Indigenous organizations in Ontario and Canada have prepared separate reports to address other areas in which Canada has failed to meet its obligations under ICERD.
4. The Mohawks of the Bay of Quinte are a part of the Mohawk Nation within the Six Nations Iroquois Confederacy. Our current membership is 8,284 with approximately 25.8% living on territory, 74% living off territory and 0.2% living on other First Nations territories. The Mohawks of the Bay of Quinte has the third largest membership of all First Nations communities in Ontario and ninth largest membership among over 630 First Nations in Canada.
5. Part of the rich history of the Mohawks of the Bay of Quinte, includes the role of being a military ally to the British Crown during the American Revolution as well as many previous wars between England and France. Our Ancestors were promised that our homeland villages would be restored at the end of the revolutionary war. However, when the war ended with the signing of the 1783 Treaty of Paris, our homelands were given up by Britain to the American rebel forces.
6. As compensation for the loss of the homeland villages and in recognition of the loyal military alliance with the British Crown, our Ancestors were to select any of the unsettled lands in Upper Canada. Lands on the north shore of Lake Ontario were selected for settlement

through this Crown promise. Our Ancestors were familiar with these lands as the land was utilized by our Ancestors for hunting and gathering. The land was part of a vast northern territory controlled by the Six Nations Confederacy prior to the Royal Proclamation of 1763.

7. On May 22, 1784, our Ancestors arrived on the shores of the Bay of Quinte only to find that many Loyalist families were squatting on the lands promised previously by the Crown. After nine years of reminding the Crown of promises made when the war ended, the Six Nations were granted a smaller tract of land about the size of a township, approximately 92,700 acres on the Bay of Quinte. We received a deed to this land known as the Simcoe Deed and recognized by the Crown as Treaty 3 ½. This document is dated April 1, 1793. (APPENDIX A) Not long after we set up our village, many United Empire Loyalists came into the area. Within a span of 23 years (1820-1843), two-thirds of the treaty land base was lost as the government made provisions to accommodate non-native settler families. Today, we have approximately 18,000 acres left of our treaty land base.
8. The Canadian Government's report fails to address the CERD Concluding Observations from 2007 regarding Canada's report number eighteen, with respect to the recommendation regarding establishing measures to better address and settle land claim issues. At that time, CERD expressed concern with the cost of litigation and how disproportionate costs are for Aboriginal communities. The CERD recommendation states:

In line with the recognition by the State party of the inherent right of self-government of Aboriginal peoples under section 35 of the *Constitution Act, 1982*, the Committee recommends the State party to ensure that the new approaches taken to settle aboriginal land claims do not unduly restrict the progressive development of aboriginal rights. Wherever possible, the Committee urges the State party to engage, in good faith, in negotiations based on recognition and reconciliation, and reiterates its previous recommendation that the State party examine ways and means to facilitate the establishment of proof of Aboriginal title over land in procedures before the courts. Treaties concluded with First Nations should provide for periodic review, including by third parties, where possible.

9. In 2008, the Canadian Government passed the *Specific Claims Tribunal Act*, which promised to speed up the resolution of native land claims. Unfortunately, the issue of addressing native land claims that stem from Aboriginal, Treaty and Title rights remains unaddressed. Canada still maintains that its colonial policy of extinguishment and termination of rights that requires Aboriginal people to surrender their interests in the land for cash compensation only. In order to be financially compensated for illegally surrendered lands, First Nations must surrender all rights, title and posterity forever.

10. It is time for Canada to honour the treaties and settle land claims through a fair negotiation process. The process needs to be timely to mitigate the high costs of legal services incurred by the First Nations. The Government of Canada issued an apology for their role in the treatment of Aboriginal people, as proof of that apology, Canada should honour its treaties made with First Nations People.
11. As one of the large First Nations in Ontario, the Mohawks of the Bay of Quinte, along with three other large First Nations, submitted a complaint to the Canadian Human Rights Commission (CHRC) on the basis that there are funding inequities based on national and ethnic origin. The complaint sought redress to the inequitable funding formulas of Aboriginal Affairs and Northern Development Canada (AANDC)¹. The Canadian Human Rights Commission agreed to hear the complaint, however, the Government of Canada applied for a judicial review of that decision, on the grounds that the CHRC exceeded its jurisdiction by agreeing to hear the complaint.²
12. Currently, the position that the Government of Canada is trying to assert is that a First Nation does not have a national or ethnic origin and therefore its funding formulas that discriminate between First Nations do not discriminate on the basis of national or ethnic origin. The United Nations Special Rapporteur on the Rights of Indigenous Peoples has recently drawn attention to the concerns raised by First Nations about discrimination in funding formulas and the chronic underfunding in arrangements between First Nations and between Aboriginal and non-Aboriginal People in Canada.³
13. The position that the Government of Canada is taking does not comply with CERD Article 2 (1) (a): *“Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.”* Canada’s position allows for MBQ to be penalized by a funding allocation that may be adequate for First Nation’s with a smaller membership but is not sufficient for MBQ to provide programs and services to its members that are on par with other First Nations or provincial counterparts.
14. We extend our thanks and appreciation to the CERD Committee for considering our submission. We hope that the information provided by the Mohawks of the Bay of Quinte is useful and supplements Canada’s reports.

¹ On May 18, 2011, the Government of Canada changed the name of Indian Affairs and Northern Development Canada to Aboriginal Affairs and Northern Development (AANDC). This document refers to AANDC in all instances regardless of timeframe.

² As of writing, the matter is pending before the Federal Court of Canada.

³ Statement issued by Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, on December 20, 2011. Downloaded from:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11743&LangID=E>

Access to Human Rights Tribunal

15. On January 27, 2010, four of the five large First Nations communities in Ontario, namely the Mohawks of the Bay of Quinte, Wikwemikong Unceded Indian Reserve, Six Nations of the Grand River, and Oneida of the Thames, filed a complaint with the Canadian Human Rights Commission (CHRC) alleging discrimination on the basis of national or ethnic origin by Aboriginal Affairs and Northern Development Canada (AANDC). The complaint dealt with the inequities in the various funding formulas and policies used by AANDC to allocate funds to First Nations communities to support social and economic programs, including Band government, Band support, economic development, education, environment, income support, infrastructure, lands and trusts, major capital, minor capital and self-government negotiations.
16. To deal with the complaint, the CHRC utilized the Canadian Human Rights Act (CHRA) section 41 (1) (c) that states: “*Subject to section 40, the Commission shall deal with any complaint filed with it unless in respect of that complaint it appears to the Commission that... (c) the complaint is beyond the jurisdiction of the Commission.*”⁴ Following this decision, the Attorney General of Canada filed a costly and time-consuming Application for judicial review by the Federal Court, to which the four large First Nations were obliged to participate in order to maintain their complaint before the CHRC.
17. In October 2011, the Government of Canada filed a motion to argue that the four large First Nations, by virtue of being defined as *Indian Bands under the Indian Act, R.S.C. 1985, c I-5, do not constitute a national or ethnic group(s)*. This motion, introducing a new legal argument, was filed seven days prior to the scheduled hearing of the application for judicial review.
18. The CHRA applies to federal legislation, federal government departments, agencies and Crown Corporations, and federally regulated businesses and industries, including banking and communications. Until 2008, the CHRA contained an *Indian Act* exception. CHRA, Section 67 read: “*Nothing in this Act affects any provisions of the Indian Act or any provision made under or pursuant to that Act.*”⁵ Section 67 restricted First Nations and its members from accessing mechanisms of redress with respect to any decisions or policies made pursuant to provisions contained with the *Indian Act*.

⁴ *Canadian Human Rights Act*, R.S.C. 1985, c. H-6

⁵ Backgrounder : Repeal of Section 67 of the Canadian Human Rights Act, downloaded from: <http://www.aadnc-aandc.gc.ca/aiarch/mr/nr/s-d2006/02831bk-eng.asp>

19. Under the CHRA, all individuals should have an opportunity equal with other individuals without being hindered by discriminatory practices based on a list of prohibited grounds of discrimination, including national or ethnic origin. CHRA Section 5 provides that the denial of goods, services, facilities or accommodations on a prohibited ground is a discriminatory practice. There are significant gaps in funding levels for the four large First Nations in Ontario that are derived through formulas and policies of the AANDC. This disproportionate funding has adverse effects leading to differential service levels for the members of the four large First Nations.
20. In addition to the inequities in the funding formulas, in 1996, the Government of Canada limited the budget of AANDC by implementing a 2% cap on funding increases for First Nations programs and services. This cap does not adequately reflect the annual increases in cost of living since 1996, nor does it reflect the population growth of the Mohawks of the Bay of Quinte.⁶ Combining the imbalance in funding formulas with the 2% funding cap results in inadequate funding levels to provide the level of programs and services, including water and sewer, education and health services.
21. The deficiencies in funding levels have had a detrimental impact on the provision of services and programs provided to members of the Mohawks of the Bay of Quinte. The five key areas that the funding formulas hold the largest per capita gaps are: education, major capital, minor capital, infrastructure and band support funding.⁷ The adverse effects on these community development areas are interrelated, for example, limits to educational funding reduces access to quality programs and services and thereby impacts attainment levels. Lower education attainment fosters limits in governing capacity, while limits in band support funding prevent successful recruitment and retention of qualified employees. Capital and infrastructure development projects have been seriously delayed by the funding deficiencies. MBQ has been on a precautionary boil water advisory since February 2008 due to significant groundwater contamination. In addition, in many areas on the Territory wells dry up in the summer and fall seasons making access to potable water a challenge. Several members of the Mohawks of the Bay of Quinte are forced to haul water from other locations within the Territory. The lack of water infrastructure, not only infringes on the basic human right of access to clean water, it also adversely limits any housing developments, which is another area where members of MBQ need additional support. These limitations cause issues in the provision of drinking water, housing development and fire protection for the community.
22. Under CERD Article 2 (1) (a), State Party's are not to engage in racial discrimination and all public institutions and authorities shall comply with this obligation. Canada is not in

⁶ The population of the Mohawks of the Bay of Quinte, in 1993, was 5728 and increased to 8284 in 2011. The population growth is much greater than 2%, however, MBQ is limited with only 2% increase in funding.

⁷ PricewaterhouseCoopers LLP, "A Comparative Analysis of Indian and Northern Affairs Canada Funding for the Five Large First Nations and All Other First Nations in Ontario" (Ottawa: May 2, 2008)

compliance by virtue of supporting and implementing the status quo with respect to unequal distribution of funding for the provision of services to the members of the Mohawks of the Bay of Quinte.

23. General Recommendations XXIII: Indigenous People provides that CERD applies to Indigenous people of each State Party that is signatory to the Convention. Further, General Recommendations XXIII, Section 4, calls upon State parties "... (b) to ensure that indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity and (c) to provide indigenous peoples with conditions allowing for sustainable economic and social development compatible with their cultural characteristics."
24. Article 4 of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) states: "*Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*" With funding inequities combined with the 2 % cap on funding increases, MBQ is further denied the right to ensure capacity within the First Nation's governance structure. It is difficult to offer salary levels equivalent to provincial counterparts due to the insufficient funding level. As a result, MBQ administration faces the decision of leaving positions vacant or hiring less qualified individuals who often have lower educational or professional qualifications. This undermines MBQ's ability to establish a governance structure that has the capacity to pursue various initiatives in fulfilment of MBQ's vision of self-determination.
25. CERD Article 6 establishes an obligation on the Government of Canada to ensure that everyone has access to effective protection and remedies in national tribunals and State institutions against any acts of racial discrimination as well as the right to seek '*adequate reparation or satisfaction*' for any damages suffered as a result of such discrimination. The Mohawks of the Bay of Quinte have been obstructed in our access to this right and instead must pursue a judicial review to determine if the CHRC can hear complaints lodged by First Nations.
26. It is recommended that Canada address the funding inequities inherent in the AANDC policies and funding formulas to ensure that members of the large First Nations, like MBQ, have access to services and programs that are equal and on par with other First Nations communities in Ontario and Canada and with provincial counterparts.
27. It is recommended that Canada implement fully the repeal of Section 67 and not rely on the provision found in CHRA Section 4(1) (c) to defer issues that call the Government of Canada to account as beyond the jurisdiction of the CHRC.

LAND CLAIMS

28. The Mohawks of the Bay of Quinte began negotiations regarding the Culbertson Tract Claim in January 2004. In the first five years, the Mohawks have incurred a debt of nearly \$500,000 in negotiating this claim with Canada. Canada's approach to claims dictates that the Mohawks have had to borrow this money against future compensation or settlement, without knowing when, or even if, a settlement will be reached.
29. At the end of the American Revolution, in recognition of our Ancestors' military alliance with the British during the war, we were granted a tract of land the size of a township on the Bay of Quinte in south eastern Ontario. The Crown promised to protect the land through a treaty and in 1793, Lieutenant Governor John Graves Simcoe issued Treaty 3 ½ or Simcoe Deed.
30. In 1837, John Culbertson, grandson and heir of Captain John Deserontyon, received a Crown Grant for approximately 827 acres of the Mohawk lands near the eastern boundary. Subsequently, Culbertson and his family sold the land or lost it by defaulted mortgages. The Mohawks of the Bay of Quinte (MBQ) have always maintained that this was an improper Crown Grant to a portion of Mohawk lands. Under the terms of Treaty 3 ½, a surrender to the Crown was required by the Mohawk People before lands could be severed from the Mohawk tract. The Mohawks were not consulted and did not surrender the lands to the Crown before the grant to John Culbertson. The Chiefs immediately sent a petition to the Crown indicating that there was no surrender of the land made by the Mohawk People. The Mohawks of the Bay of Quinte have been denied justice since 1837.
31. Treaty 3 ½ outlines clearly the intentions of the British Crown that the land is “...*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 or Services whatsoever...the full and entire possession Use benefit and advantage of the said District of Territory of Land to be held and enjoyed by them in the most free and ample manner and according to the several Customs and usages.*”
32. Treaty 3 ½ identified who the land was granted to, why it was granted, how it was to be used, and it also outlined a surrender process if land was to be alienated. The key terms of the Treaty are:
 - a. The Mohawk Tract was to be held under the Crown's protection to be held and enjoyed in the most free and ample manner and according to their customs and usages;
 - b. The lands forming the Mohawk Tract could not be disposed of without a surrender to the Crown for that purpose in accordance with the terms of the Treaty; and,

c. It was lawful for the Crown to dispossess and evict trespassers.⁸

33. In the 1990s, the Mohawks of the Bay of Quinte researched the Culbertson Tract land claim and submitted the claim to the Specific Claims Branch of the Government of Canada in November 1995. The claim sought compensation for the wrongful alienation of the Culbertson Tract and restoration of lands to the Mohawks of the Bay of Quinte.
34. In 1998, the Specific Claims Branch provided MBQ with supplementary research that enhanced the land claim of the Mohawks of the Bay of Quinte. The claim was then reviewed by the federal Department of Justice from December 1998 to 2002. In November 2003, Canada accepted the claim for negotiation under the *Specific Claims Policy* of the Government of Canada on the basis of a breach of lawful obligation on the part of the Crown.
35. The Government of Canada continues to ignore MBQ's treaty right to have the land restored to its exclusive possession. MBQ would like to negotiate the return of land over time through voluntary purchases by Canada from third parties who now possess the land based on Crown grants ultimately derived from an initial invalid Crown patent. The Government of Canada's preferred approach to claims settlements is to negotiate for monetary compensation for the full extinguishment of title and rights to the land versus restoration of the land to the First Nation. This practice contradicts AANDC's Specific Claims Policy: Outstanding Business that states, in Section 3 (1): "*Where a claimant band can establish that certain of its reserve lands were never lawfully surrendered, or otherwise taken under legal authority, the band shall be compensated **either by the return of these lands** or by payment of the current, unimproved value of the lands.*"
36. The Government of Canada insists that it will only negotiate a settlement of the land claim on the basis that the members of the Mohawks of the Bay of Quinte absolutely surrender our treaty right(s) to the Culbertson Tract in return for monetary compensation for the loss of use of the land. This does not comply with General Recommendations XXIII, Section 5: "*The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the*

⁸ The Treaty contained a dispossession clause that is unique to the Simcoe Deed and only one other treaty in Ontario. The dispossession clause reads: "*And that in case any Person or Persons other than 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 that it shall and may be lawful of Us our Heirs and Successors at any time hereafter to enter upon the Lands occupied and possessed by any other Person or Persons other than that said Chiefs Warriors Women and People of the said Six Nations and them the said Intruders thereof and therefrom wholly to dispossess and evict and to resume the same to Ourselves Our Heirs and Successors.*"

*right to restitution should be substituted by the right to just, fair and prompt compensation. **Such compensation should as far as possible take the form of lands and territories.***

37. The Constitution Act, 1982, is clear on Canada's commitment toward Aboriginal and Treaty rights. Three key sections outline Canada's fiduciary role:
- a. **Section 25:** *The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:*
 - i. *any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and*
 - ii. *any rights or freedoms that now exist by way of land claims agreements or may be so acquired.*
 - b. **Section 35 (1):** *The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.*
 - c. **Section 35 (3):** *For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.*
 - d. **Section 52(1):** *The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.*
38. Rather than fulfill these constitutional obligations, Canada has shirked its Constitutional responsibility to honour treaty rights and create a fair land claim policy. Instead, Canada has introduced the *Specific Claims Tribunal Act*, which supports the continuance of the colonial policy of extinguishment. The *Specific Claims Policy* is implemented by the federal bureaucracy that does not have the authority or discretion to act outside the policy. This hinders the trust and respect for a Nation to Nation relationship between the Mohawks of the Bay Quinte and the Crown.
39. Article 5 (d) (v), "*the right to own property alone as well as in association with others*" continues to be a concern. Canada has not entered into good faith negotiations as urged in the 2007 Concluding Observations of CERD Committee, paragraph 22: "*Wherever possible, the Committee urges the State party to engage, in good faith, in negotiations based on recognition and reconciliation, and reiterates its previous recommendation that the State party examine ways and means to facilitate the establishment of proof of Aboriginal title over land in procedures before the courts.*"
40. It is recommended that the Government of Canada cease contradicting its own policy and respect and honour the treaty relationship established between the Crown and the Mohawks of the Bay of Quinte.

41. It is recommended that the Government of Canada consider all solutions, specifically the restoration of the land, and honour the rights granted through the treaty with the Crown. The treaty relationship must be at the foundation of negotiation proceedings.

CONCLUSION

42. In Treaty 3 ½, it states that if the land were to fall into non-Six Nations possession, the Crown has a lawful obligation to remove the non-Six Nation occupiers and restore the possession of the land to the First Nation. This is a distinct treaty right that is unique only to the Six Nations people, of which the Mohawks of the Bay of Quinte are the descendents and benefactors of this Crown promise.

43. If the First Nations people can be offered financial compensation for their interest in land under a land claim, then the policy should also apply to non-native individuals by offering them compensation to settle their interest in parcels of unsurrendered land. The extinguishment approach to land claims continues to embody many of the assimilation policies of the Government of Canada's history and ill-treatment of First Nations People.

44. On January 24th, 2012, at the Crown-First Nations Gathering, Prime Minister Stephen Harper stated: "*We have extended full protection of the Canadian Human Rights Act to First Nations Canadians living on reserves.*"⁹ This statement contradicts the experience of the Mohawks of the Bay of Quinte with respect to the submission to the CHRC. The Prime Minister's reference is to the repeal of Section 67 of the CHRA that once shielded the Government of Canada and First Nations governments from complaints of discrimination related to actions pursuant to the *Indian Act*. Unfortunately, upon challenge the Government of Canada's response was to deny the CHRC's jurisdiction in dealing with the concerns raised by the Mohawks of the Bay of Quinte and the three large First Nations of Wikwemikong Unceded Indian Reserve, Six Nations of the Grand River, and Oneida of the Thames. The unilateral decision-making of the Government of Canada continues to deny equality to the members of the Mohawks of the Bay of Quinte.

⁹ Statement by the Prime Minister of Canada at the Crown-First Nations Gathering, January 24, 2012. Downloaded from: <http://www.pm.gc.ca/eng/media.asp?category=3&featureId=6&pageId=49&id=4597>

Simcoe Deed

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

Know ye that Whereas the Attachment and Fidelity of the Chief Warriors and People of the Six Nations to us and Our Government, have been made manifest on divers occasions by their spirited and zealous exertions and by the bravery of their conduct; And we being desirous of shewing Our approbation of the same, and in recompense of the losses they may have sustained of providing a convenient Tract of Land under Our protection for a safe and comfortable retreat for them and their posterity Have, of Our special Grace, certain knowledge and mere motion, Given and by these presents Do give and grant unto the Chiefs, Warriors, Women and People of the said Six nations and their heirs for ever all that District or Territory of Land being parcel of a certain District lately purchased by Us of the Mississauga Nation lying and being limited and bounded as follows (that is to say) the Tract will then be bounded in front by the Bay of Quinte between the mouths of the River Shannon and Bowen's Creek about Twelve Miles Westerly by a Line running, North Sixteen Degrees West from the West side of the Mouth of the River Shannon, and Easterly by a Line running North Sixteen Degrees West from the mouth of Bowen's Creek and Northerly by a Line running East Sixteen Degrees North and West Sixteen Degrees, South at the distance of about Thirteen Miles back from the Bay of Quinte, measured on the Western Boundary aforesaid, to the North East Angle of the Township of Thurlow. To Have and Hold the said District or Territory of Land of us Our Heirs and Successors to them the Chiefs, Warriors, Women and People of the said 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 manner of Rents, Fines or Services whatsoever to be rendered be them the said Chiefs, Warriors and people of the said Six Nations to us or our successors for them 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 of Land to be held and enjoyed by them in the most free and ample manner and according to the several Customs and usages by them the said Chiefs, Warriors and People of the 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 of any part or parcel thereof by and of the said Chiefs, Warriors, Women and people of the said Six Nation or Body of People, Person or persons whatsoever other than among themselves the said Chiefs, Warriors, Women and People of the said Six Nations 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 any pretence whatever under pain of our severe displeasure. And that in case any Person other than the 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 other Person or Persons other than the said Chiefs, Warriors, Women and People of the Six Nations and them the said Intruders thereof and therefrom wholly to dispossess and evict and to resume the same to Ourselves, Our Heirs and Successors.

Provided always nevertheless 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, the same shall be purchased only for Us in our name at some Public Meeting or Assembly of the Chiefs, Warriors and People of the said Six Nations to be held for that purpose by the 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 First Day of April in the Year of Our Lord One Thousand, Seven Hundred and Ninety Three in the Thirty Year of Our Reign.

WM. JARVIS, Secy J.G.S. John Small, C. Reg.