

Mohawk Band Disputes 139 Year Old Lease

By LENNY WILLIAMSON
Staff Reporter

A spokesman for the Tyendinaga Mohawk band has laid the case for breaking a 139-year-lease on 200 acres of reserve land before fellow Indians across Ontario.

Former chief Melville Hill said Indians on his reserve are paid only 60 bags of flour a year as rent for the land which contains part of the community of Shannonville. Each of the 900 band members profit by about four pounds of flour each year on the deal.

Mr. Hill said his band has tried to break the 999-year lease, dating from 1830.

Mr. Hill spoke Thursday at the fourth day of a week-long discussion on changes in the Indian Act. He was his band's representative at the consultation where more than 20 Ontario bands were represented.

Chief Earl Hill, now serving his second term as elected band head, said this morning the 60 bags of flour are worth about \$300.

"Shannonville Cannery Ltd., the leaseholder, gives the flour to us each year for deposit in

our granary. The council has to appoint men to distribute it to each band member and that costs us money," he added.

Government lawyers have given no encouragement to the band in its attempts to break the lease, Mr. Hill told the Toronto discussion group. The federal government has told the band the lease is valid and cannot be broken.

However, Paul Wall of Shannonville Cannery Ltd., said this morning the matter was more complex than it first appears.

"The original lease was granted by King William IV, and only the Privy Council of Great Britain can change it. The lease can be brokered or altered only if my company and the Indians could afford to hire counsel to argue our case before the Privy Council in Great Britain," he said.

The lease, dating from 1830, was negotiated by Sir John Colborne, Lieut-Gov. of Upper Canada acting for the king, and Turton Penn, a Montreal merchant who owned a flour mill on the site.

The lease gave Penn the right to use 200 acres of land

located north and south of Highway 2 and on both sides of the Salmon River. Rent was "30 barrels of good flour payable annually on Sept. 1." Although the lease went into effect in 1830, it was signed in 1835 and the first payment was made in 1836.

Under the terms of the lease the Indians retained their free fishing rights on the Salmon River and could "encamp on the unencumbered part of the land."

Over the years, residences and businesses have been established on portions of the 200 acres, most of them in the community of Shannonville. Deeds to the property are considered invalid by the Indians and Paul Wall agrees.

"Until about 1914 there was provision for the leaseholder to collect ground rent on the built-up portions of the 200 acres," he said. "But that fell by the wayside."

A canning factory was established in the old stone mill in 1929 and Shannonville Cannery Ltd. has been in business on the site since 1957. The original mill building was torn down a few years ago following a fire.

Until it was razed, it was the scene of the annual flour distribution. Shannonville Cannery now uses less than one acre of the land, Mr. Wall says.

The Indians claim many irregularities have arisen over the years.

"Land leased by the federal government is not supposed to be sublet," says Melville Hill.

"Under the terms of the lease no dumping is allowed, yet a dump existed on the land a few years ago," says chief Earl Hill. "The lease should have been broken at that time."

He added that band Indians who own houses located on leased land in Shannonville are paying taxes to the township of Tyendinaga.

"They are paying taxes on land they are supposed to own tax-free, according to the Indian Act," says the chief.

Both the chief and Mr. Wall mentioned that the leaseholder is paying the 60 bags of flour rental on behalf of all residents on the land, although the canning company now uses only a small part of the acreage.

"My company inherited a 139-year-old conundrum," says Mr. Wall. "If the lease were broken, 60 or 70 or more white men would be affected—those living on the property and many who have established businesses there."

The company is legally prevented under the terms of the lease from paying cash rent instead of flour, or negotiating with the band for a sum more in line with today's land values."

The only satisfaction the Tyendinaga band can derive from the situation is the knowledge its case is unique.

The 999-year lease is the only one of its kind in Canada.

"Land around Eaton's store in Toronto was once leased under the same arrangement, but the lease was broken many years ago and no one can remember under what circumstances," says Chief Hill.

He says his band is continuing its efforts to regain the land, but is uncertain now about what the next move will be.

Indian Flour Ceremony Is 142 Years Old



Stone Mill at Shannonville, Built in 1818 on Salmon River, Was Closed in 1940

Owners must pay 30 barrels of flour yearly for 999 years to Mohawk Indians.

—Nickels.



John Brant Weighs Out 10 Shares for His and Son's Family
Principals in distribution ceremony seldom wear tribal costumes.

Made Good Deal for Loss of Fish Rights

By NICK NICKELS

Deseronto, Feb. 16 — When the Indians of Tyendinaga Reserve here received 6,000 pounds of flour at the Mohawk Council Hall, an annuity distribution ceremony marked its 142nd year.

The ceremony has already lost its Mohawk name and the meaning behind it will also be forgotten. But the tradition is supposed to continue for another 857 years, according to a signed treaty.

The Mohawk Indians, allies of the British during the American War of Independence, settled at Deseronto in 1784, as a war reparations measure. In 1818, pioneer millers Warren Noble and Frederick Keeler wanted to erect a grist mill at a choice site on the Salmon River. Although it was not on the reserve, the Indians claimed the total stream for fishing grounds. The chiefs made a shrewd deal for their people who needed flour as well as fish—an annual payment of 30 barrels (6,000 pounds) of flour. The arrangement was to last for 999 years.

The five-story, slate-roofed stone mill was erected. It turned out 200 barrels of flour a day and was the force that started the village of Shannon-

ville. The mill continued in operation until 1940.

The Shannonville canning factory was built next to the mill, on its property. It was owned by John Weese of Belleville and, since 1957, by P. D. Wall of Waterdown. The millsite may change ownership, but flour payments must continue until 2817.

The Mohawks are proud of such traditions as this. They are among the most progressive Indians in Canada, according to the Department of Indian Affairs.

In 1959, for instance, they became the first Indian band in Canada to handle the spending of their own band funds, irrevocably processed by Ottawa down through reserve superintending offices. This and many other progressive measures are encouraged by their superintendent, Donald R. Cassie, a former high school principal. Having five children of his own, he is especially concerned with future training of all children.

The flour annuity distribution is a pleasant mid-winter interlude. Carloads of Indians drive great distances—often too far to be financially worth while—to claim their flour shares at the Mohawk Council Hall. This year, in a warm ante-

room, Alfreda Cero, shares issuer, and Mrs. Ethel Maracle, distributor, accepted and recorded from the heads of families, request slips for four pounds of flour per head. About 10 per cent of the flour is unclaimed each year and distributed to needy tribesmen.

Chief Melville Hill was on

hand to assist the women and keep informed of tribal doings at the same time. His people paused briefly to visit around the heater in the large council hall, their voices ringing hollowly against the walls that display framed portraits of Queen Victoria and Sir Wilfrid Laurier.



Councillor Albert Maracle signs for flour shares by issuer Alfreda Cero.

...sisted on remaining anonymous, said the planes "potentially are the fastest military craft in the world."

land planes, 469,220 miles an hour, was set last year by Fritz Wendel of Germany.

Flour Presented to Indians Under Lease 100 Years Old

Belleville, Jan. 16 (Special). —

Carrying out the terms of a 999-year lease, W. J. Murphy, present leasee of the Shannonville grist mill, presented the Mohawk Indian band with 6,000 pounds of flour today. The distribution of the flour will take place tomorrow, Thursday and Friday under the supervision of Herbert W. Jones, Indian agent, of Deseronto.

More than 100 years ago, an old frame mill was erected near the Salmon River in Shannonville on the edge of the Tyendinaga Indian Reserve. In the terms of the lease, the leasee promised to pay to the Indians four pounds of flour for every man, woman and child of the Mohawk band. Since that time two

mills have been reconstructed on the site, with the ownership changing hands on a number of occasions.

Although the ownership has changed hands many times, the terms of the original lease have been carried out faithfully with the allotment of flour being donated to the band. When the lease was first drawn up the payment was about 5,000 pounds of flour, but today the number of Indians has increased so that the payment this year will be approximately 6,000 pounds.

Mr. Murphy explained this four pounds would mean that each man, woman and child on the reserve would have enough flour to bake one loaf of bread and two buns from his allotment. "Food enough for one day, as I figure it," he stated.

Mail + Globe, Jan 16, 1940

ear-by
ing to
n case
hands
njured
ne aid
man-
camp
Hali-

al). —
ter of
was
when
and
vring-
child
Hospit-
re re-

84.
omas
con-
build-
Rail-