

Background Information – Part D

Wiikwemkoong Islands Specific Claim – March 2016

Introduction

This report has been compiled to aid Council in their discussions of the Wiikwemkoong Islands Specific Claim. Some ratepayers have been questioning the manner in which the Province is dealing with the Claim, based on research they have been conducting, and one of them has submitted documents to the Municipality relating to a 1956 surrender of land. It may be useful for Council to know the following information.

Point Grondine surrender of land, 1956

Until 1968, when they amalgamated with Wikwemikong Unceded Indian Reserve, Point Grondine was a signatory to the Robinson Huron Treaty of 1850 and a separate First Nation. Today, it is one of Wiikwemkoong's reserves and has the Georgian Bay coast line as one of its boundaries. A ratepayer who opposes the claim has provided Council with a copy of a Point Grondine surrender dated 1956, and argues that due to the provisions of that document, Wiikwemkoong's Claim should fail in relation to the islands off of the Point Grondine coast (copy of surrender attached).

Over the years, the federal government developed procedures for documenting the circumstances and details of any dealings with Indian lands, the records of which are kept in their Indian Land Registry. A surrender is a formal agreement by which an Indian band consents to give up part or all of its rights on its reserve, but such agreements can take different forms that do not always mean the land has become the property of the Crown or others.

- If the agreement is a **surrender for sale**, it allows a specific part (or all) of the reserve to be sold by the Crown to outside purchasers, according to the terms set out in the surrender. The sale monies were collected by the Crown and kept in trust for the Band.
- If the agreement is a **surrender for lease**, it allows the lease of a specific part (or all) of the reserve land by the Crown under specific terms. The land does not lose its reserve status. Often, surrenders were signed so that lands could be leased to mining or logging companies. The lease monies were collected by the Crown and kept in trust for the Band.

[Note: The definitions of "surrender" are based on the glossary of Indian History and Claims: A Research Handbook Volume 2, Bennett Ellen McCardle, Treaties & Historical Research Centre, Research Branch, Corporate Policy, INAC]

The 1956 Surrender by the Point Grondine Band allowed the Crown to **lease** the entire reserve lands of their Band. The signed document shows that it is the Band who will decide how long each lease will be, what the rental fee will be, and other terms of each lease. In this case, the Band will allow fishing and hunting to be part of any lease agreements, but not logging or trapping activities. The Band would still be able to use their own reserve lands and hunt and fish there, except on those sections of it that had been leased to others.

The 1956 surrender for lease was likely revoked at some point by the Point Grondine Band Council, or perhaps by the Wiikwemkoong Band, with whom they amalgamated in 1968, but even if the surrender remained in force today, it could not be relied on as evidence that the hunting and fishing rights of members of the Point Grondine Band have been extinguished.



Adele Loosemore
Project Manager
March 1st, 2016