

## **HISTORICAL BACKGROUND OF THE CLENCH CLAIM**

Prior to the year 1919, Aamjiwnaang and Kettle Point and Stony Point were a single band known as the Chippewas of Sarnia. As a result of an agreement entered into in the year 1919, the Chippewas of Sarnia were divided into two separate bands – namely the Chippewas of Sarnia Band (now Aamjiwnaang) and the Chippewas of Kettle Point and Stony Point Band.

However, before the two communities were divided in 1919, the Chippewas of Sarnia surrendered some 269 acres of their reserve land to the Crown through two separate surrenders in 1852. At the time, the Crown agent responsible for sales of Indian lands was Joseph B. Clench.

After the reserve lands were surrendered to the Crown, they were sold to third parties between 1853 and 1854. The lands were to be sold for the benefit and best advantage of the Chippewas of Sarnia and their future generations.

For each sale, one quarter (1/4) of the sale price was to be paid immediately at the time of purchase and the remainder was to be paid in three (3) equal annual instalments, with interest at six percent (6%). Mr. Clench was also to be paid five percent (5%) from the sales.

However, the moneys collected on the sales were mismanaged and misappropriated by Mr. Clench. Mr. Clench failed to fully remit to the Chippewas of Sarnia the net amounts owing from the one quarter (1/4) down payments made by the purchasers. The Chippewas of Sarnia never received the moneys they were owed from these sales of their surrendered reserve lands.

Then, as a result of an agreement entered into on April 15, 1919, the Chippewas of Sarnia were divided into two bands – the Chippewas of Sarnia Band (now Aamjiwnaang) and the Chippewas of Kettle Point and Stony Point Band.

The Crown accepted this agreement and recommended that in addition to dividing the reserve land between the two bands, that the band's financial assets (capital and annuities) be divided on a per capita basis. Since Aamjiwnaang had a larger population in 1919, the per capita division of the band's assets at that time amounted to:

- 68.5% of assets would go to the Chippewas of Sarnia Band (now Aamjiwnaang); and
- 31.5% of assets would go to Chippewas of Kettle Point and Stony Point Band.

Between 1919 and 2015, the populations of both communities have grown to be closer in numbers.

Since the lands were surrendered and sold prior to 1919 while the Chippewas of Sarnia were a single band, had the moneys from the sales been properly returned to the band before 1919, they would have been divided along with the band's other assets on a 68.5 % and 31.5% basis between Aamjiwnaang and Kettle and Stony Point. This is why Aamjiwnaang has been seeking 68.5% of the final settlement proceeds.